

AMENDED IN SENATE MARCH 29, 2016

SENATE BILL

No. 1260

Introduced by Senator Allen

February 18, 2016

~~An act to add Article 13.6 (commencing with Section 25250.70) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous materials. An act to amend Section 10565 of the Water Code, relating to stormwater.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1260, as amended, Allen. ~~Hazardous materials: motor vehicle tires: zinc.~~ *Stormwater resource planning: project funding.*

Existing law, the Stormwater Resources Planning Act, authorizes one or more public agencies to develop a stormwater resource plan. The act requires the State Water Resources Control Board, by July 1, 2016, to establish guidance for purposes of the act. The act requires, with certain exceptions, the development of a stormwater resource plan and compliance with the act to receive grants for stormwater and dry weather runoff capture projects from a bond act approved by the voters after January 1, 2014.

This bill, by March 1, 2017, would require the board to include as part of its guidance a list of potential funding sources available to a public agency to fund projects identified in a public agency's stormwater resource plan.

~~Existing law prohibits a person from selling or offering for sale certain consumer products, such as motor vehicle brake friction materials and lead wheel weights, containing more than a threshold amount of hazardous materials.~~

~~This bill would, on or after January 1 of an unspecified year, prohibit manufacturers, as defined, from selling or offering for sale onroad motor vehicle tires, or motor vehicles with those tires, if the tires contain zinc in excess of an unspecified percentage by weight. The bill would authorize manufacturers to apply to the Department of Toxic Substances Control to delay the prohibition as to specific uses of its onroad motor vehicle tires. The bill would assess a civil penalty on manufacturers who violate the prohibition. The bill would require manufacturers of motor vehicle tires, in developing new tire formulations, to screen potential alternatives to the use of zinc, using the Toxics Information Clearinghouse to identify potential impacts of the alternatives on public health and the environment.~~

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

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

1 *SECTION 1. Section 10565 of the Water Code is amended to*
2 *read:*
3 10565. (a) By July 1, 2016, the board shall establish guidance
4 for this part that shall include, but is not limited to, the following:
5 (a)
6 (1) Identifying types of local agencies and nongovernmental
7 organizations that need to be consulted in developing a stormwater
8 resource plan.
9 (b)
10 (2) Defining appropriate quantitative methods for identifying
11 and prioritizing opportunities for stormwater and dry weather
12 runoff capture projects.
13 (c)
14 (3) Defining the appropriate geographic scale of watersheds for
15 stormwater resource planning.
16 (d)
17 (4) Other guidance the board deems appropriate to achieve the
18 objectives of this part.
19 (b) *By March 1, 2017, the board shall include as part of its*
20 *guidance for this part a list of potential funding sources available*
21 *to a public agency to fund projects identified in a public agency's*
22 *stormwater resource plan.*

1 SECTION 1. ~~The Legislature finds and declares all of the~~
2 ~~following:~~

3 ~~(a) Zinc and zinc oxides are released into the surrounding~~
4 ~~environment and enter California’s streams, rivers, and marine~~
5 ~~environment every year.~~

6 ~~(b) Zinc and certain alloys of zinc are toxic to many microscopic~~
7 ~~and other aquatic organisms.~~

8 ~~(c) Of the numerous sources of zinc released into the~~
9 ~~environment, the most prevalent are outdoor rubber materials and~~
10 ~~outdoor zinc surfaces.~~

11 ~~(d) In the course of normal motor vehicle operation, thousands~~
12 ~~of pounds of zinc are released from motor vehicle tires.~~

13 ~~(e) Limits on the zinc releases into the waters of the state are~~
14 ~~essential for California cities, counties, and industries to comply~~
15 ~~with the standards established by the federal Clean Water Act (33~~
16 ~~U.S.C. Sec. 1251 et seq.), including the water quality standards~~
17 ~~for zinc and the total maximum daily loads for zinc in California’s~~
18 ~~urban watersheds.~~

19 ~~(f) Without limits on the release of zinc into the environment,~~
20 ~~California taxpayers face hundreds of millions of dollars in~~
21 ~~compliance costs to meet the standards described in subdivision~~
22 ~~(e).~~

23 ~~(g) It is in the interest of the people of California to reduce or~~
24 ~~eliminate the use of zinc in the formulation of motor vehicle tires.~~

25 SEC. 2. ~~Article 13.6 (commencing with Section 25250.70) is~~
26 ~~added to Chapter 6.5 of Division 20 of the Health and Safety Code,~~
27 ~~to read:~~

28

29 Article 13.6. ~~Reduction of Zinc in Motor Vehicle Tires~~

30

31 25250.70. ~~For purposes of this article, except as otherwise~~
32 ~~specified, “manufacturer” means any of the following:~~

33 ~~(a) A manufacturer or assembler of motor vehicles or motor~~
34 ~~vehicle equipment.~~

35 ~~(b) An importer of motor vehicles or motor vehicle equipment~~
36 ~~for resale.~~

37 ~~(c) A distributor or retail seller of motor vehicles.~~

38 ~~(d) A manufacturer of onroad motor vehicle tires.~~

39 25250.71. ~~Except as provided in this article, on or after January~~
40 ~~1, _____, a manufacturer shall not sell or offer for sale onroad motor~~

1 vehicle tires, or motor vehicles with those tires, if the tires contain
2 more than _____ percent by weight of zinc.
3 ~~25250.72. (a) A manufacturer may apply to the department to~~
4 ~~delay the prohibition set forth in Section 25250.71 for a period of~~
5 ~~one year, two years, or three years as to a specific use of its onroad~~
6 ~~motor vehicle tires.~~
7 ~~(b) The application shall be based on the use of onroad motor~~
8 ~~vehicle tires and not on the rubber material formulation and shall~~
9 ~~be accompanied by documentation that will allow the department~~
10 ~~to determine the appropriateness of the requested delay. The~~
11 ~~documentation shall include a scientifically sound quantitative~~
12 ~~estimate of the amount of zinc that would be released to the~~
13 ~~environment if the delay is granted, including a description of the~~
14 ~~assumptions underlying the estimate.~~
15 ~~25250.73. In developing new tire formulations to comply with~~
16 ~~Section 25250.71, a manufacturer of motor vehicle tires shall~~
17 ~~screen potential alternatives to the use of zinc, using the Toxics~~
18 ~~Information Clearinghouse developed by the department and the~~
19 ~~Office of Environmental Health Hazard Assessment pursuant to~~
20 ~~Section 25256 for purposes of identifying potential impacts of the~~
21 ~~alternatives on public health and the environment.~~
22 ~~25250.74. A manufacturer who violates Section 25250.71 is~~
23 ~~liable for a civil fine of up to ten thousand dollars (\$10,000) per~~
24 ~~violation and is not subject to any criminal penalties provided~~
25 ~~pursuant to Article 8 (commencing with Section 25180) for that~~
26 ~~violation.~~