

AMENDED IN ASSEMBLY APRIL 2, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2181

**Introduced by Assembly Member Firestone Members
*Firestone and Woods***

February 19, 1998

An act to amend Sections 42825, 42835, and ~~42850~~ 42850, 42870, 42871, 42873, and 42885 of, and to add Sections 42850.1 and 42876 to, and to add and repeal Chapter 20 (commencing with Section 42970) to Part 3 of Division 30 of, the Public Resources Code, relating to waste tires.

LEGISLATIVE COUNSEL'S DIGEST

AB 2181, as amended, Firestone. Solid waste: tires: *recycling*.

(1) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. Existing law imposes civil and criminal penalties for violation of specified provisions pertaining to waste tires.

This bill would impose additional criminal penalties for violations of those provisions thereby imposing a state-mandated local program by creating new crimes. The bill would also modify the amount of a civil penalty that may be imposed for certain violations.

(2) The existing California Tire Recycling Act, which is a part of the waste management act, requires the board to

initiate a tire recycling program that promotes and develops alternatives to the landfill disposal of used whole tires.

~~This bill would specify that the size of individual pieces of shredded tires deposited in landfill shall not exceed 2 inches in length.~~

Existing law until June 30, 1999, requires a fee of \$0.25 per tire to be paid by every person who purchases a new tire, as defined, from a retail seller of new tires.

This bill would increase that fee to \$0.50 per tire and extend the requirement for payment of the fee until June 30, 2004.

The bill would require the board, by January 1, 2000, to submit to the Legislature a detailed status report on its progress in meeting the intent of the Legislature to reduce the landfill disposal and stockpiling of used whole tires by 25% within 4 years, and a phased strategic plan and cost estimate to eliminate existing stockpiles of whole waste tires, and to replace the need for landfill deposition of shredded waste tires with sustainable productive use of waste tires no later than January 1, 2005.

The bill would require shredded tires deposited in landfills for purposes of disposal or alternative daily cover to be shredded so that 50% by volume of the tire shreds are smaller than 6" in length and no individual pieces are greater than 12" in length.

The bill would require the board by January 1, 2000, to submit to the Legislature a report, as prescribed, that addresses the issue of waste tires imported from other states for use or disposal in California.

The bill would until June 30, 2004, require fees deposited in the California Tire Recycling Management Fund to be available, upon appropriation by the Legislature, for expenditure by the board to promote the productive end use, as described, of waste tires. The bill would make certified productive end users eligible for reimbursement on a first-come, first-serve basis by date of invoice receipt, subject to the appropriation of funds.

The bill would require the board by May 1, 1999, to establish a certification process to identify qualified productive end users eligible for reimbursement from the fund for tire recycling costs. The bill would require a certified productive



end user to be reimbursed by the board at the rate of \$0.20 per passenger tire equivalent, as defined.

The bill would require the board, by May 1, 2000, to adopt regulations authorizing a certified productive end user to may obtain reimbursement of tire recycling costs.

The bill would authorize a productive end user to apply for reimbursement on or after January 1, 1999, subject to payment following adoption of regulations by the board.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 42825 of the Public Resources
2 Code is amended to read:

3 42825. (a) Any person who accepts waste tires at a
4 major waste tire facility that has not been issued a permit
5 or who knowingly directs or transports waste tires to a
6 major waste tire facility that has not been issued a permit
7 shall, upon conviction, be punished by a fine of not less
8 than ten thousand dollars (\$10,000) for each day of
9 violation, by imprisonment in the county jail for not more
10 than one year, or by both that fine and imprisonment.

11 (b) For purposes of subdivision (a), "each day of
12 violation" means each day on which a violation continues.
13 In any case where a person has accepted waste tires at a
14 major waste tire facility, or knowingly directed or
15 transported waste tires to a major waste tire facility, that
16 has not been issued a permit, in violation of subdivision
17 (a), each day that the waste tires remain at the facility
18 and the person has knowledge thereof is a separate
19 additional violation, unless the person has filed a report
20 with the board disclosing the violation and is in
21 compliance with any order regarding the waste tires



1 issued by the board, a hearing officer, or a court of
2 competent jurisdiction.

