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## California Integrated Waste Management Board

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Arnold Schwarzenegger  
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### **Proposed Biennial Update to the Five-Year Plan for the Waste Tire Recycling Management Program**

On January 5, 2005 the California Integrated Waste Management Board's Special Waste Committee will conduct a workshop to review and discuss the Five-Year Plan for the Waste Tire Recycling Management Program. At this vetting of the Five-Year Plan, each of the five elements of the plan will be presented by staff in draft form. These elements include: 1) Enforcement and Regulations, 2) Cleanup, Abatement, and Remediation, 3) Research and Development, 4) Markets Development, and 5) Tire Haulers and the Manifest System. In addition to the program elements, this draft version of the Five-Year Plan will include element activity descriptions and associated budgets. This draft version is only a starting point for discussion purposes and staff values input from Board Members and Stakeholders during the workshop.

This version will not include the Executive Summary and other introductory sections. Furthermore, numbers for the State of the Program will not be included until the next workshop so that the most up-to-date information can be included. Finally, performance measures will not be included in version. While some performance measures will be carried over from the current Five-Year Plan, other performance measures must be developed based on changes to the existing Five-Year Plan. Therefore, waste tire staff will work with other affected programs and stakeholders to develop meaningful, relevant, and measurable performance measures for this new version of the Five-Year Plan.

The next workshop is scheduled for Thursday, March 3, 2005 from 9:30am to 4:30pm at the Joe Serna Jr., CalEPA Building, Coastal Hearing Room, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, CA 95814. Additional information will be posted in mid-February at the following website: <http://www.ciwmb.ca.gov/Tires/FiveYearPlan>

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California Environmental Protection Agency

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# **Proposed Biennial Update to the Five-Year Plan for the Waste Tire Recycling Management Program**

**(Covering Fiscal Years 2005/06-2009/10)**

**December 23, 2004 (DRAFT)**

# Enforcement and Regulations Relating to the Storage of Waste and Used Tires

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## *The Enforcement and Regulations Plan*

### Objectives

1. Bring all permitted facilities into compliance with permit conditions by 2006.

The enforcement program proposes to enhance its efforts to bring facilities into compliance by performing more frequent inspections of permitted facilities and proceeding through the levels of enforcement actions in an expeditious manner when violations are found.

Currently, all permitted sites are required to be inspected either annually or every 30 months.

2. Provide ongoing surveillance for illegal tire sites. Identify and investigate all suspected illegal sites. Bring all known illegal sites into compliance by following a progressive enforcement program, which includes; issuing a Notice of Violation at the time the pile is found, proceeding to a Cleanup and Abatement order when timeframes are not met and ultimately filling administrative complaints or referring the case to the District Attorney or the Attorney General if compliance can not be achieved through the previous enforcement steps.

The enforcement program proposes to enhance its efforts to bring illegal sites into compliance by conducting more inspections of reported sites. The program will seek to enhance its ability to identify illegal sites by extending the interagency agreement with the CHP for aerial surveillance and utilize satellite imagery to detect sites, conduct surveillance activities where suspected illegal activity is occurring and, if resources allow, research the feasibility of establishing a bounty program to augment our compliant response procedure for the public who report confirmed illegal dumping.

3. Support existing and new Waste Tire Enforcement Grantees by providing stable funding and ongoing assistance for the following Grantee duties: conducting inspections of waste tire haulers, generators and end users, issuing Notice of Violations, conducting ongoing surveillance and training in their jurisdictions. Target areas in the state that need additional coverage. Encourage local agencies to become Grantees in those areas or obtain additional state resources to carry out inspection and surveillance activities.

The enforcement program has expanding the role of local government in the detection, inspection, and initial enforcement at waste tire sites through an increase in scope and funding of its Local Government Enforcement Grant Program.

Strive for 100 percent coverage of all of the state's waste tire businesses to inspect for compliance with State minimum standards at each waste tire facility/operation and tire hauler in the state annually and every two or three years for every generator.

The enforcement program proposes to assure that there is an integrated approach to permitting, hauler registration, inspection, and enforcement that results in consistent application of all waste management standards and requirements.

## Program Activities

Early detection and local government participation are the keys to an effective enforcement program. The plan proposes that enforcement is most effective when it is two-pronged, involving participation from both State and local entities. This enforcement plan includes recommended funding for both State and local entities. Table 1 provides the budget relating to the storage of waste and used tires.

**Revised Table 1: Budget for Enforcement and Regulations Relating to the Storage of Waste and Used Tires**

Program Area	FY 2005/06	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10
Permitting, Enforcement, Grant Assistance Staff and Administration	\$1,720,948	\$1,720,948	\$1,720,948	\$1,720,948	\$1,720,948
Surveillance and Enforcement Assistance (CHP, ARB, Satellite)	\$400,000	\$350,000	\$300,000	\$300,000	\$300,000
Local Waste Tire Enforcement Assistance Grants	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000
<b>Totals</b>	<b>\$8,120,948</b>	<b>\$8,070,948</b>	<b>\$8,020,948</b>	<b>\$8,020,948</b>	<b>\$8,020,948</b>

### *State Used and Waste Tire Business Permitting, Inspection, Enforcement and Local Enforcement Assistance Grants*

State efforts currently include investigations and inspections of waste tire facilities and waste tire haulers, generators and end users throughout the state to insure compliance with legislation and regulations.

**1. Permitting, Enforcement, Grant Assistance Staff and Administration:** All participants in the AB 117 and SB 876 workshops agreed that enhanced enforcement is important to bring all tire facility operators into compliance with legislative and regulatory mandates. Enforcement programs are staff-intensive; thus, hiring additional staff at the onset of the enhanced program is critical to its success.

Currently, the CIWMB's enforcement program consists of the following 14 positions:

- 10 staff.
- 2 supervisors.
- 1 legal staff.
- 1 legal assistant.

Of these positions, 6½ conduct inspections and enforcement activities, 1½ are involved in the issuance of facility permits and regulations and policy development, 1½ are involved in evaluating, issuing, training and supporting waste tire enforcement grantees, and ½ manage

information generated from enforcement program activities. The 6 full time enforcement inspectors conduct inspections and investigations of the storage, transportation, and disposal of waste tires throughout the state and assist grantees on enforcement and investigation of cases. Furthermore, legal staff assist inspectors where legal issues arise, review Cleanup and Abatement Orders, issue Administrative Complaints and prosecute respondents at hearing, or settle cases, assist with complex property searches, and assist with collections, including liening properties.

