

AMENDED IN ASSEMBLY JANUARY 14, 2000

AMENDED IN ASSEMBLY JANUARY 3, 2000

AMENDED IN ASSEMBLY SEPTEMBER 3, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 603

Introduced by Assembly Member Cardoza

February 19, 1999

An act to amend Sections ~~42831 and 42846~~ 42807, 42845, 42846, and 42849 of, and to add Sections 42801.5, 42813, and 42961.6 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 603, as amended, Cardoza. Waste tires: transportation: remediation.

(1) Under the existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, a person is prohibited from accepting waste tires at a ~~minor~~ waste tire facility, unless the operator has obtained a ~~minor~~ waste tire facility permit from the California Integrated Waste Management Board. ~~The board is authorized to exempt, from this permit requirement, the owner or operator of a tire retreading business for the business site if not more than 3,000 waste tires are kept on the business premises.~~ Existing law imposes criminal penalties upon any person who intentionally violates the waste tire facility provisions ~~or who accepts waste~~

~~tires at a minor waste tire facility that has not been issued a permit.~~

~~This bill would lower the amount of tires subject to that permit exemption to 1,000 tires. The bill would also require the owner or operator of a major or minor waste tire facility or a solid waste disposal facility to alter, as defined, any waste tire that is accepted at that waste tire facility or solid waste disposal facility, within 90 days of the date the waste tire is accepted at that facility. Since a violation of these requirements this requirement would be a crime, the bill would impose a state-mandated local program.~~

(2) Under existing law, for purposes of the provisions regulating waste tire disposal, the term “waste tire” is defined as a tire that has been removed from the wheel of a vehicle and is no longer suitable for its original intended purpose, as specified.

This bill would revise the definition of the term waste tire for purposes of these provisions to specify that crumb rubber is not a waste tire.

(3) Existing law authorizes the board to expend available moneys to perform any cleanup, abatement, or remedial work required, under specified circumstances, including a situation in which the board determines that expenditure is required by the magnitude of endeavor or the need for prompt action to prevent substantial pollution, nuisance, or injury to the public health or safety. Existing law requires any person who stores, stockpiles, or accumulates waste tires, in a specified manner, to clean up those waste tires or abate the effects thereof, or, in the case of threatened pollution or nuisance, as defined, take other necessary remedial action, upon the order of the board. If a person fails to comply with such an order, the Attorney General is authorized to petition the superior court for an injunction to require compliance with that order.

This bill would instead require the board to expend those available moneys to perform that cleanup, abatement, or remedial work under those circumstances. This bill would additionally authorize the district attorney or county counsel to make such a petition and would require that the petition be filed, within 45 days of the discovery of the failure to comply with the board’s order. The bill would revise the



definition of the term ‘threaten’ for purposes of those enforcement provisions, to authorize the board, notwithstanding specified provisions of the Bagley-Keene Open Meeting Act, if the board finds there is a specified threat or condition, to conduct an emergency meeting to determine the legal, enforcement, cleanup, or other necessary actions that may be taken to correct that threat or condition.

~~(3)~~

(4) Existing law requires every person who engages in the transportation of waste tires to hold a valid waste tire hauler registration, and requires any person engaged in the transportation of waste tires to follow specified requirements. The board is required to develop a waste tire manifest system for registered waste tire haulers that requires a manifest to accompany each shipment of waste tires from the point of origin to the processing, collection, storage, or disposal facility.

This bill would require the board to adopt regulations to require any person who gives, contracts, or arranges with a waste tire hauler to transport waste tires to mark each tire that will be transported by the waste tire hauler with a number consistent with the manifest number for the shipment in which the waste tire is included. The bill would require the method of marking to be reasonably calculated to withstand rough handling and water conditions, and would specify related matters.

~~(4)~~

(5) 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 42801.5 is added to the Public
- 2 Resources Code, to read:



1 ~~42801.5. “Alter” means any process, including, but not~~
 2 ~~limited to, to shred, burn, shear, grind, or split apart a~~
 3 ~~waste tire. “Alter” does not include retreading, capping,~~
 4 ~~or otherwise reconditioning a waste tire for resale to~~
 5 ~~consumers to use on vehicles.~~

6 ~~SEC. 2.—~~

7 ~~42801.5. “Alter” means either of the following:~~
 8 ~~(a) To bale, shred, chop, or split apart a waste tire.~~
 9 ~~(b) The process of turning a waste tire into crumb~~
 10 ~~rubber.~~

11 ~~SEC. 2. Section 42807 of the Public Resources Code is~~
 12 ~~amended to read:~~

13 ~~42807. “Waste tire” means a tire that has been~~
 14 ~~removed from the wheel of a vehicle and is no longer~~
 15 ~~suitable for its original intended purpose due to wear,~~
 16 ~~damage, or defect. Crumb rubber, as specified in~~
 17 ~~subdivision (b) of Section 42801.5, is not a waste tire for~~
 18 ~~purposes of this chapter.~~

19 ~~SEC. 3. Section 42813 is added to the Public Resources~~
 20 ~~Code, to read:~~

