



House of Representatives

General Assembly

File No. 1

February Session, 2018

Substitute House Bill No. 5128

House of Representatives, March 12, 2018

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 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. (NEW) (*Effective from passage*) Not later than July 1, 2019,
2 the Commissioner of Energy and Environmental Protection shall
3 establish a tire hauler license. Such tire hauler license shall be required
4 of any person who engages in the commercial hauling of discarded
5 tires in this state. Nothing in this section shall be construed to require
6 such licensure for any person transporting used tires in this state for
7 verifiable personal use. In establishing such license, the commissioner
8 may establish a reasonable fee for such license. Any such license shall
9 require that such licensee maintain a manifest, does not illegally dump
10 such tires and only delivers such tires to facilities that store, dispose of
11 or use such discarded tires in a manner that protects the public health
12 and the environment. The commissioner may prescribe the form and
13 manner of application for such license. In developing such tire hauler
14 license requirements, the commissioner may review and consider the

15 tire hauler license and permit requirements of other states, including,
16 but not limited to, the states of Michigan, Maryland and Texas. The
17 commissioner may adopt regulations, in accordance with the
18 provisions of chapter 54 of the general statutes, to implement the
19 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

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 19 \$	FY 20 \$
Department of Energy and Environmental Protection	GF - Revenue Gain	None	At least 500,000
Department of Energy and Environmental Protection	GF - Cost	None	130,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	None	47,229

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Energy and Environmental Protection (DEEP) to establish a tire hauler license by July 1, 2019 and charge a reasonable fee.

It is estimated that DEEP would set the fee at \$500 and at least 1,000 haulers would apply, resulting in a revenue gain of at least \$500,000 in FY 20.

DEEP would incur costs of \$130,000 in FY 20 (plus associated fringe benefits of \$47,229) to hire two Environmental Analyst II positions to manage the newly established tire hauler licensure program.

The Out Years

The annualized ongoing fiscal impact identified above would

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 36.33% of payroll in FY 19 and FY 20.

continue into the future subject to inflation and the number of tire haulers that register with DEEP.

OLR Bill Analysis**sHB 5128*****AN ACT REQUIRING THE ESTABLISHMENT OF A TIRE HAULER LICENSE.*****SUMMARY**

This bill requires the energy and environmental protection commissioner, by July 1, 2019, to establish a tire hauler license for people in the business of transporting discarded tires. The license must (1) require haulers to maintain a manifest and deliver the tires to facilities that store, dispose of, 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 used tires for verifiable personal use does not require a license.

The bill allows the commissioner to 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.

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, if 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. And any vehicle used to dump tires may be forfeited (CGS § 22a-250 (d) & (h)).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 1 (02/28/2018)