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September 10, 2007

VIA E-MAIL

Democratic Caucus

Re: Advance Disposal Fee For Tires

Dear Members of the Democratic Caucus:

Attached is a draft copy of a bill Jim McCullough and I will likely introduce. I am sending this to you now because I anticipate substantial statewide press coverage when Montpelier High School students conduct their annual river clean up on Thursday, September 13, at about 10 a.m.

Extending on an approach first proposed by Martha Heath, the bill would levy an advance disposal fee of \$1.00 per tire on sale. The money would be used to reimburse solid waste districts for the disposal of tires collected at tire amnesty days and Green Up and other special events. Chittenden Solid Waste District, which is the only solid waste district that accepts tires for free, (CSWD holds two amnesty days and accepts tires for free on Green Up Day) reports that there is no renegade tire problem in Chittenden County.

This is not a tire deposit bill. The proposal can be implemented easily without inconvenience to tire distributors. Although I have spent a fair amount of time trying to understand why this bill would be objectionable, I have been able to identify only one objection to the bill—that we might collect more money than we need to address tire disposal problems. This can be dealt with by restricting what the collections can be used for and adjusting the amount of the fee as necessary to address such problem.

Thirty-one states already charge an advance disposal fee, including Maine (\$1 per tire); Rhode Island (\$1.25 per tire); New Jersey (\$1.50 per tire); New York (\$2.50 per tire); Maryland (.40 per tire); Pennsylvania (\$1 per tire); Virginia (\$1 per tire); Alabama (\$1 per tire); Florida (\$1 per tire); Georgia (\$1 per tire); Kentucky (\$1 per tire); Mississippi (\$1 per tire); North Carolina (2% of tire's cost); South Carolina (\$2 per tire); Tennessee (\$1 per tire); Illinois (\$2.50 per tire);

Indiana (.25 per tire); Michigan (\$1.50 per tire); Ohio (.50 per tire); Arkansas (\$2.00 per passenger car tire; \$4 per truck tire); Louisiana (\$2 per tire); New Mexico (\$1.50 per tire); Oklahoma (\$1 per passenger car tire; \$3.50 per truck tire); Kansas (.25 per tire); Nebraska (\$1 per tire); Colorado (\$1 per tire); Utah (.50 per tire); California (\$1.75 per tire); Hawaii (\$1 per tire); Nevada (\$1 per tire); Alaska (\$2.50 per tire).

Interest in the issue in Montpelier traces to a high school environmental club cleaning up the Winooski River where it flows by the High School. Every year club members find tires. Club members asked first if there was a way to prevent the problem and second why, after cleaning up the tires as volunteers, they should have to pay also to dispose of the tires.

I became interested in the problem at the end of the last session. A friend of nearly 40 years, who is one of the teachers at Montpelier High School and has worked with the Environmental Club, asked me to continue Francis' work with Warren Kitzmiller to support a bill. I agreed to do so and Jim McCullough said he would help as well. Jim and I met with representatives for the Chittenden Solid Waste District, the solid waste coordinator for the Waterbury Mad River area who was designated as our contact by all of the solid waste districts, and two representatives from the solid waste division at ANR. I also met with a representative from Central Vermont Solid Waste District and a leading tire distributor. Based on all of this information, Jim and I submitted a drafting request for a bill enacting an advance disposal fee.

This is a centered approach that responds to the students' goals and addresses all of the concerns raised by tire dealers in opposition to the tire deposit approach first proposed by the students.

I was therefore surprised when the tire retailer we had been working with said the industry might still oppose the bill as unnecessary because it addresses a special problem we have in Montpelier rather than a statewide problem. So I began asking if we have a statewide problem including asking planners, solid waste districts, and the public in the newspapers. This research has so far yielded the following evidence of a statewide problem:

1. Vermont Green Up states that the 166 towns filing a report in 2006 collected 4,439 tires. Most towns simply pay the disposal costs for such tires, adding to the municipal tax burden. Tires are the hardest to handle trash picked up on Green Up Day, and they comprise a sizeable share of all trash that is picked up.
2. In August, Green Mountain Coffee Roasters employees collected about 520 tires from a short stretch of the Winooski River below Montpelier High School.
3. Jackie Bailey from Newbury writes:

