

## Assembly Bill No. 1071

### CHAPTER 191

An act to amend Section 42823 of, and to add Section 42823.5 to, the Public Resources Code, relating to waste tires.

[Approved by Governor July 22, 1995. Filed with  
Secretary of State July 24, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1071, Morrow. Solid waste: waste tires: cement manufacturing plant.

Existing law, the California Integrated Waste Management Act of 1989, regulates the handling and disposal of solid waste.

The act prohibits any person from establishing a new waste tire facility or expanding an existing minor waste tire facility unless the person has obtained a major waste tire facility permit issued by the California Integrated Waste Management Board.

This bill would exempt a cement manufacturing plant that meets specified conditions from the requirement to obtain that permit and would prescribe other related matters.

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

SECTION 1. Section 42823 of the Public Resources Code is amended to read:

42823. Except as provided in Section 42823.5, no person shall establish a new major waste tire facility or expand an existing minor waste tire facility unless the person has obtained a major waste tire facility permit issued by the board pursuant to Section 42822.

SEC. 2. Section 42823.5 is added to the Public Resources Code, to read:

42823.5. (a) A cement manufacturing plant shall be exempt from the requirement to obtain a permit pursuant to Section 42823 if the operator of the cement manufacturing plant meets both of the following requirements:

(1) The owner or operator of the cement manufacturing plant stores not more than a one-month supply of waste tires at the site of the cement manufacturing plant at any time. A one-month supply of waste tires shall be based on either of the following:

(A) The average monthly consumption of waste tires by the plant during the previous year.

(B) The waste tire percentage of the total fuel supply allowed by the air quality management district, multiplied by the average monthly consumption of fuel for the previous year.



(2) The operator or owner of the cement manufacturing plant is in compliance with any regulations adopted by the board pertaining to waste tire storage and disposal.

(b) To apply for the exemption provided by this section, the operator or owner of a cement manufacturing plant shall provide all of the following information to the board in writing:

(1) The name, address, and physical location of the plant.

(2) The name, address, and telephone number of the plant operator and owner.

(3) Information describing compliance with subdivision (a).

(4) Signatures of the operator and owner of the plant certifying to the accuracy of the information provided.

(c) If there is any change to the information provided pursuant to subdivision (b), the operator or owner of the plant shall report the change to the board, in writing, within 30 days from the date of the change.

(d) Within 30 days from the date of the receipt of the information required by subdivision (b), the board shall determine whether the owner or operator of a cement manufacturing plant qualifies for the exemption provided by this section and shall notify the operator or owner of the plant of its determination in writing.

(e) The board or the local enforcement agency may inspect a cement manufacturing plant that receives the exemption provided by this section to determine compliance with this section.

(f) Any owner or operator of a cement manufacturing plant who receives an exemption pursuant to this section shall allow the board, upon presentation of the proper credentials, to enter the cement manufacturing plant during normal working hours to examine and copy books, papers, records, or memoranda pertaining to the use and storage of waste tires, and to conduct inspections and investigations pertaining to waste tire use and storage.

