

AMENDED IN SENATE APRIL 21, 2008

SENATE BILL

No. 1663

Introduced by Senator Denham

February 22, 2008

An act to amend Section ~~42954~~ of 42885.5 of, and to add and repeal Section 42872.6 of, the Public Resources Code, relating to waste ~~tire haulers tires~~.

LEGISLATIVE COUNSEL'S DIGEST

SB 1663, as amended, Denham. ~~Waste tire haulers: registration. Used and waste tires: grants.~~

Existing law requires every person who engages in the transportation of waste or used tires to hold a valid waste and used tire hauler registration, and requires a registered waste and used tire hauler to only transport waste or used tires to a facility that meets the conditions for being permitted, excluded, exempted, or authorized to accept waste and used tires, or to a facility that lawfully accepts waste or used tires for reuse or disposal. Existing law exempts certain persons from registration if the person meets at least one of 8 specified standards, including transporting fewer than 10 waste or used tires at any one time.

~~This bill would additionally exempt from the waste and used tire hauler registration requirements a person who is an owner or employee of an agriculture business concern, as defined, that is not a waste tire generating business, if the person is hauling used or waste tires that were used on a vehicle owned or operated by that agriculture business concern. The bill would also make technical and clarifying changes.~~

The existing California Tire Recycling Act requires the California Integrated Waste Management Board to administer a tire recycling program that promotes and develops alternatives to the landfill disposal

of used whole tires. The board is authorized to implement various grant, subsidy, and loan programs to encourage the recycling of waste tires. The board is required to adopt and biennially update a 5-year plan to establish goals and priorities for the waste tire program, including specified program elements. The budget for implementation of the act and the funding of the tire recycling program are based upon the 5-year plan.

This bill would additionally require the tire recycling program to include the awarding of grants to cities, counties, and other local government and nonprofit entities to provide assistance to owners of farm property used for specified agricultural activities. The bill would require the grants to be expended only for the purposes of facilitating compliance with the requirements imposed upon the transportation of used and waste tires and for the removal of illegally disposed tires. The bill would make this grant program inoperative on June 20, 2012, and would repeal the provisions authorizing the program on January 1, 2013.

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 42872.6 is added to the Public Resources
2 Code, to read:
3 42872.6. (a) In addition to the purposes listed in Section
4 42872, the tire recycling program shall include the awarding of
5 grants to cities, counties, and other local government and nonprofit
6 entities to provide the assistance specified in subdivision (b) to
7 owners of farm property used for agricultural activities, including,
8 but not limited to, commercial livestock, crop production,
9 horticulture, floriculture, and viticulture.
10 (b) The grants provided pursuant to subdivision (a) may be
11 expended only for the purposes of facilitating compliance with
12 Chapter 19 (commencing with Section 42950), including
13 purchasing equipment necessary to facilitate the tracking and
14 reporting of used and waste tires, and for the removal of illegally
15 disposed tires.
16 (c) This section shall become inoperative on June 30, 2012,
17 and, as of January 1, 2013, is repealed, unless a later enacted
18 statute, that becomes operative on or before January 1, 2013,

1 *deletes or extends the dates on which it becomes inoperative and*
2 *is repealed.*

3 *SEC. 2. Section 42885.5 of the Public Resources Code is*
4 *amended to read:*

5 42885.5. (a) The board shall adopt a five-year plan, which
6 shall be updated every two years, to establish goals and priorities
7 for the waste tire program and each program element.

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

19 (1) Enforcement and regulations relating to the storage of waste
20 and used tires.

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

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

25 (4) Market development and new technology activities for used
26 tires and waste tires.

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

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

31 (7) Until June 30, 2010, the grant program authorized under
32 Section 42872.5 to encourage the use of rubberized asphalt concrete
33 technology in public works projects.

34 (8) *Until June 30, 2012, the grant program authorized under*
35 *Section 42872.6 to award grants to local government and nonprofit*
36 *entities to provide assistance to owners of farm property to*
37 *facilitate compliance with Chapter 19 (commencing with Section*
38 *42950) and to remove illegally disposed tires.*

39 ~~(8)~~

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

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

7 (B) Environmental education training.

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

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

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

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

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

20 ~~SECTION 1. Section 42954 of the Public Resources Code is~~
21 ~~amended to read:~~

22 ~~42954. (a) A person who hauls waste or used tires is exempt~~
23 ~~from registration under this chapter if at least one of the following~~
24 ~~conditions is met:~~

25 ~~(1) The person transports fewer than 10 waste or used tires at~~
26 ~~any one time.~~

27 ~~(2) The person is, or hauls used and waste tires in a vehicle~~
28 ~~owned and operated by, the United States, the State of California,~~
29 ~~or any county, city, town, or municipality in the state, except when~~
30 ~~the vehicle the public agency owns or operates is used as a waste~~
31 ~~and used tire carrier for hire.~~

32 ~~(3) The waste or used tires were inadvertently mixed or~~
33 ~~commingled with solid waste, and it is not economical or safe to~~
34 ~~remove or recover them.~~

35 ~~(4) The vehicle originated outside the boundaries of the state~~
36 ~~and is destined for a point outside the boundaries of the state, if~~
37 ~~no waste or used tires are loaded or unloaded within the boundaries~~
38 ~~of the state.~~

39 ~~(5) The person is hauling waste or used tires for agricultural~~
40 ~~purposes. However, notwithstanding Section 42961.5, a person~~

1 hauling waste or used tires for agricultural purposes shall carry a
2 manifest from the generator in the vehicle during transportation,
3 which may be destroyed after delivery.

4 (6) The waste or used tires were hauled by a common carrier
5 who transported something other than waste or used tires to an
6 original destination point and then transported waste or used tires
7 on the return part of the trip, and the revenue derived from the
8 waste or used tires is incidental when compared to the revenue
9 earned by the carrier.

10 (7) The person, who is not a waste tire generating business, is
11 transporting waste or used tires to an amnesty day event or to a
12 location that meets the conditions specified in subdivision (b) of
13 Section 42951, and has received written authorization, which
14 includes specific conditions and dates, from the local enforcement
15 agency. The local enforcement agency shall provide copies of any
16 written authorizations to the board within 30 days of their issuance.

17 (8) (A) The person is an owner or employee of an agriculture
18 business concern that is not a waste tire generating business and
19 the person is hauling used or waste tires that were used on vehicles
20 owned or operated by that agriculture business concern.

21 (B) For purposes of this paragraph, “agriculture business
22 concern” means a sole proprietorship, corporation, association,
23 firm, partnership, trust, or other form of commercial organization
24 that primarily conducts operations relating to agriculture.

25 (9) The person complies with any additional conditions for
26 exemption, as approved by the board.

27 (b) A person who transports tires to a location that does not
28 meet the conditions specified in subdivision (b) of Section 42951
29 shall not be exempt pursuant to subdivision (a), except as specified
30 in paragraph (7) of subdivision (a).

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CORRECTIONS:
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