

AN ORDINANCE

TO ESTABLISH REGULATIONS FOR WASTE TIRE HAULERS IN GREENVILLE COUNTY.

BE IT ORDAINED by the County Council of Greenville County, South Carolina:

Section 1. Findings. Greenville County Council finds that illegally dumped waste tires create significant health and safety risks for Greenville County. Stockpiles of waste tires create an ideal breeding ground for mosquitoes and rodents to thrive, creating a health hazard for the community. Waste tires can result in large scale tire fires, which release toxic pollutants in the air and are difficult to extinguish. Rubber from waste tires can decompose into oil and contaminate ground water. Illegally dumped waste tires are also an eyesore that impairs the natural beauty of the County. Greenville County Council hereby finds that there is a need to create a program to strictly regulate the disposal of these waste tires to protect the public health, safety, and welfare of the citizens of Greenville County.

Section 2. Definitions. For the purposes of this ordinance, the terms below shall have the following meanings:

"Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

"South Carolina Waste Tire Manifest" means documentation required by South Carolina Code of Regulations § 61-107.3 used to track and certify the movement of waste tires from the point of origination to a permitted waste tire collection facility, a permitted solid waste management facility, or a permitted, or approved, waste tire processing facility.

"Transport" or "Transportation" means the movement of waste tires by any means, including, but not limited to, by vehicle, trailer, cart, or on foot.

"Waste Tire" means any tire that is no longer suitable for its intended purpose because of wear, damage, or defect or that is deemed unfit for and is not being used for any other purpose.

"Waste Tire Hauler" means any person engaged in the transportation of 15 or more waste tires at one time that have been received in Greenville County or that will be stored, processed, or disposed of in Greenville County.

Section 3. Certification Requirement for Transporting Waste Tires

- A. No Person shall transport Waste Tires as a Waste Tire Hauler within Greenville County, South Carolina without a valid and current South Carolina Waste Tire Hauler Registration from the South Carolina Department of Health and Environmental Control ("SCDHEC") and a Waste Tire Hauler Certificate from Greenville County's Solid Waste Services as

required below.

- B. Every Waste Tire Hauler shall register with and obtain a Waste Tire Hauler Certificate from Greenville County Solid Waste Services annually. The annual certificate fee shall be \$100.00, and the certificate shall have an annual expiration date of March 1.
- C. An applicant shall submit a new application for a County Waste Tire Hauler Certificate at least 30 days before the hauler intends to begin transporting Waste Tires.
- D. An applicant shall submit a certificate renewal application at least 30 days before the expiration of the existing certificate.
- E. To be eligible for a Greenville County Waste Tire Hauler Certificate, an applicant must provide the County with:
 - 1. A copy of a valid and current SCDHEC South Carolina Waste Tire Hauler Registration;
 - 2. A current and valid business registration letter issued by Greenville County Real Property Services;
 - 3. A completed application that complies with this ordinance; and
 - 4. The annual certificate fee.
- F. The initial and all renewal applications must contain, at a minimum:
 - 1. The name and address of the hauling company and the names and addresses of the officers or owners of the hauling company;
 - 2. If the applicant is not a company, the applicant's name and address;
 - 3. Information on the locations in Greenville County or elsewhere to which the waste tires will be transported for storage, processing, or disposal;
 - 4. The VIN or other identification number for each vehicle and trailer that the applicant will use to transport Waste Tires; and
 - 5. For renewal applications, the annual report required by S.C. Code of Regulations § 61-107.3.
- G. A successful applicant shall receive a Greenville County Waste Tire Hauler Decal for each truck and trailer that the applicant registers with Solid Waste Services. The Waste Tire Hauler Decal expires after one year. The replacement fee for a lost or destroyed Waste Tire Hauler Decal is \$15.00.
- H. Any vehicle or trailer that will be used to transport Waste Tires must be registered with Greenville County Solid Waste Services and listed on the Waste Tire Hauler Certification. In addition, a Waste Tire Hauler must display a current and valid Waste Tire Hauler decal

issued by Greenville County in a conspicuous space on the rear driver's side of each vehicle and trailer used to transport Waste Tires.

- I. When a County Waste Tire Hauler Certificate expires or is surrendered, suspended, or revoked, the applicant shall immediately remove all Waste Tire Hauler Decals from all vehicles and trailers.
- J. *Certificate Exemption.* A person transporting 15 or more Waste Tires shall not be required to obtain a County Waste Tire Hauler Certificate under the following circumstances:
 - 1. The person only travels through Greenville County with Waste Tires as part of interstate commerce and does not pick up, deposit, transfer, or dispose of any Waste Tires in Greenville County.
 - 2. The hauler is a municipal, county, state, or other public agency.

Section 4. Disposal of Waste Tires

- A. Every Waste Tire Hauler must deliver or dispose of all waste tires at a waste tire collection facility, landfill, or processing facility. If the waste tire collection facility, landfill, or processing facility is located in South Carolina, it must have a current and valid permit or approval from SCDHEC.
- B. Every Waste Tire Hauler shall dispose of all waste tires within 30 days of receipt of the Waste Tires.

Section 5. Violation.

It shall be a violation of this ordinance for a Waste Tire Hauler to willfully:

- A. Transport fifteen (15) or more waste tires within Greenville County without having:
 - 1. A current South Carolina Waste Tire Manifest that complies with S.C. Reg. 61-107.3 in their immediate possession;
 - 2. A current and valid Waste Tire Hauler Certificate issued by Greenville County Solid Waste Services in their immediate possession; and
 - 3. A current and valid Greenville County Waste Tire Hauler Decal displayed on the transporting vehicle or trailer as required by this ordinance.

OR

- B. Deliver or dispose of any Waste Tires within Greenville County at any location other than a waste tire collection facility, landfill, or processing facility that has a current and valid permit or approval to operate from SCDHEC.

OR

C. Fail to remove all County Waste Tire Hauler Decals from a vehicles and trailers immediately upon the County Waste Tire Hauler Certificate expiring or being surrendered, suspended, or revoked.

OR

D. Fail, within 30 days of having taken possession of the Waste Tires, to deliver or dispose of any waste tires in a manner required by law.

Section 6. Penalties.

A. A violation of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine and/or imprisonment up to the jurisdictional limits of magistrate's court. Each day a violation occurs constitutes a separate offense.

B. *Suspension of Certificate.* Upon conviction for violation of this ordinance, the County's Solid Waste Services shall immediately suspend the County Waste Tire Hauler Certificate issued to the Waste Tire Hauler and shall not renew the Certificate for a period of not less than 12 months from the date of conviction.

Section 7. Severability. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 8. Repeal. Any ordinance, resolution, or order, the terms of which conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 9. Effective Date. This Ordinance shall take effect on March 1, 2024.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2023.

Dan Tripp, Chairman
Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator