

Assembly Bill No. 1187

Passed the Assembly August 30, 2001

Chief Clerk of the Assembly

Passed the Senate August 27, 2001

Secretary of the Senate

This bill was received by the Governor this _____ day of _____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Sections 47200, 42845, 42961.5, and 48660 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1187, Simitian. Solid waste: recycling: tires: used oil.

(1) Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated waste management program administered by the California Integrated Waste Management Board.

Under the act, each operator of a solid waste disposal facility is required to pay a quarterly fee to the State Board of Equalization, based upon the amount of solid waste disposed of at each site, and the revenue from the fee is required to be deposited in the Integrated Waste Management Account in the Integrated Waste Management Fund. The board is authorized to expend the revenues in the account, upon appropriation by the Legislature, for specified purposes, including issuing grants to cities, counties, or other local agencies for specified purposes with regard to preventing the disposal of hazardous waste at solid waste disposal sites. Existing law prohibits the total amount of grants made by the board pursuant to this grant program from exceeding, in any one fiscal year, \$3,000,000.

This bill would allow the total amount of grants made by the board pursuant to the grant program to exceed that amount, but would prohibit the amount from exceeding \$5,000,000, in any one fiscal year, if sufficient funds are appropriated from the Integrated Waste Management Account.

(2) Existing law, which is part of the act, requires any person who stores, stockpiles, or accumulates waste tires in a specified manner, to clean up those waste tires or abate the effects thereof, or in the case of threatened pollution or nuisance, as defined, take other necessary remedial action, upon the order of the board. If a person fails to comply with such an order, the Attorney General, district attorney, or county counsel is required to file a petition within 45 days of the discovery of the failure to comply with the board's order, at the request of the board.



This bill would instead require the Attorney General to make such a petition, at the request of the board, and would authorize the district attorney or county counsel to file a petition within 45 days of the board’s request, if the Attorney General declines, or is unable, to file a petition.

(3) Existing law requires every person who engages in the transportation of used and waste tires to hold a valid waste tire hauler registration.

This bill would define the term “waste and used tire hauler” for purposes of those provisions.

(4) Existing law authorizes a generator, waste and used tire hauler, or operator of a waste tire facility that is subject to prescribed requirements to submit an electronic report that includes all information required to be on the California Uniform Waste and Used Tire Manifest, if this submission is approved by the California Integrated Waste Management Board.

This bill would delete the provision in which this authority is granted in existing law, and would instead move this authority to another provision. The bill would also make related technical and conforming changes.

(5) Existing law, the California Oil Recycling Enhancement Act, requires an oil manufacturer to pay the board a specified amount for every gallon of lubricating oil sold or transferred in the state, or imported into the state for use in the state. These amounts are required to be deposited in the California Used Oil Recycling Fund, which is continuously appropriated for specified purposes, including the payment of recycling incentives to certified used oil collection centers. Existing law requires a used oil collection center to operate in a specified manner and prohibits a used oil collection center from accepting more than 20 gallons of used lubricating oil from a person each day.

This bill would repeal that prohibition.

The people of the State of California do enact as follows:

SECTION 1. Section 47200 of the Public Resources Code is amended to read:

47200. (a) The board shall expend funds from the account, upon appropriation by the Legislature, for the making of grants to cities, counties, or other local agencies with responsibility for solid



waste management, and for local programs to help prevent the disposal of hazardous wastes at disposal sites, including, but not limited to, programs to expand or initially implement household hazardous waste programs. In making grants pursuant to this section, the board shall give priority to funding programs that provide for the following:

(1) New programs for rural areas, underserved areas, and for small cities.

(2) Expansion of existing programs to provide for the collection of additional waste types, innovative or more cost-effective collection methods, or expanded public education services.

(3) Regional household hazardous waste programs.

(b) (1) The total amount of grants made by the board pursuant to this section shall not exceed, in any one fiscal year, three million dollars (\$3,000,000).

