

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 831

Short Title: Scrap Tire Disposal Act.

(Public)

Sponsors: Senators Speed; Allran, Ballance, Barker, Basnight, Block, Carpenter, Chalk, Cochrane, Conder, Daniel, Daughtry, Ezzell, Guy, Hardin, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Murphy, Odom, Parnell, Plyler, Rauch, Raynor, Richardson, Royall, Sands, Shaw, Sherron, Simpson, Smith, Staton, Swain, Taft, Tally, Walker, Ward, and Winner.

Referred to: Environment and Natural Resources.

April 10, 1989

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE NORTH CAROLINA SCRAP TIRE DISPOSAL
ACT.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 130A of the General Statutes is amended by adding a new Part to read:

“PART 4.

“SCRAP TIRE DISPOSAL ACT.

“§ 130A-310.15. Title.

This Part may be cited as the ‘North Carolina Scrap Tire Disposal Act.’

“§ 130A-310.16. Findings; purpose.

The General Assembly finds that:

- (1) Scrap tire disposal poses a unique and troublesome solid waste management problem.
- (2) Scrap tires are a usable resource that may be recycled for energy value.
- (3) Uncontrolled disposal of scrap tires may create a public health and safety problem because tire piles act as breeding sites for mosquitoes and other disease-transmitting vectors, pose substantial fire hazards, and present a difficult disposal problem for landfills.

- 1 (4) A significant number of scrap tires are illegally dumped in North
2 Carolina.
- 3 (5) It is in the State's best interest to encourage efforts to recycle or
4 recover resources from scrap tires.
- 5 (6) It is desirable to allow units of local government to control tire
6 disposal for themselves and to encourage multi-county, regional
7 approaches to scrap tire disposal and collection.
- 8 (7) It is desirable to encourage reduction in the volume of scrap tires being
9 disposed of at public sanitary landfills.

10 The purpose of this Article is to provide statewide guidelines and structure for
11 the environmentally safe disposal of scrap tires to be administered through units of local
12 government.

13 **"§ 130A-310.17. Definitions.**

14 Unless the context requires otherwise, for the purpose of this Part:

- 15 (1) 'Collection site' means a site used for the storage of scrap tires.
- 16 (2) 'In-county scrap tire' means any scrap tire brought for disposal from
17 inside the county in which the collection or processing site is located.
- 18 (3) 'Out-of-county scrap tire' means any scrap tire brought for disposal
19 from outside the county in which the collection or processing site is
20 located.
- 21 (4) 'Processing site' means a site used to produce or manufacture usable
22 materials, including fuel, from scrap tires.
- 23 (5) 'Scrap tire' means a tire that is no longer suitable for its original,
24 intended purpose because of wear, damage, or defect.
- 25 (6) 'Solid Waste Branch' means the Solid Waste Branch of the Solid and
26 Hazardous Waste Management Section of the Division of Health
27 Services of the Department of Human Resources.
- 28 (7) 'Tipping fee' is any amount charged by a tire collector, tire processor,
29 or unit of local government in exchange for accepting scrap tires.
- 30 (8) 'Tire' means a continuous solid or pneumatic rubber covering
31 encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).
- 32 (9) 'Tire collector' means a person who owns or operates a site used for
33 the storage, collection, or deposit of more than 50 scrap tires.
- 34 (10) 'Tire hauler' means a person engaged in the picking up or transporting
35 of scrap tires for the purpose of storage, processing, or disposal.
- 36 (11) 'Tire processor' means a person who engages in the processing of
37 scrap tires or one who owns or operates a tire processing site.
- 38 (12) 'Tire retailer' means a person who engages in the retail sale of a tire in
39 any quantity for any use or purpose by the purchaser other than for
40 resale.
- 41 (13) 'Unit of local government' means a county, city, town, or incorporated
42 village.

43 **"§ 130A-310.18. Scrap tire disposal program.**

1 Beginning July 1, 1990, scrap tire disposal fees shall be added to the annual
2 registration fees set forth in G.S. 20-87 and G.S. 20-88. The amount of the scrap tire
3 disposal fee is set forth in G.S. 20-85.2. Scrap tire disposal fees shall be distributed
4 quarterly to each county based upon the amount of scrap tire disposal fees collected
5 from vehicles registered in that county.

6 **"§ 130A-310.19. Disposal of scrap tires.**

7 (a) Each county is responsible for providing for the disposal of scrap tires located
8 within its boundaries in accordance with the provisions of this Part and any rules and
9 regulations issued pursuant to this Part. The following are permissible methods of scrap
10 tire disposal:

- 11 (1) Incinerating;
- 12 (2) Retreading;
- 13 (3) Constructing artificial reefs;
- 14 (4) Constructing crash barriers;
- 15 (5) Controlling soil erosion when whole tires are not used;
- 16 (6) Chopping or shredding;
- 17 (7) Grinding into crumbs for use in road asphalt, tire derived fuel, and
18 other purposes;
- 19 (8) Slicing vertically, resulting in each scrap tire being divided into at least
20 two pieces;
- 21 (9) Sludge composting;
- 22 (10) Using for agriculture-related purposes;
- 23 (11) Cutting, stamping, or dyeing tires;
- 24 (12) Pyrolizing and other physico-chemical processing;
- 25 (13) Hauling to out-of-State collection or processing sites; and
- 26 (14) Monofilling split, ground, chopped, sliced, or shredded scrap tires.

