
By: **Delegate Oaks**

Introduced and read first time: March 8, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Used Tire Cleanup and Recycling Fund - Use of Revenues**

3 FOR the purpose of requiring a certain percentage of the revenue allocated to the
4 State Used Tire Cleanup and Recycling Fund to be allocated to a certain Scrap
5 Tire Collection and Disposal Fund; requiring the Maryland Environmental
6 Service to establish the Scrap Tire Collection and Disposal Program;
7 establishing the purpose of the Program; requiring the Program to be at no cost
8 to certain automotive dismantlers and recyclers; providing for the funding of the
9 Program; requiring the Service to adopt certain regulations; establishing the
10 Scrap Tire Collection and Disposal Fund as a special nonlapsing fund; stating
11 the purpose of the Fund; specifying the manner in which the Fund may be used;
12 requiring the Treasurer to hold the Fund in a certain manner; requiring the
13 Comptroller to account for the Fund; providing that money expended from the
14 Fund is to be supplemental to certain other funding; defining certain terms;
15 making certain technical corrections; and generally relating to the use of the
16 revenues from the State Used Tire Cleanup and Recycling Fund.

17 BY repealing and reenacting, without amendments,
18 Article - Environment
19 Section 9-274
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 2003 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Environment
24 Section 9-275, 9-276(a) and (c), 9-277, and 9-278(d) and (e)
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 2003 Supplement)

27 BY adding to
28 Article - Natural Resources
29 Section 3-131 and 3-132
30 Annotated Code of Maryland

1 (2000 Replacement Volume and 2003 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Environment**

5 9-274.

6 (a) The State Used Tire Cleanup and Recycling Fund shall consist of moneys
7 made available under:

8 (1) Loan authorizations;

9 (2) Funds appropriated in the State budget;

10 (3) Fees collected for the sale of tires by retail dealers under § 9-228(g) of
11 this subtitle; or

12 (4) Bond and security forfeitures collected under § 9-228(k) of this
13 subtitle.

14 (b) (1) The Fund is limited to a maximum of \$10,000,000.

15 (2) If the sum of unallocated funds in the Fund and the projected fees for
16 the next fiscal year exceeds \$10,000,000, the Board of Public Works shall adjust the
17 fees for the next fiscal year on a pro rata basis so that the sum of unallocated and
18 actual fees does not exceed \$10,000,000.

19 9-275.

20 (A) THE DEPARTMENT SHALL DISTRIBUTE 60% OF THE REVENUES
21 ALLOCATED TO THE STATE USED TIRE CLEANUP AND RECYCLING FUND TO THE
22 SCRAP TIRE COLLECTION AND DISPOSAL FUND UNDER § 3-132 OF THE NATURAL
23 RESOURCES ARTICLE.

24 [(a)] (B) [Subject to the appropriation process in the annual operating budget,
25 the] THE Department shall use the State Used Tire Cleanup and Recycling Fund
26 solely:

27 (1) For removal, restoration, emergency, or remedial action, including
28 the restoration of natural resources where feasible, site maintenance and monitoring,
29 and fire cessation, if requested by a local government, not to exceed \$100,000 for each
30 fire cessation emergency action in that jurisdiction, in response to the disposal or
31 storage of scrap tires in violation of this subtitle, including:

32 (i) All costs incurred by the State in inspecting and monitoring any
33 site where scrap tires are processed, stored, or disposed of in violation of this subtitle
34 and assessing the threat to the public health and the environment of the site, the
35 costs of investigations conducted for the purpose of defining necessary remedial

1 action, and the costs of litigation expenses incurred in obtaining reimbursement for
2 expenditures; and

3 (ii) All costs incurred in providing public information concerning a
4 site where scrap tires are processed, stored, or disposed of;

5 (2) For activities related to scrap tire recycling programs, including
6 research, planning, monitoring, public education, and market development, and for
7 associated administrative costs; and

8 (3) With the approval of the Board of Public Works, to provide financial
9 assistance:

10 (i) Through the service for projects approved by the Department to
11 reduce, recover, and recycle scrap tires; and

12 (ii) To the service for costs related to the implementation of scrap
13 tire recycling systems, including the costs of:

14 1. Preparation of a scrap tire recycling system under §
15 9-228(e) of this subtitle;

16 2. Implementation of any program established by the service
17 as a part of a scrap tire recycling system; and

18 3. Assisting in funding the establishment of a private or
19 public scrap tire collection, processing, or recycling facility.

20 [(b)] (C) Subject to § 2-1246 of the State Government Article, the Department
21 shall provide the standing committees of the Maryland General Assembly with
22 primary jurisdiction over this section with a status report on the Fund on or before
23 November 1 of each year. The report shall include an accounting of all moneys
24 expended for each of the purposes specified in subsection [(a)] (B) of this section.

25 9-276.

26 (a) Except as provided in subsection (d) of this section, all expenditures from
27 the State Used Tire Cleanup and Recycling Fund made by the Department under [§
28 9-275(a)(1)] § 9-275(B)(1) of this subtitle in response to the storage or disposal of used
29 tires at a particular site shall be reimbursed to the Department for the State Used
30 Tire Cleanup and Recycling Fund by the owner or operator of the site or any other
31 person who caused the tires to be stored or disposed of at the site in violation of this
32 subtitle.

