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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Veterans, Homeland Security,
Military Affairs, Small Business and Government
Reform (SC-VHSMASBGR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform

Senate Bill 470

Relating to: open burning of solid waste, illegal storage or disposal of waste tires, and providing a penalty.

By Senator Brown; cosponsored by Representatives Molepske, Gunderson, Black, Lothian, Sherman, Seidel, Hines, Ott and Krawczyk.

December 09, 2005 Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

January 3, 2006 **PUBLIC HEARING HELD**

Present: (4) Senators Brown, Zien, Kanavas and Breske.

Absent: (1) Senator Wirch.

Appearances For

- Ron Brown — State Senator, 31st State Senate District
- Marc Christopher — Office of State Representative Louis Molepske
- Kevin Kessler — Wisconsin Department of Natural Resources (DNR)
- Gail Frie, Viroqua — Vernon County
- Caryl Terrell, Madison — Sierra Club - John Muir Chapter (WI)

Appearances Against

- None.

Appearances for Information Only

- John Reindl, Madison — Representing himself.

Registrations For

- None.

Registrations Against

- None.

January 24, 2006 **EXECUTIVE SESSION HELD**

Present: (5) Senators Brown, Zien, Kanavas, Breske and Wirch.
Absent: (0) None.

Moved by Senator Breske, seconded by Senator Zien that **Senate Bill 470** be recommended for passage.

Ayes: (4) Senators Brown, Zien, Breske and Wirch.
Noes: (1) Senator Kanavas.

PASSAGE RECOMMENDED, Ayes 4, Noes 1

Daniel Lindstedt
Committee Clerk

SENATE BILL 470 (LRB -3258)

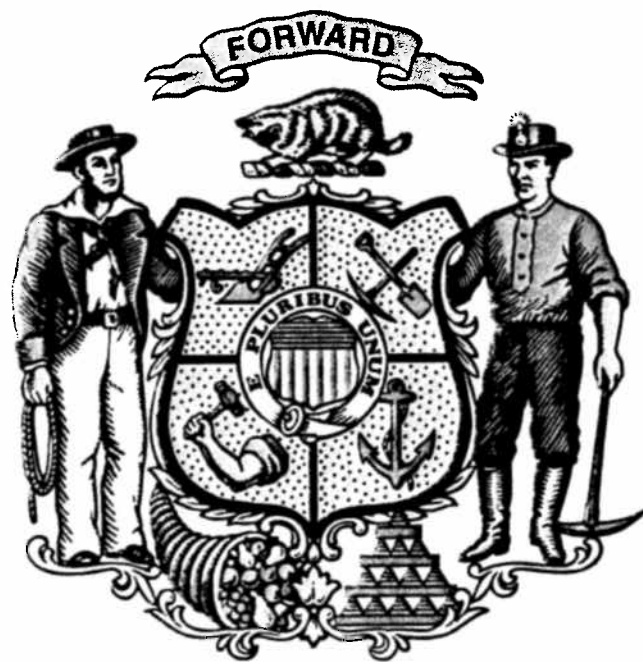
An Act to amend 23.50 (1), 23.53 (1), 29.931 (2) (a), 110.07 (1) (a) 1. and 3., 110.07 (1) (b), 165.755 (1) (b), 287.81 (title), 299.93 (1), 299.95, 302.46 (1) (a), 345.11 (1u), 345.20 (2) (g), 757.05 (1) (a), 814.85 (1) (a) and 814.86 (1); and to create 60.24 (3) (vm), 287.81 (1) (as), 287.81 (4) and (5), 289.97 (2) and 299.93 (1m) of the statutes; relating to: open burning of solid waste, illegal storage or disposal of waste tires, and providing a penalty.

2005

- 12-09. S. Introduced by Senator **Brown**; cosponsored by Representatives **Molepske, Gunderson, Black, Lothian, Sherman, Seidel, Hines, Ott and Krawczyk.**
- 12-09. S. Read first time and referred to committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform 496
- 12-21. S. Fiscal estimate received.
- 12-21. S. Fiscal estimate received.

