



General Assembly

Amendment

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LCO No. 6030



Offered by:

REP. RITTER M., 1st Dist.

SEN. MCCRORY, 2nd Dist.

To: Subst. House Bill No. 6352

File No. 56

Cal. No. 72

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

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

7 (2) "Commissioner" means the Commissioner of Energy and
8 Environmental Protection;

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

12 (4) "Department" means the Department of Energy and
13 Environmental Protection;

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

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

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

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

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

41 (10) "Recycling" means any process in which discarded products,
42 components and by-products may lose their original identity or form

43 as they are transformed into new, usable or marketable materials.
44 "Recycling" does not include the use of incineration for energy
45 recovery; and

46 (11) "Stewardship organization" means a nonprofit organization
47 created by two or more tire producers with a minimum of five per cent
48 of the nationally recognized market share to design, submit and
49 implement a tire stewardship program as described in section 2 of this
50 act.

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

74 (b) Any plan submitted pursuant to subsection (a) of this section
75 shall: (1) Identify each producer participating in the tire stewardship

76 program; (2) describe how the program will be financed; (3) establish
77 performance goals for the first two years of the program; (4) identify
78 proposed facilities to be used by the program; (5) detail how the
79 program follows the solid waste hierarchy, as defined in the state-wide
80 solid waste management plan and will promote the recycling of
81 discarded tires; and (6) include a description of the public education
82 program for such tire stewardship program.

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

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

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

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

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

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

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

139 (h) Not later than October 15, 2020, and each year thereafter, each
140 stewardship organization shall submit an annual report to the

141 Commissioner of Energy and Environmental Protection, on a form
142 prescribed by the commissioner. Such report shall include: (1) The
143 tonnage of tires collected pursuant to the tire stewardship program
144 from (A) public covered entities, and (B) all other covered entities; (2)
145 the tonnage of tires diverted to recycling; (3) a summary of the public
146 education that supports the tire stewardship program; (4) an
147 evaluation of the effectiveness of methods and processes used to
148 achieve the various performance goals of the tire stewardship
149 program; and (5) recommendations for any changes to such tire
150 stewardship program.

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

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

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

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

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

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

192 Sec. 7. (NEW) (*Effective from passage*) In the event that another state
 193 implements a tire stewardship program, each stewardship
 194 organization may collaborate with such state to conserve efforts and
 195 resources used in carrying out each tire stewardship program,
 196 provided such collaboration is consistent with the requirements of
 197 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