REQUEST FOR APPROVAL

To:	Howard Levenson Deputy Director, Material Management and Local Assistance Division Mark De Bie Deputy Director, Waste Permitting, Compliance and Mitigation Division
From:	Brenda Smyth Branch Chief, Statewide Technical and Analytical Resources Branch
Request Date:	March 1, 2013
Decision Subject:	Adoption of the Five-Year Plan for the Waste Tire Recycling Management Program (7th Edition Covering Fiscal Years 2013/14-2017/18) Report to the Legislature
Action By:	March 23, 2013

Summary of Request: This Request for Approval is for the adoption of the biennial update (seventh edition) to the Five-Year Plan, which covers FYs 2013/14-2017/18 as required by statute, for submittal to the Legislature by July 1, 2013. The report, entitled *Five-Year Plan for the Waste Tire Recycling Management Program – (7th Edition Covering Fiscal Years 2013/14-2017/18) Report to the Legislature*, can be found in Attachment 1.

Recommendation: Staff recommends adoption of the *Five-Year Plan for the Waste Tire Recycling Management Program – (7th Edition Covering Fiscal Years 2013/14-2017/18) Report to the Legislature*, including the funding allocations delineated therein.

Deputy Director Action:
On the basis of the information and analysis in this Request for Approval and the findings set out herein, we hereby approve adoption of the *Five-Year Plan for the Waste Tire Recycling Management Program – (7th Edition Covering Fiscal Years 2013/14-2017/18) Report to the Legislature*.

Dated: 3/19/13

Howard Levenson

Howard Levenson
Deputy Director

Mark De Bie
Deputy Director

Attachments: Attachment 1: Five-Year Plan for the Waste Tire Recycling Management Program – (7th Edition Covering Fiscal Years 2013/14-2017/18) Report to the Legislature

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Background Information and Analysis:

Statutory Authority

Senate Bill (SB) 876 (Escutia, Statutes of 2000, Chapter 838) was enacted to provide a comprehensive measure to extend and expand California's regulatory program related to the management of waste and used tires. SB 876 required CalRecycle to adopt and submit to the Legislature a Five-Year Plan with proposed budget allocations including grants, loans, contracts, and other expenditures under the Waste Tire Recycling Management Program (Tire Program). In addition, it requires that the Five-Year Plan be updated every two years. The original *Five-Year Plan for the Waste Tire Recycling Management Program* (Five-Year Plan or Plan) that was adopted in March 2001 covered Fiscal Years (FYs) 2001/02 to 2005/06. CalRecycle has adopted a new edition of the Plan every two years since then. The current, sixth edition of the Five-Year Plan was adopted in May 2011 and covers FYs 2011/12 to 2015/16.

Program Background

SB 876 created the resources and regulatory protocol to establish programs that properly manage the waste tire flow for California. The programs specified to implement the provisions of SB 876 are detailed in the Five-Year Plan and include the following elements:

- Waste Tire Enforcement – This program regulates waste tire facilities and ensures compliance with applicable tire regulations at the state level and through the Local Government Waste Tire Enforcement Grant Program offered by CalRecycle.
- Waste Tire Remediation – This program provides State-managed cleanup, abatement, or other remedial actions related to illegal waste tire stockpiles and through local government cleanup grants issued by CalRecycle.
- Waste Tire Hauler and Manifest – This program regulates waste tire haulers and ensures compliance with applicable tire regulations, and is responsible for developing a system that enables CalRecycle to track the flow of waste tires in the State.
- Tire Research – This program focuses on developing new and promoting existing end-use applications for waste tires. Ultimately these end-use applications will provide alternatives to the landfill disposal of tires.
- Market Development – This program identifies new, and promotes existing technologies that are utilized for used and waste tires that includes loans, grants and contracts.

Further, 2005 SB 772 (Ducheny, Statutes of 2005, Chapter 214) required CalRecycle's predecessor, the California Integrated Waste Management Board, to include in the Five-Year Plan specific border region activities, conducted in coordination with the California Environmental Protection Agency. These include training programs, environmental education training, development of a waste tire abatement plan, tracking tire flows across the border, and coordinating with border region and Mexican businesses with regard to environmental and control requirements. In 2009, SB 167 (Ducheny, Chapter 333, Statutes of 2009) expanded on SB 772.

The original Plan and subsequent editions were developed based on the recommendations contained in AB 117 (Escutia, Statutes of 1998, Chapter 1020) and direction from SB 876. For each revision of the Plan, CalRecycle also has sought stakeholder input. This seventh edition was the subject of a stakeholder workshop conducted on October 15, 2012. During that stakeholder workshop, the discussion centered on proposed revisions to the budget allocations and program activities. Individual components of the plan also were addressed in other public settings including

frequent discussion by stakeholders at CalRecycle's monthly public meetings of enforcement-related issues and discussion of potential tire incentive program ideas at stakeholder workshops in April and August 2012. Several interested parties attended the workshops and provided comments and input on key elements that are included in the seventh edition of the Plan.

Program Approach

The seventh edition of the Five-Year Plan proposes a comprehensive and ambitious approach to managing California's scrap tires and is intended to comply with both the spirit and intent of SB 876. CalRecycle's overall tire management strategy continues to focus on the two interrelated fronts of enforcement and market development: 1) developing and implementing a strong and fair regulatory framework that protects the public's health and safety and the environment but does not stifle the flow and processing of tires; and 2) supporting and expanding the business and government infrastructure that manufactures and/or uses tire-derived products (TDPs). The Plan focuses on tire facility permitting, an expanded robust statewide enforcement infrastructure, an improved ability to track the flow of tires, cleaning up smaller tire piles, and building a sustainable statewide market infrastructure for TDPs, including rubberized asphalt concrete and civil engineering projects using tire-derived aggregate. The Plan also includes establishing a pilot tire incentive program that would target expansion of commercial (business) demand for higher value-added tire-derived products. It would enable participating manufacturers to increase TDP sales by more competitively pricing and marketing their products. The activities identified in this Five-Year Plan are designed to help enhance and solidify the infrastructure that manages waste tires from generation to end-product by partnering with local jurisdictions, the private sector, and other state agencies.

The ultimate measure of success will be how well these program activities divert scrap tires to the highest and best use, and how effectively enforcement and surveillance programs protect human health and the environment. To measure the effective implementation of these priorities, the Five-Year Plan sets forth the goal of increasing the annual scrap tire diversion rate to 90 percent by 2015.