

By: Isaac

H.B. No. 3783

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the storage, transportation, and disposal of tires;
3 providing criminal penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 361.1125(a)(1), Health and Safety Code,
6 is amended to read as follows:

7 (1) "Scrap tire" has the meaning assigned by Section
8 361.471 [~~361.112~~].

9 SECTION 2. Chapter 361, Health and Safety Code, is amended
10 by adding Subchapter P to read as follows:

11 SUBCHAPTER P. STORAGE, TRANSPORTATION, AND DISPOSAL OF USED
12 OR SCRAP TIRES

13 Sec. 361.471. DEFINITIONS. In this subchapter:

14 (1) "Generator" means:

15 (A) a fleet operator;

16 (B) an automotive dismantler; or

17 (C) a new or used tire retailer, wholesaler,
18 manufacturer, recapper, or retreader.

19 (2) "Scrap tire" means a tire that can no longer be
20 used for its original intended purpose because it:

21 (A) has tire tread less than one-sixteenth inch
22 deep;

23 (B) has chunking, bumps, knots, or bulges
24 evidencing cord, ply, or tread separation from the casing or other

1 adjacent material;

2 (C) has exposed tire cords or belting material as
3 a result of damage to the tire; or

4 (D) does not otherwise meet Department of Public
5 Safety safety standards under Section 547.101, Transportation
6 Code.

7 (3) "Transporter" means a person who is required to
8 register with the commission as a transporter of used or scrap
9 tires.

10 (4) "Used tire" means a tire that:

11 (A) can be used for its original intended
12 purpose;

13 (B) has tire tread not less than one-sixteenth
14 inch deep;

15 (C) does not have chunking, bumps, knots, or
16 bulges evidencing cord, ply, or tread separation from the casing or
17 other adjacent material;

18 (D) does not have exposed tire cords or belting
19 material as a result of damage to the tire; and

20 (E) otherwise meets Department of Public Safety
21 safety standards under Section 547.101, Transportation Code.

22 Sec. 361.472. RULES. The commission by rule shall adopt
23 application forms and procedures for the registration and
24 permitting processes authorized under this subchapter.

25 Sec. 361.473. STORAGE OF USED OR SCRAP TIRES; REGISTRATION
26 REQUIRED. (a) A person may not store more than 500 used or scrap
27 tires for any period on any publicly or privately owned property

1 unless the person registers the storage site with the commission.

2 This section does not apply to:

3 (1) the storage, protection, or production of
4 agricultural commodities; or

5 (2) the temporary storage of used or scrap tires for
6 eventual recycling, reuse, or energy recovery if the storage is
7 approved by the commission.

8 (b) The commission may register a site to store more than
9 500 used or scrap tires.

10 Sec. 361.474. STORAGE OF USED OR SCRAP TIRES; SHREDDING,
11 SPLITTING, OR QUARTERING REQUIRED. (a) A person may not store
12 more than 500 used or scrap tires unless the tires are shredded,
13 split, or quartered as provided by commission rule. The commission
14 may grant an exception to this requirement if the commission finds
15 that circumstances warrant the exception.

16 (b) The prohibition provided by Subsection (a) does not
17 apply to:

18 (1) a registered waste tire energy recovery facility
19 or a waste tire energy recovery facility storage site; or

20 (2) a person who, for eventual recycling, reuse, or
21 energy recovery, temporarily stores used or scrap tires:

22 (A) in a designated recycling collection area at
23 a landfill permitted by the commission or licensed by a county or by
24 a political subdivision exercising the authority granted by Section
25 361.165; or

26 (B) at another location approved by the
27 commission for the temporary storage of used or scrap tires.

1 Sec. 361.475. STORAGE OF TIRES IN CERTAIN LOCATIONS. The
2 commission may adopt rules to regulate the storage of used, scrap,
3 or shredded tires that are stored at a marine dock, rail yard, or
4 trucking facility for more than 30 days.

5 Sec. 361.476. RENDERING OF SCRAP TIRES FOR TRANSPORTATION.
6 Before transportation of a scrap tire from a generator's site, the
7 generator shall puncture or drill a hole not less than one inch in
8 diameter in each sidewall of the scrap tire.

9 Sec. 361.477. TRANSPORTATION OF USED OR SCRAP TIRES;
10 REGISTRATION REQUIRED. (a) Except as provided by commission rule,
11 a person may not transport for compensation used or scrap tires
12 unless the person registers with the commission as a transporter.

13 (b) A generator may not transport used or scrap tires unless
14 the generator registers with the commission as a transporter.

15 (c) A transporter may not transport used tires together with
16 scrap tires unless the used and scrap tires are collected from a
17 generator and transported directly to a tire processor, as defined
18 by commission rule.

19 (d) The commission by rule may exempt from the registration
20 requirements of this section a class of persons if the commission
21 finds that circumstances support the exemption.

