



For the Environment Committee
Testimony of Alicea Charamut, River Steward
February 22, 2018

Since 1952, the Connecticut River Conservancy (formerly the Connecticut River Watershed Council) has worked to protect your rivers from source to sea so everyone can enjoy them. Our rivers belong to all of us. We are their voice. This means we find environmental problems and fix them, across all four river states. We run community river cleanups. We remove deadbeat dams. We plant trees. We protect and restore wildlife. We speak up on behalf of your rivers.

Testimony on RB 5128 – An Act Concerning Beneficial End Uses for Discarded Tires and the Efficacy of Tire Hauling Licenses or Permits

Aside from the submittal date, HB 5128 is the same bill as HB 869 passed by the Environment Committee in 2015. HB 869 began as a bill to establish a tire stewardship program but this committee wanted more information. Thus HB 869 became a study directed at DEEP. This bill then passed the Senate but was never called in the House for a vote.

However, DEEP proactively provided a report to this Committee in 2016 titled, “Long Term Management Options for Scrap Tires Generated in Connecticut” as well as a supplement summarizing the scrap tire management programs in Maryland, Michigan and Texas which I have attached to this testimony. The report can be found at

http://www.ct.gov/deep/Lib/deep/reduce_reuse_recycle/product_stewardship/Long_Term_Management_Options_for_Scrap_Tires_Generated_in_Connecticut_FINAL_2-17-16.pdf.

The following is the conclusion of this report:

Of the three discussed management options for scrap tires, EPR is the most likely to achieve the best outcomes for illegal dumping, job creation and recycling/environmental benefit. Based on the experiences of Ontario and British Columbia, EPR is comparable in costs when factoring in fees paid for disposal and fees to support a state tire program. The current market-based program for disposal of tires fosters illegal dumping by reacting to increased disposal fees caused by shifting market conditions. By placing a mandate to recycle to the greatest extent possible, EPR will create private sector jobs by providing a secure feedstock to businesses that recycle tires. Creating a state program specifically for tires would require establishing a tire fee to provide funding yet without the efficiencies of an EPR program. Programs in Ontario and British Columbia demonstrate that EPR can effectively and efficiently manage scrap tires through recycling at a reasonable cost, and eliminate illegal dumping while creating private sector jobs. Existing EPR programs for ewaste, paint and mattresses in Connecticut have been enthusiastically embraced by most municipalities for relieving financial burdens, facilitating collection and reducing illegal dumping.

In 2017, HB 6352 – An Act Establishing a Tire Stewardship Program was introduced to this committee. The original bill was stricken and replaced by a bill that would require DEEP to establish a hauler license. A hauler licensing program would require the development of a new program within DEEP, an agency that is already grossly under-resourced. This is aside from the fact that DEEP's report was clear that state-run programs such as this are not effective at reducing illegal dumping and that Tire Stewardship programs are more effective in creating jobs, reducing (if not eliminating) illegal dumping and increasing recycling rates cost in a cost effective manner.

The way Connecticut currently treats scrap tires is a recipe for illegal dumping and this will continue until disposal of tires is free and easy. Government and industry are not working to create **safe** and innovative ways to reuse tires. This means that scrap tires are a cost to consumers and municipalities and have less and less value to haulers and processors, which means they are piling up and ending up in our rivers. Each year during our Source to Sea Cleanup, an annual river cleanup of the entire Connecticut River watershed, volunteers pull out an average of 700 tires each year from the Connecticut River and its tributaries. CRC would love to get out of the business of pulling tires out of rivers. We have witnessed the success of the Mattress and Paint Stewardship Programs and are confident that a Tire Stewardship Program will not only solve the issue of illegal dumping of tires, but also bring economic development to the state by encouraging scrap tire processors and businesses that use scrap tire in innovative and beneficial ways to establish here in Connecticut.

HB 869 would be step backward for this committee. I encourage every member to read the report "Long Term Management Options for Scrap Tires Generated in Connecticut." Then scrap the language of HB 5128 and replace it with the language from 2017 RB 6352 – An Act Establishing a Tire Stewardship Program (attached).

Maryland Tire Program

General Description - The [Maryland Scrap Tire Program](#) is administered by three state agencies, the Maryland Department of the Environment (MDE), Maryland Environmental Services (MES) and Comptroller of the Treasury. The program is funded by a fee of \$.80 per tire sale. A tire retailer or garage may charge an additional disposal fee. Maryland estimates generating 5.5 million scrap tires per year. The program brought in \$3.7 million in 2012. Administration costs were 42% in 2012, compared to 6% in Ontario EPR program. The funds are used to:

- Administer the scrap tire program.
- License businesses and haulers. “Any person who transports, collects, processes, recycles, disposes, incinerates, or utilizes scrap tires as tire derived fuel will require the appropriate license.”
- Enforce and ensure compliance of scrap tire laws and regulations.
- Clean up scrap tire stockpiles (Maryland law requires MDE to seek cost recovery from property owners).
- Develop and distribute information regarding scrap tire issues.
- Implement and oversee projects that will reduce, recover, and recycle scrap tires.

