

**I. Legislative History.**

The State has found that unregulated collection of Waste Tires leads to stockpiling and illegal dumping of Waste Tires. Stockpiles and illegally dumped Waste Tires create breeding grounds for mosquitoes, snakes, rodents and various vermin; fire hazards; and pollution. Those circumstances are adverse to public health and welfare. As a result, the State has enacted legislation concerning the management of Waste Tires, and has delegated to DHEC the authority to regulate management of Waste Tires in accordance with the Act.

DHEC has informed the County that use of “Tire Amnesty Day” encourages stockpiling and illegal dumping of Waste Tires. DHEC has advised that for the County to remain eligible for tens of thousands of dollars in grant funding from the South Carolina Waste Tire Grant Trust Fund, the County must authorize and enforce a written Waste Tire policy that incorporates the mandatory provisions of the Act and the Regulation regarding collection of Waste Tires.

Waste Tire management is costly. The County finds that remaining eligible for grant funding to defray the costs is in the best interests of Residents. As a result, the County establishes this Policy for the express purposes of (1) implementing the mandatory provisions of the Act and Regulation and (2) remaining eligible for Waste Tire grant funding.

**II. Construction and Interpretation.**

This Policy is intended to be self-contained and consistent with the mandatory provisions of the Act and Regulation. In the event that there is an ambiguity in the Policy or the Policy conflicts with a mandatory provision of the Act or Regulation, the Policy is to be interpreted in accordance with the Act and Regulation.

In interpreting this Policy, the words and phrases defined in the Act and Regulation shall have the same definitions in this Policy. Without limiting the foregoing, but solely for ease of reference, the words and phrases most relevant to this Policy appear in the Definitions section of this Policy.

**III. Waste Tire Policy.**

**A. Name; Governance; General Rule.**

**1.** This enactment shall be known as the Orangeburg County Waste Tire Policy and shall be referred to in this document as the Policy.

**2.** The Policy shall govern the Management of all Waste Tires located in the County.

**3.** The County's policy, in general, shall be to act in accordance with all mandatory provisions of the Act and the Regulation.

**B. Stockpiling Waste Tires.**

No person or entity shall allow the Stockpiling of Waste Tires on its property; however, the following circumstances shall not be considered Stockpiling:

**1.** Waste Tires collected at the Designated Landfill for transport in accordance with the Regulation.

**2.** Waste Tires placed at Convenience Sites in accordance with Policy Section III.C.2.a.

**3.** Waste Tires (a) kept in accordance with State-mandated mosquito and public health nuisance prevention and control requirements that (b) fall into one of the categories listed in the Regulation at Section D titled "Waste Tire Permit Exemptions" which currently are listed as follows:

- i. At a Tire retailing business where less than one thousand (1,000) Waste Tires are kept on the business premises.
- ii. At a Tire retreading business where less than two thousand five hundred (2,500) Waste Tires are kept on the business premises, or a tire retreading facility that is owned or operated by a company that manufactures tires in this State or the Tire manufacturer's parent company or its subsidiaries.
- iii. At a business that, in the ordinary course of business, removes Tires from motor vehicles where less than one thousand (1,000) Tires removed as part of that business are kept on the business' premises.
- iv. On property zoned for agricultural use if (a) the Waste Tires are generated onsite of a County agricultural facility and (b) are being beneficially re-used onsite of a County agricultural facility.
- v. At the site of a manufacturer who disposes of Tires generated in the course of its scientific research and development activities, so long as the Waste Tires are buried on the facility's own land or that of its affiliates or subsidiaries and the disposal facility is in compliance with all applicable regulations.

**C. Collection of Waste Tires.**

The Designated Landfill is the sole collection site for Waste Tires in this County, with the limited exception of Policy Section III.C.2.a. regarding Residents and Convenience Sites.

**1. Collection of Motor Vehicle Waste Tires.**

a. The Designated Landfill shall accept Compliant, Documented Motor Vehicle Waste Tires without charge from Residents, County New Tire Retailers, County-Located Commercial Fleets, and DHEC-registered, County Tire Haulers.

b. The Designated Landfill shall accept Compliant, Documented Motor Vehicle Waste Tires without charge from DHEC-verified, County Automobile Dismantlers, but only if DHEC grant funding is available to the County for the Management of Waste Tires from that source; however, if DHEC grant funding is not available to the County for Management of Waste Tires from that source, then the Fee Schedule shall apply to Waste Tires received from that source at the Designated Landfill.

