

AMENDED IN SENATE MAY 3, 2005

SENATE BILL

No. 455

Introduced by Senator Escutia

February 18, 2005

An act to amend Sections ~~42850, 42889~~, 42889 and 42961.5 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 455, as amended, Escutia. Solid waste: used or waste tire haulers: manifests.

~~(1) Existing law authorizes the California Integrated Waste Management Board to designate a city or county to exercise enforcement authority with regard to waste tire facilities and provides that this designation does not limit the authority of the board to take action it deems necessary or proper to ensure the enforcement of the provisions regulating waste tire facilities.~~

~~This bill would also provide that this designation does not limit the authority of the board to act under the California Tire Recycling Act or the provisions regulating waste and used tire haulers.~~

~~(2) Existing law imposes a California tire fee on every person who purchases a new tire, which is remitted by the retailer, for deposit in the California Tire Recycling Management Fund. These fees are required to be appropriated to the ~~board~~ *California Integrated Waste Management Board* in the annual Budget Act, for specified purposes, including paying the costs associated with the development and enforcement of regulations relating to the storage of waste tires and used tires.~~

This bill would additionally require the moneys in the fund to be appropriated to pay the costs associated with the development and

enforcement of regulations relating to the hauling of waste and used tires.

~~(3)~~

(2) Existing law requires any person generating waste or used tires that are transported or submitted for transportation to submit a California Uniform Waste and Used Tire Manifest, as defined, to the waste and used tire hauler and to submit copies of the manifest to the California Integrated Waste Management Board *on a quarterly schedule*. A waste and used tire hauler is required to possess that manifest while transporting waste or used tires, and the operator of a waste or used tire facility is required to submit a copy of the manifest to the board and the generator *on a quarterly schedule*.

This bill would ~~revise the definition of the term “California Uniform Waste and Used Tire Manifest” and would revise those provisions with regard to procedures for providing and submitting the manifest. The bill would require the board to adopt a California uniform waste and used tire manifest system for the purpose of tracking waste and used tires, to prevent the illegal disposal of those tires. The bill would require~~ *authorize* the board to adopt regulations ~~with regard to the completion and submission of a manifest and a~~ *specifying an alternative* schedule for submitting manifests ~~to the board~~.

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 42850 of the Public Resources Code is~~
2 ~~amended to read:~~

3 ~~42850. (a) Any person who negligently violates any~~
4 ~~provision of this chapter, or any permit, rule, regulation,~~
5 ~~standard, or requirement issued or adopted pursuant to this~~
6 ~~chapter, is liable for a civil penalty of not less than five hundred~~
7 ~~dollars (\$500) or more than five thousand dollars (\$5,000), for~~
8 ~~each violation of a separate provision or, for continuing~~
9 ~~violations, for each day that the violation continues.~~

10 ~~(b) Liability under this section may be imposed in a civil~~
11 ~~action or liability may be imposed administratively pursuant to~~
12 ~~this article.~~

13 ~~(c) Upon request of a city, county, or city and county, that city,~~
14 ~~county, or city and county may be designated, in writing, by the~~

1 board, to exercise the enforcement authority granted to the board
2 under this chapter. Any city, county, or city and county so
3 designated shall follow the same procedures set forth for the
4 board under this article. This designation shall not limit the
5 authority of the board to take action it deems necessary or proper
6 to ensure to enforcement of this chapter, Chapter 17
7 (commencing with Section 42860), and Chapter 19 (commencing
8 with Section 42950).

9 ~~SEC. 2.~~

10 *SECTION 1.* Section 42889 of the Public Resources Code, as
11 amended by Section 14 of Chapter 707 of the Statutes of 2004, is
12 amended to read:

13 42889. (a) (1) Commencing January 1, 2005, and until
14 December 31, 2006, of the moneys collected pursuant to Section
15 42885, an amount equal to seventy-five cents (\$0.75) per tire on
16 which the fee is imposed shall be transferred by the State Board
17 of Equalization to the Air Pollution Control Fund. The state
18 board shall expend those moneys, or allocate those moneys to the
19 districts for expenditure, to fund programs and projects that
20 mitigate or remediate air pollution caused by tires in the state, to
21 the extent that the state board or the applicable district
22 determines that the program or project remediates air pollution
23 harms created by tires upon which the fee described in Section
24 42885 is imposed.

