

## **BILL ANALYSIS**

C.S.H.B. 3282  
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Environmental Regulation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Recently, municipalities across Texas have adopted ordinances to establish tire recycling facilities as well as to regulate the disposal and recycling of tires and have seen great results. In contrast, there are piles of illegally dumped scrap tires in unincorporated areas which counties have little authority to address. These piles are creating a public health and economic crisis. When tires are illegally dumped in these areas, they create homes for mosquitos and other nuisances. It then becomes the county's responsibility to pay for the removal of these illegally dumped tires, shifting the burden to property taxpayers. C.S.H.B. 3282 seeks to address this issue by providing for the unique identification of a tire, a scrap tire tagging system, and county authority to impose certain fines regarding scrap tires.

### **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 SECTION 2 of this bill.

### **ANALYSIS**

C.S.H.B. 3282 amends the Health and Safety Code to require a manufacturer, not later than one month after the date a tire is manufactured in Texas, to submit to the Texas Commission on Environmental Quality (TCEQ) information that uniquely identifies the tire. The bill authorizes the manufacturer to submit the information on a date later than one month after the tire manufacture date if the manufacturer requests a later submission date that is approved by the TCEQ. The bill requires a transporter of scrap tires or a storage site or disposal and storage facility for scrap tires to electronically sign and submit an applicable manifest to the TCEQ on the initial transfer of each shipment of scrap tires to the transporter, site, or facility.

C.S.H.B. 3282 requires the TCEQ by rule to prescribe requirements for a scrap tire tagging system. The bill requires a prepared and submitted manifest to include a reference to the tagging system and uniquely identify each tire received from a transporter of scrap tires.

C.S.H.B. 3282 makes a transporter of scrap tires liable for each scrap tire transported to a storage site or disposal facility that is not registered or permitted. The bill authorizes the commissioners court of the county in which the improper storage or disposal of the scrap tire occurs to impose a fine on the transporter in an amount capped at \$500 per tire. The bill authorizes the commissioners court of a county in which is located a generator of scrap tires who uses an unregistered transporter to transport tires to do the following:

- impose a fine in an amount capped at \$500 on the generator for each scrap tire the unregistered transporter transports; or
- suspend or revoke any license or permit to sell tires the county has issued to the generator.

The bill authorizes a county commissioners court to do the following:

- impose a fee capped at \$5 for each tire disposal in the county; and
- transfer 50 cents of that fee to the TCEQ.

The bill requires a county commissioners court to deposit all these fines and fees into an account administered by the county for the purpose of disposing of, mitigating the effects from disposal of, and recycling tires, and authorizes the commissioners court to use any of the fines or fees to establish a tire recycling facility in the county.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3282 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions present in the introduced that did the following:

- required the TCEQ to require that a used or scrap tire transporter's manifest be completed and submitted to the TCEQ within one month of the manifest's date of initial signature; and
- required notification and approval of any lapse to this time to be reported to the TCEQ within 40 days of initial signature.

The substitute includes provisions absent in the introduced that do the following instead:

- require a manufacturer, not later than one month after the date a tire is manufactured in Texas, to submit to the TCEQ information that uniquely identifies the tire; and
- authorize the manufacturer to submit the information on a date later than one month after the tire manufacture date if the manufacturer requests a later submission date that is approved by the TCEQ.

The substitute does not include a generator among provisions relating to the electronic signing and submission of a manifest on the initial transfer of a scrap tire shipment and relating to liability and the imposition of a fine for improper scrap tire transportation, whereas the introduced included a generator among such provisions.

The substitute does not include provisions present in the introduced that required the TCEQ to phase in the requirement of a standardized tire tagging methodology, incorporated into the tire manifest, that can uniquely identify all tires from a specific transporter. The substitute includes provisions absent in the introduced that do the following instead:

- require the TCEQ by rule to prescribe requirements for a scrap tire tagging system; and
- require a prepared and submitted manifest to include a reference to the tagging system and uniquely identify each tire received from a transporter of scrap tires.

The substitute includes an authorization, absent in the introduced, for a county commissioners court to transfer 50 cents of the county tire disposal fee to the TCEQ.