



## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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### WASTE TIRE SPECIAL BULLETIN

To: **Waste Tire Generators, Haulers, and End Use Facilities**

RE: **Baled Waste Tire Permitting, Storage and Hauling Requirements**

The Department of Resources Recycling and Recovery (CalRecycle) prepared this bulletin to remind waste tire generators, haulers and end-use facilities of the permitting, storage, and hauling requirements applicable to baled tires. Waste tire baling is becoming more common because it allows for the efficient storing and transporting of waste tires. State law defines baling as an "...action which produces baled tires..." and defines baled tires as "...either whole or altered waste tires that have been compressed and then secured with a binding material for the purpose of reducing their volume. **Baled tires are waste tires** as defined in PRC Section 42801.6..." [Title 14, California Code of Regulations (14 CCR) Section 17225.715] (Emphasis added).

The information in this bulletin should be utilized to help you assess your current or proposed waste tire generating, hauling and or processing operation and, if appropriate, modify practices to make sure they are in conformance with State law.

Key points clarified in this bulletin are:

- Waste tire baling facilities are not "collection" sites;
- Baled tires are not tire derived product (TDP);
- Baling of waste tires may create an unpermitted waste tire facility;
- Common carrier exemption may apply to loads of baled tires, but all hauler requirements still apply;
- Transportation of baled tires may result in overweight containers; and,
- Baled tires must be manifested.

#### Waste tire baling facilities are not "collection" sites

CalRecycle has received inquiries from tire baling businesses asking if the waste tires at their sites could be considered in the "collection" process, and therefore exempt from waste tire facility permitting requirements. The definition of "collection" was established to address the activity of moving waste tires. The definition does not include changing the tires in size, shape, volume, or any other manner when they are in the "collection" process. Since baling waste tires is a process that changes whole tires, baled tires are not exempt from waste tire facility permitting requirements (14 CCR Section 17225.717).

#### Baled tires are not tire derived product (TDP)

CalRecycle has received additional inquiries about whether baled tires could be considered tire derived product (TDP), and therefore exempt from waste tire hauler registration, manifesting requirements, and facility permitting. TDP is derived from a process using whole tires as a feedstock that results in smaller tire pieces such as shreds, crumbs or chips [California Public Resources Code (PRC) 42805.7]. When whole tires are baled they are not used as feedstock to make smaller tires pieces, rather they remain whole. Additionally, baled tires remain waste tires until they are "fully encapsulated in an engineered construction project for which all required local, state, and/or



federal government approvals have been obtained.” (14 CCR Section 17225.715) Therefore, baled tires cannot be TDP.

#### Baling of waste tires may create an unpermitted waste tire facility

Because baled tires cannot be considered in the “collection” process, all waste tires, including baled tires, located either on the ground or in road transportable containers, at a waste tire baling facility count toward that waste tire facility’s total tire count. A single tire bale may contain 40 or more tires, and the transport containers may contain 2,000 or more tires. A tire baling facility could easily exceed 499 waste tires, or, at a used tire dealer, exceed 1,500 waste tires and create an unpermitted waste tire facility [PRC Section 42808(c) and 14 CCR Section 18420(a)(7) and (e)]. If a tire baling facility exceeds the number of tires allowed it must obtain a waste tire facility permit to be in compliance with California law.

#### Common carrier exemption may apply to loads of baled tires, but all hauler requirements still apply

Common carriers may haul used and waste tires, including baled tires, subject to restrictions. The common carrier must have a CalRecycle-issued hauler registration exemption letter. The common carrier must transport the tires as a "back haul", that is, the hauling of the used or waste tires is not the primary reason for the trip. The revenue derived from transporting the used or waste tires must be incidental (10% or less of total annual revenue) when compared to the total revenue earned by the common carrier. Even if CalRecycle issues a hauler registration exemption letter to a common carrier, all common carriers are required to manifest loads of 10 or more used or waste tires in accordance with 14 CCR Section 18460.1.1.

#### Transportation of baled tires may result in overweight containers

Baled tires are dense, compressed bundles which can be very heavy when compared to non-baled tires of the same volume. Because baled tires are easier to pack into a container of any type, it may be possible to exceed vehicle weight limits while transporting these containers on California's roads and highways. Haulers are required to comply with all maximum allowed weight limits when hauling baled tires.

#### Baled tires must be manifested

A waste tire generator shall not give, contract, or arrange with another person to transport used or waste tires, including baled tires, unless that person is a registered waste tire hauler or is exempt under Public Resources Code Section 42954 (14 CCR Section 18462). Additionally, a manifest (California Comprehensive Trip Log and Receipt, CalRecycle 203, or a Department approved substitute) shall be completed by the hauler, approved by the appropriate representative (generator or end use facility), and signed under penalty of perjury. The manifest shall accompany each shipment of used or waste tires, including baled tires, from the point of origin to the destination (14 CCR Section 18459).

### **CalRecycle Enforcement**

CalRecycle is investigating allegations regarding tire baling facilities, common carriers, and other waste tire haulers that are not complying with all the requirements of the waste tire program. CalRecycle will continue to enforce California’s laws against waste tire facility operators and owners and waste tire haulers in all appropriate instances, including those that involve baled tires.

Questions regarding this bulletin may be directed to CalRecycle’s toll-free Waste Tire Hotline at (866) 896-0600.