- a. **Tire Facility Permitting:** The CIWMB is responsible for permitting Waste Tire Facilities, granting exemptions and regulating excluded business. Although the permitting regulations specifically provide for tiered permitting, the permitting structure provides various levels of regulator oversight and permitting bases on the risk of the facility. Facilities storing fewer than 500 tires are not regulated by the State. Permitted solid waste landfills and transfer stations that receive fewer than 150 tires per day (averaged annually) are not required to obtain a separate permit for tire storage, but are required to meet the storage standards. Tire dealers and auto dismantlers with fewer than 1,500 waste tires and tire retreaders with fewer than 3,000 waste tires on their property may be eligible for permit exclusions.

Cement manufacturers that burn waste tires for fuel can be exempted from waste tire facility permit requirements and are allowed to store up to a 30-day supply of fuel (tires) on their property, provided they meet specific criteria set forth in PRC 42823.5(a). Minor waste tire facilities (storing fewer than 5,000 waste tires) and major waste tire facilities (storing 5,000 or more waste tires) are required to obtain a waste tire facility permit that is issued by CIWMB.

- b. **Tire Inspections and Enforcement:** CIWMB is responsible for inspecting permitted facilities and to the extent possible waste tire haulers, as well as points of generation in jurisdictions where there is no Waste Tire Enforcement Grantee. Additionally, CIWMB is responsible for responding to complaints and conducting investigations of illegal sites and haulers. When compliance is not achieved through a Notice of Violations, the CIWMB has a progressive enforcement program where Cleanup and Abatement Orders are prepared and issued followed by Administrative Complaints as necessary. The Legal office represents cases at Administrative Hearings and works with the Attorney General and local districts to resolve cases.

- c. **Grant Management and Assistance:**

Historically, five (5) field staff have spent approximately 35% of their time, or 1.75 PY assisting, training, guiding and supporting eight to ten (8-10) Waste Tire Enforcement Grantee jurisdictions. Duties include: 1) Providing direct and indirect (fielding site specific questions) training to grantees in applying and interpreting solid waste laws and regulations, 2) Assuring that the Waste Tire Management Branch programs and procedures are being implemented at a local level, 3) Providing intensive new and ongoing training for grantees and operators on waste tire facility operations, technology, laws, regulations and inspection procedures.

Additionally, the five (5) field staff have spent 35% of their time or over 2 PYs coordinating waste tire facility and hauler compliance and enforcement actions between the Board, federal, State, and local agencies and facility representatives and preparing necessary documentation to coordinate legal action on violators of

permit requirements or State Minimum Standards. These duties included consulting with the other agencies, tracking, investigating, reporting, following up on complaints pertaining to waste tire facilities and haulers and performing investigations and follow-up inspections to determine compliance with enforcement actions. Other duties associated with the enhanced grant activities include tasks associated with grant management include monitoring individual grants and preparing and processing grant applications. Staff monitor and approve waste tire grant reports, expenditures and project milestones; maintain grant data in a database; close out grants, compile results, and evaluate the grant program and grantee's effectiveness; prepare written reports of findings and conclusions; brief management, the Board, Board advisors, and staff from related agencies. Other grant management duties include: 1) preparing and processing application materials for the grant program including but not limited to application, NOFA, instructions, procedures and requirements, and terms and conditions; 2) assembling teams to review, analyzing and scoring application information as required by the program; and 3) preparing agenda items recommending approval of grant awards. These duties have increased fourfold over the last two grant cycles due to the passage of SB 876 and the Five-Year Plan.

**Proposed Funding**

FYs 2005/2006-2009/10.....\$1,720,948 per fiscal year\*

**\*Estimate of staffing and administrative costs**

**2. Surveillance and Enforcement Assistance:** CIWMB has taken advantage of the resources of the CHP and ARB by conducting an aerial and ground surveillance to identify illegal tire piles, and assisting with investigations and surveillance activities associated with illegal dumping and illegal transportation of waste and used tires. The aerial photos provided by CHP have enabled staff to identify 357 sites suspected of storing waste tires to date. Of these sites, CIWMB staff has investigated 199 sites, resulting in various enforcement actions, including letters of violation, cleanup and abatement orders, and administrative complaints. Staff proposes continued funding of the Interagency Agreement with the CHP to conducting further surveillance; investigation assistance education and training, and other activities related to waste tire enforcement.

Additionally, in fiscal year 1997/98, the CIWMB entered into a \$200,000 interagency agreement with CHP to create a training video on the waste tire hauler regulations for use in training law enforcement officers statewide. In addition to the training video, the CHP and CIWMB staff created a bookmark (English and Spanish) listing requirements for hauling waste tires and procedures for becoming registered as a waste tire hauler. The need for this information to be updated is crucial, therefore the CIWMB will be preparing a similar training video for the CHP utilizing CIWMB staff time and CHP expertise. Additionally, staff recommends continuing cooperative efforts with the CHP by entering into an interagency agreement with CHP's Motor Carrier Unit to conduct enhanced vehicle checks throughout the state to ensure compliance of waste tire haulers.

CHP, acting in the role of the California State Police, can be used for the following: to conduct legal process service; assist CIWMB staff in investigations; and perform other enforcement-related activities for CIWMB.

At the SB 876 public meeting, stakeholders identified a need for local jurisdictions to enhance their inspections and surveillance abilities through the use of high-tech surveillance

equipment. In response to this request, CIWMB sought the assistance of the Air Resources Board's surveillance team, through an interagency agreement, to assist in video surveillance where illegal activity is suspected and additional evidence is needed. Currently this program has been successful, providing local jurisdictions with surveillance equipment in areas where illegal dumping is occurring. The CIWMB will continue to provide this assistance to local governments and state staff, either through interagency agreements or contracts.

