



House of Representatives

General Assembly

File No. 56

January Session, 2017

Substitute House Bill No. 6352

House of Representatives, March 13, 2017

The Committee on Environment reported through REP. DEMICCO of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING BENEFICIAL END USES IN CONNECTICUT FOR DISCARDED TIRES AND REQUIRING THE ESTABLISHMENT OF A TIRE HAULER LICENSE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) Not later than February 1, 2018, the
2 Commissioner of Energy and Environmental Protection shall submit a
3 report, in accordance with the provisions of section 11-4a of the general
4 statutes, to the joint standing committee of the General Assembly
5 having cognizance of matters relating to the environment on beneficial
6 end uses in this state for discarded tires that result in the recycling of
7 such discarded tires in this state rather than the export and burning of
8 such discarded tires. In preparing such report, the commissioner shall
9 identify and evaluate beneficial end uses that can be realized in this
10 state for such discarded tires, including, but not limited to, the use of
11 such discarded tires in pathways and trails for pedestrians and bikes
12 and construction materials, including, but not limited to, roofing
13 shingles. In evaluating such possible end uses, the commissioner shall
14 not consider the use of such discarded tires in roadways.

15 Sec. 2. (NEW) (*Effective from passage*) Not later than July 1, 2018, the
 16 Commissioner of Energy and Environmental Protection shall establish
 17 a tire hauler license. Such tire hauler license shall be required of any
 18 person who engages in the commercial hauling of discarded tires in
 19 this state. Nothing in this section shall be construed to require such
 20 licensure for any person transporting used tires in this state for
 21 verifiable personal use. In establishing such license, the commissioner
 22 may establish a reasonable fee for such license. Any such license shall
 23 require that such licensee does not illegally dump such tires and only
 24 delivers such tires to facilities that store, dispose of or use such
 25 discarded tires in a manner that protects the public health and the
 26 environment. The commissioner may prescribe the form and manner
 27 of application for such license. In developing such tire hauler license
 28 requirements, the commissioner may review and consider the tire
 29 hauler license and permit requirements of other states, including, but
 30 not limited to, the states of Michigan, Maryland and Texas. The
 31 commissioner may adopt regulations, in accordance with the
 32 provisions of chapter 54 of the general statutes, to implement the
 33 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
State Comptroller - Fringe Benefits ¹	GF - Cost	None	91,000
Department of Energy and Environmental Protection	GF - Cost	None	240,000
Department of Energy and Environmental Protection	GF - Revenue Gain	None	At least 750,000

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill requires the Department of Energy and Environmental Protection (DEEP) to establish a tire hauler license by July 1, 2018 (FY 19).

DEEP will need to hire three positions at an average salary of \$80,000 annually, plus associated fringe benefit costs, to administer this new program. Total annualized costs are estimated at \$331,000 in FY 19.

The bill allows DEEP to charge a reasonable license fee and implementing regulations for this new licensure program. This is anticipated to result in a significant revenue gain, estimated at over \$750,000 annually, as over 1,000 haulers are projected to apply for a

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.08% of payroll in FY 18 and FY 19.

license.

The bill also requires DEEP, by February 1, 2018, to provide the Environment Committee with a report on discarded tires. This has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of haulers who obtain a license.

OLR Bill Analysis**sHB 6352*****AN ACT CONCERNING BENEFICIAL END USES IN CONNECTICUT FOR DISCARDED TIRES AND REQUIRING THE ESTABLISHMENT OF A TIRE HAULER LICENSE.*****SUMMARY**

This bill requires the environmental protection commissioner, by July 1, 2018, to establish a tire hauler license for people in the business of transporting discarded tires. The license must (1) require haulers to deliver the tires to facilities that store, dispose, or use them in a manner that protects the public health and environment, and (2) prohibit haulers from dumping tires illegally. Under the bill, transporting scrap tires for verifiable personal use does not require a license.

The commissioner may charge a reasonable license fee, prescribe the form and manner of applying for the license, and adopt implementing regulations. In developing the license requirements, the commissioner may review and consider the tire hauler license and permit requirements of other states, including Maryland, Michigan, and Texas.

The bill also requires the commissioner, by February 1, 2018, to report to the Environment Committee on beneficial end uses of discarded tires that will result in recycling them in the state rather than exporting and burning them. The commissioner must identify and evaluate using recycled scrap tires in pedestrian and bicycle paths and trails and as construction material, such as roofing shingles. The bill prohibits the commissioner from considering the use of recycled scrap tires in roadways.

EFFECTIVE DATE: Upon passage

BACKGROUND

Tire Dumping

By law, it is illegal to dump tires on public property or private property owned by another, except at designated, or licensed facilities that the person dumping the tires is authorized to use. Violators are subject to a civil penalty of between \$1,000 and \$10,000 for each day the violation continues. A court may order the violator to move the tires to a solid waste facility, and, it finds the violation to be willful, may impose a civil penalty of three times the cost of remediation, in addition to other applicable civil penalties. The court also may order a violator to pay restitution to a landowner who has suffered damages (CGS § 22a-250 (d) and (h)).

Beneficial Use of Solid Waste

Beneficial use of solid waste refers to using solid waste in a manufacturing process to make a product or as an effective substitute for a commercial product (CGS § 22a-209f).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 26 Nay 3 (03/01/2017)