3 SEC. 2. Section 42835 of the Public Resources Code is
4 amended to read:

5 42835. (a) Any person who accepts waste tires at a
6 minor waste tire facility that has not been issued a permit
7 or who knowingly directs or transports waste tires to a
8 minor waste tire facility that has not been issued a permit
9 shall, upon conviction, be punished by a fine of not less
10 than five hundred dollars (\$500) nor more than five
11 thousand dollars (\$5,000) for each day of violation, by
12 imprisonment in the county jail for not more than one
13 year, or by both that fine and imprisonment.

14 (b) For purposes of subdivision (a), “each day of
15 violation” means each day on which a violation continues.
16 In any case where a person has accepted waste tires at a
17 minor waste tire facility, or knowingly directed or
18 transported waste tires to a minor waste tire facility, that
19 has not been issued a permit, in violation of subdivision
20 (a), each day that the waste tires remain at the facility
21 and the person has knowledge thereof is a separate
22 additional violation, unless the person has filed a report
23 with the board disclosing the violation and is in
24 compliance with any order regarding the waste tires
25 issued by the board, a hearing officer, or a court of
26 competent jurisdiction.

27 SEC. 3. Section 42850 of the Public Resources Code is
28 amended to read:

29 42850. (a) Any person who negligently violates any
30 provision of this chapter, or any permit, rule, regulation,
31 standard, or requirement issued or adopted pursuant to
32 this chapter, is liable for a civil penalty of not less than five
33 hundred dollars (\$500) or more than five thousand dollars
34 (\$5,000), for each violation of a separate provision or, for
35 continuing violations, for each day that the violation
36 continues.

37 (b) Liability under this section may be imposed in a
38 civil action or liability may be imposed administratively
39 pursuant to this article.



1 SEC. 4. Section 42850.1 is added to the Public
2 Resources Code, to read:

3 42850.1. Any person who intentionally violates any
4 provision of this chapter, or any permit, rule, regulation,
5 standard, or requirement issued or adopted pursuant to
6 this chapter, shall, upon conviction, be punished by a fine
7 not to exceed ten thousand dollars (\$10,000) for each day
8 of violation, by imprisonment in the county jail for not
9 more than one year, or by both that fine and
10 imprisonment.

11 ~~SEC. 5. Section 42876 is added to the Public Resources~~
12 ~~Code, to read:~~

13 ~~42876. The size of individual pieces of shredded tires~~
14 ~~deposited in landfill shall not exceed two inches in length~~
15 ~~in order to promote the availability of waste tires for~~
16 ~~productive end use and to remove any economic bias that~~
17 ~~favors landfill deposition of shredded waste tires. For~~
18 ~~purposes of this chapter, productive end use does not~~
19 ~~include landfill deposition of shredded tires.~~

20 ~~SEC. 6.—~~

21 *SEC. 5. Section 42870 of the Public Resources Code is*
22 *amended to read:*

23 42870. It is the intent of the Legislature *to accomplish*
24 *the following:*

25 (a) ~~To—reduce~~ *Reduce* the landfill disposal and
26 stockpiling of used whole tires by 25 percent within four
27 years of full implementation of a statewide tire recycling
28 program and to recycle and reclaim used tires and used
29 tire components to the greatest extent possible in order
30 to recover valuable natural resources.

31 (b) ~~To—eliminate~~ *Eliminate* illegal dumping and
32 unnecessary stockpiling of used tires.