27 The Solid Waste Branch may approve other permissible methods of disposal by
28 promulgating rules and regulations pursuant to this Part. Landfilling of whole scrap
29 tires is prohibited.

30 (b) Units of local government may enter into joint ventures or other cooperative
31 efforts with other units of local government for the purpose of disposing of scrap tires.
32 Units of local government may enter into leases or other contractual arrangements with
33 units of local government or private entities in order to dispose of scrap tires.

34 (c) Each county is responsible for developing a description of scrap tire disposal
35 procedures. These procedures shall be included in any solid waste management plan
36 required by the Department of Human Resources under this Article. Further, any
37 revisions to the initial description of the scrap tire disposal procedures shall be
38 forwarded to the Solid Waste Branch.

39 (d) A county shall provide, directly or by contract with another unit of local
40 government or private entity, at least one site for scrap tire disposal within the county.
41 The county in which the site is located or the State may require this site to be permitted.
42 The unit of local government or contracting party may charge a tipping fee for the
43 disposal of:

- 44 (1) In-county scrap tires, and

1 (2) Scrap tires from manufacturers, retreaders not engaged in the retail
2 sale of new tires, and State vehicles not subject to G.S. 20-87 and G.S.
3 20-88, regardless of where such scrap tires originated, provided;
4 however, that a tipping fee shall be assessed only to the extent that the
5 cost per tire of disposal exceeds the scrap tire disposal fees received by
6 the county during the preceding twelve-month period, divided by the
7 number of tires disposed of within the county according to the tire
8 disposal procedures during that period.

9 The unit of local government or contracting party also may charge a tipping fee for
10 the disposal of out-of-county scrap tires at this county site.

11 (e) Every tire retailer or other person disposing of scrap tires shall complete and
12 sign a certification form prescribed by the Solid Waste Branch and distributed to each
13 county, certifying that the tires were collected in the normal course of business for
14 disposal, the county in which the tires were collected, and the number of tires to be
15 disposed of. This form also shall be completed and signed by the tire hauler, certifying
16 that the load contains the same tires that were received from the tire retailer or other
17 person disposing of scrap tires. The tire hauler shall present this certification form to
18 the tire processor or tire collector at the time of delivery of the scrap tires for disposal,
19 collection, or processing. Copies of these certification forms shall be retained for a
20 minimum of three years after the date of delivery of the scrap tires.

21 (f) The provisions of subsection (e) of this section do not apply to tires that are
22 brought for disposal in quantities of five or less by someone other than a tire collector,
23 tire processor, or tire hauler.

24 **"§ 130A-310.20. Registration of tire haulers.**

25 (a) Before engaging in the hauling of scrap tires in this State, any tire hauler must
26 register with the Solid Waste Branch and furnish evidence of a security bond in excess
27 of twenty-five thousand dollars (\$25,000); whereupon the Solid Waste Branch shall
28 issue to the tire hauler a scrap tire hauling identification number. A tire retailer licensed
29 under G.S. 105-164.29 and solely engaged in the hauling of scrap tires received by it in
30 connection with the retail sale of replacement tires is not required to register under this
31 section.

32 (b) Each tire hauler shall furnish its hauling identification number on all
33 certification forms required under G.S. 130A-310.19(e). Any tire retailer engaged in the
34 hauling of scrap tires and not required by subsection (a) of this section to be registered
35 shall supply its merchant identification number on all certification forms required by
36 G.S. 130A-310.19(e).

37 **"§ 130A-310.21. Preemption.**

38 This Part preempts any local ordinance regarding the disposal of scrap tires to the
39 extent that any local ordinance is inconsistent with this Part or rules adopted pursuant to
40 this Part.

41 **"§ 130A-310.22. Fines and penalties.**

42 Each violation of this Part or the rules adopted pursuant to this Part is punishable by
43 a civil penalty in the amount of fifty dollars (\$50.00)."

1 Sec. 2. Chapter 20 of the General Statutes is amended by adding a new
2 section to read:

3 **"§ 20-85.2. Registration includes a scrap tire disposal fee.**

4 (a) A scrap tire disposal fee shall be collected with vehicle registration fees.
5 Scrap tire disposal fees shall be collected in accordance with the following schedule:

6 **SCHEDULE OF SCRAP TIRE DISPOSAL FEES**

7 Passenger Vehicles

8 Vehicles of over fifteen-passenger capacity \$3.00

9 All other passenger vehicles 1.00

10 Self-Propelled Property-Hauling Vehicles

11 Not over 8,500 pounds gross weight \$1.00

12 8,501 to 16,500 pounds gross weight 3.00

13 Over 16,500 pounds gross weight 5.00

14 Other Property-Hauling Vehicles

15 Trailers and semitrailers \$3.00

16 (b) All scrap tire disposal fees collected shall be distributed and used in
17 accordance with the provisions of Part 4 of Article 9 of Chapter 130A of the General
18 Statutes."

19 Sec. 3. Beginning one year after the date of ratification of this act, all scrap
20 tires located in North Carolina shall be disposed of in accordance with the provisions of
21 the Scrap Tire Disposal Act created in Section 1 of this act.

22 Sec. 4. This act shall become effective July 1, 1990.