I read a letter to the editor in our local newspaper, the Journal Opinion, regarding spent tires in the woods and rivers. I have attached pictures taken of a pile of tires on a road near my home where people are always throwing items over the banks

along the road. The attached pictures are taken in just one place on this road. I know there is another "trash" area at the other end of the road that I believe also has tires. This road is in the town of Newbury. There are only 2 camps on this road and is not a road that sees a lot of traffic. It is a road that people use to dump whatever they want to get rid of and not have to pay for. I have seen a TV set, a microwave, household trash, pieces of insulation board and various other items on this road at times. On Green up Day this road is cleaned up to a degree, but not to where the town's people pick up all the trash and tires over the banks. The tires in this picture have been accumulating there over the years. No one is picking them up, they only keep getting added to.

My husband went down over this particular bank to get better pictures of the tire piles and said that there are tires for 4-wheelers there as well as car and truck tires. The run off from this particular dumping spot will run into a stream that is approximately 90 to 125 feet from here. On the other end of the road where items are thrown, the stream is directly at the bottom of the bank.

From time to time my husband and I drive out this road to check on it and have often reported different kinds of trash left on this road to our town officials. The trash has been disposed of once its reported, but the tires and other items over the bank that have been accumulating there for years (mattresses, household trash and items, etc.) are just left there.

This is just one road in our town. I'm sure others that are not heavily traveled, such as this one, have problems with tires too.

4. Pat Owen from Worcester sent us a number of pictures of tires accumulating in people's yards with the comment, "I didn't have to try very hard. They are ubiquitous."

5. Peter Bankart from Calais writes:

There are probably a dozen or so tires thrown (and stacked) around the picnic area by the river, under the interstate across from the cemetery on Rte 2 just north of Montpelier.

6. Doug Rogers from Vernon writes:

I saw your editorial in the BRATTLEBORO REFORMER and have this to offer:

I kayak and hike all over VT, mostly in the south (Windham County). There are few bodies of water and trails that don't have tires in them. I have and currently have a good healthy collection of tires that I carry out whenever possible, and it seems along our rivers after the spring floods reced, there is always a new crop

waiting. I do the best I can, it is expensive to dispose of them. If you want to see tires, just get into a kayak, canoe, or paddle boat and you will find them. I generally don't take pictures of them, I just pick them up. I have always been a firm believer in that all problems can be solved. As you undoubtedly know, tires are just the tip of the iceberg. I constantly pick up TV's, couches, vacuum cleaners, chairs, batteries, almost anything that costs money to throw away - folks of less than adequate means are depositing these items at pull-offs everywhere. I also believe that the deposit on bottles is grossly inadequate. It used to be people thought a nickle was a fair amount of change, that doesn't seem to be the case anymore, although I'm not really sure that the majority of cans and bottles that have a nickle deposit on them is where the problem lies. If it were up to me, I would put a minimum deposit on every container of water, soda, beer, juice that is sold in the state of VT. Maine and California have done this with good results from what I can see. This would also reduce the items that are thrown into our landfills as recycling is not mandatory in many areas. I also believe that the deposit theory would work on the the rubber tires!!!!

7. William Merrylees, the Green Up Day Coordinator from East Montpelier, writes:

My record keeping is a little spotty, but here is what I have:

<>In 2006 we had 292 tires picked up from roadsides & dumpsites on public land on green Up Day . This was our highest since I started doing greenUp in 2001. Typically we have 180 - 200 tires. 2007 was quite a bit lower than I've ever seen, with just 78. there was less trash too. I think it may level off now that we've so thoroughly gotten to all of the older dumpsites. tire disposal is clearly the most expensive disposal cost on Green UP Day. the town has always had to fund this disposal , as it exceeds the solid waste Mgmt. district minigrant. As you know tires are big, heaavy, messy and tend to fill with rainwater. Once they're dumped they'll typically sit until a large effort like Green Up comes along; they're not often taken care of by the conscientious passer-by.

8. Lee Krohn, the Planning Director from Manchester who works on Green-Up, writes: "In my opinion, \$1 per tire is very reasonable!"

