

AMENDED IN ASSEMBLY AUGUST 7, 2006

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

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

February 17, 2005

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~~ *rubberized asphalt concrete*.

(1) Existing law authorizes the California Integrated Waste Management Board to implement a program to award grants *of up to \$50,000* 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 Existing law ~~becomes~~ *became* inoperative on June 30, 2006, and is repealed on January 1, 2007.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~~ *revise the* 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 to require the project to use at least 1,250 tons of rubberized asphalt concrete. The bill would require the board to annually calculate the amount of a grant, based on the amount of rubberized asphalt concrete used on a project, and would increase the maximum amount of grant money that can be awarded to \$250,000. 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 *to delete the use of used tires for artificial reefs and to include rubberized asphalt, as specified, and tire-derived aggregate applications, as specified.*

(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 waste tire rubber materials in public works projects in the 5-year plan~~ *extend the requirement for the inclusion of that description until June 30, 2010.*

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:

1 42872.5. (a) (1) In addition to the purposes listed in Section
2 42872, the tire recycling program may include the awarding of
3 grants to cities, counties, and other local government agencies for
4 the funding of public works projects that use ~~waste tire rubber~~
5 ~~materials, including, but not limited to, rubberized asphalt~~
6 ~~concrete and tire-derived aggregate. In addition to the factors~~
7 ~~listed in Sections 42874 and 42875, a grant for a public works~~
8 ~~project that uses waste tire rubber materials shall be awarded~~
9 ~~subject to all of the following:~~

10 (1) ~~Any project awarded grant funding shall generate at least~~
11 ~~2,000 tons of waste tire rubber materials during the life of the~~
12 ~~project and use 10 pounds or more of waste tire rubber materials~~
13 ~~per ton.~~

14 (2) ~~The amount of a grant that qualifies under paragraph (1)~~
15 ~~shall be determined annually by the board calculated on a per ton~~
16 ~~basis for each ton of waste tire rubber materials to be used in the~~
17 ~~project.~~

18 (3) ~~The maximum amount of a grant that qualifies under~~
19 ~~paragraph (1) shall be two hundred fifty thousand dollars~~
20 ~~(\$250,000).~~

21 (b) ~~Grants made under this section shall be funded by an~~
22 ~~appropriation in the annual Budget Act from the California Tire~~
23 ~~Recycling Management Fund established pursuant to Section~~
24 ~~42885. The board shall allocate funds pursuant to this section to~~
25 ~~the extent possible, depending on tire recycling objectives~~
26 ~~identified in the most recent Five-Year Plan pursuant to Section~~
27 ~~42885.5, the number of qualified applications, and whether there~~
28 ~~is a sufficient supply of waste tire rubber materials.~~

29 (c) ~~In order to provide outreach to local agencies regarding the~~
30 ~~use of waste tire rubber materials in public works projects, all of~~
31 ~~the following shall occur:~~

32 (1) ~~The board shall create, annually update, and post on its~~
33 ~~Internet Web site a database of public works projects that include~~
34 ~~waste tire rubber materials that were completed by local agencies~~
35 ~~under the program established by this section.~~

36 (2) ~~The Department of Transportation shall post on its public~~
37 ~~Internet Web site data and descriptions regarding state public~~
38 ~~works projects using waste tire rubber materials.~~

39 (3) ~~The board shall post on its public Internet Web site a link~~
40 ~~to the data and descriptions provided under paragraph (2). The~~

1 ~~board shall provide technical support to local agencies on the~~
2 ~~design and application for waste tire rubber materials: rubberized~~
3 ~~asphalt concrete. In addition to the factors listed in Sections~~
4 ~~42874 and 42875, the board may award a grant for a public~~
5 ~~works project that uses rubberized asphalt concrete if the project~~
6 ~~will use at least 1,250 tons of rubberized asphalt concrete during~~
7 ~~the life of the project and the material will meet the American~~
8 ~~Society for Testing and Materials (ASTM) D 6114-97, “Standard~~
9 ~~Specification for Asphalt-Rubber Binder.”~~

10 (2) *The board shall annually determine the amount of a grant*
11 *to be awarded pursuant to this section, based on the per ton*
12 *amount of rubberized asphalt concrete to be used in the project.*

