1/6/05

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 1
DATE: 1/6/05
BILL NO. SB 65

SENATE BILL 65 WHITE PAPER

Junk Vehicle Component Part Definition

Provisions:

- Amends §75-10-501(2), MCA, to remove the word "tires" from the definition of junk vehicle component parts.

Implementation:

- The Department of Environmental Quality, Waste & Underground Tank Management Bureau, Motor Vehicle Recycling Program will administer regulatory changes associated with this legislation.

Advantages & Disadvantages:

- Waste tires are regulated as solid waste under the Montana Solid Waste Management Act §75-10-203(16) MCA, which is frequently contradictory to component parts. The change made by this bill removes the ability of a motor vehicle wrecking facility operator to possess a large number of waste tires by claiming that the waste tires are part of the wrecking facility inventory and therefore exempt from regulation as a solid waste.

- Another advantage would be a greater ability to eliminate tire piles that harbor disease vectors, rodents and other threats to human health.

- The advantage to the DEQ by passage of this bill would be to clarify which program has authority to address waste tires. The authority would now clearly reside with the Solid Waste Program of the Waste & Underground Tank Management Bureau.

TESTIMONY FOR SENATE BILL 65

Mr. Chairman, members of the committee, my name is Ed Thamke and I am representing the Department of Environmental Quality. We are the state agency that administers Montana's Motor Vehicle Recycling & Disposal Act and Solid Waste Management Act. The Department of Environmental Quality requested and supports this legislation.

Waste tires are regulated as solid waste under the Montana Solid Waste Management Act (§75-10-203(16) MCA), and are defined as: "a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect". The accumulation of large volumes of waste tires at wrecking facilities creates regulatory problems as well as environmental, human health and aesthetic issues.

Under current law, Motor Vehicle Wrecking Facilities may accumulate an unlimited number of tires by claiming that the waste tires are part of the wrecking facility inventory. Including "tires" in the definition of a junk vehicle component part excludes waste tires from regulation as a solid waste at wrecking facilities.

Passage of this bill would clarify which statutory authority addresses waste tires. The authority would clearly reside under the Montana Solid Waste Management Act and would remove the ability of wrecking yards to accumulate more than the original manufactured five tires per vehicle.

In addition to clarifying the regulatory authority, other advantages of this action include:

- Greater ability to eliminate tire piles that harbor disease vectors, such as rodents and mosquitoes;
- Reduced potential for tire pile fires that could adversely impact human health; and
- Reduced visual impacts from the large number of waste tires accumulating at yards.

Thank you for your consideration of this bill. I'll be available for questions from the committee.