

BILL ANALYSIS

H.B. 3854
By: Walle
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that illegal tire disposal has been a problem in Texas for years and that the improper transport and disposal of tires can lead to environmental hazards that jeopardize the public health and safety. H.B. 3854 seeks to remedy some of these issues by providing for certain financial assurance relating to a scrap tire registration and for a transporter registration insignia.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTIONS 1 and 2 of this bill.

ANALYSIS

H.B. 3854 amends the Health and Safety Code to require 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. The bill requires the amount of the bond or other financial assurance to be sufficient to cover the reasonable expenses of an immediate remedial or removal action related to a hazardous substance at a scrap tire site. The bill exempts a registered tire processor using the tires for energy recovery at an on-site cement kiln and other energy recovery facilities TCEQ identifies by rule from the requirement to provide financial assurance.

H.B. 3854 requires TCEQ to issue a registration insignia to each transporter of used or scrap tires transported for storage or disposal. The bill requires the transporter to display the insignia on each vehicle used to transport tires under the registration and sets an insignia to expire annually on a date specified by TCEQ. The bill authorizes TCEQ to adopt rules for issuing duplicate and multiple insignia. The bill 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. The bill makes a transporter who fails to submit an annual report ineligible to receive the annual registration insignia and subjects the transporter to revocation of the registration.

EFFECTIVE DATE

September 1, 2019.