9. Tom McKenna from Montpelier writes:

I walk on Bliss Road almost every morning in good weather. About once a year I find old tires, usually one or two, on the shoulder. Have called the Central VT Solid Waste District & someone there who lived out this way, picked it up in his pickup on the way to work. A few months ago I found one beside the road in the Montpelier section. Called the Montpelier Public Works Dept. and it disappeared a few days later.

We need a \$1 or so tax on every tire sold or brought into VT when someone moves here and registers a car. If it takes \$2 to cover the cost then make it \$2. My point is that old tires should be accepted by the solid waste districts w/o payment.

10. C. Leon Harris from Adamant writes:

I was pleased to see your letter in today's Times Argus showing an interest in preventing the dumping of tires. I live in the Town of East Montpelier near the village of Adamant, the kind of rural and lightly policed area that a certain type of person finds convenient for shifting the burden of dealing with worn-out tires onto other people. Like many here, I have had to use my own time, money and energy to remove tires dumped on our property. In addition, about 10 years ago someone dumped about three dozen tires nearby along Sodom Pond Road, a dirt road on the east side of the pond of that name. After many months the tires that were accessible were picked up by volunteers, who, I assume, had to pay for their disposal. Some of the tires, however, rolled into the pond, where they remain and probably will remain indefinitely. Here is a photo of one that I took today.

Whatever you can do to help remedy this problem will be greatly appreciated.

11. Sandy Kuehn from near Castleton writes:

I'm so glad to know that you're irritated by illegal dumping and are trying to do something about it. For decades the East Bay of West Haven VT has been used as a dumping ground for household trash, tires, and anything else that costs to get rid of. Volunteers have spent hundreds of hours over the years picking up the refuse and disposing of it properly. This fall students from Castleton State College will clean up what's left of this pile of burned tires and other debris that's been illegally dumped along the road which borders the Poultney River and Lake Champlain.

Hope this helps. Please let me know if you need more evidence or if there is any other way to help.

12. Christian Blake from Westminster writes:

I own 60 acres in Westminster, Vermont off of Covered Bridge Road where a stream runs parallel to Covered Bridge road. I have contacted the State of Vermont Environmental Enforcement Division and the dept. that uses paroles to pick up the tires etc.. To date nothing has been done to pick up the tires, computer equipment etc.. I hope you can help as this debris is in the brook that enters the Saxtons River and the Connecticut River.

13. Cynthia Scott, Coordinator for the Missisquoi River Basin Association, writes:

Your letter was printed in our local weekly, the County Courier, and I thought you would want to know about the Missisquoi River Basin Association's (MRBA) encounter with tires in the Missisquoi River on Aug. 19, 2006. MRBA is a grassroots watershed organization working to reduce non-point source phosphorus inputs into the Missisquoi River and its tributaries. We also hold a river clean-up every year on a section of the river, paddling close to the banks and picking up trash. Last year's clean-up took place between Enosburg Falls (below the dam) and North Sheldon (Kane Road/Rt 120), a distance of about 5 miles. In the first half or less of that distance, we picked up 13 tires which were either on the river bank or in the river. During the remainder of the paddle, we saw many many more tires, at least as many as the 13 we'd pulled out, but we had to leave them behind as our canoes were filled to capacity. The river was very low that day and the tires were clearly visible lying on the river bottom.

If you would like further information or would like to visit the area, feel free to contact me, MRBA's coordinator at 933-8851 or our Chair, John Little at 326-4164, as I will be out of town until Aug. 27. MRBA would strongly support legislation to keep unwanted tires from being disposed of in our rivers.

14. Diana Todd from the Halifax/Marlboro area writes:

Yes, I'm finding tires in the woods! Nine all at one time this summer, at the town line between Halifax and Marlboro, on Butterfield Road. They were picked up by me, the landowner, and brought to an official tire disposal center, because I don't want these eyesores and mosquito breeding grounds blighting my land. Sorry I can't send a picture - I picked them up and disposed of them before I knew anyone was interested in the problem.

15. Tony Velluro from Stockbridge writes:

I would guess many years. We bought the property in 1981 but I only recently, past 3-4 years, found them in some heavily wooded area. However, the tires could have very easily been rolled from the road down an embankment into my wooded area. I had removed a couple a few years ago but these were easily removed. The ones that are still there will require digging and hauling them out.

