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In compliance with the State of Georgia's Waste Reduction Unit regulating the handling and disposal of scrap tires as part of their solid waste, land conservation management enactment of HB257 became effective " April 5, 1993" according to Georgia State University Law Review (GSULR) (46). This law arose due to federal regulation changes concerning solid waste disposal management. The specific intention of the Act looks at reducing the generated amounts of tire disposal through " source reduction and planning methodologies" (GSULR 46; Environmental Protection Division - Georgia Department of Natural Resources 2013). Enacting HB 257 by the State of Georgia in addition to regulating tire disposal the State intended the vertical expansion of the existing municipality solid waste landfills with the goal for meeting federal requirements to expand landfills horizontally.

Managing landfills underpins the federal Environmental Protection Agency (EPA) protection of the environment from toxic substances harmful to both the land and to people. The State of Georgia's Environmental Protection Division (EPD) of the Georgia Department of Natural Resources according to Carpenter uses its 1993 Waste Control Act defining violations and connected penalties. " Since environmental violations can have a long-lasting effect on natural resources, these (tire dumping) violations are of a priority nature" (742). According to the EPD, scrap tires fall under the solid waste category. Georgia recognizes the recycling components of scrap tires used for making fuel as well as chips created for septic tanks and other useful products. Regardless, the destination of scrap tires, Georgia regulates transport, processing, as well as collection of scrap tires with required permits. These measures aim protecting the environment from dangers including scrap tires

becoming mosquito breeding grounds and other harmful activities including fires (2013).

At the time of the new HB257 legislation, " only 10 of the 181 municipal solid waste landfills" (GSULR 46-47) in Georgia " satisfied these (federal) new requirements" (47). At the time of the EPD legislation, mounting pressure from both the federal and state put the State of Georgia on the fast track for completing the required modifications for the adequate and safe in-state " disposal of its own solid waste (tires)" (47).

In addition, Carpenter explains classifying a tire dump violation considers the type of material, the weight, as well as if the dumping takes place for economic gain, or commercial purposes. " Violations involving (tire) wastes greater than 10lbs in weight" but " less than 500lbs in weight" remain considered as " aggravated misdemeanors on the first offense and a felony on the second offense" (742). Carpenter reminds because both controversy and complexities connect to waste disposal the EPD 1963 law provides the guidelines the public needs adhere. " People have only limited access to proper disposal facilities for items such as tires and other regulated wastes"(743) so knowing and following the state guidelines as structured by federal guidelines prevents disposal of tire waste causing negative impact on the nation's natural resources at the state level including air, water, habitat, and wildlife. Carpenter further reminds, " As stewards of our natural resources, our challenge is to preserve these resources"(743) and underpins both federal and the State of Georgia environmental protection laws including the proper disposal of tire waste.

The State of Georgia first major indictments against an individual for illegal

tire dumping according to the Department of Law the State of Georgia took place in 2001 against Rodger Boykin. Boykin's arrest stems from accusation centered on his abandonment of " 40, 000 scrap tires that he allowed accumulate illegally at a business he operated at the Long County Industrial Park" (2001). Further, " the indictment (accused) Boykin of having the tires transported to the business, Imperial Rubber, where he was then to have the tires processed for disposal" (2001) but in truth, the accumulation of the 40, 000 scrap tires on the property compounded the issue with it becoming a " breeding ground for mosquitoes" (2001). Compounding the criminality of Boykin's actions, the property where the illegal accumulation of the scrap tires took place resulted in exposing both residents and children of an adjacent nursing home and a nursery school to the diseases carried by infected mosquitoes. The danger to the community as a health hazard applied in general considered the West Nile Virus associated to breeding mosquitoes.

The Attorney General of the State of Georgia called the indictment a result of a joint federal and state task force investigation ending " an environmental nightmare" (2001). In the August 20, 2001 indictment, Boykin's charges included 14 counts of Unlawful Transportation of Solid Waste. In addition, an additional charge included Unlawful Processing of Solid Waste with additional two counts of Unlawful Storage of Solid Waste (2001). The final tally of charges on the indictment amounted to 18. According to the Augusta Chronicle, the final cost for cleaning the site incurred by the State of Georgia amounts to more than \$60, 000. The significance of this indictment shows the seriousness of the tire scrap illegal dumping coming into Georgia from

surrounding states combined with the in state, dumping amounting to nearly 1, 000, 000 tires.

## **Works Cited**

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