Staff are proposing a pilot project to confirm the effectiveness of utilizing currently available and existing Satellite imagery to locate and monitor waste tire disposal sites in California which should assist staff and save resources. It is recommended that California State University at San Jose serve as the contractor and work in conjunction with NASA Ames Research Center to develop a software model to identify and monitor both illegal and large permitted tire piles. If this pilot project concept is proven successful as a valuable resource, then additional contract dollars will be proposed for allocated.

**Proposed Funding**

FY 2005/06.....	\$400,000
FY 2006/07.....	\$350,000
FYs 2007/08-2009/10.....	\$300,000 per fiscal year

**3. Local Waste Tire Enforcement Assistance Grants**

Public Resources Code (PRC) Section 42889(d) allows the Board “to consider designating a city or county, or city and county as the enforcement authority of regulations relating to the storage of waste and used tires.” This section also states that if the Board designates a local entity for this purpose, it must provide sufficient, stable, and noncompetitive funding to that entity, based on available resources. The Board at its March 20-21, 2001 meeting, the Board adopted the *Five-Year Plan for the Waste Tire Recycling Management Program* (Five-Year Plan) specifically expanding the role of local government in the detection, inspection, and enforcement at waste tire sites through an increase in scope and funding of its Local Government Enforcement Grant Program. The Board allocated four million dollars (\$4,000,000) for the FY 2002/2003 Waste Tire Enforcement Assistance (TEA) Grant Program and six million dollars (\$6,000,000) per year thereafter and ensured a stable source of funding through 2007. As of FY 2002/2003 (Grant Cycle June 30, 2003 through June, 30 2004), program grants are awarded non-competitively.

The Board approved the funding of twenty-five (25) grant applicants for a total of \$3,877,304 for the FY 2002/2003 grant cycle, and thirty-six (36) qualified grant applicants for a total of \$4,712,549.49 for the 2003/2004 grant cycle, FY that commenced June 30, 2004 and ends June 30, 2005.

The major purpose of this grant program is to provide the state with assistance with inspections and first line enforcement and surveillance activities at the local level. Eligible county and city jurisdictions perform waste tire facilities inspections; investigate illegal tire disposal activities, and survey tire dealers, auto dismantlers, tire haulers, and other points of waste tire generation to ensure compliance with all applicable laws and regulations, including the manifest system. If violations are found, the grantee issues a Notice of Violation along with an inspection report and re-inspects the site to ensure that operators are following all tire facility regulations, including storage standards, use of registered tire haulers, and manifest requirements. If compliance is not achieved at the local Notice of Violation level, the cases are referred to the state for uniform and expeditious enforcement.

The overall goals of the program include:

- Providing a sufficient, stable, and non-competitive source of funding to these entities based on the available resources, pursuant to SB 876.
- Maintaining a cost effective and efficient program.
- Providing consistent inspection coverage throughout the State.
- Providing an ongoing program evaluation to assure its effectiveness.
- Maintaining a high level of Grantee performance.
- Continuing a streamlined application, grant annual renewal, and reporting process for Grantees.

The CIWMB is providing ongoing review of the program and developing a program and a database in order to assess the success and efficiency of the program.

Participation in this program when grants were awarded competitively had been low, with approximately 18 different agencies funded since 1997. CIWMB staff believes participation has been low for a variety of reasons: applicants felt there was not enough money, the tire problem was not considered a high priority, and local enforcement entities had a shortage of staff. Prior to SB 876, the waste tire enforcement grants have had an upper limit of \$100,000 per jurisdiction with the fiscal year 1999/2000 program budget at \$500,000. To foster better working relationships with these local agencies and provide improved, statewide enforcement, CIWMB is providing long-term funding, training, and legal support.

Only after a year and half of awarding grant funds non-competitively, local agencies have demonstrated a much more vital and expanded role in enforcement. The success of the states overall tire enforcement program is contingent on the success of the Local Waste Tire Enforcement Assistance Program since the CIWMB does not have sufficient personnel resources (1) to conduct meaningful surveillance throughout California and (2) to ensure compliance with state requirements of haulers, tire facilities, and at points of waste tire generation. CIWMB will develop grant agreements providing for the local agencies to identify waste tire sites, conduct inspections, review waste tire hauler documents, and issue letters of violation. Working together, CIWMB and local agencies can oversee the flow of tires with greater regulatory scrutiny and greatly reduce the illegal disposal of waste tires.

#### ***Other Enforcement Efforts***

Enforcement penalty actions will be prosecuted by the CIWMB's Legal Office to ensure uniformity of enforcement and expeditious processing. These actions are held before administrative tribunals at the State Office of Administrative Hearings. The CIWMB is referring additional criminal cases to local district attorneys through a two-year pilot grant program initiated in fiscal year 2001/02 with the California District Attorney's Association (CDAA).

CDAA is providing an investigator and circuit prosecutor to pursue criminal and unlawful business practice actions. This activity has been successful and therefore, money from the FY 2003/04 local Tire Enforcement Assistance Grant funding was used to continue this effort. It is the intent of the Legal Office to continue funding for the CDAA Circuit Prosecutor Project as long as it continues to add value to our enforcement efforts through training and criminal referrals.

#### **Proposed Funding**

FYs 2005/06–2009/10.....\$6,000,000 per fiscal year

# **Cleanup, Abatement, or Other Remedial Action Related to Tire Stockpiles Throughout the State**

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## ***The Cleanup, Abatement, and Remediation Plan***

### **Objectives**

1. Continue to eliminate illegal stockpiles with more than 5,000 tires.
2. To increase local government participation in the elimination of illegal stockpiles with fewer than 5000 tires.
3. To direct tires from cleanup to productive end use rather than landfill disposal to the extent costs are reasonable.

### **Program Activities**

The program will continue to conduct remediation of sites with CIWMB-managed contractors and the awarding of grants to local governments for Amnesty Day events and cleanup of illegal piles. In addition, funding of \$400,000 will be provided to the Farm and Ranch Solid Waste Cleanup Grant Program. Further, an emergency reserve account will be which shall not exceed \$1 million dollars will be established and maintained, as directed by SB 876.

