



General Assembly

January Session, 2017

Committee Bill No. 6352

LCO No. 3361



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT ESTABLISHING A TIRE STEWARDSHIP PROGRAM.

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

1 Section 1. (NEW) (*Effective from passage*) For the purposes of this
2 section and sections 2 to 7, inclusive, of this act:

3 (1) "Brand" means a name, symbol, word or mark that attributes a
4 tire to the producer of such tire;

5 (2) "Commissioner" means the Commissioner of Energy and
6 Environmental Protection;

7 (3) "Covered entity" means any permitted transfer station, tire
8 retailer, car dealership, automotive garage or private or public sector
9 fleet maintenance garage;

10 (4) "Department" means the Department of Energy and
11 Environmental Protection;

12 (5) "Discarded tire" means any tire that a person discarded or
13 abandoned or intends to discard or abandon;

14 (6) "Tire stewardship program" or "program" means the state-wide
15 program described in section 2 of this act and implemented pursuant
16 to the tire stewardship plan;

17 (7) "Tire" means a product composed primarily of rubber that is
18 mounted on the wheels of all types of passenger and commercial on-
19 road and off-road motorized vehicles including passenger vehicles,
20 motorcycles, trucks, buses, mobile homes, trailers, aircraft,
21 earthmoving, road building, mining, logging, agricultural, industrial
22 and other vehicles to provide mobility. "Tire" does not include any tire
23 from any toy, bicycle, commercial aircraft or personal mobility devices;

24 (8) "Performance goal" means a metric to measure, on an annual
25 basis, the performance of the tire stewardship program, taking into
26 consideration technical and economic feasibilities, in achieving
27 continuous, meaningful improvement in increasing the rate of tire
28 recycling in the state and any other specified goal of the tire
29 stewardship program;

30 (9) "Producer" means any person who manufactures a tire that is
31 sold, offered for sale or distributed in the state under the producer's
32 own name or brand. "Producer" includes (A) the owner of a trademark
33 or brand under which a tire is sold, offered for sale or distributed in
34 this state, and (B) any person who imports a tire into the United States
35 that is sold or offered for sale in this state and that is manufactured by
36 a person who does not have a presence in the United States. "Producer"
37 does not include any manufacturer of tires with less than one-tenth of
38 one per cent of the nationally recognized market share;

39 (10) "Recycling" means any process in which discarded products,
40 components and by-products may lose their original identity or form
41 as they are transformed into new, usable or marketable materials.
42 "Recycling" does not include the use of incineration for energy
43 recovery; and

44 (11) "Stewardship organization" means a nonprofit organization

45 created by two or more tire producers with a minimum of five per cent
46 of the nationally recognized market share to design, submit and
47 implement a tire stewardship program as described in section 2 of this
48 act.

49 Sec. 2. (NEW) (*Effective from passage*) (a) On or before July 1, 2018,
50 each producer, or such producer's designee, shall join a stewardship
51 organization and such stewardship organization shall submit a plan,
52 for the Commissioner of Energy and Environmental Protection's
53 approval, to establish a state-wide tire stewardship program, as
54 described in this subsection. Such tire stewardship program shall, to
55 the extent it is technologically feasible and economically practical: (1)
56 Minimize public sector involvement in the management of discarded
57 tires; (2) provide for free, convenient and accessible state-wide
58 opportunities for the receipt of discarded tires from any person in the
59 state with a discarded tire that was discarded in this state, including,
60 but not limited to, participating covered entities that accumulate and
61 segregate a minimum of six cubic yards of discarded tires for collection
62 at one time; (3) provide for the free collection of discarded tires from
63 municipal transfer stations that accumulate and segregate fewer than
64 one hundred tires, provided any such municipal transfer station
65 requires collection due to space or permit requirements; (4) provide for
66 producer-financed end-of-life management for discarded tires
67 collected pursuant to subdivisions (2) and (3) of this subsection; (5)
68 provide suitable storage containers at, or make other mutually
69 agreeable storage and transport arrangements for, permitted municipal
70 transfer stations for segregated, discarded tires, at no cost to such
71 municipality.

72 (b) Any plan submitted pursuant to subsection (a) of this section
73 shall: (1) Identify each producer participating in the tire stewardship
74 program; (2) describe how the program will be financed; (3) establish
75 performance goals for the first two years of the program; (4) identify
76 proposed facilities to be used by the program; (5) detail how the
77 program follows the solid waste hierarchy, as defined in the state-wide

78 solid waste management plan and will promote the recycling of
79 discarded tires; and (6) include a description of the public education
80 program for such tire stewardship program.

81 (c) Each stewardship organization shall establish and implement a
82 system for financing the organization's applicable tire stewardship
83 program that covers, but does not exceed, the costs of (1) developing
84 the plan described in subsection (b) of this section, (2) operating and
85 administering the tire stewardship program described in subsection (a)
86 of this section, and (3) maintaining a financial reserve sufficient to
87 operate such tire stewardship program. Each stewardship organization
88 shall maintain all records relating to such tire stewardship program for
89 a period of not less than three years.

90 (d) For any tire stewardship program established by any
91 stewardship organization, recycling shall be preferred over any other
92 disposal method for tires to the extent that recycling is technologically
93 feasible and economically practical.

