

BILL ANALYSIS

Senate Research Center

S.B. 1850
By: Rodríguez
Natural Resources & Economic Development
4/1/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Illegal tire disposal has been a rampant problem in Texas for years. More than 36 million tires are discarded each year in Texas, roughly one and one-half tires for every person residing in the state. If not transported and disposed of properly, these tires can lead to dangerous outcomes including costly, environmentally hazardous tire piles and increased fire, pollution, and public health and safety risks, such as increases in vector-borne illnesses like Zika, West Nile, and dengue fever.

Illegal dumping is often a result of unlicensed scavengers culling and stealing used tires from generators then dumping their rejects. These tires are transported illegally and dumped, costing the state millions of dollars in cleanup.

S.B. 1850 seeks to remedy these issues by amending current Health & Safety Code provisions regarding the transportation of scrap tires and improving oversight and enforcement by the Texas Commission on Environmental Quality.

As proposed, S.B. 1850 amends current law relating to the storage, transportation, processing, and disposal of scrap tires.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 (Section 361.112, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 361.085, Health and Safety Code, by amending Subsections (k) and (l) and adding Subsections (k-1) and (m), as follows:

(k) Requires the Texas Commission on Environmental Quality (TCEQ) to require a bond or other financial assurance as a condition of issuing a registration for the transportation, storage, or processing of scrap tires, as that term is defined in Section 361.112 (Storage, Transportation, and Disposal of Used or Scrap Tires). Requires the amount of the bond or other financial assurance required to be sufficient to cover the reasonable expenses of an immediate remedial or removal action under Section 361.1125 (Immediate Remediation of Removal of Hazardous Substance at Scrap Tire Site).

(k-1) Provides that a registered tire processor utilizing the tires for energy recovery at an on-site cement kiln and other energy recovery facilities TCEQ identifies by rule are not required to provide financial assurance under this section (Financial Assurance and Disclosure by Permit Applicant).

(l) Creates this subsection from existing text and makes no further changes.

(m) Redesignates existing Subsection (l) as this subsection and makes a conforming change.

SECTION 2. Amends Section 361.112, Health and Safety Code, by adding Subsections (g-1) and (g-2), as follows:

(g-1) Requires TCEQ to issue a registration insignia to each transporter. Requires the transporter to display the insignia on each vehicle used to transport tires under the registration. Provides that the insignia expires annually on a date specified by TCEQ. Authorizes TCEQ to adopt rules for issuing duplicate and multiple insignia.

(g-2) Requires TCEQ to require a transporter to submit an annual report on the records maintained by the transporter to TCEQ in an electronic format using a form developed by TCEQ. Provides that a transporter who fails to submit an annual report under this subsection is not eligible to receive the annual registration insignia and is subject to revocation of the registration.

SECTION 3. Effective date: September 1, 2019.