

**ASSEMBLY BILL**

**No. 525**

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**Introduced by Assembly Member Gordon**

February 15, 2011

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An act to amend Section 42885.5 of, and to add and repeal Section 42872.5 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 525, as introduced, Gordon. Solid waste: tire recycling.

The California Tire Recycling Act imposes a California tire fee on a new tire purchased in the state. The revenue generated from the fee is deposited in the California Tire Recycling Management Fund for expenditure, upon appropriation by the Legislature, for the purposes of programs related to waste tires, including grants to local entities involved in activities that result in reduced landfill disposal of used whole tires. The act requires the Department of Resources Recycling and Recovery to adopt a 5-year plan, which is to be updated biennially, to establish goals and priorities for waste tire programs.

This bill would require the department to provide outreach to local agencies regarding a program it may establish under existing law to award grants to cities, counties, and other local government agencies for the funding of public works projects that use waste tires in public works projects. The bill would prohibit the amount appropriated for this purpose from the fund to not be less than an unspecified percent of the amount of the funds appropriated for market development and new technology activities for used tires and waste tires.

The bill would make the public works waste tire grant program inoperative on June 30, 2015, and would repeal the provision authorizing

this program on January 1, 2016. The bill would also make conforming changes with regard to the department’s 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 is added to the Public Resources  
2 Code, to read:

3 42872.5. (a) The grants awarded pursuant to Section 42872  
4 may be made to cities, counties, and other local government  
5 agencies for the funding of public works projects that use waste  
6 tires, including, but not limited to, the use of rubberized asphalt  
7 concrete and tire-derived aggregate.

8 (b) The grants described in subdivision (a) shall be funded by  
9 an appropriation in the annual Budget Act from the California Tire  
10 Recycling Management Fund established pursuant to Section  
11 42885. To the extent possible, depending on the number of  
12 qualified applications, the amount of the funds appropriated in the  
13 annual Budget Act for purposes of this section shall not be less  
14 than \_\_\_ percent of the amount of the funds appropriated pursuant  
15 to this chapter, in accordance with paragraph (4) of subdivision  
16 (b) of Section 42885.5, for market development and new  
17 technology activities for used tires and waste tires.

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

21 (1) The department shall create, annually update, and post on  
22 its Internet Web site a database of public works projects that use  
23 waste tires that were completed by local agencies receiving grants  
24 for purposes of this section.

25 (2) The Department of Transportation shall post on its public  
26 Internet Web site data and descriptions regarding state public works  
27 projects using waste tires.

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

30 (4) The department shall provide technical support to local  
31 agencies on the design and application for using waste tires in  
32 public works projects.

1 (d) This section shall become inoperative on June 30, 2015,  
2 and, as of January 1, 2016, is repealed, unless a later enacted  
3 statute, that becomes operative on or before January 1, 2016,  
4 deletes or extends the dates on which it becomes inoperative and  
5 is repealed.

6 SEC. 2. Section 42885.5 of the Public Resources Code is  
7 amended to read:

8 42885.5. (a) The ~~board~~ *department* shall adopt a five-year  
9 plan, which shall be updated every two years, to establish goals  
10 and priorities for the waste tire program and each program element.

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

23 (1) Enforcement and regulations relating to the storage of waste  
24 and used tires.

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

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

29 (4) Market development and new technology activities for used  
30 tires and waste tires.

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

32 (6) A description of the grants, loans, contracts, and other  
33 expenditures proposed to be made by the ~~board~~ *department* under  
34 the tire recycling program.

35 (7) Until June 30, ~~2010~~, 2015, the grant program authorized  
36 under Section 42872.5 to encourage the use of *waste tires*,  
37 *including, but not limited to*, rubberized asphalt concrete  
38 technology, in public works projects.

- 1 (8) 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 (F) Development of projects in Mexico in the California-Mexico  
17 border region, as defined by the La Paz Agreement, that include,  
18 but are not limited to, education, infrastructure, mitigation, cleanup,  
19 prevention, reuse, and recycling projects, that address the  
20 movement of used tires from California to Mexico that are  
21 eventually disposed of in California.
- 22 (c) The ~~board~~ *department* shall base the budget for the California  
23 Tire Recycling Act and program funding on the plan.
- 24 (d) The plan may not propose financial or other support that  
25 promotes, or provides for research for the incineration of tires.