**DRAFT**

**Revised Table 5: Budget for Cleanup, Abatement, and Remedial Action**

<b>Program Area</b>	<b>FY 2005/06</b>	<b>FY 2006/07</b>	<b>FY 2007/08</b>	<b>FY 2008/09</b>	<b>FY 2009/10</b>
Remediation Staff and Administration	\$892,292	\$892,292	\$892,292	\$892,292	\$892,292
Long-Term Remediation Projects	\$ 4,000,000	\$1,000,000	\$0	\$0	\$0
Short-Term Remediation Projects	\$1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000
Local Government Waste Tire Cleanup Grant Program	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Local Government Amnesty Day Grants	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Emergency Reserve Account	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Farm and Ranch Solid Waste Cleanup and Abatement Grant Program*	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000
OSFM Training	\$0	\$0	\$0	\$100,000	\$0
<b>Totals</b>	<b>\$9,792,292</b>	<b>\$6,792,292</b>	<b>\$5,792,292</b>	<b>\$5,892,292</b>	<b>\$5,792,292</b>

\* Funds to be transferred to CIWMB's Farm and Ranch Solid Waste Cleanup and Abatement Grant Program.

**Remediation Staff and Administration**

The costs for cleanup as estimated in this plan are generally higher than past cleanups. As identified in this element's objectives, CIWMB plans to direct tires from cleanup to productive end uses rather than landfill disposal, which ultimately will be more costly. Sites yet to be remediated tend to be more remote and/or more complex than those sites that have been previously remediated. Currently, the remediation program staff consists of 4½ positions.

**Proposed Funding**

FYs 2005/06–2009/10 ..... \$892,292 per fiscal year\*

**\*Estimate of staffing and administrative costs**

### ***Waste Tire Stabilization and Abatement Program***

CIWMB is currently funding both long- and short-term remediation of illegal waste tire sites with CIWMB-managed contracts. These contracts are awarded for a two- to three-year period. Funds allocated to remediation efforts may roll over from one fiscal year to the next as encumbered in the contract.

This plan proposes to continue to move aggressively in the next two years on both long- and short-term projects and proposes to clean up all sites currently listed within the next three years. However, through the Board's enforcement program, illegal waste tire sites continue to be identified. These sites may ultimately require State-funded cleanup after enforcement efforts have failed. Although the program plans to move expeditiously, these enforcement efforts will take time as staff researches property ownership, issues orders, and attains access in order to conduct cleanup. The program will prioritize these sites to ensure that the most significant sites are addressed first. It is hoped that cleanup will be completed on these sites that require State-funded cleanup during the next two years.

**Long-Term Remediation Projects:** CIWMB has awarded four new contracts to carry out long-term remediation of the Westley and Tracy tire fire sites. Remediation of the Westley site was completed in fall 2002 and included the removal of over 290,000 tons of debris, contaminated soil, and partially burned tires, as well as extensive site restoration.

The project was allocated \$11 million over a five-year period. The remediation work was completed in less than two years for a cost of approximately \$17 million. The fiscal year 2001/02 allocation of \$6 million was expended and the remainder of the funds came from various settlement agreements with the responsible parties. The CIWMB is still working in cooperation with the Office of the Attorney General to pursue cost recovery against the remaining responsible parties. It is anticipated that these efforts will continue at least until the middle of 2005.

Three contracts have been awarded for the Tracy site. One was for engineering and environmental services, and the other two were for site remediation. Because of the site conditions at the Tracy site and the fact that the site burned for over two years before being suppressed, the potential for groundwater contamination is significant. Therefore, it is expected that ground water monitoring and implementation of mitigation measures may continue after the remediation of the site is completed.

Fieldwork at Tracy began in spring 2003. Originally the cost for the entire project was funded for \$9 million over a four-year period. However, based on further investigation it has been determined that the residual contamination is more extensive than originally estimated. Therefore, the funding for the remediation work was increased to \$11,565,154 for fiscal year 2002/03 through 2004/05 funds. An additional \$5 million will be needed to complete the Tracy remediation project. Currently, there is \$3.7 million allocated for long-term remediation in the 5-year plan (\$2.7 million for 2005/06 and \$1.0 million for 2006/07). However, based on current estimates, tire program staff anticipates that all the field remediation work could be completed at the Tracy site by the end of fiscal year 2005/06, but definitely by the end of FY 2006/07. Therefore, it is proposed that funding for long term remediation for FY 2005/06 be increased to \$4 million and the funding for FY 2006/07 remaining at \$1 million. Remediation of groundwater is not included in the original \$9 million estimate and may require additional funding if the Board chooses to fund such work.

As part of the long-term remediation of these sites, the Board has entered into interagency agreements to reimburse costs incurred by the Department of Toxic Substances Control (DTSC) and the Central Valley Regional Water Quality Control Board (RWQCB) in overseeing the remedial actions at these sites.

**Proposed Funding**

FY 2005/06.....\$ 4,000,000  
FY 2006/07.....\$ 1,000,000

**Short-Term Remediation Projects:** A total of 34 sites have been identified for short-term remediation. Of these sites, 14 are in the process of being cleaned up as a CIWMB-managed remediation, 16 have been approved for CIWMB-managed remediations and a few are awaiting site access, and enforcement actions are being pursued on the remaining four sites.

CIWMB has existing contracts to carry out short-term State-funded remediation of illegal waste tire sites. CIWMB entered into a new contract for fiscal year 2004/05.

**Proposed Funding**

FYs 2005/06-2009/10.....\$1,500,000 per fiscal year

***Local Government Waste Tire Cleanup Grant Program***

The program proposed awarding fiscal year 2004/05 local government cleanup grants in May 2005. The grant applications are due on February 11, 2005. Due to the revisions to the program criteria in FY 2001/02, participation in the Local Government Waste Tire Cleanup Grant Program has increased for the past several fiscal years. The funding for the grants that have been awarded has increased an average of 20 percent per fiscal year. In fiscal year 2002/03, the Board awarded 10 grants totaling \$602,600 and in fiscal year 2003/04, the Board awarded 14 grants for a total of \$712,286.40.

**Proposed Funding**

FYs 2005/06-2009/10.....\$1,000,000 per fiscal year

***Local Government Amnesty Day Grants***

The Public Education and Amnesty Day Grant Program is intended for local entities to develop education programs providing information on proper waste tire disposal and tire care; and to allow the public to clean up small waste tire piles through the proper disposal of unwanted tires. In fiscal year 2001/02, 22 grants were awarded totaling \$330,817 and in fiscal year 2002/03, 11 grants were awarded, totaling \$321,247. For FY 2003/04, 29 grants were awarded totaling \$924,674. The grant cycle required no matching funds. The awarded amount exceeds the allocated amount by \$524,674, due to additional funding made available through the Board approved annual reallocation process.