33 (c) *Eliminate existing stockpiles of whole waste tires*
34 *by instigating prompt and cost-effective cleanup actions,*
35 *and to stimulate productive end uses of waste tires from*
36 *existing stockpiles and from the annual flow of new waste*
37 *tires generated in this state.*

38 *SEC. 6. Section 42871 of the Public Resources Code is*
39 *amended to read:*



1 42871. (a) On or before July 1, 1991, the board shall
2 initiate a tire recycling program which promotes and
3 develops alternatives to the landfill disposal of used whole
4 tires.

5 (b) *On or before January 1, 2000, the board shall*
6 *submit to the Legislature a detailed status report on its*
7 *progress in meeting the intent of subdivision (a) of*
8 *Section 42870 to reduce the landfill disposal and*
9 *stockpiling of used whole tires by 25 percent within four*
10 *years. The board shall also submit, on or before January*
11 *1, 2000, a phased strategic plan and cost estimate to*
12 *eliminate existing stockpiles of whole waste tires and to*
13 *replace the need for landfill deposition of shredded waste*
14 *tires with sustainable productive use of waste tires no*
15 *later than January 1, 2005.*

16 (c) (1) *On or before January 1, 2000, the board shall*
17 *submit to the Legislature a report that addresses the issue*
18 *of waste tires imported from other states for use or*
19 *disposal in this state.*

20 (2) *The board, in consultation with representatives of*
21 *the waste tire industry, users of waste tires, and other*
22 *parties, as appropriate, shall estimate the annual volume*
23 *of waste tires imported into this state since 1994, the*
24 *various uses of imported waste tires, and the impact of*
25 *imported waste tires on the ability of the state to*
26 *effectively reduce its existing waste tire stockpiles and*
27 *manage its annual generation of new waste tires, and shall*
28 *include this information in the report.*

29 (3) *The report shall include options and*
30 *recommendations, as appropriate, to remedy the adverse*
31 *impacts, if any, of imported waste tires on the*
32 *achievement of the waste tire management goals of the*
33 *state.*

34 (4) *The board may expend the sum of not more than*
35 *one hundred thousand dollars (\$100,000) from the fund,*
36 *upon appropriation by the Legislature, for the purposes*
37 *of this subdivision.*

38 SEC. 7. Section 42873 of the Public Resources Code is
39 amended to read:



1 42873. Activities ~~eligible for funding under this~~
2 ~~article, that reduce, or that are~~ designed to reduce or
3 promote the reduction of, landfill disposal of used whole
4 tires, may include the following:
5 ~~(1)~~
6 (a) Polymer treatment.
7 ~~(2)~~
8 (b) Rubber reclaiming and crumb rubber production.
9 ~~(3)~~
10 (c) Retreading.
11 ~~(4)~~
12 (d) *Shredding for productive end use.*
13 ~~(5)~~
14 (e) The manufacture of products made from used
15 tires, including, but not limited to, all of the following:
16 ~~(A)~~
17 (1) Artificial reefs.
18 ~~(B)~~
19 (2) Rubber asphalt.
20 ~~(C)~~
21 (3) Playground equipment.
22 ~~(D)~~
23 (4) Crash barriers.
24 ~~(E)~~
25 (5) Erosion control materials.
26 ~~(F)~~
27 (6) Nonslip floor and track surfacing.
28 ~~(G)~~
29 (7) Oil spill recovery equipment.
30 ~~(H)~~
31 (8) Roofing adhesives.
32 ~~(6)~~
33 (f) *Utilization for energy recovery or electricity*
34 *generation.*
35 (g) Other environmentally safe applications or
36 treatments determined to be appropriate by the board.
37 ~~The board shall delay any determination of whether the~~
38 ~~use of waste tires for fuel is appropriate until it has~~
39 ~~reviewed the report required pursuant to Section 42859.~~



1 SEC. 8. Section 42876 is added to the Public Resources
2 Code, to read:

3 42876. Shredded tires deposited in landfills for
4 purposes of disposal or alternative daily cover shall be
5 shredded so that 50 percent by volume of the tire shreds
6 are smaller than six inches in length and no individual
7 pieces are greater than 12 inches in length.