21 ~~42813. Notwithstanding this division, the owner or~~
 22 ~~operator of a minor or major waste tire facility or a solid~~
 23 ~~waste disposal facility shall alter any waste tire that is~~
 24 ~~accepted at that minor or major waste tire facility or solid~~
 25 ~~waste disposal facility, within 90 days of the date the waste~~
 26 ~~tire is accepted at that facility.~~

27 ~~SEC. 3.— Section 42831 of the Public Resources Code is~~
 28 ~~amended to read:~~

29 ~~42831. The board may exempt either of the following~~
 30 ~~from the permit requirements of this article:~~

31 ~~(a) An owner or operator of a tire retreading business~~
 32 ~~for the business site, if not more than 1,000 waste tires are~~
 33 ~~kept on the business premises.~~

34 ~~(b) A person using waste tires for agricultural~~
 35 ~~purposes, if the waste tires are kept on the site of use.~~

36 ~~SEC. 4. Section 42845 of the Public Resources Code is~~
 37 ~~amended to read:~~

38 ~~42845. (a) Any person who stores, stockpiles, or~~
 39 ~~accumulates waste tires at a location for which a waste tire~~
 40 ~~facility permit is required pursuant to this chapter, or in~~



1 violation of the terms and conditions of the permit, the
2 provisions of this chapter, or the regulations adopted
3 under this chapter, shall, upon order of the board, clean
4 up those waste tires or abate the effects thereof, or, in the
5 case of threatened pollution or nuisance, take other
6 necessary remedial action.

7 (b) Upon failure of any person to comply with the
8 cleanup or abatement order, the Attorney General,
9 *district attorney, or county counsel*, at the request of the
10 board, shall petition, *within 45 days of the discovery of*
11 *that failure*, the superior court ~~for~~ of that county for the
12 issuance of an injunction requiring the person to comply
13 ~~therewith~~ *with that order*. In any suit, the court shall have
14 jurisdiction to grant a prohibitory or mandatory
15 injunction, either preliminary or permanent, as the facts
16 may warrant.

17 *SEC. 5.* Section 42846 of the Public Resources Code is
18 amended to read:

19 42846. (a) The board shall expend available moneys
20 to perform any cleanup, abatement, or remedial work
21 required under the circumstances set forth in Section
22 42845 that, in its judgment, is required by the magnitude
23 of endeavor or the need for prompt action to prevent
24 substantial pollution, nuisance, or injury to the public
25 health or safety. The action may be taken in default of, or
26 in addition to, remedial work by the violator or other
27 persons, and regardless of whether injunctive relief is
28 being sought.

29 (b) The board may perform the cleanup, abatement,
30 or remedial work itself, or by, or in cooperation with, any
31 other governmental agency, and may use rented tools or
32 equipment, either with operators furnished or
33 unoperated.

34 (c) Notwithstanding any other provision of law, the
35 board may enter into oral contracts for cleanup,
36 abatement, or remedial work pursuant to this section, and
37 the contracts, whether written or oral, may include
38 provisions for equipment rental and the furnishing of
39 labor and materials necessary to accomplish the work.
40 The contracts are exempt from approval by the



1 Department of General Services pursuant to Section
2 10295 of the Public Contract Code.

3 ~~SEC. 5.—~~

4 *SEC. 6. Section 42849 of the Public Resources Code is*
5 *amended to read:*

6 42849. (a) “Threaten” or “threat,” for purposes of
7 this article, means a condition creating a substantial
8 probability of harm, when the probability and potential
9 extent of harm make it reasonably necessary to take
10 immediate action to prevent, reduce, or mitigate
11 damages to persons, property, natural resources, or the
12 public health or safety.

13 (b) *If the board finds there is an imminent threat to*
14 *public health, safety, or the environment, or a condition*
15 *creating a substantial probability of harm, when the*
16 *probability and potential extent of harm makes it*
17 *reasonably necessary to take immediate action to*
18 *prevent, reduce, or mitigate damages to personal*
19 *property, natural resources, or the public health or safety,*
20 *the board may conduct an emergency meeting to*
21 *determine the legal, enforcement, cleanup, or other*
22 *necessary actions that may be taken to correct that threat*
23 *or condition. Such a finding by the board shall be deemed*
24 *to be an “emergency situation” for purposes of Section*
25 *11125.5 of the Government Code.*

26 *SEC. 7. Section 42961.6 is added to the Public*
27 *Resources Code, to read:*

28 42961.6. The board shall adopt regulations to require
29 any person who gives, contracts, or arranges with a waste
30 tire hauler to transport waste tires to mark each tire that
31 will be transported by the waste tire hauler with a
32 number consistent with the manifest number for the
33 shipment in which the waste tire is included. The
34 regulations shall require the method of marking to be
35 reasonably calculated to withstand rough handling and
36 water conditions, including, but not limited to, painting
37 on by stencil, engraving, or branding. The regulations
38 shall require the number to be legible and to match the
39 number of the manifest for the shipment in which the
40 waste tire is included.



1 ~~SEC. 6.~~

2 *SEC. 8.* No reimbursement is required by this act
3 pursuant to Section 6 of Article XIII B of the California
4 Constitution because the only costs that may be incurred
5 by a local agency or school district will be incurred
6 because this act creates a new crime or infraction,
7 eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section
9 17556 of the Government Code, or changes the definition
10 of a crime within the meaning of Section 6 of Article
11 XIII B of the California Constitution.

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