

AMENDED IN ASSEMBLY JUNE 20, 2006  
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**

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

February 17, 2005

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An act to amend Sections 42872.5, 42873, 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: *waste tire rubber materials*.

(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 Existing law becomes inoperative on June 30, 2006, and is repealed on January 1, 2007.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 instead authorize the awarding of grants for public works projects that use waste tire rubber materials, including, but not*

limited to, rubberized asphalt concrete and tire-derived aggregate. The bill would change several eligibility qualifications for those public works grants, including deleting districts from the eligibility list; expanding the list of materials eligible to be used; decreasing the minimum and deleting the maximum amount of materials required to be used; and increasing the maximum amount of grant money that can be awarded. This bill would recommence the grant program 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 authorizes funding for certain activities that reduce, or are designed to reduce or promote the reduction of, the landfill disposal of used whole tires.

This bill would revise and increase the types of activities eligible for funding.

(2)

(3) 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~~ waste tire rubber materials in public works projects in the 5-year plan.

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 and other local government agencies~~  
 8 *for the funding of public works projects that use waste tire*  
 9 *rubber materials, including, but not limited to, rubberized*  
 10 *asphalt concrete and tire-derived aggregate.* In addition to the  
 11 factors listed in Sections 42874 and 42875, a grant for a public

1 works project that uses ~~rubberized asphalt concrete~~ *waste tire*  
2 *rubber materials* shall be awarded subject to all of the following:

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

7 (1) *Any project awarded grant funding shall generate at least*  
8 *2,000 tons of waste tire rubber materials during the life of the*  
9 *project and use 10 pounds or more of waste tire rubber materials*  
10 *per ton.*

11 (2) The amount of a grant that qualifies under paragraph (1)  
12 shall be ~~equal to two dollars and fifty cents (\$2.50) for each ton~~  
13 ~~of rubberized asphalt concrete projected to be generated by~~  
14 ~~determined annually by the board calculated on a per ton basis~~  
15 ~~for each ton of waste tire rubber materials to be used in the~~  
16 ~~project.~~

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

21 (3) *The maximum amount of a grant that qualifies under*  
22 *paragraph (1) shall be two hundred fifty thousand dollars*  
23 *(\$250,000).*

24 (b) Grants made under this section shall be funded by an  
25 appropriation in the annual Budget Act from the California Tire  
26 Recycling Management Fund established pursuant to Section  
27 42885. ~~To the extent possible, depending on the number of~~  
28 ~~qualified applications and whether there is a sufficient supply of~~  
29 ~~crumb rubber, funds allocated pursuant to this section shall be~~  
30 ~~equal to 16 percent of the funds budgeted pursuant to this chapter~~  
31 ~~for market development and new technology activities for used~~  
32 ~~tires and waste tires. 42885. The board shall allocate funds~~  
33 ~~pursuant to this section to the extent possible, depending on tire~~  
34 ~~recycling objectives identified in the most recent Five-Year Plan~~  
35 ~~pursuant to Section 42885.5, the number of qualified~~  
36 ~~applications, and whether there is a sufficient supply of waste~~  
37 ~~tire rubber materials.~~

38 (c) In order to provide outreach to local agencies regarding the  
39 use of ~~rubberized asphalt concrete~~ *waste tire rubber materials* in  
40 public works projects, all of the following shall occur:

1 (1) The board, ~~in cooperation with its Rubberized Asphalt~~  
2 ~~Concrete Technology Centers~~, shall create, annually update, and  
3 post on ~~each center's~~ *its* Internet Web site a database of public  
4 works projects that include ~~rubberized asphalt concrete waste tire~~  
5 ~~rubber materials~~ that were completed by local agencies *under the*  
6 *program established by this section.*

7 (2) The Department of Transportation shall post on its public  
8 Internet Web site data and descriptions regarding state public  
9 works projects using ~~rubberized asphalt concrete waste tire~~  
10 ~~rubber materials~~.