8 SEC. 9. Section 42885 of the Public Resources Code is
9 amended to read:

10 42885. (a) On and after January 1, ~~1997~~ 1999, every
11 person who purchases a new tire, as defined in subdivision
12 (c), from a retail seller of new tires shall pay a fee of
13 ~~twenty-five~~ fifty cents ~~(\$0.25)~~ (\$0.50) per tire to the
14 seller. *This fee is based on the original fee of twenty-five*
15 *cents (\$0.25) per tire, an increase in the original fee of ten*
16 *cents (\$0.10) per tire to encourage additional productive*
17 *use of waste tires, and an adjustment of the original fee to*
18 *include the calendar year average change, beginning*
19 *with calendar year 1989, of the Consumer Price Index for*
20 *California as determined and forecast by the California*
21 *Department of Finance.*

22 (b) The retail seller shall collect the fee at the time of
23 sale, may retain 10 percent of the fee as reimbursement
24 for any costs associated with the collection of the fee, and
25 shall remit the remainder to the state on a quarterly
26 schedule for deposit in the California Tire Recycling
27 Management Fund, which is hereby created in the State
28 Treasury.

29 ~~(b)~~

30 (c) The board, or its agent authorized pursuant to
31 Section 42882, shall be reimbursed for its costs of
32 collection, auditing, and refunds associated with the
33 California Tire Recycling Management Fund, but not to
34 exceed 3 percent of the total annual revenue deposited
35 in the fund.

36 ~~(c)~~

37 (d) For purposes of this section, “new tire” means a
38 pneumatic or solid tire intended for use with on-road or
39 off-road motor vehicles, motorized equipment,
40 construction equipment, or farm equipment that is sold



1 separately from the motor vehicle, motorized
2 equipment, construction equipment, or farm equipment.
3 “New tire” does not include retreaded or recycled tires
4 or tires that are mounted on wheels and sold as part of a
5 vehicle or equipment.

6 ~~(d)~~

7 (e) This section shall become inoperative on June 30,
8 ~~1999~~ 2004, and, as of January 1, ~~2000~~ 2005, is repealed,
9 unless a later enacted statute, which becomes effective on
10 or before January 1, ~~2000~~ 2005, deletes or extends the
11 dates on which it becomes inoperative and is repealed.

12 *SEC. 10. Chapter 20 (commencing with Section*
13 *42970) is added to Part 3 of Division 30 of the Public*
14 *Resources Code, to read:*

15

16 *CHAPTER 20. PRODUCTIVE END USE OF WASTE TIRES*

17

18 *42970. (a) It is the intent of the Legislature to*
19 *eradicate existing tire stockpiles and to develop markets*
20 *for waste tires generated annually in this state. It is the*
21 *further intent of the Legislature to encourage the*
22 *productive end use of waste tires and to discourage*
23 *landfill deposition and other nonproductive end uses of*
24 *waste tires.*

25 *42971. For the purposes of this chapter, the following*
26 *terms have the following meaning:*

27 (a) “Fund” means the California Tire Recycling
28 Management Fund created by subdivision (a) of Section
29 42885.

30 (b) “Passenger tire equivalent” means 20 pounds of
31 waste tire material.

32 (c) “Productive end use” includes, but is not limited
33 to, recycling of waste tires into products for residential,
34 commercial, civil engineering, industrial, or related uses
35 and energy recovery at facilities meeting air quality
36 standards prescribed by the local regulatory agency.

37 “Productive end use” does not include landfill deposition
38 or other subsurface deposition of shredded tires.



1 (d) “Waste tire” means a waste tire, as defined in
2 Section 42807, that has been generated or stockpiled in
3 this state.

4 42972. (a) Fees deposited in the fund, shall be
5 available, upon appropriation by the Legislature, for
6 expenditure by the board pursuant to this chapter to
7 promote the productive end uses of waste tires.