**2. Collection of Un-documented Motor Vehicle Waste Tires.**

a. The Designated Landfill shall accept Compliant, un-Documented Motor Vehicle Waste Tires at no charge from Residents, but not in excess of 15 Motor Vehicle Waste Tires per residence per year.

b. Compliant, un-Documented Motor Vehicle Waste Tires from any other County source shall be accepted only in accordance with the Fee Schedule.

**3. Waste Tire Collection Fee Schedule.**

a. The County shall collect recycling fees for Compliant, un-documented Waste Tires brought to the Designated Landfill, except as allowed under Policy Section III.C.2.a.

b. Council shall set the fees taking into account the following: (i) the fees allowed under State law; and (ii) the fees being charged by authorized collection sites located in counties contiguous to the County.

c. As part of the budget process, Council shall review and, if appropriate, adjust the recycling collection fees. The Waste Tire Collection Fee Schedule for Compliant, un-documented Waste Tires is as follows:

i. On-Road Motor Vehicle Tires – \$150 a ton.

ii. Off-Road Motor Vehicle Tires

(a) If the Tire was used for agricultural purposes in the County prior to attaining Waste Tire status, then \$5.00 per Tire, then upon the person disposing of the Tire presenting proof of farm number (aka FSA number) and proof of County residency, the following recycle collection fees shall apply:

(i) Tires less than or equal to 24 inches, \$2.00 per Tire

(ii) Tires greater than 24 inches, \$5.00 per Tire

(b) In all other instances, \$250 a ton

iii. Other Tires – \$150 a ton

**4. Credits.**

The County shall establish a credit system for those who bring Waste Tires to the Designated Landfill. The credit system shall be based upon Documentation presented at the time Waste Tires are presented at the Designated Landfill.

**IV. Waste Tire Policy Violations.**

**A. Violations.**

**1.** It shall be a violation of this Policy for any person or entity to knowingly collect or discard a Waste Tire in this County, except in accordance with this Policy.

**2.** In the event that Waste Tires are dumped on property located in the County without the landowner's knowledge or consent and the party responsible for the dumping cannot be identified and held accountable, then the landowner may discard of a maximum of 50 of those Compliant Waste Tires at the Designated Landfill without paying the Waste Tire Collection Fee and without the County reporting the landowner to DHEC; however, the foregoing exception shall apply on a one-time basis for a landowner and shall not apply on a per parcel or property basis.

**B. Enforcement.**

The County may enforce any violation of the Policy as the County enforces any Orangeburg County Code violation. The County shall report violations of the Act or Regulation to DHEC.

**V. Waste Tire Policy Definitions.**

For ease of reference, what follows is a list of capitalized words and phrases that appear in this Policy with their respective meanings:

**Act** means Article 1 Chapter 96 of the South Carolina Solid Waste Policy and Management Act, South Carolina Code Section 44-96-170.

**Compliant** describes a Waste Tire that is in a proper condition to be shipped as presented at the Designated Landfill. Non-compliant conditions include, but are not limited to the following: shredded, containing a rim, muddy, holding water.

**County** means Orangeburg County, South Carolina, a political subdivision of the State of South Carolina.

**County Automobile Dismantler** means:

1. A County Resident or an entity located in the County;
2. Engaged in a business that involves salvage of automobiles;
3. Verified by DHEC as an automobile dismantler.

**County Convenience Site** means one of the sites designated by the County for the collection of solid waste. At the passage of this Policy, the County has 21 Convenience Sites. The County may, from time-to-time, add or subtract from the number or vary the locations of the Convenience Sites; however, a list of the current Convenience Sites is attached to this Policy as Attachment 1.

**County-Located Commercial Fleet** means:

1. A County Resident or an entity located in the County;
2. Engaged in a business that involves establishment and maintenance of a fleet of vehicles;
3. That properly pays the State-mandated, tire recycle fee for each tire used by its fleet vehicles.

**County New Tire Retailer** means:

1. A County Resident or an entity located in the County;
2. Engaged in the business of selling Tires to retail customers;
3. That properly collects and remits the State-mandated, tire recycling fee.

**County Resident** means a natural person whose primary legal residence is located in Orangeburg County and who can present proof of same at the time a Waste Tire is presented for disposal.