22 Sec. 361.478. TRANSPORTATION OF USED OR SCRAP TIRES;
23 MANIFEST AND ACCEPTABLE DESTINATIONS. (a) A transporter shall
24 maintain records and use a manifest or other appropriate
25 documentation system as provided by commission rule to ensure that
26 the tires are transported to:

27 (1) a storage site that is registered under Section

1 361.473;

2 (2) a disposal facility that is permitted under
3 Section 361.480 for that purpose;

4 (3) a used tire dealer or other generator, if the tire
5 is a used tire; or

6 (4) another location allowed by commission rule
7 adopted under Section 361.479.

8 (b) A transporter shall file with the commission the
9 manifest or other appropriate documentation system used as required
10 by this section.

11 (c) The commission by rule may exempt from the requirements
12 of this section a class of transporters if the commission finds that
13 circumstances support the exemption.

14 Sec. 361.479. TRANSPORTATION OF USED OR SCRAP TIRES FOR
15 BENEFICIAL USE. The commission by rule shall authorize the
16 transportation of used or scrap tires to a facility that will reuse
17 the tires beneficially for purposes such as energy recovery,
18 tire-derived fuel, septic drain fields, rubber mulch, crumb rubber,
19 or reclamation projects.

20 Sec. 361.480. DISPOSAL AT PERMITTED SITE REQUIRED. (a) A
21 person may not dispose of used or scrap tires in a facility that is
22 not permitted by the commission for that purpose.

23 (b) The commission may issue a permit for a facility for the
24 disposal of used or scrap tires.

25 (c) The commission may amend, extend, transfer, or renew a
26 permit issued under this section as provided by this chapter and
27 commission rule.

1 (d) The notice and hearing procedures provided by
2 Subchapter C apply to a permit issued, amended, extended,
3 transferred, or renewed under this section.

4 (e) The commission may, for good cause, deny or amend a
5 permit issued under this section for a reason concerning public
6 health, air or water pollution, land use, or a violation of this
7 section, as provided by Section 361.089.

8 Sec. 361.481. DISPOSAL OF USED OR SCRAP TIRES; SHREDDING,
9 SPLITTING, OR QUARTERING REQUIRED. (a) A person may not dispose of
10 any quantity of used or scrap tires unless the tires are shredded,
11 split, or quartered as provided by commission rule. The commission
12 may grant an exception to this requirement if the commission finds
13 that circumstances warrant the exception.

14 (b) Subsection (a) does not prohibit a person from storing
15 used or scrap tires temporarily for eventual recycling, reuse, or
16 energy recovery in a designated recycling collection area at a
17 landfill:

18 (1) permitted by the commission; or

19 (2) licensed by a county or by a political subdivision
20 exercising the authority granted by Section 361.165.

21 Sec. 361.482. DUTY TO REPORT IMPROPER DISPOSAL OF TIRES. A
22 political subdivision shall submit, at the time and in the form and
23 manner required by the commission, a report notifying the
24 commission of used or scrap tires disposed of at a location where
25 the disposal is not authorized by permit.

26 SECTION 3. Subchapter E, Chapter 7, Water Code, is amended
27 by adding Section 7.1851 to read as follows:

1 Sec. 7.1851. VIOLATIONS RELATING TO STORAGE,
2 TRANSPORTATION, AND DISPOSAL OF USED OR SCRAP TIRES. (a) A person
3 commits an offense if the person intentionally, knowingly, or
4 recklessly violates:

5 (1) Subchapter P, Chapter 361, Health and Safety Code;
6 or
7 (2) an order, permit, or exemption issued, or rule
8 adopted, under that subchapter.

9 (b) An offense under Subsection (a) is a Class A
10 misdemeanor.

11 SECTION 4. Section 7.302(a), Water Code, is amended to read
12 as follows:

13 (a) This section applies to a permit or exemption issued by
14 the commission under:

- 15 (1) Chapter 26, 27, 28, or 31 of this code;
16 (2) Subchapter C, P, or R, Chapter 361, Health and
17 Safety Code;
18 (3) Subchapter D, Chapter 366, Health and Safety Code;
19 (4) Chapter 382, Health and Safety Code; or
20 (5) a rule adopted under any of those provisions.

21 SECTION 5. Section 7.303(a), Water Code, is amended to read
22 as follows:

23 (a) This section applies to a license, certificate, or
24 registration issued:

- 25 (1) by the commission under:
26 (A) Section 26.0301;
27 (B) Chapter 37;

1 (C) Section 361.0861 or[~~r~~] 361.092[~~, or~~
2 ~~361.112~~], Health and Safety Code;

3 (D) Chapter 366, 371, or 401, Health and Safety
4 Code; [~~or~~]

5 (E) Chapter 1903, Occupations Code; or

6 (F) Subchapter P, Chapter 361, Health and Safety
7 Code;

8 (2) by a county under Subchapter E, Chapter 361,
9 Health and Safety Code; or

10 (3) under a rule adopted under any of those
11 provisions.

12 SECTION 6. The following laws are repealed:

13 (1) Section 361.112, Health and Safety Code; and

14 (2) Section 7.304, Water Code.

15 SECTION 7. Not later than May 1, 2014, the Texas Commission
16 on Environmental Quality shall adopt rules as required by
17 Subchapter P, Chapter 361, Health and Safety Code, as added by this
18 Act.

19 SECTION 8. This Act takes effect September 1, 2013.