

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 831

Environment & Natural Resources Committee Substitute Adopted 4/27/89

Short Title: Scrap Tire Disposal Act.

(Public)

Sponsors:

Referred to:

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 5.

“SCRAP TIRE DISPOSAL ACT.

“§ 130A-310.51. Title.

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

“§ 130A-310.52. 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.
- (4) A significant number of scrap tires are illegally dumped in North Carolina.
- (5) It is in the State's best interest to encourage efforts to recycle or recover resources from scrap tires.

1 (6) It is desirable to allow units of local government to control tire
2 disposal for themselves and to encourage multi-county, regional
3 approaches to scrap tire disposal and collection.

4 (7) It is desirable to encourage reduction in the volume of scrap tires being
5 disposed of at public sanitary landfills.

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

9 **"§ 130A-310.53. Definitions.**

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

11 (1) 'Collection site' means a site used for the storage of scrap tires.

12 (2) 'In-county scrap tire' means any scrap tire brought for disposal from
13 inside the county in which the collection or processing site is located.

14 (3) 'Out-of-county scrap tire' means any scrap tire brought for disposal
15 from outside the county in which the collection or processing site is
16 located.

17 (4) 'Processing site' means a site used to produce or manufacture usable
18 materials, including fuel, from scrap tires.

19 (5) 'Scrap tire' means a tire that is no longer suitable for its original,
20 intended purpose because of wear, damage, or defect.

21 (6) 'Solid Waste Branch' means the Solid Waste Branch of the Solid and
22 Hazardous Waste Management Section of the Division of Health
23 Services of the Department of Human Resources.

24 (7) 'Tipping fee' is any amount charged by a tire collector, tire processor,
25 or unit of local government in exchange for accepting scrap tires.

26 (8) 'Tire' means a continuous solid or pneumatic rubber covering
27 encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

28 (9) 'Tire collector' means a person who owns or operates a site used for
29 the storage, collection, or deposit of more than 50 scrap tires.

30 (10) 'Tire hauler' means a person engaged in the picking up or transporting
31 of scrap tires for the purpose of storage, processing, or disposal.

32 (11) 'Tire processor' means a person who engages in the processing of
33 scrap tires or one who owns or operates a tire processing site.

34 (12) 'Tire retailer' means a person who engages in the retail sale of a tire in
35 any quantity for any use or purpose by the purchaser other than for
36 resale.

37 (13) 'Unit of local government' means a county, city, town, or incorporated
38 village.

39 **"§ 130A-310.54. Scrap tire disposal program.**

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

1 **§ 130A-310.55. Disposal of scrap tires.**

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

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

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

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

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

36 (d) A county shall provide, directly or by contract with another unit of local
37 government or private entity, at least one site for scrap tire disposal within the county.
38 The county in which the site is located or the State may require this site to be permitted.
39 The unit of local government or contracting party may charge a tipping fee for the
40 disposal of in-county scrap tires and scrap tires from manufacturers, retreaders not
41 engaged in the retail sale of new tires, and State vehicles not subject to G.S. 20-87 and
42 G.S. 20-88, regardless of where such scrap tires originated. Such tipping fee shall be
43 assessed only to the extent that the cost per tire of disposal exceeds the scrap tire
44 disposal fees received by the county during the preceding twelve-month period, divided

1 by the number of tires disposed of within the county according to the tire disposal
2 procedures during that period. The unit of local government or contracting party also
3 may charge a tipping fee for the disposal of out-of-county scrap tires at this county site.

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

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

17 **"§ 130A-310.56. Registration of tire haulers.**

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

25 (b) Each tire hauler shall furnish its hauling identification number on all
26 certification forms required under G.S. 130A-310.55(e). Any tire retailer engaged in the
27 hauling of scrap tires and not required by subsection (a) of this section to be registered
28 shall supply its merchant identification number on all certification forms required by
29 G.S. 130A-310.55(e).

30 **"§ 130A-310.57. Preemption.**

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

34 **"§ 130A-310.58. Fines and penalties.**

35 Any person who hauls or disposes of a tire in violation of this Part or the rules
36 adopted pursuant to this Part shall be assessed a civil penalty of fifty dollars (\$50.00)
37 per violation. Each tire hauled or disposed of in violation of this Part or rules adopted
38 pursuant to this Part constitutes a separate violation."

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

41 **"§ 20-85.2. Registration includes a scrap tire disposal fee.**

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

44 **SCHEDULE OF SCRAP TIRE DISPOSAL FEES**

1	<u>Passenger Vehicles</u>	
2	<u>Vehicles of over fifteen-passenger capacity</u>	<u>\$3.00</u>
3	<u>All other passenger vehicles</u>	<u>1.00</u>
4	<u>Self-Propelled Property-Hauling Vehicles</u>	
5	<u>Not over 8,500 pounds gross weight</u>	<u>\$1.00</u>
6	<u>8,501 to 16,500 pounds gross weight</u>	<u>3.00</u>
7	<u>Over 16,500 pounds gross weight</u>	<u>5.00</u>
8	<u>Other Property-Hauling Vehicles</u>	
9	<u>Trailers and semitrailers</u>	<u>\$3.00</u>
10	(b) <u>All scrap tire disposal fees collected shall be distributed and used in</u>	
11	<u>accordance with the provisions of Part 4 of Article 9 of Chapter 130A of the General</u>	
12	<u>Statutes."</u>	
13	Sec. 3. Beginning 1 March 1990, all scrap tires located in North Carolina	
14	shall be disposed of in accordance with the provisions of the Scrap Tire Disposal Act	
15	enacted by Section 1 of this act.	
16	Sec. 4. This act shall become effective 1 October 1989.	