(2) Notwithstanding paragraph (1), the total amount of grants made by the board pursuant to this section may exceed three million dollars (\$3,000,000) but shall not exceed five million dollars (\$5,000,000), in any one fiscal year, if sufficient funds are appropriated from the Integrated Waste Management Account for this purpose.

SEC. 2. Section 42845 of the Public Resources Code is amended to read:

42845. (a) Any person who stores, stockpiles, or accumulates waste tires at a location for which a waste tire facility permit is required pursuant to this chapter, or in violation of the terms and conditions of the permit, the provisions of this chapter, or the regulations adopted under this chapter, shall, upon order of the board, clean up those waste tires or abate the effects thereof, or, in the case of threatened pollution or nuisance, take other necessary remedial action.

(b) (1) Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with that order. In any suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.



(2) If the Attorney General declines, or is unable, to petition the appropriate superior court for issuance of an injunction within 45 days from the board's request, pursuant to paragraph (1), the district attorney or county counsel of that county may, at the board's request, petition the superior court for issuance of the injunction specified in paragraph (1).

SEC. 3. Section 42961.5 of the Public Resources Code is amended to read:

42961.5. (a) For purposes of this chapter, the following definitions shall apply:

(1) "California Uniform Waste and Used Tire Manifest" means a shipping document signed by a generator of waste or used tires, a waste and used tire hauler, or the operator of a waste or used tire facility or other destination that contains all of the information required by the board, including, but not limited to, an accurate measurement of the number of tires being shipped, the type or types of the tires, the date the shipment originated, and the origin and intended final destination of the shipment.

(2) "Waste and used tire hauler" means any person required to be registered with the board pursuant to subdivision (a) of Section 42951.

(b) Any person generating waste or used tires that are transported or submitted for transportation, for offsite handling, altering, storage, disposal, or for any combination thereof, shall complete a California Uniform Waste and Used Tire Manifest, as required by the board. The generator shall provide the manifest to the waste and used tire hauler at the time of transfer of the tires. Each generator shall submit to the board, on a quarterly schedule, a legible copy of each manifest. The copy submitted to the board shall contain the signatures of the generator and the waste and used tire hauler.

(c) (1) Any waste and used tire hauler shall have the California Uniform Waste and Used Tire Manifest in his or her possession while transporting waste or used tires. The manifest shall be shown upon demand to any representative of the board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the Penal Code, or any local public officer designated by the board.

(2) Any waste and used tire hauler hauling waste or used tires for offsite handling, altering, storage, disposal, or any



combination thereof, shall complete the California Uniform Waste and Used Tire Manifest as required by the board. The waste and used tire hauler shall provide the manifest to the waste or used tire facility operator who receives the waste or used tires for handling, altering, storage, disposal, or any combination thereof. Each waste and used tire hauler shall submit to the board, on a quarterly schedule, a legible copy of each manifest. The copy submitted to the board shall contain the signatures of the generator and the facility operator.

(d) Each waste or used tire facility operator that receives waste or used tires for handling, altering, storage, disposal, or any combination thereof, that was transported with a manifest pursuant to this section, shall submit copies of each manifest provided by the waste and used tire hauler to the board and the generator on a quarterly schedule. The copy submitted to the board shall contain the signatures of each generator, each transporter, and the facility operator. If approved by the board, in lieu of submitting a copy of each manifest used, a facility operator may submit an electronic report to the board meeting the requirements of Section 42814.

(e) The board shall develop and implement a system for auditing manifests submitted to the board pursuant to this section, for the purpose of enforcing this section. The board or its agent shall continuously conduct random sampling and matching of manifests submitted by any person generating waste or used tires, hauling waste or used tires, or operating waste or used tire facilities, to assure compliance with this section.