Michigan Tire Program

General Description – The program is administered by the Michigan Department of Environmental Quality. Funding is provided through a \$1.50 fee on vehicle registration. Administrative costs averaged 38%. Budget of about \$4 million annually. The state generates about 10 million tires annually.

Funds used for:

- Administration – 12 state employees
- Licensing and registering haulers, (In 2015 - 163 haulers, 15 collection sites, 21 hauler and 17 collection site applications pending)
- Grants for cleanup
- Market development
- Enforcement

Texas Scrap Tire Program

General Description – The Texas Commission on Environmental Quality (TCEQ) administers the program. The program is funded through general funds and information on the annual

budget was not found. There is no information on the number of employees needed to administer the program because those employees also have other responsibilities. The state generates over 22 million discarded tires each year.

Scrap tires must be hauled by a registered transporter to an authorized facility, either a permitted landfill or a scrap-tire storage or processing facility. All facilities (generators, haulers and processors) and must keep records of scrap tire management using a manifest system and keep such records showing the disposition of scrap tires for 3 years. Transporters, storage sites, and processing facilities are required to file annual reports of the manifest information to the TCEQ (Approx. 500 transporters, +80 processors, approx. 20 storage facilities).

There are still substantial illegal dumping problems within the state, particularly in the cities and along the border with Mexico.



General Assembly

Committee Bill No. 6352

January Session, 2017

LCO No. **3361**

03361HB06352ENV

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:

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

- (1) "Brand" means a name, symbol, word or mark that attributes a tire to the producer of such tire;
- (2) "Commissioner" means the Commissioner of Energy and Environmental Protection;
- (3) "Covered entity" means any permitted transfer station, tire retailer, car dealership, automotive garage or private or public sector fleet maintenance garage;
- (4) "Department" means the Department of Energy and Environmental Protection;
- (5) "Discarded tire" means any tire that a person discarded or abandoned or intends to discard or abandon;
- (6) "Tire stewardship program" or "program" means the state-wide program described in section 2 of this act and implemented pursuant to the tire stewardship plan;
- (7) "Tire" means a product composed primarily of rubber that is mounted on the wheels of all types of passenger and commercial on-road and off-road motorized vehicles including passenger vehicles,

motorcycles, trucks, buses, mobile homes, trailers, aircraft, earthmoving, road building, mining, logging, agricultural, industrial and other vehicles to provide mobility. "Tire" does not include any tire from any toy, bicycle, commercial aircraft or personal mobility devices;

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

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

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

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

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

(b) Any plan submitted pursuant to subsection (a) of this section shall: (1) Identify each producer participating in the tire stewardship program; (2) describe how the program will be financed; (3) establish performance goals for the first two years of the program; (4) identify proposed facilities to be used by the program; (5) detail how the program follows the solid waste hierarchy, as defined in the state-wide solid waste management plan and will promote the recycling of discarded tires; and (6) include a description of the public education program for such tire stewardship program.

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

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

(e) The Commissioner of Energy and Environmental Protection shall approve any plan for the establishment of a tire stewardship program, provided such plan meets the requirements of subsections (a) to (d), inclusive, of this section. Not later than ninety days after submission of a plan pursuant to this section, the commissioner shall make a determination whether to approve the plan. In the event that the commissioner disapproves a plan because it does not meet the requirements of subsections (a) to (d), inclusive, of this section, the commissioner shall describe the reasons for such disapproval in a notice of determination that the commissioner shall provide to the applicable stewardship organization. The stewardship organization shall revise and resubmit the plan to the commissioner not later than forty-five days after receipt of the commissioner's disapproval notice. Not later than forty-five days after receipt of the revised plan, the commissioner shall review and approve or disapprove the revised plan and provide a notice of determination to the stewardship organization. A stewardship organization may resubmit a revised plan to the commissioner on not more than two occasions. If the stewardship organization fails to submit a plan that is acceptable to the commissioner because it does not meet the requirements of subsections (a) to (d), inclusive, of this section, the commissioner shall modify the resubmitted plan to conform with the requirements of subsections (a) to (d), inclusive, of this section, and approve such modified plan. Not later than one hundred twenty days after the approval of a plan pursuant to this section, or one hundred eighty days, in the case of a plan modified by the commissioner, the stewardship organization shall implement the applicable tire stewardship program.

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

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

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

(h) Not later than October 15, 2020, and each year thereafter, each stewardship organization shall submit an annual report to the Commissioner of Energy and Environmental Protection, on a form prescribed by the commissioner. Such report shall include: (1) The tonnage of tires collected pursuant to the tire stewardship program from (A) public covered entities, and (B) all other covered entities; (2)

the tonnage of tires diverted to recycling; (3) a summary of the public education that supports the tire stewardship program; (4) an evaluation of the effectiveness of methods and processes used to achieve the various performance goals of the tire stewardship program; and (5) recommendations for any changes to such tire stewardship program.

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

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

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

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

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

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

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

[H.B. 6352](#)