2006

- 01-03. S. Public hearing held.
- 01-19. S. Fiscal estimate received.
- 01-24. S. Executive action taken.
- 01-25. S. Report passage recommended by committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform, Ayes 4, Noes 1 554
- 01-25. S. Available for scheduling.
- 02-27. S. Fiscal estimate received.
- 05-11. S. Failed to pass pursuant to Senate Joint Resolution 1 853





John Muir Chapter

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IN SUPPORT of SB 470, relating to open burning of solid waste, citation authority and illegal storage or disposal of waste tires

Before the Senate Committee on Veterans, Homeland Security, Military Affairs,
Small Business and Government Reform

By Caryl Terrell, Chapter Director, Wisconsin Sierra Club
January 3, 2006

Thank you for the opportunity to provide initial reaction to SB 470, relating to open burning of solid waste, citations and illegal storage or disposal of waste tires. Let me first wish you a happy and prosperous New Year and thank you for addressing human health issues on the very first days of this new year.

SB 470 begins to address an air quality problem that has plagued our communities for decades. Open burning of household waste is illegal because it is the largest source of dioxin in Wisconsin.

A representative from the Sierra Club-Midwest Office, Jennifer Feyerherm, sat on the DNR Open Burning and Backyard Dumping Stakeholder Steering Group. Their October 2003 report can be found at <http://dnr.wi.gov/environmentprotect/ob/pdf/obSteeringReport.pdf>.

The Sierra Club is concerned that illegal open burning remains mostly unaddressed and continues to load our air, soils and bodies with dioxin.

In a reassessment of dioxin's health effects, the U.S. Environmental Protection Agency found that dioxin causes a host of health effects, including cancer, suppression of the immune system, developmental delays in our children and reduced testosterone levels. We have already been exposed to enough dioxin to be seeing health effects. Dioxin does not break down in the environment -- the more we add to the environment, the more it builds up.

To deal with this health problem, citation authority was the top recommendation from the Open Burning and Backyard Dumping advisory group. Currently, the DNR must go through the whole formal process of referring an individual to DOJ if they are caught illegally open burning. Citation authority as provided in SB 470 will help by providing a much more accessible means of assuring compliance.

Because I have not had time to review the Sierra Club's own files from participating in this committee, I am not in a position to offer additional comments on SB 470 at this time.

We commend the Legislature for offering leadership in this important area of air quality and health and for taking the step to authorize citations to stop illegal behavior. There are additional

recommendations to deal with open burning and waste tires that we would like to present to the Legislature at a future time.

By way of summary, below I have quoted health information from the website of the Wisconsin Department of Health and Family Services on Trash Burning.

from <http://dhfs.wisconsin.gov/eh/HlthHaz/fs/WoodBrn.htm>

Trash burning

Before scientists learned about the dangers of burning trash, it was commonly burned at homes and landfills. Because of the smoke, air pollution, and odor complaints of backyard burning, many local governments prohibit residential trash burning. Wisconsin state law also restricts certain types of open burning.

Backyard trash burning is especially harmful because it releases chemicals that are persistent in the environment, polluting our air, food, lakes and streams. A recent study found that residential trash burning from a single home could release more dioxin into the air than an industrial incinerator.

How does trash and wood burning cause health problems?

The gases released by trash and wood burning can cause breathing irritation. Some of these gases are called aldehydes, which cause strong irritation when they contact the eyes, nose, and throat. Aldehyde and other organic gases are the reason why smoke is irritating to the eyes.

Smoke from wood and trash contains very small particles that can be breathed deep into the lungs. Once trapped in the lungs, these particles can cause cell damage. The cell damage can eventually make breathing difficult. In general, the health risk posed by smoke is small if the smoke is mixed with plenty of outdoor air. However, smoke from burning trash and wood can still be harmful if the smoke accumulates near homes.

The small particles in wood smoke can worsen heart conditions by preventing oxygen from reaching tissues. Breathing difficulties such as asthma, may increase in adults or children, if they breathe too much smoke. Other health problems aggravated by burning include lung infections such as acute pneumonia and bronchiolitis. Allergies can be worsened. Burning trash can cause other long-term health problems.

Thank you for the opportunity to support SB 470.





Wisconsin State Senator

Ron Brown

District 31

Date?