13 (3) *The board shall not award a grant pursuant to this section*
14 *that exceeds a maximum amount of two hundred fifty thousand*
15 *dollars (\$250,000).*

16 (b) *The grants authorized under this section shall be funded by*
17 *an appropriation in the annual Budget Act from the California*
18 *Tire Recycling Management Fund established pursuant to*
19 *Section 42885. To the extent possible, depending on the number*
20 *of qualified applications, and whether there is a sufficient supply*
21 *of crumb rubber materials, any funds appropriated pursuant to*
22 *this section shall not be less than of 16 percent of the funds*
23 *appropriated pursuant to this chapter for market development*
24 *and new technology activities for used tires and waste tires.*

25 (c) *In order to provide outreach to local agencies regarding*
26 *the use of rubberized asphalt concrete in public works projects,*
27 *all of the following shall occur:*

28 (1) *The board shall create, annually update, and post on its*
29 *Internet Web site a database of public works projects that*
30 *include rubberized asphalt concrete that were completed by local*
31 *agencies under the program established by this section.*

32 (2) *The Department of Transportation shall post on its public*
33 *Internet Web site data and descriptions regarding state public*
34 *works projects using rubberized asphalt concrete.*

35 (3) *The board shall post on its public Internet Web site a link*
36 *to the data and descriptions provided under paragraph (2).*

37 (4) *The board shall provide technical support to local*
38 *agencies on the design and application for rubberized asphalt*
39 *concrete.*

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

6 SEC. 2. Section 42873 of the Public Resources Code is
7 amended to read:

8 42873. (a) Activities eligible for funding under this article,
9 that reduce, or that are designed to reduce or promote the
10 reduction of, landfill disposal of used whole tires, may include
11 the following:

- 12 (1) Polymer treatment.
- 13 (2) Rubber reclaiming and crumb rubber production.
- 14 (3) Retreading.
- 15 (4) Shredding.
- 16 (5) The manufacture of products made from used tires,
17 including, but not limited to, all of the following:
 - 18 ~~(A) Artificial reefs.~~
 - 19 ~~(B) Rubber asphalt, including, but not limited to, asphalt~~
 - 20 (A) *Rubberized asphalt, asphalt rubber, modified binders, and*
21 *chip seals.*
 - 22 ~~(C)~~
 - 23 (B) *Playground equipment.*
 - 24 ~~(D)~~
 - 25 (C) *Crash barriers.*
 - 26 ~~(E)~~
 - 27 (D) *Erosion control materials.*
 - 28 ~~(F)~~
 - 29 (E) *Nonslip floor and track surfacing.*
 - 30 ~~(G)~~
 - 31 (F) *Oilspill recovery equipment.*
 - 32 ~~(H)~~
 - 33 (G) *Roofing adhesives.*
 - 34 ~~(I) Tire-derived aggregate applications, including, but not~~
35 ~~limited to,~~
 - 36 (H) *Tire-derived aggregate applications, including lightweight*
37 *fill and vibration mitigation.*
 - 38 (6) Other environmentally safe applications or treatments
39 determined to be appropriate by the board.

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

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

8 SEC. 3. Section 42885.5 of the Public Resources Code is
9 amended to read:

10 42885.5. (a) The board shall adopt a five-year plan, which
11 shall be updated every two years, to establish goals and priorities
12 for the waste tire program and each program element.

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

25 (1) Enforcement and regulations relating to the storage of
26 waste and used tires.

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

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

31 (4) Market development and new technology activities for
32 used tires and waste tires.

33 (5) The waste and used tire hauler program and manifest
34 system.

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

38 (7) Until June 30, 2010, the grant program authorized under
39 Section 42872.5 to encourage the use of ~~waste tire rubber~~

1 ~~materials in public works~~ *rubberized asphalt concrete technology*
2 *in public works* projects.

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

6 (A) Training programs to assist Mexican waste and used tire
7 haulers to meet the requirements for hauling those tires in
8 California.

9 (B) Environmental education training.

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

12 (D) Tracking both the legal and illegal waste and used tire
13 flow across the border and recommended revisions to the waste
14 tire policies of California and Mexico.

15 (E) Coordination with businesses operating in the border
16 region and with Mexico, with regard to applying the same
17 environmental and control requirements throughout the border
18 region.

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

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

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25 **CORRECTIONS:**

26 **Text — Page 5.**

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