16. Peter Bruno from Brattleboro writes:

I read your letter in the paper about abandoned tires. It was very inspiring, and prompted myself and several friends to go for a wander in the woods to see if we could find any abandoned tires. After a few hours, we came across a rather old tire that had some vegetation grown up around it.

Did you guys want to look at it? What should we do about this tire?

Thank you for making this important issue a priority. Please let me know what else I can do to help.

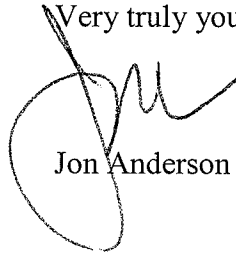
17. Cathy Hartshorn from Berlin writes:

In response to your plea for spent tires in our woods and roadside, I came across two locations in Berlin on Paine Turnpike So. Along Berlin Pond. Please see attached photos. As far as I know, no attempts have been made at removing them. If you would like exact locations, I'll be happy to provide them.

I have also been working with teachers at Montpelier High School who, this year, are planning to use the tire issue as the basis of a course in consensus building, policy making and lobbying.

Please let Jim or me know if you have any suggestions for further refining the bill. Jim and I will likely finalize a draft bill by the end of November and will then seek cosponsors.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jon Anderson', written over a printed name.

Jon Anderson

JTA/alb

Attachment

cc: Representative Jim McCullough (via email)

1 Introduced by Representative Anderson of Montpelier and Representative  
2 McCullough of Williston

3 Referred to Committee on

4 Date:

5 Subject: Conservation; solid waste; waste tires; disposal fee

6 Statement of purpose: This bill proposes to require persons who sell tires at  
7 retail to charge an advance disposal fee of \$1.00 per tire, to deposit those fees  
8 into the solid waste management assistance fund, and to authorize  
9 disbursement of those fees for tire collection and disposal activities.

10

11 AN ACT RELATING TO THE MANAGEMENT OF WASTE TIRES

12

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 10 V.S.A. § 6621d is added to read:

15 § 6621d. ADVANCED DISPOSAL FEE ON TIRES

16 (a) Definition. For the purposes of this section, "retailer" means a person  
17 engaged in the retail sale of new or used tires for motor vehicles.

18 (b) Advanced disposal fee.

19 (1) A consumer shall pay an advanced disposal fee of \$1.00 per tire on  
20 the purchase of all new tires. The fee shall be paid to the retailer at the time of  
21 the retail purchase, in addition to the retail price of the tire.

1           (2) A retailer shall submit all money collected as advanced disposal fees  
2           to the agency of natural resources for deposit into the solid waste management  
3           assistance account of the waste management assistance fund created under  
4           section 6618 of this title.

5           Sec. 2. 10 V.S.A. § 6618 is amended to read:

6           § 6618. WASTE MANAGEMENT ASSISTANCE FUND

7           (a) There is hereby created in the state treasury a fund to be known as the  
8           waste management assistance fund, to be expended by the secretary of the  
9           agency of natural resources. The fund shall have two accounts: one for solid  
10          waste management assistance and one for hazardous waste management  
11          assistance. The hazardous waste management assistance account shall consist  
12          of a percentage of the tax on hazardous waste under the provisions of 32  
13          V.S.A. chapter 237, as established by the secretary, the toxics use reduction  
14          fees under subsection 6628(j) of this title, and appropriations of the general  
15          assembly. In no event shall the amount of the hazardous waste tax which is  
16          deposited to the hazardous waste management assistance account exceed 40  
17          percent of the annual tax receipts. The solid waste management assistance  
18          account shall consist of the franchise tax on waste facilities assessed under the  
19          provisions of subchapter 13 of chapter 151 of Title 32, the proceeds of the  
20          advanced disposal fee on tires assessed under section 6621d of this title, and  
21          appropriations of the general assembly. All balances in the fund accounts at

1 the end of any fiscal year shall be carried forward and remain a part of the fund  
2 accounts, except as provided in subsection (e) of this section. Interest earned  
3 by the fund shall be deposited into the appropriate fund account.

4 Disbursements from the fund accounts shall be made by the state treasurer on  
5 warrants drawn by the commissioner of finance and management.