Testimony of State Senator Ron Brown Senate Bill 470 – DNR Citation Authority

Committee members, I am pleased to testify before you on Senate Bill (SB) 470, legislation that would provide proper authorities the ability to cite a person or persons who are found to be in violation of the state's open burning laws. Additionally, SB 470 authorizes DNR citation authority for violations relating to waste tire disposal.

SB 470 and its' Assembly companion bill, Assembly Bill (AB) 878, seek to raise public awareness and education to the dangers of violating the opening burn laws, while giving authorities another tool in protecting Wisconsin's environment. SB 470 does not make any changes regarding items that are currently legal to openly burn.

Open burning is burning from which smoke is emitted directly into the air, without passing through a chimney. Presently, the DNR is empowered to issue citations, similar to traffic tickets, for violations of certain laws, such as those regulating hunting, fishing, and littering. Additionally, the Department regulates solid waste management, including the open burning of solid waste. As with most environmental laws, the Wisconsin Department of Justice (DOJ) enforces the laws related to open burning by prosecuting violations in circuit court. Due to workload and funding, many open burning violations are not given a high priority and go without any penalty being given to the offending party and thus, no incentive from penalty for the crime not to be committed in the future. SB 470 authorizes DNR and local law enforcement officials to issue citations for violations of laws or licenses regulating the open burning of solid waste.

While numerous municipalities have enacted local burning ordinances, in many areas the state's open burning statutes serve as legal guidance and enforcement for authorities. SB 470 has been drafted more so to educate individuals who are in violation of this law, rather than penalize them. As such, there is no penalty connected with a citation for an open burning violation that is committed *within a year* after the bill takes effect. After that, SB 470 provides a maximum forfeiture of \$5 for a first offense involving a person burning limited amounts of residential solid waste on the person's own property and any subsequent violations are subject to a penalty of \$500 for an open burning violation for which a citation is issued.

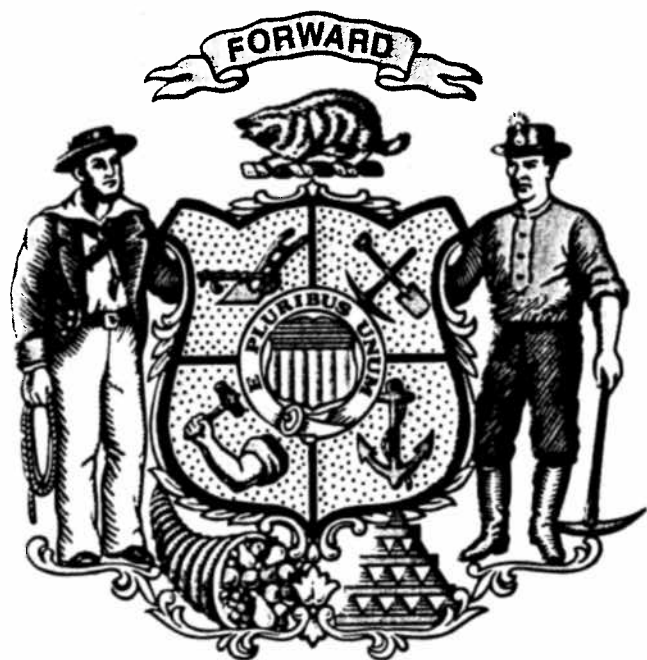
In addition, the bill exempts a person who is subject to the \$5 forfeiture from the crime laboratories and drug law enforcement surcharge, the environmental surcharge, the jail surcharge, the penalty surcharge, the court support services surcharge and the justice information system surcharge.

SB 470 also addresses potential fire hazards at waste tire facilities, which the DNR currently issues operating licenses and approves plans of operation for facilities at which solid waste is stored, treated, or disposed. Last summer, tires at a waste tire facility located in Watertown, caught fire. Due to the size of the blaze, officials could only control the fire and allow it to burn itself out. At the time of the incident, the facility was storing 100,000's of tires over its' permitted authority. The owner had received several notices from the DNR regarding potential dangers and instructing him to reduce the number of tires located at the site. The owner failed to comply eventually leading to a blaze that released toxins into the air for almost a week.