25 (2) Commencing January 1, 2007, of the moneys collected
26 pursuant to Section 42885, an amount equal to fifty cents (\$0.50)
27 per tire on which the fee is imposed shall be transferred by the
28 State Board of Equalization to the Air Pollution Control Fund for
29 expenditure by the state board as described in paragraph (1).

30 (b) The remaining moneys collected pursuant to Section 42885
31 shall be used to fund the waste tire program, and shall be
32 appropriated to the board in the annual Budget Act in a manner
33 consistent with the five-year plan adopted and updated by the
34 board. These moneys shall be expended for the payment of
35 refunds under this chapter and for the following purposes:

36 (1) To pay the administrative overhead cost of this chapter, not
37 to exceed 6 percent of the total revenue deposited in the fund
38 annually, or an amount otherwise specified in the annual Budget
39 Act.

1 (2) To pay the costs of administration associated with
2 collection, making refunds, and auditing revenues in the fund,
3 not to exceed 3 percent of the total revenue deposited in the fund,
4 as provided in subdivision (c) of Section 42885.

5 (3) To pay the costs associated with operating the tire
6 recycling program specified in Article 3 (commencing with
7 Section 42870).

8 (4) To pay the costs associated with the development and
9 enforcement of regulations relating to the storage and hauling of
10 waste tires and used tires. The board shall consider designating a
11 city, county, or city and county as the enforcement authority of
12 regulations relating to the storage of waste tires and used tires, as
13 provided in subdivision (c) of Section 42850. If the board
14 designates a local entity for that purpose, the board shall provide
15 sufficient, stable, and noncompetitive funding to that entity for
16 that purpose, based on available resources, as provided in the
17 five-year plan adopted and updated as provided in subdivision (a)
18 of Section 42855.5. The board may consider and create, as
19 appropriate, financial incentives for citizens who report the
20 illegal hauling or disposal of waste tires as a means of enhancing
21 local and statewide waste tire and used tire enforcement
22 programs.

23 (5) To pay the costs of cleanup, abatement, removal, or other
24 remedial action related to waste tire stockpiles throughout the
25 state, including all approved costs incurred by other public
26 agencies involved in these activities by contract with the board.
27 Not less than six million five hundred thousand dollars
28 (\$6,500,000) shall be expended by the board during each of the
29 following fiscal years for this purpose: 2001–02 to 2006–07,
30 inclusive.

31 (6) To make studies and conduct research directed at
32 promoting and developing alternatives to the landfill disposal of
33 waste tires.

34 (7) To assist in developing markets and new technologies for
35 used tires and waste tires. The board's expenditure of funds for
36 purposes of this subdivision shall reflect the priorities for waste
37 management practices specified in subdivision (a) of Section
38 40051.

39 (8) To pay the costs associated with implementing and
40 operating a waste tire and used tire hauler program and manifest

1 system pursuant to Chapter 19 (commencing with Section
2 42950).

3 (9) To pay the costs to create and maintain an emergency
4 reserve, which shall not exceed one million dollars (\$1,000,000).

5 (10) To pay the costs of cleanup, abatement, or other remedial
6 action related to the disposal of waste tires in implementing and
7 operating the Farm and Ranch Solid Waste Cleanup and
8 Abatement Grant Program established pursuant to Chapter 2.5
9 (commencing with Section 48100) of Part 7.

10 (c) This section shall remain in effect only until January 1,
11 2015, and as of that date is repealed, unless a later enacted
12 statute, that is enacted before January 1, 2015, deletes or extends
13 that date.