**County Waste Tire Hauler** means:

1. A County Resident or an entity located in the County;
2. Currently registered with DHEC as a Waste Tire Hauler and present the proper DHEC permit and documentation at the time it presents Waste Tires for disposal;
3. Who engages exclusively in the pick up or transportation of Waste Tires generated in the County;

4. In an amount greater than one hundred twenty (120) Waste Tires per year;
5. For the purpose of storage, processing, or disposal.

**DHEC** means the South Carolina Department of Health and Environmental Control.

**Designated Landfill** means the solid waste landfill located at 310 Endicott Court in Orangeburg, South Carolina on a parcel also known by County Tax Map Number 0180-00-02-002.000 which shall be the County's collection site for Waste Tires. Other than the limited use county Residents may make of the County Convenience Sites, the Designated Landfill is the only site in the County authorized to be a collection site for Waste Tires.

**Documented** and **Documentation** means whatever tangible materials DHEC designates as acceptable evidence to prove that the applicable, State-mandated (1) tire recycle fee was paid prior to the Waste Tire being presented at the Designated Landfill and (2) if applicable, the person presenting Waste Tires at the Designated Landfill is a registered Waste Tire Hauler or a verified Automobile Dismantler. Without limiting the foregoing, the following documentation shall be acceptable regarding (1) until such time as DHEC or the County determines otherwise: S.C. tax form ST 390; cancelled check or receipt from DOR.

**Management** means the collection and transport of Waste Tires.

**Non-Compliant** describes a tire that is not in proper condition to be shipped as presented at the Designated Landfill. Non-compliant conditions include, but are not limited to the following: shredded, containing a rim, muddy, holding water.

**Regulation** means Regulation 61-107.3 of the South Carolina Code of Regulations titled: "Solid Waste Management: Waste Tires."

**Policy** means this Orangeburg County Waste Tire Policy.

**State** means the State of South Carolina the governing body of which is the State Legislature.

**Stockpile** or **Stockpiling** means any collection and/or storage of Waste Tires in excess of what is in accordance with all three of the following: the Act, the Regulation and this Policy.

**Tire** means a continuous solid or pneumatic rubber covering encircling the wheel of a vehicle. The following categories of Tires are important to this Policy and those are as follows:

- **On-Road Motor Vehicle Tire** means that used on a vehicle (1) propelled by power other than muscular power (2) that is used to transport people or property (3) on South Carolina road. Without limiting the foregoing definition, Motor Vehicle Tire includes a tire used on any of the following vehicles: automobile, pick-up truck, truck, trailer, truck tractor and semitrailer combination, or motorcycle.

- Off-Road Motor Vehicle Tire means that used on a vehicle (1) propelled by any source of power other than muscular power (2) for (a) agricultural purposes (which, for purposes of this Policy, shall include forestry purposes) or (b) for construction or other heavy work purposes (3) used primarily off the roadways of South Carolina, except when used for road maintenance and construction. In accordance with the Regulation, “Waste tires for agricultural purposes” means Waste Tires which are generated during the normal production of plants and livestock and which are kept on-site for beneficial use. See Regulation at E.9.
- Other Tire means that used on a bicycle, moped or vehicle used only on tracks.

**Waste Tire** means a Tire that is no longer suitable for its originally intended purpose because of wear, damage, or defect.

## Convenience Sites

<u>Site Name</u>	<u>Address</u>
Blewer Road	1096 Blewer Rd., Cordova
Bowman	211 Adam St., Bowman
Bozard Road	580 Bozard Road, Orangeburg
Branchville	138 Miley Road, Branchville
Elloree	303 Midway Road, Elloree
Eutawville	848 Sandspoint Street, Eutawville
Glover Street	490 Glover Street, Orangeburg
Holly Hill #1	1803 Branchdale Road, Holly Hill
Holly Hill #2	185 Big Oak Drive, Holly Hill
Neeses	278 Neeses Camp Road, Neeses
North (Town of)	8338 North Road, North
North Road	4028 North Road, Orangeburg
Norway	328 Somerset Drive, Norway
Oaks	3311 Old State Road, Santee
Rowesville	212 Calhoun Street, Rowesville
Ruf Road	221 Ruf Road, Orangeburg
Santee	7223 Five Chop Road, Santee
Sturkie Street	866 Sturkie Street, Orangeburg
Sawyerdale	140 Site Road, North
Springfield	330 Skyland Drive, Springfield
Woodford	1181 Lightning Hill Road, North

## ATTACHMENT 1