**Proposed Funding**

FYs 2005/06-2009/10.....\$1,000,000 per fiscal year

***Emergency Reserve Account***

SB 876 legislation requires that CIWMB create and maintain an emergency reserve account, which shall not exceed \$1 million. These funds will be used to respond to emergencies involving waste tires, such as tire fires.

**Proposed Funding**

FYs 2005/06–2009/10 ..... \$1,000,000 per fiscal year

This emergency reserve account is subject to change depending on the need or emergencies that arise. Legislation requires CIWMB to maintain \$1,000,000 in this account. However, more than \$1,000,000 may be expended on a yearly basis. If allocated funds are not expended, funds will carry forward to the fund balance in the following fiscal year. A million dollar reserve must be maintained within expenditure authority for emergency purposes.

***Farm and Ranch Solid Waste Cleanup and Abatement Grant Program***

The purpose of the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program is to remediate solid waste that has been disposed of illegally on farm and ranch property. SB 876 requires that funds be allocated to pay the costs of cleanup, abatement, or other remedial action related to the disposal of used whole tires in implementing and operating this program. The Farm and Ranch Solid Waste Cleanup and Abatement Grant Program’s spending authority is separate from the Tire Fund’s spending authority.

**Proposed Funding**

FYs 2005/06–2009/10 ..... \$400,000 per fiscal year

***Fire Marshall Training***

CIWMB should continue to work with OSFM to update the tire fire curriculum, work with appropriate State agencies to develop a tire fire protocol, and work with the Western Fire Chiefs Association to update and amend the Uniform Fire Code. CIWMB should also take the lead in making certain the most current information is available on the nature of tire fires.

**Proposed Funding**

FY 2008/09 ..... \$100,000

# Research Directed at Promoting and Developing Alternatives to the Landfill Disposal of Tires

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## ***The Research Plan***

### **Objectives:**

1. Gather research data from a variety of sources to assure that the CIWMB does not duplicate existing research activities.
2. Identify gaps in the research necessary to develop reasonable and cost-effective methods to divert scrap tires from illegal dumping and landfill disposal.
3. Conduct objective and independent research designed to help the CIWMB make scientifically based decisions regarding priorities for the Waste Tire Recycling Management Program.

### **Program Activities**

Previous research has provided a solid base of knowledge on which to concentrate future efforts. CIWMB staff will focus research activities to support increased usage of RAC, civil engineering applications, and other tire derived products (OTDP). Table 7 provides the budget for research regarding the promotion and development of alternatives to the landfill disposal of tires.

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**Revised Table 7: Budget for Research Directed at Promoting and Developing Alternatives to the Landfill Disposal of Tires**

Program Area	FY 2005/06	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10
Research Staff and Administration	\$485,573	\$485,573	\$485,573	\$485,573	\$485,573
C.E.U. and Curriculum for RAC & CE	\$0	\$250,000	\$0	\$0	\$0
International Trade and Border Issues Study	\$150,000	\$0	\$0	\$0	\$0
Water Quality and Tire Chips into Projects	\$0	\$250,000	\$0	\$0	\$0
CE Applications for Waste Tires	\$0	\$500,000	\$0	\$500,000	\$0
Tire Derived Product Testing and Certification	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000
Environmental Life-Cycle Assessment	\$150,000	\$0	\$0	\$0	\$0
Generation and Diversion Data Study	\$50,000	\$0	\$0	\$0	\$0
<b>Totals</b>	<b>\$1,135,573</b>	<b>\$1,785,573</b>	<b>\$785,573</b>	<b>\$1,285,573</b>	<b>\$785,573</b>

**Research Staff and Administration**

CIWMB works with other State agencies to minimize duplication of effort when appropriate. Currently, 2½ positions support the CIWMB’s research efforts.

**Proposed Funding**

FYs 2005/06-2009/10.....\$485,573 per fiscal year\*

\* Estimate of staffing and administrative costs

**1. C.E.U. and Curriculum for RAC & CE**

This contract will develop a program for awarding Continuing Education Units (C.E.U.) to engineers and others for taking new or refresher courses regarding RAC and civil engineering applications for waste tires. The contract will also develop course curriculum and materials for Engineering Students at University of California locations regarding RAC (and possibly civil engineering applications).

This activity has been identified by stakeholders as a cost-effective option to expose new students to RAC and civil engineering and to effectively reach out to existing engineering professionals as part of their continuing education.

**Proposed Funding**

FY 2006/07.....\$250,000

**2. International Trade and Border Issues Study**

This study would address both international trade issues, such as the North American Free Trade Agreement (NAFTA) and other border issues such as how to address problems associated with tire piles located near California’s border with Mexico. Specifically, Assembly Bill 338 (2004), which required the Department of Transportation to use asphalt containing crumb rubber generated in the United States (U.S.) in lieu of imported crumb rubber, was vetoed by the Governor. The veto message stated that the Governor encouraged further investigation into NAFTA issues. As such, a opinion would investigate the impacts of NAFTA and other treaties that prohibit the U.S. from legislating restrictions, which might affect the import market. Finally, there are legal questions that must be answered regarding how the CIWMB can work cooperatively with the Mexican Government to address tire piles located near the border that may have negative environmental impacts on California.

**Proposed Funding**

FY 2005/06 .....\$150,000

**3. Water Quality and Tire Chips into Projects**

The question needs to be resolved regarding any potential water quality impacts for civil engineering applications where TDA is placed below the water table or in areas that may be inundated with water during seasonal high flows. The RWQCBs will typically require evaluation of any possible effects to ground water or surface waters when any material other than soil is used in a civil engineering application.

**Proposed Funding**

FY 2006/07 .....\$250,000

**4. Civil Engineering Applications for Waste Tires**

This activity will continue CIWMB’s program of investigating new civil engineering uses for waste tires and will also continue education of State, local, and private sector engineers on the use of TDA in civil engineering projects. For research projects focusing on specific civil engineering uses for waste tires, project-specific contracts may be implemented. These projects could include, but are not limited to, erosion control, earthquake dampening, vibration mitigation, and sound walls.