January 3, 2005
Senate Bill 470 – DNR Citation Authority
Page 2

SB 470 has been drafted to address such potential fire and environmental hazards by allowing the DNR to issue a citation to a person who operates a solid waste facility at which waste tires are stored, treated, or disposed of without a license or in violation of an approved plan of operation.

I am confident that through greater education about the state's open burning law and allowing citation authority for the DNR, SB 470 will help preserve the natural resources that we have come to cherish in Wisconsin. I would appreciate your support for this measure, and will be happy to answer any questions regarding the proposal.





WISCONSIN STATE REPRESENTATIVE
Louis J. Molepske, Jr.
71ST ASSEMBLY DISTRICT

Date?

Written Testimony of Louis J. Molepske, Jr.
Senate Bill 470
Providing DNR Authority to Cite Open Burning Violators

Chairman Brown and Members of the Senate Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform. I apologize that I am not able to be there in person, but hope that I can convey the importance of this bill in this brief written testimony. I would also like to say thank you to Senator Ron Brown for his leadership on this issue in the Senate and for giving SB 470 a public hearing.

It is well established open burning is the leading cause of wildfires as well as the largest source of toxic dioxins in Wisconsin. Dioxin, a toxic chemical, originates from the burning of trash, wood and other substances. The compound settles on our feed crops where it is stored in the fat of livestock animals which is eventually ingested by humans.

Over the past few decades more stringent laws have greatly reduced the amount of dioxins from industrial sources. With that, uncontrolled open burning has become the largest source of dioxin in our air. Surprisingly, open burning has been illegal in Wisconsin for well over 25 years. However, few are cited because it is difficult for the DNR to enforce this law. It is my understanding that enforcement rests with local law enforcement agencies who are often preoccupied tending to other, more immediate, matters.

This bill is very simple—SB 470 authorizes the DNR and local law enforcement officials to issue citations for violations of laws or licenses regulating the open burning of solid waste. As I am sure you already know, the DNR issues citations, similar to traffic tickets for violations of certain laws—most commonly those laws regulating hunting, fishing and littering. As many people are unaware of this prohibition on open burning, the initial penalties provided in SB 470 are quite low. During the first year the DNR will only be authorized to issue a warning. After that, initial violations for open burning on one's own property will be \$5.

Finally, and thanks to the foresight of Sen. Brown, SB 470 includes a provision which authorizes the DNR to issue a citation to a person who operates a solid waste facility at which waste tires are stored. You will recall of the disastrous tire fire that took place this summer in Watertown. At the time the fire took place, the company had only been authorized to store 200,000 tires—however, the company was in possession over one million tires. Local emergency officials were not prepared for such a disaster that put the lives of emergency responders as well as the health of those living in the vicinity at risk.

Again, thank you for your consideration on this important legislation. I hope that you will feel free to contact me if you have any further questions or concerns about SB 470.

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Milwaukee Journal Sentinel December 1, 2003

DNR works to dampen open burning

By MEG JONES

mjones@journal-sentinel.com

Smoke drifting from backyards, burn barrels aglow with flaming trash — these are the rites of spring and fall in Wisconsin as residents clean up their yards and homes and get rid of waste.

But the Department of Natural Resources thinks there's way too much open burning in Wisconsin and hopes to crack down on the illegal burning of garbage.

Open burning is the leading cause of wildfires in Wisconsin, and it's the No. 1 cause of air pollution as tiny bits of ash float into the sky, said Kevin Kessler, open burning team leader for the DNR.

This week Kessler will deliver a list of recommendations to the Natural Resources Board. Among them:

- Beefing up enforcement of illegal-burning violators.
- Creating a program to educate residents about the hazards of open burning.
- Developing a system to collect and recycle agriculture waste such as plastic silage bags.

Common task blamed for wildfires, pollution

"People have more opportunities to recycle, but some people still feel it's their right to open burn, and it's a long-standing tradition in Wisconsin."

Kevin Kessler, Wisconsin Department of Natural Resources

Kessler said the DNR doesn't know how much open burning goes on in Wisconsin because there's no way to collect that information. But the agency suspects there's a lot, judging by the number of wildfires.

