

AMENDED IN SENATE SEPTEMBER 1, 2011

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 525

Introduced by Assembly Member Gordon

February 15, 2011

An act to amend Section 42885.5 of, *to add Section 48704.1 to*, and to add and repeal Section 42872.5 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 525, as amended, Gordon. Solid waste: ~~tire recycling~~-*recycling*: *architectural paint recovery program*.

The

(1) *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. 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.

(2) Existing law creates an architectural paint recovery program that is enforced by the Department of Resources Recycling and Recovery. On or before April 1, 2012, a manufacturer or designated stewardship organization is required to submit to the department an architectural paint stewardship plan to develop and implement a recovery program to reduce the generation of postconsumer paint, promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal. The plan is required to contain specified elements of an architectural paint stewardship program, including, but not limited to, an architectural paint stewardship assessment, approved by the department, on each container of architectural paint sold in this state.

Existing law prohibits a manufacturer or retailer from selling or offering for sale architectural paint to any person in this state, unless the manufacturer is listed on the department's Internet Web site as being in compliance with the program. Existing law authorizes the department to administratively impose civil penalties for violations of the act. Existing law requires a stewardship organization to pay the department annual administrative fees in the amount that is sufficient to cover the department's full costs of administering and enforcing the program.

This bill would establish the Architectural Paint Stewardship Account in the Integrated Waste Management Fund, would require the fees to be deposited in this account, and would require the department to expend those fees, upon appropriation by the Legislature, to cover the department's costs to implement the program. The bill would also establish the Architectural Paint Stewardship Penalty Subaccount in the Integrated Waste Management Fund, would require the penalties collected to be deposited in that subaccount, and would authorize the department to expend those funds, upon appropriation by the Legislature, to cover the department's costs to implement the program.

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.

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

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

19 ~~(2) The Department of Transportation shall post on its public~~
20 ~~Internet Web site data and descriptions regarding state public works~~
21 ~~projects using waste tires.~~

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

24 ~~(4)~~

25 (2) The department shall provide technical support to local
26 agencies on the design and application for using waste tires in
27 public works projects.

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

33 SEC. 2. Section 42885.5 of the Public Resources Code is
34 amended to read:

35 42885.5. (a) The department shall adopt a five-year plan, which
36 shall be updated every two years, to establish goals and priorities
37 for the waste tire program and each program element.

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

13 (1) Enforcement and regulations relating to the storage of waste
14 and used tires.

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

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

19 (4) Market development and new technology activities for used
20 tires and waste tires.

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

22 (6) A description of the grants, loans, contracts, and other
23 expenditures proposed to be made by the department under the
24 tire recycling program.

25 (7) Until June 30, 2015, the grant program authorized under
26 Section 42872.5 to encourage the use of waste tires, including, but
27 not limited to, rubberized asphalt concrete technology, in public
28 works projects.

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

32 (A) Training programs to assist Mexican waste and used tire
33 haulers to meet the requirements for hauling those tires in
34 California.

35 (B) Environmental education training.

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

38 (D) Tracking both the legal and illegal waste and used tire flow
39 across the border and recommended revisions to the waste tire
40 policies of California and Mexico.

1 (E) Coordination with businesses operating in the border region
2 and with Mexico, with regard to applying the same environmental
3 and control requirements throughout the border region.

4 (F) Development of projects in Mexico in the California-Mexico
5 border region, as defined by the La Paz Agreement, that include,
6 but are not limited to, education, infrastructure, mitigation, cleanup,
7 prevention, reuse, and recycling projects, that address the
8 movement of used tires from California to Mexico that are
9 eventually disposed of in California.

10 (c) The department shall base the budget for the California Tire
11 Recycling Act and program funding on the plan.

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

14 *SEC. 3. Section 48704.1 is added to the Public Resources Code,*
15 *to read:*

16 *48704.1. (a) The Architectural Paint Stewardship Account*
17 *and the Architectural Paint Stewardship Penalty Subaccount are*
18 *hereby established in the Integrated Waste Management Fund*
19 *created pursuant to Section 40135.*

20 *(b) All fees collected by the department pursuant to this chapter*
21 *shall be deposited in the Architectural Paint Stewardship Account*
22 *and may be expended by the department, upon appropriation by*
23 *the Legislature, to cover the department's costs to implement this*
24 *chapter.*

25 *(c) All civil penalties collected pursuant to this chapter shall*
26 *be deposited in the Architectural Paint Stewardship Penalty*
27 *Subaccount and may be expended by the department, upon*
28 *appropriation by the Legislature, to cover the department's costs*
29 *to implement this chapter.*