Although we have made significant progress promoting civil engineering applications, there is still much work that needs to be done to establish the use of waste tires as an accepted civil engineering material.

**Proposed Funding**

FYs 2006/07 and 2008/09.....\$500,000 per fiscal year

## 5. Tire Derived Products Testing and Certification

The time and money required for testing and certification are often mentioned obstacles to introducing new products or receiving approval from CalTrans and other agencies. This contract would provide testing and certification for new products consistent with specifications and requirements provided by CalTrans, Underwriters Laboratory (UL) and others. These monies would also provide for any technology evaluation (such as devulcanization) and tire residuals (such as steel).

### Proposed Funding

FYs 2005/06-2009/10.....\$300,000 per fiscal year

## 6. Environmental Life-Cycle Assessment of Waste Tire Management Methods

The activity would be conducted through an Interagency Agreement with the Department of Toxic Substances Control (DTSC). Recently the CIWMB contracted for a life-cycle assessment (LCA) study of biomass conversion technologies. A study of waste tire management methods could be similarly prepared by DTSC. Specifically, an LCA would quantify the mass flow of materials and energy in and out, emissions and wastes of each process and the benefits from products produced for each management method. Unit processes should include transportation, processing (shredding, grinding, etc.) end product manufacture (molded products, asphalt etc.), electricity production, waste treatment and disposal, and offset credits for processes such as fuels production and transportation saving (e.g., coal mining and rail transport for cement kilns using tires as a fuel supplement).

This study would provide the environmental and human impacts of major waste tire management methods that would be characterized and presented comparatively to landfilling. DTSC would review the three major tire management methods, civil engineering, tire derived fuel, and crumb rubber applications. Each scenario would include the impacts of transporting and processing tires into end products, with offset credits given for products produced that offset virgin manufacture or virgin resources (or secondary resources if appropriate).

The DTSC will compare the three major waste tire management methods used in California to landfilling by: constructing appropriate and balanced scenarios for comparison, making site visits and gathering pertinent data, assembling a life cycle inventory for each method, and developing an impact assessment.

### Proposed Funding

FY 2005/06.....\$150,000

## 7. Generation and Diversion Data Study

A contract is needed to study the correlations among the various methods the CIWMB uses to determine number of tires generated, diverted, and disposed along with the data provided by the BOE and the manifest program. This contract concept would address any discrepancies found between generation numbers, BOE collection data, and manifest data.

### Proposed Funding

FY 2005/06.....\$50,000

# Market Development and New Technology Activities for Waste and Used Tires

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## *The Market Development Plan*

### **Objectives:**

1. Increase demand for RAC, civil engineering applications, and other tire derived products through focused product awareness campaigns and financial incentives.
2. Improve capacity-building and operating/cost efficiencies of businesses that use scrap tires.
3. Promote enhanced collaboration amongst government sector (federal, state and local), tire manufacturers, processors, other tire derived product producers, the environmental community, and others.

### **Program Activities**

Activities described in this section are proposed to meet the market development requirements for the tire program.

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**Revised Table 9: Budget for Market Development and New Technology Activities for Waste and Used Tires**

<b>Program Area</b>	<b>FY 2005/06</b>	<b>FY 2006/07</b>	<b>FY 2007/08</b>	<b>FY 2008/09</b>	<b>FY 2009/10</b>
Waste Tire Market Development Staff and Administration	\$780,237	\$780,237	\$780,237	\$780,237	\$780,237
National Product Stewardship Dialog for Tires	\$75,000	\$75,000	\$50,000	\$30,000	\$30,000
Targeted RAC Incentive Grant Program	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Continuation of RAC Use Grant Program	\$0	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
Civil Engineering Grants and Contracts	\$500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
Tire-Derived Products Grants	\$1,900,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000
Technical and Marketing Assistance for Tire Derived Product Businesses	\$485,000	\$750,000	\$1,000,000	\$1,000,000	\$1,000,000
Media and Outreach	\$525,000	\$750,000	\$1,000,000	\$1,000,000	\$500,000
Support of Other CIWMB Market Development Activities	\$515,000	\$650,000	\$500,000	\$500,000	\$500,000
Tire Recycling Conference	\$100,000	\$0	\$125,000	\$0	\$110,000
RACTC	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000
State Agency Purchases Incentives Program	\$400,000	\$1,000,000	\$300,000	\$300,000	\$300,000
Business Assistance Program	\$1,000,000	\$1,200,000	\$1,000,000	\$750,000	\$750,000
Tires Database	\$150,000	\$0	\$0	\$0	\$0
<b>Subtotal</b>	<b>\$7,780,237</b>				
RAC Grants (Kuehl Bill)	\$1,244,838 (16%)	\$0	\$0	\$0	\$0
<b>Totals</b>	<b>\$9,025,075</b>	<b>\$11,955,237</b>	<b>\$11,505,237</b>	<b>\$11,110,237</b>	<b>\$10,720,237</b>

**Waste Tire Market Development Staff and Administration**

The existing five staff positions and one supervisor will continue to conduct the program.

**Proposed Funding**

FYs 2005/06-2009/10.....\$780,237 per fiscal year\*

\*Estimate of staffing and administrative costs

**Source Reduction**

**National Product Stewardship Dialog for Tires**

This contract will facilitate implementation of a national product stewardship dialog and a sustained collaborative effort for effective management of tires. This national dialog and collaborative effort will leverage limited stakeholder resources and provide a consistent national approach to tire management. Approaches may include: increased recycled content, rolling resistance, tire longevity, smart tire technology, and other similar items.

**Proposed Funding**

FYs 2005/06 and 2006/07.....\$75,000 per fiscal year

FY 2007/08.....\$50,000

FYs 2008/09 and 2009/10..... \$30,000 per fiscal year

**Recycling Programs**

**1. RAC Grants**

**Targeted RAC Incentive Grant Program**

This program will be for 1<sup>st</sup> time users of RAC and will involve incentive grants to influence local government agencies to use RAC.