6 (b) The secretary may authorize disbursements from the solid waste  
7 management assistance account for the purpose of enhancing solid waste  
8 management in the state in accordance with the adopted waste management  
9 plan. This includes:

10 \* \* \*

11 (8) the costs, not related directly to capital construction projects, that are  
12 incurred by a district, or a municipality that is not a member of a district, in the  
13 design and permitting of implementation programs included in the adopted  
14 solid waste implementation plan of the district or of the municipality that is not  
15 a member of a district. These disbursements shall be issued in the form of  
16 advances requiring repayment. These advances shall bear interest at an annual  
17 rate equal to the interest rate which the state pays on its bonds. These  
18 advances shall be repaid in full by the grantee no later than 24 months after the  
19 advance is awarded;

20 (9) the secretary shall annually allocate 17 percent of the receipts of this  
21 account, based on the projected revenue for that year, for implementation of

1 the plan adopted pursuant to section 6604 of this title and solid waste  
2 implementation plans adopted pursuant to section 2202a of Title 24-; and  
3 (10) the costs of cleaning up abandoned waste tire dumps and the costs  
4 of assisting municipal and solid waste management district waste tire  
5 collection programs.

6 Sec. 3. WASTE TIRE COORDINATED MANAGEMENT AND REPORT

7 The secretary of natural resources shall report to the general assembly by no  
8 later than January 15 of each year on the state's progress in managing waste  
9 tires.

# MONTPELIER The Bridge

AUGUST 9, 2007

CONNECTING OUR COMMUNITY

FREE

## HOW TO DEAL WITH ILLEGAL TIRE DUMPING Is New Legislation the Answer?



Photo courtesy Friends of the Winooski.

by Nat Frothingham

**H**ow to deal with illegally dumped tires—this problem is getting attention from two Vermont legislators: Rep. Jon Anderson from Montpelier and Rep. Jim McCullough from Williston. Both men have drafted a bill for consideration in the upcoming session that will begin in January 2008.

According to Anderson and others, discarded tires in significant number are continuing to turn up on and in the state's roadsides, woodlands, and rivers. At a recent meeting at *The Bridge* office, Anderson said that illegally dumped tires have been a continuous problem for many years. He went on to say, "Vermont depends on tourism. I

don't want to live in a dump. I don't think people want to visit a dump."

If the bill proposed by Reps. Anderson and McCullough becomes law, it would require consumers to pay a \$1 "advance disposal fee" for each tire bought in Vermont at a retail location. The money collected from this advance disposal fee would be deposited in the state's solid waste management assistance fund to pay for tire collection and disposal activities.

According to Anderson, about 31 states across the nation already have such predisposal fees that range from a low of 25 cents per tire in Indiana and Kansas to a high of \$2.50 per tire in Alaska, Illinois, and New York. In North Carolina, the predisposal charge is 2 percent of the tire's cost. In two states, there are different fees for car and truck tires. In Oklahoma, the car tire fee is \$1 and the truck tire fee is \$3.50. In Arkansas, the car tire fee is \$2 and the truck tire fee is \$4.

Just how serious and how widespread is illegal tire dumping in Vermont? Is it serious enough and widespread enough to require new legislation? This appears to be the critical question separating those who support new antidumping legislation and those who think there are already enough laws on the books and oppose new legislative measures.

Dick Cole is executive director of the New England Tire Dealers Association, representing all six New England states with 290 dealer-members in over 400 locations throughout the region. In a recent phone conversation with *The Bridge*, Cole said, "Currently, we don't think that tire dumping in Vermont is a big problem." Cole said he hasn't seen statistical evidence that proves there's a big Vermont tire dumping

problem. He also said that Vermont has laws on the books to prevent illegal dumping. "Our feeling is there's no need for this \$1 fee. It's in fact a tax," he said.

Here in Montpelier, there's been at least a 20-year history of local concern and action to deal with illegal tire dumping. According to former Montpelier High School (MHS) teacher Bill Haines, that local concern and action began with MHS students. "It came out of student concerns for the river," Haines said about the early local awareness of illegal tire dumping.

Back in the 1980s, Haines said there was a Physical Education elective in canoeing at MHS, which brought more focus to the river. At the same time, MHS students formed an organization with the acronym EARTH (Environmental Association for Recycling Trash Heaps). One activity of EARTH was to go out into the river in canoes near the high school

and pull out discarded materials, including tires, from the Winooski River beginning at the Bailey Street Bridge and ending at Cemetery Curve.