33 (c) The Department may recover costs incurred by the Department under [§
34 9-275(a)(1)] § 9-275(B)(1) of this subtitle whether or not the discarded tires were
35 disposed of or stored at the site before July 1, 1989.

1 9-277.

2 (a) With the approval of the Board of Public Works, the Secretary shall adopt
3 regulations that establish application procedures and criteria for the award of
4 financial assistance under [§ 9-275(a)(3)] § 9-275(B)(3) of this subtitle.

5 (b) The criteria shall provide the basis for project priority rankings and shall
6 include, as appropriate:

7 (1) The environmental or public health impacts caused by existing
8 circumstances;

9 (2) Previous efforts expended to correct any existing problem;

10 (3) Financial capacity of the applicant;

11 (4) The problem prevention aspects of a proposed project;

12 (5) Cost effectiveness of a proposed project;

13 (6) Provisions for monitoring and review;

14 (7) The contribution of the proposed project toward meeting State and
15 local solid waste plans and goals; and

16 (8) Measures to assure accountability for all funds awarded under [§
17 9-275(a)(3)] § 9-275(B)(3) of this subtitle.

18 9-278.

19 (d) The eligible cost of a project for State financial assistance under [§
20 9-275(a)(3)] § 9-275(B)(3) of this subtitle may include only the costs of plans,
21 specifications, equipment, construction, and rehabilitation or improvement as
22 approved by the Department.

23 (e) State financial assistance under [§ 9-275(a)(3)] § 9-275(B)(3) of this
24 subtitle may not exceed 50 percent of the eligible costs.

25 **Article - Natural Resources**

26 3-131.

27 (A) (1) IN THIS SECTION AND IN § 3-132 OF THIS SUBTITLE THE FOLLOWING
28 WORDS HAVE THE MEANINGS INDICATED.

29 (2) "AUTOMOTIVE DISMANTLER AND RECYCLER" HAS THE MEANING
30 STATED IN § 15-501(B) OF THE TRANSPORTATION ARTICLE.

31 (3) "PROGRAM" MEANS THE SCRAP TIRE COLLECTION AND DISPOSAL
32 PROGRAM.

1 (4) "SCRAP TIRE" HAS THE MEANING STATED IN § 9-201(F) OF THE
2 ENVIRONMENT ARTICLE.

3 (B) THE SERVICE SHALL ESTABLISH A SCRAP TIRE COLLECTION AND
4 DISPOSAL PROGRAM.

5 (C) THE PURPOSE OF THE PROGRAM IS TO COLLECT AND DISPOSE OF SCRAP
6 TIRES FROM AUTOMOTIVE DISMANTLERS AND RECYCLERS LICENSED UNDER TITLE
7 15, SUBTITLE 5 OF THE TRANSPORTATION ARTICLE.

8 (D) THE PROGRAM SHALL PROVIDE FOR THE COLLECTION OF SCRAP TIRES AT
9 NO COST TO THE LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER.

10 (E) THE FUNDING FOR THE PROGRAM SHALL INCLUDE ANY REVENUE
11 RECEIVED INTO THE SCRAP TIRE COLLECTION AND DISPOSAL FUND UNDER § 3-132
12 OF THIS SUBTITLE.

13 (F) THE SERVICE SHALL ADOPT REGULATIONS TO CARRY OUT THE
14 PROVISIONS OF THIS SECTION.

15 3-132.

16 (A) IN THIS SECTION, "FUND" MEANS THE SCRAP TIRE COLLECTION AND
17 DISPOSAL FUND.

18 (B) THERE IS A SCRAP TIRE COLLECTION AND DISPOSAL FUND.

19 (C) THE PURPOSE OF THE FUND IS TO PAY THE COSTS OF A PROGRAM TO
20 COLLECT AND DISPOSE OF SCRAP TIRES ESTABLISHED UNDER § 3-131 OF THIS
21 SUBTITLE.

22 (D) THE SERVICE SHALL ADMINISTER THE FUND.

23 (E) (1) THE FUND IS A SPECIAL NONLAPSING FUND THAT IS NOT SUBJECT
24 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

25 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
26 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

27 (F) THE FUND CONSISTS OF:

28 (1) REVENUE DISTRIBUTED TO THE FUND UNDER § 2-1004 OF THE
29 ENVIRONMENT ARTICLE;

30 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

31 (3) ANY INVESTMENT EARNINGS OF THE FUND; AND

32 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
33 BENEFIT OF THE FUND.

1 (G) THE FUND MAY BE USED ONLY TO PAY THE COSTS OF A PROGRAM TO
2 COLLECT AND DISPOSE OF SCRAP TIRES ESTABLISHED UNDER § 3-131 OF THIS
3 SUBTITLE.

4 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
5 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

6 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO
7 THE FUND.

8 (I) EXPENDITURES FROM THE FUND SHALL BE MADE ONLY IN ACCORDANCE
9 WITH THE STATE BUDGET.

10 (J) MONEY EXPENDED FROM THE FUND FOR SCRAP TIRE COLLECTION AND
11 DISPOSAL IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF
12 FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR SCRAP TIRE
13 COLLECTION AND DISPOSAL.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2004.