11 (3) The board shall post on its public Internet Web site a link  
12 ~~to connect to the database created under paragraph (1) and the~~  
13 data and descriptions provided under paragraph (2). *The board*  
14 *shall provide technical support to local agencies on the design*  
15 *and application for waste tire rubber materials.*

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

21 *SEC. 2. Section 42873 of the Public Resources Code is*  
22 *amended to read:*

23 42873. (a) Activities eligible for funding under this article,  
24 that reduce, or that are designed to reduce or promote the  
25 reduction of, landfill disposal of used whole tires, may include  
26 the following:

- 27 (1) Polymer treatment.
- 28 (2) Rubber reclaiming and crumb rubber production.
- 29 (3) Retreading.
- 30 (4) Shredding.
- 31 (5) The manufacture of products made from used tires,  
32 including, but not limited to, all of the following:
  - 33 (A) Artificial reefs.
  - 34 (B) Rubber asphalt, *including, but not limited to, asphalt*  
35 *rubber, modified binders, and chip seals.*
  - 36 (C) Playground equipment.
  - 37 (D) Crash barriers.
  - 38 (E) Erosion control materials.
  - 39 (F) Nonslip floor and track surfacing.
  - 40 (G) Oilspill recovery equipment.

1 (H) Roofing adhesives.

2 (I) *Tire-derived aggregate applications, including, but not*  
3 *limited to, lightweight fill and vibration mitigation.*

4 (6) Other environmentally safe applications or treatments  
5 determined to be appropriate by the board.

6 (b) (1) The board may not expend funds for an activity that  
7 provides support or research for the incineration of tires. For the  
8 purposes of this article, incineration of tires, includes, but is not  
9 limited to, fuel feed system development, fuel sizing analysis,  
10 and capacity and production optimization.

11 (2) Paragraph (1) does not affect the permitting or regulation  
12 of facilities that engage in the incineration of tires.

13 ~~SEC. 2.~~

14 *SEC. 3.* Section 42885.5 of the Public Resources Code is  
15 amended to read:

16 42885.5. (a) The board shall adopt a five-year plan, which  
17 shall be updated every two years, to establish goals and priorities  
18 for the waste tire program and each program element.

19 (b) On or before July 1, 2001, and every two years thereafter,  
20 the board shall submit the adopted five-year plan to the  
21 appropriate policy and fiscal committees of the Legislature. The  
22 board shall include in the plan, programmatic and fiscal issues  
23 including, but not limited to, the hierarchy used by the board to  
24 maximize productive uses of waste and used tires, and the  
25 performance objectives and measurement criteria used by the  
26 board to evaluate the success of its waste and used tire recycling  
27 program. Additionally, the plan shall describe each program  
28 element's effectiveness, based upon performance measures  
29 developed by the board, including, but not limited to, the  
30 following:

31 (1) Enforcement and regulations relating to the storage of  
32 waste and used tires.

33 (2) Cleanup, abatement, or other remedial action related to  
34 waste tire stockpiles throughout the state.

35 (3) Research directed at promoting and developing alternatives  
36 to the landfill disposal of waste tires.

37 (4) Market development and new technology activities for  
38 used tires and waste tires.

39 (5) The waste and used tire hauler program and manifest  
40 system.

1 (6) A description of the grants, loans, contracts, and other  
2 expenditures proposed to be made by the board under the tire  
3 recycling program.

4 (7) Until June 30, 2010, the grant program authorized under  
5 Section 42872.5 to encourage the use of ~~rubberized asphalt~~  
6 ~~concrete technology~~ *waste tire rubber materials* in public works  
7 projects.

8 (8) Border region activities, conducted in coordination with  
9 the California Environmental Protection Agency, including, but  
10 not limited to, all of the following:

11 (A) Training programs to assist Mexican waste and used tire  
12 haulers to meet the requirements for hauling those tires in  
13 California.

14 (B) Environmental education training.

15 (C) Development of a waste tire abatement plan, with the  
16 appropriate government entities of California and Mexico.

17 (D) Tracking both the legal and illegal waste and used tire  
18 flow across the border and recommended revisions to the waste  
19 tire policies of California and Mexico.

20 (E) Coordination with businesses operating in the border  
21 region and with Mexico, with regard to applying the same  
22 environmental and control requirements throughout the border  
23 region.

24 (c) The board shall base the budget for the California Tire  
25 Recycling Act and program funding on the plan.

26 (d) The plan may not propose financial or other support that  
27 promotes, or provides for research for the incineration of tires.