**Proposed Funding**

FYs 2005/06-2009/10.....\$1,000,000 per fiscal year

**Continuation of RAC Use Grant Program**

This program will be similar in scope to the SB 1346 grants for using RAC in local government paving projects; however, the Board will have the ability to set criteria for this program to address changing market issues.

**Proposed Funding**

FYs 2006/07-2009/10.....\$1,500,000 per fiscal year

**2. Civil Engineering**

These contracts and/or grants to state and local governments will be used for project engineering, materials and other costs associated with civil engineering projects. Projects in which Tire Derived Aggregate (TDA) is used in applications such as lightweight fill, drainage layers, erosion control or vibration dampening layers in light rail applications will be targeted.

**Proposed Funding**

FY 2005/06.....\$500,000

FYs 2006/07-2009/10.....\$1,500,000 per fiscal year

**3. Tire-Derived Products Grants**

These grants replace the Playground Cover, Track and Other Recreational Surfacing programs by providing a per tire grant based on actual usage of California tires. Grants will be provided for playground covers, tracks, recreational surfaces and other rubberized products such as, sidewalks, top hats, landscape covers, weed abatement, tree wells, mulch, etc.

**Proposed Funding**

FY 2005/06.....	\$1,900,000
FYs 2006/07-2009/10.....	\$2,400,000

**4. Technical and Marketing Assistance for Tire-Derived Product Businesses**

An essential element in increasing demand for tire-derived products is capacity-building of those businesses. These monies will be used to provide tire-derived product processors and manufacturers with critically needed:

- A. Technical assistance (efficient plant layout, manufacturing process, distribution, etc.),
- B. Marketing assistance (developing/adjusting marketing plan, promotion, cooperative marketing, ad placement, etc.), and
- C. General business assistance (developing a business plan, personnel issues, suppliers, business finance, etc.).

**Proposed Funding**

FY 2005/06.....	\$485,000
FY 2006/07.....	\$750,000
FY 2007/08-2009/10.....	\$1,000,000 per fiscal year

**5. Media and Outreach**

This is an integral component of the strategy to target local governments and others for increased use of RAC and other tire-derived products. A combination of targeted media and outreach efforts are intended to influence decision-makers to use/increase use of RAC and purchase/increase purchases of other tire-derived products.

**Proposed Funding**

FY 2005/06.....	\$525,000
FY 2006/07.....	\$750,000
FYs 2007/08 and 2008/09.....	\$1,000,000 per fiscal year
FY 2009/10.....	\$500,000

**6. Support of Other CIWMB Market Development Activities**

This is a combination of various activities (Sustainable Building, Recycled Product Trade Show, CalMAX and WRAP, and Buy Recycled Certification Audits) into a single item. This will provide flexibility regarding program funding to management while demonstrating an ongoing commitment to other CIWMB activities.

**Proposed Funding**

FY 2005/06.....	\$515,000
FY 2006/07.....	\$650,000
FYs 2007/08-2009/10.....	\$500,000 per fiscal year

**7. Tire Recycling Conferences**

CIWMB will continue to hold the biennial tire recycling conferences. Tire conferences provide attendees with up-to-date information on CIWMB's waste tire management processes. They provide a forum to discuss all aspects of waste tire management, including hauling, manifests, cleanup, proper disposal, recycling technologies, and research and market development activities. The conferences offer a venue for Board Members, staff, and stakeholders to meet and focus on issues of common concern.

**Proposed Funding**

FY 2005/06.....	\$100,000
FY 2007/08.....	\$125,000
FY 2009/10.....	\$110,000

**8. Rubberized Asphalt Concrete Technology Centers (RACTC)**

The RACTCs are located in Los Angeles and Sacramento and provides state-wide technical assistance to local governments through direct consultation, conducting local and regional workshops, providing informational materials, and an Internet Web site.

**Proposed Funding**

FYs 2005/06-2009/10.....	\$225,000 per fiscal year for the Southern CA RACTC
FYs 2005/06-2009/10.....	\$125,000 per fiscal year for the Northern CA RACTC

**9. State Agency Purchases Incentives Program**

Interagency agreements would be developed to help State agencies purchase or develop products made from waste tire rubber. As part of this effort, staff will work with Department of General Services on efforts to encourage and sustain purchase of products made from waste tires. Any rubber product purchased or manufactured must be made with 100 percent California waste tire rubber.

**Proposed Funding**

FY 2005/06.....	\$400,000
FY 2006/07.....	\$1,000,000
FYs 2007/08 and 2009/10.....	\$300,000 per fiscal year

**10. Business Assistance Program**

These grants, contracts, or loans may be provided to private entities for equipment purchases and/or other business related activities. The primary focus on this program will be to support markets for molded rubber products, RAC, and civil engineering activities.

**Proposed Funding**

FY 2005/06.....	\$1,000,000
FY 2006/07.....	\$1,200,000
FY 2007/08.....	\$1,000,000
FYs 2008/09 and 2009/10.....	\$750,000

**11. Tires Database**

Additional funding for a comprehensive tires database needs to be created to effectively capture the vast amount of data generated from the intensified tire management practices mandated by SB 876.

A properly designed tires database will enable staff to provide decision-makers with accurate and statistically sound reports on all the applicable tire-related issues. With solid information

readily accessible, the decision-makers can easily evaluate the tire data and adjust the program as needed to insure the desired results are achieved.

Initial efforts on this project have started. However, due to the lack of any database for inspections and enforcement information on generators, haulers and other non-permitted facilities and due to the large information that is being captured by local enforcement grantees, a foundation database is currently being built to support this elementary need. This foundation was necessary to build before the comprehensive database. Also the enforcement program needs to track progress and reports on items for the Plan. Additional resources will be needed to finish the inspection and enforcement elements of the database.

**Proposed Funding**

FY 2005/06.....\$150,000

**12. Kuehl RAC Grant Program**

Chapter 671, Statutes of 2002 (Kuehl, SB 1346) directs CIWMB to offer grants to local governments for use of rubberized asphalt concrete. PRC section 42872.5 sets a subsidy of \$2.50 per ton of asphalt using a minimum of 20 pounds of crumb rubber per ton of asphalt and prescribes that eligible projects range in size from 2,500 to 20,000 tons for grant awards equal to \$6,250 to \$50,000. (In comparison, conventional asphalt costs approximately \$40 per ton, while RAC ranges from \$35 to \$90 per ton.)

