

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 428

Short Title: County Waste Management Assistance. (Public)

Sponsors: Senators Proctor, Burgin, and McInnis (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 3, 2023

A BILL TO BE ENTITLED

AN ACT TO RESTORE ASSISTANCE TO COUNTIES WITH THE CLEANUP OF SCRAP TIRES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 105-187.19(b) reads as rewritten:

"(b) Each quarter, the Secretary shall credit thirty percent (30%) of the net tax proceeds to the ~~General Fund-Scrap Tire Disposal Account~~. In the event the amount in the Account exceeds three hundred thousand dollars (\$300,000) at the end of any fiscal year, such excess shall be credited to the Highway Fund. The Secretary shall distribute the remaining seventy percent (70%) of the net tax proceeds among the counties on a per capita basis according to the most recent annual population estimates certified to the Secretary by the State Budget Officer."

SECTION 1.(b) G.S. 130A-309.63 as it existed immediately prior to repeal is reenacted and reads as rewritten:

"§ 130A-309.63. Scrap Tire Disposal Account.

(a) Creation. – The Scrap Tire Disposal Account is established as a nonreverting account within the ~~Department-Department of Environmental Quality~~. The Account consists of revenue credited to the Account from the proceeds of the scrap tire disposal tax imposed by Article 5B of Chapter 105 of the General Statutes.

(b) Use. – The Department may use revenue in the Account only as authorized by this section.

(1) The Department may use up to ~~fifty percent (50%)~~ seventy-five percent (75%) of the revenue in the Account to make grants to units of local government to assist them in disposing of scrap tires. To administer the grants, the Department shall establish procedures for applying for a grant and the criteria for selecting among grant applicants. The criteria shall include the financial ability of a unit of local government to provide for scrap tire disposal, the severity of a unit of local government's scrap tire disposal problem, the effort made by a unit of local government to ensure that only tires generated in the normal course of business in this State are provided free disposal, and the effort made by a unit of local government to provide for scrap tire disposal within the resources available to it.

(2) The Department may use up to ~~forty percent (40%)~~ fifteen percent (15%) of the revenue in the Account to make grants to encourage the use of processed scrap tire materials. These grants may be made to encourage the use of tire-derived fuel, crumb rubber, carbon black, or other components of tires for use in products such as fuel, tires, mats, auto parts, gaskets, flooring material,



1 or other applications of processed tire materials. These grants shall be made
 2 in consultation with the Department of Commerce, the Division of
 3 Environmental Assistance and Outreach of the Department, and, where
 4 appropriate, the Department of Transportation. Grants to encourage the use of
 5 processed scrap tire materials shall not be used to process tires.

6 (3) The Department may use up to one hundred seventy-five thousand dollars
 7 (\$175,000) of the revenue in the Account for administrative costs and to
 8 support a position to provide local governments with assistance in developing
 9 and implementing scrap tire management programs designed to complete the
 10 cleanup of nuisance tire collection sites and prevent scrap tires generated from
 11 outside of the State from being presented for free disposal in the State position
 12 for implementation of the requirements of this Part.

13 (4) The Department may use the remaining revenue in the Account only to clean
 14 up illegal scrap tire collection sites that the Department has determined are a
 15 nuisance. The Department may use funds in the Account to clean up a
 16 nuisance tire collection site only if no other funds are available for that
 17 purpose.

18 (c) Eligibility. – A unit of local government is not eligible for a grant for scrap tire
 19 disposal unless its costs for disposing of scrap tires for the six-month period preceding the date
 20 the unit of local government files an application for a grant exceeded the amount the unit of local
 21 government received during that period from the proceeds of the scrap tire tax under
 22 G.S. 105-187.19. A grant to a unit of local government for scrap tire disposal may not exceed the
 23 unit of local government's unreimbursed cost for the six-month period.

24 ~~(e)~~(d) Reporting. – The Department shall include in the report to be delivered to the
 25 Environmental Review Commission ~~on or before 15 January of each year~~ pursuant to
 26 G.S. 130A-309.06(c) a description of the implementation of the North Carolina Scrap Tire
 27 Disposal Act for the fiscal year ending the preceding ~~30 June~~ June 30. The description of the
 28 implementation of the North Carolina Scrap Tire Disposal Act shall include the beginning and
 29 ending balances in the Account for the reporting period, the amount credited to the Account
 30 during the reporting period, and the amount of revenue used for grants and to clean up nuisance
 31 tire collection sites."