"We estimate there's as much as half a million burn barrels in the state," Kessler said in a phone interview Sunday. "People have more opportunities to recycle, but some people still feel it's their right to open burn, and it's a long-standing tradition in Wisconsin."

It's illegal to burn wet combustible rubbish, garbage, oily substances, asphalt, plastic, rubber, or treated or painted

wood in Wisconsin. Paper and cardboard that have been separated for recycling also cannot be burned.

Yard waste such as leaves and twigs can be burned as long as there is no local municipal ordinance, but Kessler said yard waste can be disposed of more safely by composting.

As rubbish burns, chemicals waft into the air, creating air pollution. Even burning leaves and wood create ash that can affect those who have asthma, Kessler said.

Though it's illegal to burn trash, few get caught because it's difficult for the DNR to enforce the law. This is why the agency is recommending a change in legislation that would allow the DNR to issue tickets for illegal burning, Kessler said. DNR conservation wardens probably would be the ones to issue citations.

"Right now, if somebody is illegally burning anything, whether it's businesses or homes, or tires or plastic-coated wire, the DNR's only en-

forcement ability is to refer it to the state Department of Justice, which is a lengthy and expensive process," Kessler said.

This year several groups participated in discussions with the DNR on the problem of open burning, including the Wisconsin Farm Bureau Federation, Wisconsin Towns Association, the American Lung Association of Wisconsin and the Wisconsin Counties Association.

Who enforces?

The counties association is concerned about air quality but also worries about who will be called on to enforce illegal burning laws, since county deputy sheriffs are already busy, said Mark O'Connell, the group's executive director.

"In most cases, for 2004, sheriff's departments have either been held constant or reduced. With a reduction in resources it will be difficult to add another task, and it's not an easy task to monitor open burning," O'Connell said.

Kessler said legislation recommended by the DNR to combat open burning won't be considered by the Legislature until 2005.

The Capital Times November 29, 2003

Open burning state's worst air polluter

By Anita Weier

The Capital Times

Open burning is the state's largest source of air pollution, the largest uncontrolled source of toxic dioxin emissions and the No. 1 source of wildfires, according to the Department of Natural Resources.

Although burning trash has been illegal under state law for 25 years, DNR officials say that open burning is a significant problem in Wisconsin.

A comprehensive report offering ways to control the practice will be presented Tuesday to the Natural Resources Board in Madison.

Garbage is normally burned in a 55-gallon steel drum or burn barrel. The U.S. Environmental Protection Agency says that as other sources of releases of dioxins, such as open dumps, declined, backyard trash burning has become a much larger share of the pie. The majority of dioxin intake to humans come from food sources, and emissions from burn barrels land on feed crops and go into the bodies of farm animals.

"Dumping and burning garbage have been part of Wisconsin's history and culture," DNR Secretary Scott Hassett said in a letter to statewide associations earlier this year.

"Thirty years ago, we had many open dumps in Wisconsin where open burning of trash was an accepted daily practice. Since then, we've closed all the open dumps, built modern engineered landfills, developed our nationally recognized recycling program."

However, during that same time, volumes of waste generated have increased dramatically, he added.

"Our waste streams now contain more plastic and other synthetic materials that are unsafe to burn. Disposing of those solid waste materials in one's own back yard can cause pollution problems," Hassett said.

Under Wisconsin law, it is illegal to burn wet combustible rubbish, garbage, oily substances, asphalt, plastic, rubber or treated or painted wood. It is also illegal to burn paper and cardboard that have been separated for recycling.

Unless prohibited by local ordinance, it is legal to burn untreated wood. It is also legal to burn dry grass, leaves, brush and non-recyclable paper and cardboard products on the property where they were generated.

The DNR has been working with representatives of several statewide organizations to develop recommendations to control open burning.

Recommendations on residential, farming and small-business wastes were presented to a steering group that issued the final report to be released Tuesday.

The report recommends:

■ A comprehensive program of education, burning alternatives and regulation.

■ Development of a model ordinance for local governments to regulate open burning.

■ State and local recycling programs providing improved systems and infrastructure as alternatives to open burning.

■ Development of systems for collection, recycling and disposal of agricultural plastic films and bags

such as silage bags.