**Proposed Funding**

FY 2005/06.....\$1,244,838 (May need to be updated again since it is based on 16% of Market Development Total)

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# The Waste and Used Tire Hauler Program and Manifest System

## *The Hauler and Manifest Plan*

### Objectives

1. To complement and support the Board’s waste tire enforcement program by providing comprehensive and auditable data on waste tire transactions between tire generators, haulers and end use facilities, thereby reinforcing compliance with waste tire statute and regulation and reducing the incidence of illegal waste tire disposal.
2. To provide information on tire movements within the state and across borders to support tire diversion and market development activities.

### Program Activities

The waste tire manifest system was created in 1995 to provide documentation of waste tire transactions between the tire generator, tire hauler, and the end-use facility. A copy of the manifest form was left with each of the respective parties as proof of the tire transaction which was to be retained at the place of business for three (3) years so that it could be reviewed by Board staff or authorized representatives. However, Board staff received no information from the respective parties on tire transactions and therefore were unable to track tire movement through the state. In 2000, SB 876 provided statutory change that initiated the current California Uniform Waste and Used Tire Manifest System which went into full scale operation in July 2003. Although the system does provide useful information on the movement of tires within the state including the importation and exportation of tires, and has proven a useful enforcement tool to investigate potential violators of the waste tire statutes, the full promise of the system to enable and facilitate “cradle to grave” accountability has not been realized to date. Among the problems encountered is voluminous paperwork which has prompted complaints from the regulated community and strained limited staff’s ability to compile and integrate this information in a computerized database.

Potential revisions to the manifest program are now being explored and discussed with stakeholders. The next workshop on this matter will be on January 24<sup>th</sup>. The table below provides the budget for the waste and used tire hauler system.

**Revised Table 10: Budget for the Waste and Used Tire Hauler Program and Manifest System**

Program Area	FY 2005/06	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10
Hauler/Manifest Staff	\$326,482	\$326,482	\$326,482	\$326,482	\$326,482
Hauler Program and Manifesting	\$1,100,000	\$700,000	\$700,000	\$700,000	\$700,000
<b>Totals</b>	<b>\$1,426,482</b>	<b>\$1,026,482</b>	<b>\$1,026,482</b>	<b>\$1,026,482</b>	<b>\$1,026,482</b>

***Hauler/Manifest Staff***

The Waste Tire Hauler Program is currently staffed with 2½ full-time permanent positions. Of these, 1½ positions are located in the Special Waste Division, and the other one is in the Administration and Finance Division to support the data management needs of the program.

**Proposed Funding:**

FYs 2005/2006–2009/10 .....\$326,482 per fiscal year\*

**\*Estimate of staffing and administrative costs**

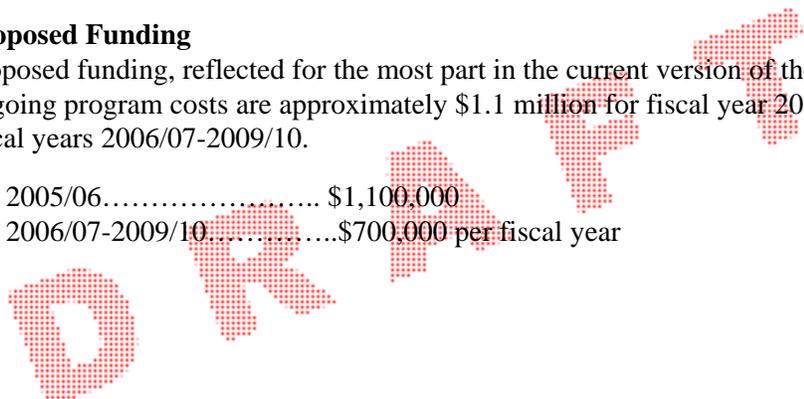
***Manifest System***

In light of the upcoming workshop(s) and discussions and any changes in the manifest program which will result, the budget for these activities is still in flux. The numbers presented in the budget table for the “Hauler Program and Manifesting” are from the current version of the Five Year Plan and do not reflect potential revisions. This line item may be higher or lower depending on the decisions which are ultimately made with concomitant changes being engendered in the line items for other Five Year Plan program elements as a result.

**Proposed Funding**

Proposed funding, reflected for the most part in the current version of the Five Year Plan, for ongoing program costs are approximately \$1.1 million for fiscal year 2005/06 and \$700,000 for fiscal years 2006/07-2009/10.

FY 2005/06..... \$1,100,000  
FY 2006/07-2009/10.....\$700,000 per fiscal year



## Appendix A: Total Waste Tire Management Proposed Funding

**Table 11: Total Waste Tire Management Proposed Funding for Fiscal Years 2005/06-2009/10**

Program Areas	FY 2005/06	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10	Totals for All Fiscal Years
Enforcement	\$8,120,948	\$8,070,948	\$8,020,948	\$8,020,948	\$8,020,948	\$40,254,740
Cleanup*	\$9,792,292	\$6,792,292	\$5,792,292	\$5,892,292	\$5,792,292	\$34,061,460
Research	\$1,135,573	\$1,785,573	\$785,573	\$1,285,573	\$785,573	\$5,777,865
Markets	\$7,780,237	\$11,955,237	\$11,505,237	\$11,110,237	\$10,720,237	\$53,071,185
Hauler and Manifest	\$1,426,482	\$1,026,482	\$1,026,482	\$1,026,482	\$1,026,482	\$5,532,410
Administration	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$7,500,000
Mandatory Contracts	\$1,373,650	\$1,373,650	\$1,373,650	\$1,373,650	\$1,373,650	\$6,868,250
Kuehl RAC Grant Program	\$1,244,838	\$0	\$0	\$0	\$0	\$1,244,838
Program Evaluation	\$0	\$0	\$250,000	\$0	\$0	\$250,000
<b>Totals</b>	<b>\$32,374,020</b>	<b>\$32,504,182</b>	<b>\$30,254,182</b>	<b>\$30,209,182</b>	<b>\$29,219,182</b>	<b>\$154,560,748</b>

\*In the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, spending authority is separate from the Tire Fund's spending authority.