94 (e) The Commissioner of Energy and Environmental Protection shall
95 approve any plan for the establishment of a tire stewardship program,
96 provided such plan meets the requirements of subsections (a) to (d),
97 inclusive, of this section. Not later than ninety days after submission of
98 a plan pursuant to this section, the commissioner shall make a
99 determination whether to approve the plan. In the event that the
100 commissioner disapproves a plan because it does not meet the
101 requirements of subsections (a) to (d), inclusive, of this section, the
102 commissioner shall describe the reasons for such disapproval in a
103 notice of determination that the commissioner shall provide to the
104 applicable stewardship organization. The stewardship organization
105 shall revise and resubmit the plan to the commissioner not later than
106 forty-five days after receipt of the commissioner's disapproval notice.
107 Not later than forty-five days after receipt of the revised plan, the
108 commissioner shall review and approve or disapprove the revised
109 plan and provide a notice of determination to the stewardship

110 organization. A stewardship organization may resubmit a revised plan
111 to the commissioner on not more than two occasions. If the
112 stewardship organization fails to submit a plan that is acceptable to the
113 commissioner because it does not meet the requirements of subsections
114 (a) to (d), inclusive, of this section, the commissioner shall modify the
115 resubmitted plan to conform with the requirements of subsections (a)
116 to (d), inclusive, of this section, and approve such modified plan. Not
117 later than one hundred twenty days after the approval of a plan
118 pursuant to this section, or one hundred eighty days, in the case of a
119 plan modified by the commissioner, the stewardship organization
120 shall implement the applicable tire stewardship program.

121 (f) (1) Each stewardship organization shall submit any proposed
122 substantial change to the tire stewardship program to the
123 Commissioner of Energy and Environmental Protection for approval.
124 For the purposes of this subdivision, "substantial change" means: (A) A
125 change in the processing facilities to be used for discarded tires
126 collected pursuant to the tire stewardship program, or (B) a material
127 change to the system for collecting tires under a tire stewardship
128 program.

129 (2) Not later than July 1, 2021, each stewardship organization shall
130 submit a report of updated performance goals to the commissioner for
131 approval that are based on the experience of the tire stewardship
132 program during the first two years of such program.

133 (g) Each stewardship organization shall notify the Commissioner of
134 Energy and Environmental Protection of other material changes to the
135 program on an ongoing basis, without resubmission of the plan to the
136 commissioner for approval.

137 (h) Not later than October 15, 2020, and each year thereafter, each
138 stewardship organization shall submit an annual report to the
139 Commissioner of Energy and Environmental Protection, on a form
140 prescribed by the commissioner. Such report shall include: (1) The
141 tonnage of tires collected pursuant to the tire stewardship program

142 from (A) public covered entities, and (B) all other covered entities; (2)
143 the tonnage of tires diverted to recycling; (3) a summary of the public
144 education that supports the tire stewardship program; (4) an
145 evaluation of the effectiveness of methods and processes used to
146 achieve the various performance goals of the tire stewardship
147 program; and (5) recommendations for any changes to such tire
148 stewardship program.

149 Sec. 3. (NEW) (*Effective from passage*) Upon implementation of a tire
150 stewardship program as described in section 2 of this act, any covered
151 entity that participates in such program shall not charge for the receipt
152 of discarded tires that are discarded in this state. Such covered entity
153 may restrict the acceptance of tires by number, source or physical
154 condition.

155 Sec. 4. (NEW) (*Effective from passage*) Not later than three years after
156 the approval of any plan pursuant to section 2 of this act, the
157 Commissioner of Energy and Environmental Protection shall submit a
158 report, in accordance with section 11-4a of the general statutes, to the
159 joint standing committee of the General Assembly having cognizance
160 of matters relating to the environment. Such report shall provide an
161 evaluation of the applicable tire stewardship program, establish a goal
162 for the amount of discarded tires managed under such program and
163 establish a separate goal for the recycling of such tires, taking into
164 consideration technical and economic feasibilities.

165 Sec. 5. (NEW) (*Effective from passage*) Each producer that is a member
166 of a stewardship organization and each stewardship organization shall
167 be immune from liability for any claim of a violation of antitrust law or
168 unfair trade practice, if such conduct is a violation of antitrust law, to
169 the extent such producer or council is exercising authority pursuant to
170 the provisions of sections 2 to 4, inclusive, of this act.

171 Sec. 6. (NEW) (*Effective from passage*) (a) The Commissioner of
172 Energy and Environmental Protection may seek civil enforcement of
173 the provisions of sections 2 and 3 of this act pursuant to chapter 439 of

174 the general statutes.

175 (b) Whenever, in the judgment of the Commissioner of Energy and
176 Environmental Protection, any person has engaged in or is about to
177 engage in any act, practice or omission that constitutes, or will
178 constitute, a violation of any provision of section 2 or 3 of this act, the
179 Attorney General may, at the request of the commissioner, bring an
180 action in the superior court for the judicial district of New Britain for
181 an order enjoining such act, practice or omission. Such order may
182 require remedial measures and direct compliance with the provisions
183 of section 2 or 3 of this act. Upon a showing by the commissioner that
184 such person has engaged in or is about to engage in any such act,
185 practice or omission, the court may issue a permanent or temporary
186 injunction, restraining order or other order, as appropriate.

187 (c) Any action brought by the Attorney General pursuant to this
188 section shall have precedence in the order of trial, as provided in
189 section 52-191 of the general statutes.

190 Sec. 7. (NEW) (*Effective from passage*) In the event that another state
191 implements a tire stewardship program, each stewardship
192 organization may collaborate with such state to conserve efforts and
193 resources used in carrying out each tire stewardship program,
194 provided such collaboration is consistent with the requirements of
195 sections 2 to 5, inclusive, of this act.

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
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section

Statement of Purpose:

To establish a tire stewardship program in the state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. RITTER M., 1st Dist.; REP. MCCRORY, 7th Dist.
 REP. GRESKO, 121st Dist.

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