Haines said that the number of tires pulled out of the river varied from a low of 25 tires in one year to a high of 326 tires in another year. Normally, Haines said, "It's 75 to 100 tires." Over time, Haines estimated as many as 1,000 tires were pulled out of this stretch of the Winooski River. "Some of the tires that you find are really old," Haines said. "The tires are being carried forward by the river."

Tom Sabo, a biology teacher at MHS, said, "It's a mix of old and new tires. The tire industry says it's just old tires. But we know that's not the case." Sabo is in general support of the draft predisposal fee bill. But what he really thinks would work effectively

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### Friends of the Winooski Call for Volunteers

by Sydney Rubin

**T**he Friends of the Winooski River (FWR) is a nonprofit organization that focuses on the improvement of the river's environment. It will be hosting their annual cleanup on Saturday, September 8, from 9 a.m. to 12 noon. The cleanup not only helps beautify the river but it also benefits the plant and animal life in and around it.

Last year, volunteers managed to clear three tons of trash and recyclables as well

as 72 tires from the Winooski. Freddie Cousins, an FWR volunteer, says that these numbers were actually "considerably down on previous river cleanups, indicating perhaps that the repeated effort of FWR volunteers is gradually paying off."

Volunteers will meet to help clean the riverbanks and banks at city hall at 8:45 a.m. Work clothes, sun hats, and sturdy shoes are recommended, and work gloves and refreshments will be supplied. For more information or to volunteer, please call (866) 663-7197.

# Liz Helrich Calls for 'Producer Responsibility'

by Nat Frothingham

Liz Helrich, who works as Field Programs manager for the Central Vermont Solid Waste Management District (CVSWMD), is a local expert on the problem of illegal tire dumping.

While Helrich was unwilling to give her own opinion on the severity of the illegal tire dumping problem locally, she did supply the numbers.

For the sake of context, Helrich said there are 380 million waste tires nationally, but a market for only 80 percent of them. That means that 20 percent go to tire dumps and are stockpiled. "So now there are from 700 to 800 million tires stockpiled with nowhere to go," she said. That's the national situation.

Locally, Helrich said that about one tire per person, or about 60,000 tires a year, become scrap tires in the CVSWMD. Again, like the national situation, there are markets for about 80 percent of the scrap tires.

Scrap tires have a number of uses. Some tires are ground up and made into Tire Derived Fuel (TDF). That fuel is sent to places like Maine and burned to make paper, or used in cement kilns and power plants. CVSWMD is not using spent tires as TDF because of environmental concerns. Tires are also used as fill, as part of road construction projects, and to some extent as playground surface materials.

Helrich said that tires are not benign. "They are a health and safety issue," she said. "They

collect rainwater and breed insects and rodents. They retain heat and can burst into flame. And all the chemicals used in tire manufacture can pollute the groundwater."

So what is the size of the illegal dumping problem in central Vermont?

Helrich said that in the past 10 years the CVSWMD's "Adopt a Site" program has cleaned up 8,575 illegally dumped tires from 55 illegal dump sites, and also from the Winooski River with help from Montpelier High School and the "Celebrate the Winooski" community project.

In FY 2006, the CVSWMD's recycling depots in Barre, Northfield, Bradford, Chelsea, and Tunbridge collected 66 tons of tires (roughly 5,500 tires). Helrich noted that this is less than 10 percent of the annual 60,000 waste tires generated each year in the district, and most of the tires that went to the recycling depots were probably not illegally dumped tires but tires brought in for recycling.

On the other hand, as part of this year's Green-Up Day activities, here are selected town statistics for tires delivered to the district's Barre Town recycling depot in the days following Green-Up Day 2007. These tires were primarily illegally dumped and collected by town road crews and volunteers from roadsides.

Town	Number of Tires
Marshfield	99
Orange	105

Bradford	30
Northfield	25
Woodbury	148
Washington	187
Roxbury	122
Calais	100
Barre Town	78

In general, Helrich said, CVSWMD is interested in supporting any efforts that will help municipalities in their district with the problem of illegally dumped tires. But what the district is really interested in is long-range, sustainable solutions to the problem of wasted tires. "We'd like to see a market for scrap tires," Helrich said. "We'd like to see investments in finding ways to use and recycle scrap tires."

