

ASSEMBLY, No. 2854

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

SYNOPSIS

Requires continuing identification and remediation of waste tire sites.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning waste tires, and amending and supplementing
2 P.L.2004, c.46.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. (New section) Any person responsible for the accumulation
8 of waste tires at a site shall remove and properly dispose of the
9 waste tires and bring the site into compliance with P.L.1970, c.39
10 (C.13:1E-1 et seq.), any other applicable laws, and any rules and
11 regulations adopted pursuant thereto.

12

13 2. Section 4 of P.L.2004, c.46 (C.13:1E-225) is amended to
14 read as follows:

15 4. a. (1) There is established in the Department of
16 Environmental Protection a Local Tire Management Program for
17 the proper cleanup of abandoned tire piles and to provide grants to
18 counties and municipalities for proper cleanup of abandoned tire
19 piles within their respective jurisdictions.

20 (2) The department shall develop as part of the program a
21 recurring process to identify illegal waste tire sites as the tires
22 accumulate. The process shall include, but need not be limited to,
23 on an annual basis, the inspection of junk yards, previously
24 remediated sites, other sites where there has been an accumulation
25 of waste tires in the past, and the collection of information from
26 local government officials and the public concerning possible
27 illegal waste tire sites.

28 (3) No more than one year after the date of enactment of P.L. ,
29 c. (C.) (pending before the Legislature as this bill), and annually
30 thereafter, the department shall prepare and issue a written report on
31 the status of the Local Tire Management Program, including, but
32 not limited to, the process and plans used by the department to
33 identify waste tire sites, the number and extent of waste tire sites
34 identified and cleaned up, the amount expended by the department
35 for the program, and the sums recovered for the cleanup. The
36 report shall be posted on the department's Internet website and
37 submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
38 to the Legislature.

39 b. The department may enter any property, facility, premises or
40 site for the purpose of conducting inspections, sampling of soil or
41 water, copying or photocopying documents or records, and
42 otherwise determining if tires may be illegally accumulated.

43 c. The department shall recover to the use of the Tire
44 Management and Cleanup Fund from the site owner or the person
45 responsible for the accumulation of tires at the site, jointly and

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 severally, all sums expended from the fund to manage tires at an
2 illegal waste tire site, except that the department may decline to
3 pursue such recovery if it finds the amount involved too small or
4 the likelihood of recovery too uncertain.

5 d. The department may impose a lien on the real property on
6 which the waste tire site is located equal to the estimated cost to
7 bring the tire site into compliance, including attorney's fees and
8 court costs. An owner whose property has such a lien imposed may
9 release that property from a lien claimed under this subsection by
10 filing with the clerk of the Superior Court a cash or surety bond,
11 payable to the department in the amount of the estimated cost of
12 bringing the tire site into compliance with department rules,
13 including attorney's fees and court costs, or the value of the
14 property after the abatement action is complete, whichever is less.

15 e. This section **【does】** shall not limit the use of other remedies
16 available to the department.

17 f. The Commissioner of the Department of Environmental
18 Protection may adopt any rules and regulations necessary for the
19 implementation of this section.

20 (cf: P.L.2004, c.46, s.4)

21
22 3. This act shall take effect immediately.

23 24 STATEMENT

25
26 This bill would require any person responsible for the
27 accumulation of waste tires at a site to remove and properly dispose
28 of the waste tires and bring the site into compliance with the “Solid
29 Waste Management Act,” any other applicable laws, and any rules
30 and regulations adopted pursuant thereto. The bill would also
31 require the Department of Environmental Protection to develop as
32 part of the Local Tire Management Program a recurring process to
33 identify illegal waste tire sites as the tires accumulate. The process
34 would be required to include, on an annual basis, the inspection of
35 junk yards, previously remediated sites, other sites where there has
36 been an accumulation of waste tires in the past, and the collection
37 of information from local government officials and the public
38 concerning possible illegal waste tire sites. The bill would require
39 the department to prepare and issue an annual written report on the
40 status of the program beginning one year after the date of enactment
41 of the bill into law.

42 Waste tire piles pose a risk to public safety and the environment.
43 Runoff from scrap tire piles poses a risk to groundwater and surface
44 water quality. Tire piles provide an ideal breeding site for
45 mosquitos that may carry diseases such as Zika virus and West Nile
46 virus. Further, tire fires emit particles and hazardous substances
47 into the air, soil, and water that pose human health risks and cause
48 environmental contamination.