■ State legislation to grant the DNR authority to issue citations for open burning that is illegal. The DNR should work with stakeholders to develop a consensus bill ready for introduction in the 2005 Legislature.

■ State legislation rescinding a statute that exempts backyard dumping from state regulation, because a decrease in illegal open burning could lead to an increase in dumping.

■ Clarification and simplification of state regulations on open burning, which are confusing and have numerous exemptions.

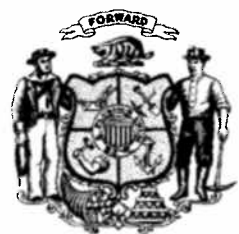
■ Additional public input on open burning and backyard dumping.

E-mail: aweier@madison.com

Dick



WISCONSIN STATE LEGISLATURE



Vernon County Solid Waste/Recycling

S3705 Cty Rd. LF
Viroqua, WI 54665



Gail Frie—Manager

TEL: (608) 634-2900
FAX: (608) 634-2899

Date?

Public Hearing On Open Burning Legislation

To: Honorable Senate Veterans, Homeland Security, and Military Affairs, Small
Business and Government Reform Committee Members

My name is Gail Frie and I am the Solid Waste/Recycling Manager for Vernon County. Working for a small rural county an employee can wear many hats. Part of my job description directs me to work on any issues that have a negative effect on the quality of the air, water or land of Vernon County.

I was the only county employee to serve on the Open Burning and Backyard Dumping Steering Group in 2003. I completely support the Steering Groups recommendation and the Senate Bill 470 even though I believe that the citation authority must be expanded to all certified law enforcement officers. This is just a simple enforcement tool for a state law(Chapter NR 429 Open Burning) that has been on the books for many years. This enforcement option would not be used very often but it would be a step forward to change rural societies opinion that burning is an acceptable method of disposal. It would also prevent small offenses from becoming neighbor political battles that divide a community and burn up much of the state, county and local employees time and resources.

Here is some Vernon County history on open burning in the last fifteen years. We had a Salvage Yard Business that would on occasion burn plastic car parts, car seats and large amounts of material that was colleted for recycling but was not processed for sale. Some of this collection service was paid for with DNR Recycling Grants. The Fire Dept. would no longer respond to these fire calls because of the cost and the hard feelings of extinguishing a fire that was created as a disposal option. After years of work our now retired DNR Warden was able to get a basic litter citation enforced through Vernon County Circuit Court on the remaining pile of ashes. During the entire fifteen years and

still today myself and DNR Solid Waste/Recycling staff continue to provide contact with this site in the form of educational outreach and provide options for clean up. DNR performed a major waste tire cleanup on this site. Vernon County provided free trucking to the landfill of their waste. This last fall DNR staff brought in a metal buyer, who in exchange for the metal, delivered an equal value of waste materials to our landfill. This was made possible by a three or four year process by the Attorney Generals office to get a court order not to allow this site to accept any more material. However the total clean up of this site will not happen any time soon.

Another historic problem was neighborhood disputes about open burning in our villages and cities of Vernon County. We had close neighbors with personality conflicts that escalated to the point that they were burning garbage under bedroom windows just for aggravation. My only option was to take one municipality at a time and go through the lengthy political process of getting a local ordinance banning open burning of waste so the local officer could tell the feuding neighbors to knock it off or suffer some consequences.

Most recently Vernon County has had about sixty family owned commercial sawmills consistently burning waste wood and sawdust. For over two years DNR staff and myself has spent every available minute providing educational outreach, researching markets for these waste materials and preparing a case to send to the Attorney Generals Office. Most of these mills have tentatively come into compliance and the complaints coming to my office has gone way down. Many of the mills have shut down because the sale price of oak lumber has hit rock bottom. The large problem of cleaning up all of the historic waste edgings and sawdust piles remains to be addressed.

DNR Staff has worked with Vernon County providing educational outreach on many levels. We have met many times with the County Board, WI Towns Association, Fire Association and most individual local governments. Vernon County has a very aggressive customer friendly recycling program, a sanitary landfill and sited a demolition landfill to provide a low cost option to burning down old buildings. We have held many training sessions on air quality for local contractors. We have held enforcement conferences with contractors violating air rules. We have directly mailed informational materials to every household within Vernon County. We spend an unbelievable amount of time following

up on open burning complaints by visiting the violators directly in an attempt to get them to do what is right for themselves and their neighbors health.

