

SENATE BILL 2560

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 4, Part 16; Title 68, Chapter 211 and Chapter 457 of the Public Acts of 2013, relative to tires.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-211-867, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d)

(1) A landfill shall not accept whole waste tires for disposal. Landfill operators shall segregate whole waste tires at landfills and provide a temporary storage area for such tires until transported to an appropriate facility to be used for an approved beneficial end use as defined in this section, or the tires are processed and disposed of pursuant to subdivision (d)(2) and regulations promulgated by the board.

(2) A county may not dispose of waste tires in a landfill after July 1, 2002, if the county's net cost for processing, transporting and disposing of waste tires exceeds the cost of an available beneficial end use. Nothing in this subsection (d) shall prohibit a county from electing to participate in a beneficial end use for waste tires at a cost that exceeds the county's net cost for processing, transporting and disposing of waste tires in a landfill.

SECTION 2. Chapter 457 of the Public Acts of 2013, is amended in Section 67-4-1610 of SECTION 1 by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Notwithstanding Chapter 994 of the Public Acts of 2000, or any other provision of law to the contrary, the remaining amount of the fee levied by § 67-4-1603 that is not retained by the dealer pursuant to subsection (a) shall be allocated as follows:

(1) If a county does not have a tire grant contract with the department of environment and conservation pursuant to the tire grant program administered under § 68-211-867, one dollar (\$1.00) per tire sold in that county shall be sent directly by the commissioner of revenue to such county to be used for the disposal of waste tires in accordance with § 68-211-867 and not used for any other purposes. The remaining balance of the fee shall be allocated to the solid waste management fund established by § 68-211-821. The county shall include in its annual progress report to the department of environment and conservation pursuant to § 68-211-814(a) data on how many waste tires it manages and what is done with them; or

(2) If a county has a tire grant contract with the department of environment and conservation pursuant to the tire grant program administered under § 68-211-867, or had such a tire grant contract that was in effect at the time the fee was imposed, the remainder of the fee per tire sold in that county shall be allocated to the solid waste management fund established by § 68-211-821. The department of environment and conservation shall return a minimum of one dollar (\$1.00) per tire sold in such counties to the county under its grant contract. If the grant contract either does not allow the department of environment and conservation to return a minimum of one dollar (\$1.00) per tire sold in a county to such county, or would require repayment of any such funds, the department of environment and conservation shall return a minimum of one dollar (\$1.00) per tire sold in such county to the county through additional grants, unrelated to the tire grant contract, to be used for the disposal of waste tires in accordance with § 68-211-867 and not used for any other purposes.

Such counties are not required to submit any additional workplan, budget, or other similar document. Any such additional grants shall be based on one dollar (\$1.00) per tire sold in the county minus any amounts returned under the tire grant contract. The county shall include in its annual progress report to the department of environment and conservation pursuant to § 68-211-814(a) data on how many waste tires it manages and what is done with them.

SECTION 3. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 2 of this act shall take effect at 12:01 a.m. on July 1, 2014, the public welfare requiring it.