8 (b) Productive end users certified pursuant to Section
9 42973 shall be eligible for reimbursement on a first-come,
10 first-serve basis by date of invoice receipt, subject to the
11 appropriation of funds for those uses. The state shall not
12 be liable for any reimbursement in excess of the funds
13 appropriated for that purpose.

14 42973. (a) On or before May 1, 1999, the board shall
15 establish a certification process to identify qualified
16 productive end users eligible for reimbursement from
17 the fund for tire recycling costs. Applicants for
18 certification may include, but are not limited to, all of the
19 following:

20 (1) Persons using waste tires in the state for energy
21 recovery and other byproducts.

22 (2) Persons processing whole waste tires into bales,
23 shreds, chips, crumb rubber, or buffings.

24 (3) Persons recycling whole waste tires into products
25 for residential, commercial, industrial, or related uses in
26 which there is a demonstrated market for the product.

27 (b) For the purposes of this section, “qualified
28 productive end user” does not include an operator of a
29 landfill or monofill, or any other person engaged in those
30 disposal practices.

31 (c) The board shall certify qualified productive end
32 users who meet the eligibility requirements established
33 by the board pursuant to subdivision (a).

34 (d) The Department of Transportation is not eligible
35 for reimbursement under this chapter.

36 42975. (a) A certified productive end user shall be
37 eligible for reimbursement by the board at the rate of
38 twenty cents (\$0.20) per passenger tire equivalent. Full
39 reimbursement shall be based on total use of a passenger
40 tire equivalent for productive end use. Partial



1 reimbursement shall be made for fractional use of a
2 passenger tire equivalent in proportion to its productive
3 end use.

4 (b) To qualify for reimbursement, a productive end
5 user shall certify, by manifest or other means, that the
6 waste tires recycled or transformed were generated in
7 this state or originated from waste tire stockpiles in this
8 state.

9 (c) In addition to the requirement of subdivision (b),
10 a certified productive end user who converts whole waste
11 tires by pyrolysis and a certified productive end user who
12 processes whole waste tires into bales, shreds, chips,
13 crumb rubber, or buffings shall certify both of the
14 following in order to qualify for reimbursement:

15 (1) (A) The waste tire products have been sold to
16 product manufacturers or other end users for productive
17 reuse within one year of production.

18 (B) For purposes of this paragraph, the sale of waste
19 tire products for landfill deposition or other subsurface
20 deposition is not a productive reuse.

21 (2) Invoices submitted may only include waste tire
22 products sold to manufacturers or other end users as
23 specified in subparagraph (A) of paragraph (1).

24 42976. (a) On or before May 1, 2000, the board shall
25 adopt regulations authorizing a certified productive end
26 user to obtain reimbursement of tire recycling costs in
27 accordance with this chapter.

28 (b) A productive end user may apply for
29 reimbursement on or after January 1, 1999, subject to
30 payment following adoption of regulations by the board
31 pursuant to subdivision (a). Reimbursement payments
32 shall be made on a monthly basis upon submittal of prior
33 month invoices in a form acceptable to the board.

34 42977. This chapter shall become inoperative on June
35 30, 2004, and, as of January 1, 2005, is repealed, unless a
36 later enacted statute, which becomes effective on or
37 before January 1, 2005, deletes or extends the date on
38 which it becomes inoperative and is repealed.

39 SEC. 11. No reimbursement is required by this act
40 pursuant to Section 6 of Article XIII B of the California



1 Constitution because the only costs that may be incurred
2 by a local agency or school district will be incurred
3 because this act creates a new crime or infraction,
4 eliminates a crime or infraction, or changes the penalty
5 for a crime or infraction, within the meaning of Section
6 17556 of the Government Code, or changes the definition
7 of a crime within the meaning of Section 6 of Article
8 XIII B of the California Constitution.

9 Notwithstanding Section 17580 of the Government
10 Code, unless otherwise specified, the provisions of this act
11 shall become operative on the same date that the act
12 takes effect pursuant to the California Constitution.

