

AMENDED IN SENATE JANUARY 19, 2006

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 21, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 369**

**Introduced by Senator Simitian**  
**(Coauthor: Senator Alquist)**

February 17, 2005

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An act to amend Sections 42872.5 and 42885.5 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 369, as amended, Simitian. Solid waste: tire recycling.

(1) Existing law authorizes the California Integrated Waste Management Board to implement a program to award grants to cities, counties, districts, and other local governmental agencies for the funding of public works projects that use rubberized asphalt concrete. The grants are funded by an appropriation in the annual Budget Act from the California Tire Recycling Management Fund. Existing law becomes inoperative on June 30, 2006, and is repealed on January 1, 2007.

This bill would ~~delete the repeal and would~~ recommence the grant program ~~indefinitely~~ on January 1, 2007 *and would make the program inoperative on June 30, 2010. The bill would extend the repeal date to January 1, 2011.*

(2) Existing law requires the Integrated Waste Management Board to submit a 5-year plan to the appropriate policy and fiscal committees

of the Legislature that includes, until June 30, 2006, a description of the effectiveness of the grant program to encourage the use of rubberized asphalt concrete technology in public works projects.

This bill would instead require the board to include, *until June 30, 2010*, the description of the effectiveness of the grant program to encourage the use of rubberized asphalt concrete technology in public works projects in the 5-year plan ~~indefinitely~~.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 42872.5 of the Public Resources Code  
2 is amended to read:

3 42872.5. (a) In addition to the purposes listed in Section  
4 42872, the tire recycling program may include the awarding of  
5 grants to cities, counties, districts, and other local governmental  
6 agencies for the funding of public works projects that use  
7 rubberized asphalt concrete. In addition to the factors listed in  
8 Sections 42874 and 42875, a grant for a public works project that  
9 uses rubberized asphalt concrete shall be awarded subject to all  
10 of the following:

11 (1) A grant shall be limited to a project that is both projected  
12 to generate between 2,500 and 20,000 tons of rubberized asphalt  
13 concrete during the life of the project and that uses 20 pounds or  
14 more of crumb rubber per ton of rubberized asphalt concrete.

15 (2) The amount of a grant that qualifies under paragraph (1)  
16 shall be equal to two dollars and fifty cents (\$2.50) for each ton  
17 of rubberized asphalt concrete projected to be generated by the  
18 project.

19 (3) The total amount of a grant that qualifies under paragraph  
20 (1) shall be six thousand two hundred fifty dollars (\$6,250) or  
21 more, but not more than fifty thousand dollars (\$50,000), as  
22 determined pursuant to paragraph (2).

23 (b) Grants made under this section shall be funded by an  
24 appropriation in the annual Budget Act from the California Tire  
25 Recycling Management Fund established pursuant to Section  
26 42885. To the extent possible, depending on the number of  
27 qualified applications and whether there is a sufficient supply of  
28 crumb rubber, funds allocated pursuant to this section shall be

1 equal to 16 percent of the funds budgeted pursuant to this chapter  
2 for market development and new technology activities for used  
3 tires and waste tires.

4 (c) In order to provide outreach to local agencies regarding the  
5 use of rubberized asphalt concrete in public works projects, all of  
6 the following shall occur:

7 (1) The board, in cooperation with its Rubberized Asphalt  
8 Concrete Technology Centers, shall create, annually update, and  
9 post on each center's Internet Web site a database of public  
10 works projects that include rubberized asphalt concrete that were  
11 completed by local agencies.

12 (2) The Department of Transportation shall post on its public  
13 Internet Web site data and descriptions regarding state public  
14 works projects using rubberized asphalt concrete.

15 (3) The board shall post on its public Internet Web site a link  
16 to connect to the database created under paragraph (1) and the  
17 data and descriptions provided under paragraph (2).

18 *(d) This section shall become inoperative on June 30, 2010,*  
19 *and, as of January 1, 2011, is repealed, unless a later enacted*  
20 *statute, that becomes operative on or before January 1, 2011,*  
21 *deletes or extends the dates on which it becomes inoperative and*  
22 *is repealed.*

23 SEC. 2. Section 42885.5 of the Public Resources Code is  
24 amended to read:

25 42885.5. (a) The board shall adopt a five-year plan, which  
26 shall be updated every two years, to establish goals and priorities  
27 for the waste tire program and each program element.

28 (b) On or before July 1, 2001, and every two years thereafter,  
29 the board shall submit the adopted five-year plan to the  
30 appropriate policy and fiscal committees of the Legislature. The  
31 board shall include; in the plan, programmatic and fiscal issues  
32 including, but not limited to, the hierarchy used by the board to  
33 maximize productive uses of waste and used tires, and the  
34 performance objectives and measurement criteria used by the  
35 board to evaluate the success of its waste and used tire recycling  
36 program. Additionally, the plan shall describe each program  
37 element's effectiveness, based upon performance measures  
38 developed by the board, including, but not limited to, the  
39 following:

- 1 (1) Enforcement and regulations relating to the storage of  
2 waste and used tires.
- 3 (2) Cleanup, abatement, or other remedial action related to  
4 waste tire stockpiles throughout the state.
- 5 (3) Research directed at promoting and developing alternatives  
6 to the landfill disposal of waste tires.
- 7 (4) Market development and new technology activities for  
8 used tires and waste tires.
- 9 (5) The waste and used tire hauler program and manifest  
10 system.
- 11 (6) A description of the grants, loans, contracts, and other  
12 expenditures proposed to be made by the board under the tire  
13 recycling program.
- 14 (7) ~~The~~ *Until June 30, 2010, the* grant program authorized  
15 under Section 42872.5 to encourage the use of rubberized asphalt  
16 concrete technology in public works projects.
- 17 (8) Border region activities, conducted in coordination with  
18 the California Environmental Protection Agency, including, but  
19 not limited to, all of the following:
  - 20 (A) Training programs to assist Mexican waste and used tire  
21 haulers to meet the requirements for hauling those tires in  
22 California.
  - 23 (B) Environmental education training.
  - 24 (C) Development of a waste tire abatement plan, with the  
25 appropriate government entities of California and Mexico.
  - 26 (D) Tracking both the legal and illegal waste and used tire  
27 flow across the border and recommended revisions to the waste  
28 tire policies of California and Mexico.
  - 29 (E) Coordination with businesses operating in the border  
30 region and with Mexico, with regard to applying the same  
31 environmental and control requirements throughout the border  
32 region.
- 33 (c) The board shall base the budget for the California Tire  
34 Recycling Act and program funding on the plan.
- 35 (d) The plan may not propose financial or other support that  
36 promotes, or provides for research for the incineration of tires.