32 **SECTION 1.(c)** G.S. 130A-309.64 is repealed.

33 **SECTION 1.(d)** G.S. 130A-309.06(c) reads as rewritten:

34 "(c) The Department shall report to the Environmental Review Commission and the Fiscal
 35 Research Division on or before April 15 of each year on the status of solid waste management
 36 efforts in the State. The report shall include all of the following:

37 ...

38 (10) A description of the implementation of the North Carolina Scrap Tire Disposal
 39 Act that includes the beginning and ending balances in the Scrap Tire Disposal
 40 Account for the reporting period, the amount credited to the Scrap Tire
 41 Disposal Account during the reporting period, and the amount of revenue used
 42 for grants and to clean up nuisance tire collection ~~under the provisions of G.S.~~
 43 ~~130A-309.64~~ as required by G.S. 130A-309.63(d).

44"

45 **SECTION 1.(e)** G.S. 130A-309.09C(g) reads as rewritten:

46 "(g) In addition to any other penalties provided by law, a unit of local government that
 47 does not comply with the requirements of G.S. 130A-309.09A(b), G.S. 130A-309.09A(d), and
 48 G.S. 130A-309.09B(a) shall not be eligible for grants from the Solid Waste Management Trust
 49 ~~Fund Fund, the Scrap Tire Disposal Account,~~ or the White Goods Management Account and
 50 shall not receive the proceeds of the scrap tire disposal tax imposed by Article 5B of Chapter 105
 51 of the General Statutes or the proceeds of the white goods disposal tax imposed by Article 5C of

1 Chapter 105 of the General Statutes to which the unit of local government would otherwise be
2 entitled. The Secretary shall notify the Secretary of Revenue to withhold payment of these funds
3 to any unit of local government that fails to comply with the requirements of
4 G.S. 130A-309.09A(b), G.S. 130A-309.09A(d), and G.S. 130A-309.09B(a). Proceeds of the
5 scrap tire disposal tax that are withheld pursuant to this subsection shall be credited to the ~~General~~
6 ~~Fund and may be used as provided in G.S. 130A-309.64. Highway Fund.~~ Proceeds of the white
7 goods disposal tax that are withheld pursuant to this subsection shall be credited to the ~~General~~
8 ~~Fund and may be used as provided in G.S. 130A-309.83. Highway Fund.~~"

9 **SECTION 1.(f)** G.S. 130A-309.54 reads as rewritten:

10 "**§ 130A-309.54. Use of scrap tire tax proceeds.**

11 Article 5B of Chapter 105 imposes a tax on new tires to provide funds for the disposal of
12 scrap tires, ~~for the cleanup of inactive hazardous waste sites under Part 3 of this Article, and for~~
13 ~~all the purposes for which the Bernard Allen Memorial Emergency Drinking Water Fund may~~
14 ~~be used under G.S. 87-98. tires.~~ A county may use proceeds of the tax distributed to it under that
15 Article only for the disposal of scrap tires pursuant to the provisions of this Part or for the
16 abatement of a nuisance pursuant to G.S. 130A-309.60."

17 **SECTION 2.** G.S. 130A-309.58 reads as rewritten:

18 "**§ 130A-309.58. Disposal of scrap tires.**

19 ...

20 (h) The following provisions apply to the collection and shipment of tires for disposal or
21 recycling, in addition to the other requirements of this Part:

22 (1) Nothing in this Part shall prohibit a unit of local government from collecting
23 and shipping, or arranging for the collection and shipment of, scrap tires
24 directly from a tire retailer for permissible disposal or recycling purposes.

25 (2) A tire retailer that ships its own scrap tires directly from the tire retailer's
26 location to a disposal or recycling facility, in coordination with the county in
27 which the scrap tires were generated, shall not be liable for the costs of
28 shipping to the disposal or recycling facility, except for those costs associated
29 with trailers owned and operated by the tire retailer. A tire retailer shall,
30 however, be responsible for the costs of shipping to a site provided by a county
31 for scrap tire collection pursuant to subsection (e) of this section."

32 **SECTION 3.** Section 1 of this act becomes effective October 1, 2023, and applies to
33 quarterly crediting of the proceeds of the scrap tire disposal tax occurring on or after that date.
34 The remainder of this act is effective when it becomes law.