I have been with Vernon County for fifteen years and with a lot of outside help we have made a great deal of progress on open burning and backyard dumping issues. The educated public of Vernon County is demanding citation authority be given to someone. Citizens are attending township and county meetings asking for local ordinances to protect all citizens from the health effects of open burning. Unfortunately we have township boards writing letters to the county board wanting a county ordinance and the county board saying this is a statewide issue that needs to be handled by the state of Wisconsin. The long term effects of educational outreach is very limited if there is not some immediate consequence to make illegal burning less convenient. This citation authority will only be used for the worst-case violators. I have worked with many law enforcement people in my life and have not found one officer that has the time or interest to be a garbage cop. 2005 is the first year that Vernon County has been issued air quality alerts which proves this problem is not going away on its own.

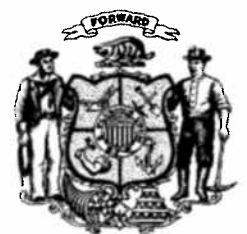
I will close by thanking the Committee for this opportunity to express my support for Senate Bill 470 but I must express major concerns about the timing of this public hearing. Holiday schedules made it impossible to get notice of this public hearing out to interested citizens of Vernon County who would like to weigh in on this important topic. If another public hearing cannot be scheduled, I would request the Committee extend the written comment period to allow the citizens of Vernon County and the State of Wisconsin time to comment on this important legislation

Sincerely,

Gail Friel



WISCONSIN STATE LEGISLATURE



Original URL: <http://www.jsonline.com/news/state/jul05/342249.asp>

Tire recycling plant up in smoke

Massive fire could burn for days; owner had exceeded permit

By REID J. EPSTEIN and SCOTT WILLIAMS
repstein@journalsentinel.com

Posted: July 19, 2005

Town of Shields - Plumes of black smoke visible for miles billowed Tuesday from a fire at a tire recycling plant near Watertown that officials said had as many as 1 million tires, five times the number it is allowed.

The massive blaze - something state regulators and concerned neighbors had warned could happen - began at 9:58 a.m. at Watertown Tire Recyclers when a piece of equipment used to move tires around the plant malfunctioned, Watertown Mayor John David said during a news conference near the plant. More than 120 firefighters from 14 departments fought the blaze, a task complicated by having to truck in water from a hydrant 1 1/2 miles away.

"I can't tell you how many millions of gallons of water they're throwing on it," David said. "But it's not doing a heck of a lot of good."

The foul scent of burning tires wafted with the smoke and could be smelled as far away as Jefferson, 18 miles away. The smoke, thick and black at the ground, rose hundreds of feet into the air and could be seen as far away as Beloit and Milwaukee, according to reports. The blaze, which officials said will burn for at least three more days and could continue for up to a week, destroyed the tire plant and an adjacent home, which the plant's owner, Thomas Springer, owns but did not occupy.

Neighbors and government regulators had issued warnings about the size of the operation, which by some estimates was several times larger than the 200,000 tires allowed by the state Department of Natural Resources.

Joseph Brusca, the DNR's air and waste regional leader, said the plant had accumulated 500,000 tires by last November. Jennifer Warmke, the deputy director of the Dodge County emergency management agency, said Tuesday that the plant had more than 1 million tires.

Brusca said state officials urged Springer to reduce the stockpile and had taken enforcement action against him - a process that was still under way Tuesday. A state inspector, Barbara Palecek, was inside the plant conducting a follow-up investigation when the fire started.

In May, a group of 10 neighbors filed suit against the company in Dodge County, asking a judge to order the recycling business to comply with its state permit. The suit warned that the massive tire inventory was "creating hazards and increasing the potential for a fire."

Springer's attorney, Vicki Zick, acknowledged that the company had exceeded the limits of its state permit but said the operation has been under industry pressure to accept used tires. Springer couldn't be reached Tuesday.

"This is not just a bad citizen not minding the store," Zick said. "This is a company providing a necessary service."

