

Senate Bill No. 369

CHAPTER 300

An act to amend Sections 42872.5, 42873, and 42885.5 of the Public Resources Code, relating to solid waste.

[Approved by Governor September 18, 2006. Filed with
Secretary of State September 18, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 369, Simitian. Solid waste: tire recycling: 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 and meet specified qualifications, including that the project will use between 2,500 and 20,000 tons of rubberized asphalt concrete and 20 pounds or more of crumb rubber per ton of rubberized asphalt concrete. The grants are funded by an appropriation in the annual Budget Act from the California Tire Recycling Management Fund. Existing law became inoperative on June 30, 2006, and is repealed on January 1, 2007.

This bill would revise the eligibility qualifications for those public works grants to instead 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 extend the requirement for the inclusion of that description until June 30, 2010.

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

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

42872.5. (a) (1) In addition to the purposes listed in Section 42872, the tire recycling program may include the awarding of grants to cities, counties, and other local government agencies for the funding of public works projects that use rubberized asphalt concrete. In addition to the factors listed in Sections 42874 and 42875, the board may award a grant for a public works project that uses rubberized asphalt concrete if the project will use at least 1,250 tons of rubberized asphalt concrete during the life of the project and will use 20 pounds or more of crumb rubber per ton of rubberized asphalt concrete.

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

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

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

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

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

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

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

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

(d) This section shall become inoperative on June 30, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, that becomes

operative on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

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

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

- (1) Polymer treatment.
- (2) Rubber reclaiming and crumb rubber production.
- (3) Retreading.
- (4) Shredding.
- (5) The manufacture of products made from used tires, including, but not limited to, all of the following:

(A) Rubberized asphalt, asphalt rubber, modified binders, and chip seals.

(B) Playground equipment.

(C) Crash barriers.

(D) Erosion control materials.

(E) Nonslip floor and track surfacing.

(F) Oilspill recovery equipment.

(G) Roofing adhesives.

(H) Tire-derived aggregate applications, including lightweight fill and vibration mitigation.

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

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

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

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

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

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

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