14 ~~SEC. 3.~~

15 *SEC. 2.* Section 42889 of the Public Resources Code, as
16 added by Section 14.5 of Chapter 707 of the Statutes of 2004, is
17 amended to read:

18 42889. Funding for the waste tire program shall be
19 appropriated to the board in the annual Budget Act. The moneys
20 in the fund shall be expended for the payment of refunds under
21 this chapter and for the following purposes:

22 (a) To pay the administrative overhead cost of this chapter, not
23 to exceed 5 percent of the total revenue deposited in the fund
24 annually, or an amount otherwise specified in the annual Budget
25 Act.

26 (b) To pay the costs of administration associated with
27 collection, making refunds, and auditing revenues in the fund,
28 not to exceed 3 percent of the total revenue deposited in the fund,
29 as provided in subdivision (c) of Section 42885.

30 (c) To pay the costs associated with operating the tire
31 recycling program specified in Article 3 (commencing with
32 Section 42870).

33 (d) To pay the costs associated with the development and
34 enforcement of regulations relating to the storage and hauling of
35 waste tires and used tires. The board shall consider designating a
36 city, county, or city and county as the enforcement authority of
37 regulations relating to the storage of waste tires and used tires, as
38 provided in subdivision (c) of Section 42850. If the board
39 designates a local entity for that purpose, the board shall provide
40 sufficient, stable, and noncompetitive funding to that entity for

1 that purpose, based on available resources, as provided in the
2 five-year plan adopted and updated as provided in subdivision (a)
3 of Section 42855.5. The board may consider and create, as
4 appropriate, financial incentives for citizens who report the
5 illegal hauling or disposal of waste tires as a means of enhancing
6 local and statewide waste tire and used tire enforcement
7 programs.

8 (e) To pay the costs of cleanup, abatement, removal, or other
9 remedial action related to waste tire stockpiles throughout the
10 state, including all approved costs incurred by other public
11 agencies involved in these activities by contract with the board.
12 Not less than six million five hundred thousand dollars
13 (\$6,500,000) shall be expended by the board during each of the
14 following fiscal years for this purpose: 2001–02 to 2006–07,
15 inclusive.

16 (f) This section shall become operative on January 1, 2015.

17 ~~SEC. 4. Section 42961.5 of the Public Resources Code is~~
18 ~~amended to read:~~

19 ~~42961.5. (a) For purposes of this chapter, the following~~
20 ~~definitions shall apply:~~

21 ~~(1) “California Uniform Waste and Used Tire Manifest”~~
22 ~~means a shipping document completed by a generator of waste or~~
23 ~~used tires, a waste and used tire hauler, or the operator of a waste~~
24 ~~or used tire facility or other destination that contains all of the~~
25 ~~information required by the board.~~

26 ~~(2) “Waste and used tire hauler” means any person required to~~
27 ~~be registered with the board pursuant to subdivision (a) of~~
28 ~~Section 42951.~~

29 ~~(b) The board shall adopt a California uniform waste and used~~
30 ~~tire manifest system for the purpose of tracking waste and used~~
31 ~~tires, to prevent the illegal disposal of those tires. The board shall~~
32 ~~adopt regulations that specify the duties of a person who~~
33 ~~generates, hauls, or receives waste or used tires, with regard to~~
34 ~~the completion and submission of a manifest, and a schedule for~~
35 ~~submitting manifests to the board.~~

36 ~~(c) Any person generating waste or used tires that are~~
37 ~~transported or submitted for transportation, for offsite handling,~~
38 ~~altering, storage, disposal, or for any combination thereof, shall~~
39 ~~complete a California Uniform Waste and Used Tire Manifest, as~~
40 ~~required by the board.~~