Tire Fire



Photo/Benny Siew


Black smoke billows from a burning pile of scrap tires Tuesday at a recycling plant northwest of Watertown. The smoke could be seen from downtown Milwaukee. There were no injuries and no one was evacuated from the area.

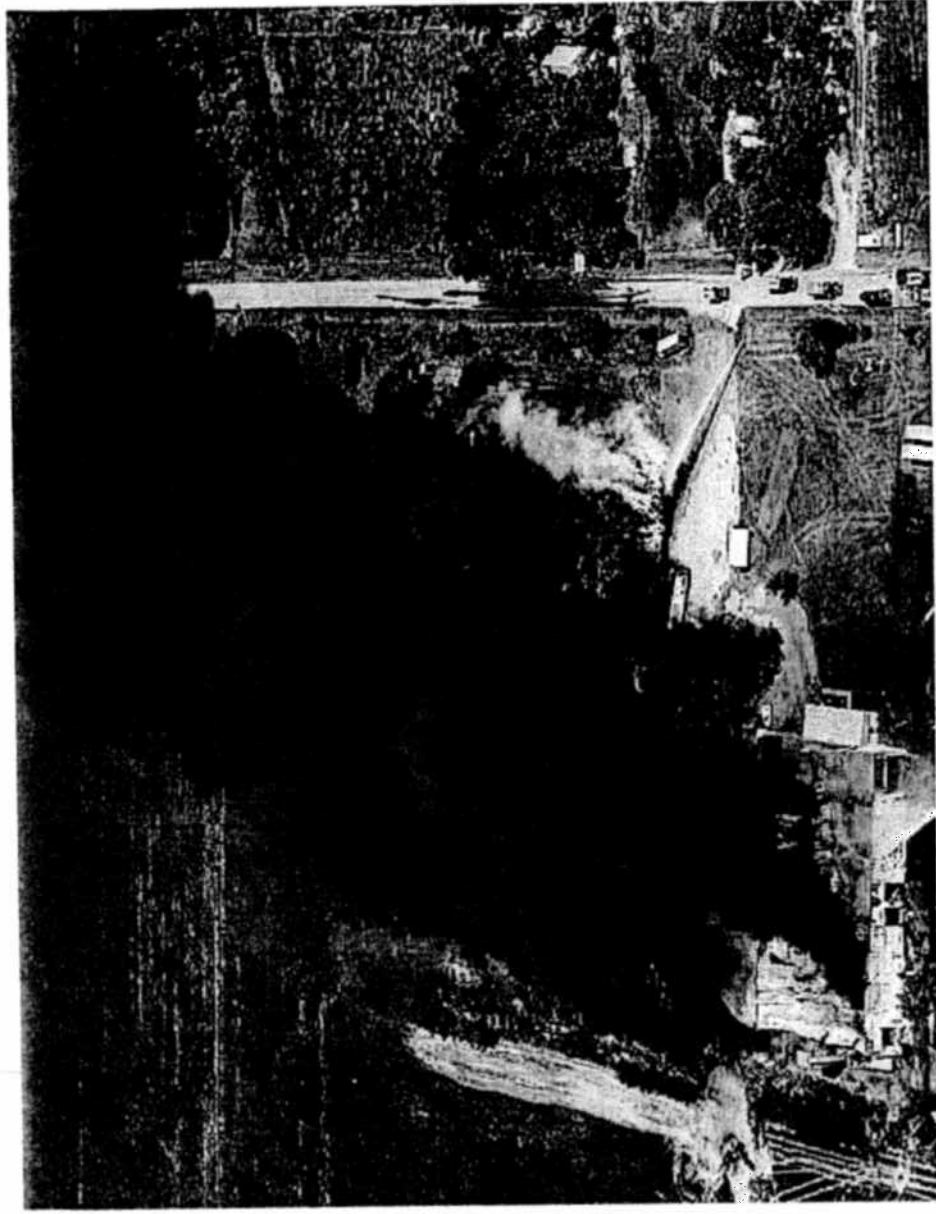
Quotable

“ I can't tell you how many millions of gallons of water they're throwing on it. But it's not doing a heck of a lot of good. ”

- John David,
 Watertown mayor


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