"What I'm really talking about is producer responsibility," she continued. Here she means that the producer needs to be responsible for the life-cycle management of the tire. "The cost of that life-cycle management is built into the cost of the product," she said.

Helrich said that this idea of producer responsibility has taken hold, such as rechargeable batteries and thermostat manufacturers who collect used mercury thermostats.

"If the producer has to pay for the management of the tire at the end of its useful life, that's an incentive for them to produce a product that can be recycled and/or reused," she said.

## Illegal Tire Dumping

continued from page 1

is a tire deposit at the time of sale that would become a refund when the used tire was brought back to the tire dealer. Let's say you pay a deposit of \$5 for each tire that you buy. Then when you come back to the dealer to dispose of that used tire, you would get a refund of \$4 per tire. Sabo is convinced that the refund of the deposit would provide a strong incentive to the consumer to return the tire to the dealer and would prevent illegal dumping.

Of all the ideas currently being discussed in Vermont, it appears that the tire deposit idea is what really rankles Cole and the tire dealers he represents. They don't want tire deposits. They don't want the hassle of collecting the deposit money. They don't want to have to pay refunds. And they don't want to have to take in, store, and dispose of old tires. As they take a look at the proposed pre-disposal fee, they fear that it could be the first step leading to tire deposit legislation.

According to Sabo, two years ago a group of MHS students who were concerned about illegal tire dumping went to the Vermont Legislature and testified in favor of a tire deposit bill before the House Natural Resources Committee. Sabo said, "The tire industry took off the gloves. They had lobbyists from Washington, D.C. turning up in suits. The kids were a force."

But before any legislation got passed, the session ended. "The tire industry is a big, powerful, lobby," Sabo said.

Cole, however, has some misgivings about high students lobbying at the legislature and gives a different version of those events from two years ago.

"What concerns me honestly is that they are doing it through the schools," he said. "I'm not sure, the school folks understand how many thousands of dollars this is costing Vermont tire dealers in preventing this bill from passing. The hours and hours I spent, and the TIA (Tire Industry Association) and Rubber Manufacturers Association spent. Thousands of dollars are being spent flying up to attend these hearings."

Cole also mentioned the time that tire dealers are spending and the email communications back and forth. "These monies are oftentimes passed on to consumers," he said.



Volunteers clean tires and other debris out of the Winooski River. Photo courtesy Friends of the Winooski.

"This is taking profits away from individual tire dealers."

Cole expressed a desire to get to the facts. For example, are the tires that are being pulled out of the Winooski River by the high school old tires or new tires? "I can't comment on what is happening in the river," he said. "We have asked to be involved. If these are new tires, we will tell from the serial numbers."

Cole resists the idea that illegal tire dumping in Vermont is widespread enough to warrant additional legislation. He thinks that the problem of illegal dumping could possibly be confined to a few people. Why not go after these bad actors, which is less expensive than putting a fee of tax on tires at retail outlets, he argued.

Although a tire deposit is not what the Anderson-McCullough bill calls for, Cole still rejects the idea of tire deposits. He said that with a tire deposit you would have to identify, or brand, each tire for the deposit system to work. That would void the tire warranty. Cole said tire manufacturers are saying they won't brand tires in Vermont.

"What about tires from Korea, Mexico,

Brazil, France?" he asked. "What about tires that are bought on the Internet?" Cole pointed out that tires sold on the Internet already have a 6 percent marketplace advantage because you can buy tires on the Internet and avoid the Vermont sales tax. "This is already a competitive disadvantage for Vermont," Cole said. If a tire deposit were to come in, it would raise the cost of tires to consumers and put Vermont tire dealers at a major disadvantage.

In sum, Cole doesn't see a need for new legislation of any kind, be it a \$1 pre-disposal fee or any tire deposit proposal that might be on the horizon.

"My comment to them [those proposing new legislative measures] is that you never had illegal disposal sites. And because of that," Cole said, "You are way in the forefront" and Vermont doesn't need new legislation to address a problem that doesn't exist."

Cole went on to say that he wants definite documentation and absolute numbers before the legislature acts on any proposed new legislation.

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