(f) (1) If approved by the board, any waste and used tire generator, waste and used tire hauler, or operator of a waste tire facility that is subject to the manifest requirements of this section, may submit an electronic report to the board, in lieu of submitting the copy of the manifest required. The electronic report shall include all information required to be on the California Uniform Waste and Used Tire Manifest, and any other information required by the board.

(2) A waste and used tire generator, waste and used tire hauler, or operator of a waste tire facility that is subject to paragraph (1) may submit the electronic reports to the board on a quarterly schedule.



SEC. 4. Section 48660 of the Public Resources Code is amended to read:

48660. (a) No used oil collection center shall be eligible for the payment of recycling incentives until the board has certified that the center is in compliance with the requirements specified in subdivision (b). Before certification, the board may require the center to submit any information that the board determines is necessary to find that the center is in compliance with those requirements. A center shall reapply for certification every two years. The board may cancel the certification of a center if the board finds, after a public hearing, that the center is not, or has not been, in compliance with subdivision (b). The board may withhold the payment of recycling incentives for used lubricating oil collected by a center if the board finds that the center was not in compliance with subdivision (b) during the time in which the used lubricating oil was collected.

(b) To be eligible for certification by the board and for the payment of recycling incentives, the used oil collection center shall do all of the following:

(1) (A) Accept used lubricating oil from the public at no charge during the hours between 8 a.m. and 8 p.m. that the entity operating as the center is open for business.

(B) The board may approve alternative hours for the acceptance of used lubricating oil by an individual center if either of the following conditions is met:

(i) The center accepts used lubricating oil for 12 continuous hours daily.

(ii) The center demonstrates that compliance with Section 279.31 of Title 40 of the Code of Federal Regulations prevents the center from complying with subparagraph (A).

(2) Pay to any person an amount equal to the recycling incentive which the center will receive for used lubricating oil brought to the center in containers by the person. Nothing in this chapter prohibits any person from donating used lubricating oil to a center. With the exception of centers that generate used lubricating oil by servicing motor vehicles, the recycling incentive may be in the form of a credit that may be applied toward the purchase of goods or services offered by the center, as determined by the board. The credit shall be in the form of a voucher or coupon with a value of at least twice the incentive amount to be paid



pursuant to Section 48652 and have no other limits for use, unless prescribed by the board.

(3) Provide information to the board for informing the public of the center's acceptance of used lubricating oil.

(4) Provide notice to the public, through onsite signs and periodic advertising in local media, of the center's acceptance of used lubricating oil from the public.

(A) Onsite signs shall be of a design prescribed by the board and exterior signs shall be posted in a location that is easily visible from a public street.

(B) A certified center shall post a combined symbolic and information exterior sign of at least two feet by three feet in size, or shall post an exterior symbolic sign of at least two feet by 18 inches in size. If the exterior symbolic sign is posted, the combined symbolic and informational sign shall be concurrently posted so that it is easily readable from the location where the used oil is received from the public. The exterior symbolic sign shall include the following words in a manner specified by the board: "Used Oil Collection Center."

(C) The informational portion of the combined signs shall include the following words, in a manner specified by the board: "Used Oil Collection Center—Recycling Incentive Paid for Used Lubricating Oil in Containers During Business Hours from Members of the Public Who Change Their Own Oil."

(D) A center that does not accept used lubricating oil from the public during all of its business hours, but meets the requirements of paragraph (1), shall indicate on the exterior sign the hours when that used oil is accepted at no charge from the public and these hours shall be posted instead of the business hours.

(E) If local zoning ordinances prevent signs of a size consistent with this paragraph, the exterior symbolic sign shall be of the maximum allowable size.

(c) Notwithstanding subdivision (b), a used oil collection center may refuse to accept used lubricating oil which has been contaminated in a manner other than that which would occur through normal use.

(d) Notwithstanding subdivision (b), no used oil collection center shall knowingly accept used lubricating oil for which a payment has not been made pursuant to Section 48650.



Approved _____, 2001

Governor