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

8 ~~(2) Any waste and used tire hauler hauling waste or used tires~~
9 ~~for offsite handling, altering, storage, disposal, or any~~
10 ~~combination thereof, shall complete the California Uniform~~
11 ~~Waste and Used Tire Manifest as required by the board. The~~
12 ~~waste and used tire hauler shall provide the manifest information,~~
13 ~~as required by the board, to the waste or used tire facility~~
14 ~~operator who receives the waste or used tires for handling,~~
15 ~~altering, storage, disposal, or any combination thereof.~~

16 ~~(e) Each waste or used tire facility operator that receives waste~~
17 ~~or used tires for handling, altering, storage, disposal, or any~~
18 ~~combination thereof, that was transported with a manifest~~
19 ~~pursuant to this section, shall submit manifest information~~
20 ~~provided by the waste and used tire hauler, as required by the~~
21 ~~board.~~

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

29 ~~(g) If approved by the board, any waste and used tire~~
30 ~~generator, waste and used tire hauler, or operator of a waste tire~~
31 ~~facility that is subject to the manifest requirements of this~~
32 ~~section, may submit an electronic report to the board, in lieu of~~
33 ~~submitting the copy of the manifest required. The electronic~~
34 ~~report shall include all information required by the board.~~

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

37 42961.5. (a) For purposes of this chapter, the following
38 definitions shall apply:

39 (1) “California Uniform Waste and Used Tire Manifest”
40 means a shipping document signed by a generator of waste or

1 used tires, a waste and used tire hauler, or the operator of a waste
2 or used tire facility or other destination that contains all of the
3 information required by the board, including, but not limited to,
4 an accurate measurement of the number of tires being shipped,
5 the type or types of the tires, the date the shipment originated,
6 and the origin and intended final destination of the shipment.

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

10 (b) Any person generating waste or used tires that are
11 transported or submitted for transportation, for offsite handling,
12 altering, storage, disposal, or for any combination thereof, shall
13 complete a California Uniform Waste and Used Tire Manifest, as
14 required by the board. The generator shall provide the manifest to
15 the waste and used tire hauler at the time of transfer of the tires.
16 Each generator shall submit to the board, on a quarterly schedule,
17 *or in accordance with the regulations adopted pursuant to*
18 *subdivision (g)*, a legible copy of each manifest. The copy
19 submitted to the board shall contain the signatures of the
20 generator and the waste and used tire hauler.

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

28 (2) Any waste and used tire hauler hauling waste or used tires
29 for offsite handling, altering, storage, disposal, or any
30 combination thereof, shall complete the California Uniform
31 Waste and Used Tire Manifest as required by the board. The
32 waste and used tire hauler shall provide the manifest to the waste
33 or used tire facility operator who receives the waste or used tires
34 for handling, altering, storage, disposal, or any combination
35 thereof. Each waste and used tire hauler shall submit to the
36 board, on a quarterly schedule, *or in accordance with the*
37 *regulations adopted pursuant to subdivision (g)*, a legible copy of
38 each manifest. The copy submitted to the board shall contain the
39 signatures of the generator and the facility operator.

1 (d) Each waste or used tire facility operator that receives waste
2 or used tires for handling, altering, storage, disposal, or any
3 combination thereof, that was transported with a manifest
4 pursuant to this section, shall submit copies of each manifest
5 provided by the waste and used tire hauler to the board and the
6 generator on a quarterly schedule, *or in accordance with the*
7 *regulations adopted pursuant to subdivision (g)*. The copy
8 submitted to the board shall contain the signatures of each
9 generator, each transporter, and the facility operator. If approved
10 by the board, in lieu of submitting a copy of each manifest used,
11 a facility operator may submit an electronic report to the board
12 meeting the requirements of Section 42814.

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

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

28 (2) A waste and used tire generator, waste and used tire hauler,
29 or operator of a waste tire facility that is subject to paragraph (1)
30 may submit the electronic reports to the board on a quarterly
31 schedule, *or in accordance with the regulations adopted*
32 *pursuant to subdivision (g)*.

33 (g) *The board may adopt regulations specifying an alternative*
34 *schedule for submitting a manifest required pursuant to this*
35 *section.*

O