



## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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### **Waste Tire Storage, Permit, and Penalty Criteria Proposed Regulatory Amendments**

This document contains additional changes CalRecycle is considering to the proposed Waste Tire Storage, Permit, and Penalty Criteria regulatory amendments, to address public and internal comments received during the first 45-day public comment period.

This information is a preliminary draft and is being presented for discussion purposes only. CalRecycle will discuss with stakeholders these additional proposed regulatory changes at upcoming public workshops. The additional proposed regulatory changes are annotated in this document as follows:

- Text proposed to be added is indicated by double underlining.
- Text proposed to be deleted is indicated by ~~double strike through~~.
- Text representing the original proposed regulatory changes that were made available for public review during the first 45-day comment period are indicated by single underlining and ~~single strike through~~, respectively.

The final additional proposed regulatory changes will be published and available for stakeholder review and comment at the start of a second 45-day public comment period planned for early December 2013.

More information about this waste tire rulemaking and the upcoming public workshops is available at: [www.calrecycle.ca.gov/Laws/Rulemaking/WasteTires/default.htm](http://www.calrecycle.ca.gov/Laws/Rulemaking/WasteTires/default.htm).



**TITLE 14. NATURAL RESOURCES**  
**DIVISION 7. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**  
**CHAPTER 3. MINIMUM STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL**  
**ARTICLE 4.1. WASTE TIRE PROGRAM DEFINITIONS**

**§ 17225.717. Collection.**

Waste tires are considered in the “collection” process when they are temporarily placed in fully enclosed, licensed road transportable containers that are not stored at a permitted waste tire facility or a facility identified in Section 18420(a). The requirements of Article 5.5 of this Chapter and Chapter 6, with the exception of Article 8.5, Chapter 6, shall not apply to “collection” as long as the following conditions are met:

- (1) Containers shall be kept closed except while loading and unloading.
- (2) Containers shall be kept locked when not being loaded or unloaded unless unauthorized access is controlled pursuant to section 17352 of this Article.
- (3) All waste tire deliveries shall be manifested in accordance with Article 8.5 of this Chapter.
- (4) For the purpose of this section “temporarily” shall mean less than 90 days.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42800, 42820, 42830 and 43020, Public Resources Code.

**§ 17225.821. Indoor or Indoors.**

“Indoor or Indoors” means an accumulation of waste tires or waste tire equivalents within any structure used or intended for supporting or sheltering any use of occupancy.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42800, 42808, 42820, 42822, 42830 and 43020, Public Resources Code.

**§ 17225.822. Exempt or Excluded.**

“Exempt or Excluded” means a waste tire facility storing a total of 500 or more waste and/or used tires ~~that~~, as authorized by Public Resources Code sections 42823.5(a) or 42831, or as specified in section 18420(a) of Title 14 of the California Code of Regulations, or meets the requirements set forth in section 18420.1 or 18431.3 of Title 14 of the California Code of Regulations. An exempt or excluded waste tire facility, is not required to obtain a waste tire facility permit.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42800, 42808, 42820, 42822, 42830 and 43020, Public Resources Code.

**§ 17225.850. Waste Tire Facility.**

“Waste Tire Facility” means a waste tire facility as that term is defined by Public Resources Code section 42808 and includes exempt or excluded facilities, minor waste tire facilities, major waste tire facilities, and facilities where less than 500 waste tires are or will be stored, stockpiled, accumulated, or discarded; but does not include permitted solid waste facilities that receive for transfer or disposal less than 150 tires per day averaged over a 365-day period.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42800, 42808, 42820, 42822, 42830 and 43020, Public Resources Code.

**ARTICLE 5.4. WASTE TIRE MONOFILL REGULATORY REQUIREMENTS**

**§ 17346. Authority and Scope.**

- (a) This Article sets forth permitting requirements and minimum operating standards for facilities that operate a waste tire monofill as defined in Section 17346.1 of this Article.
- (b) This Article is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (the Act) commencing with Section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.
- (c) Nothing in this Article limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor to limit or restrict cities or counties from promulgating laws which are at least as strict as the regulations contained in this Article. However, no city or county may promulgate laws which are inconsistent with the provisions of this Article.
- (d) Nothing in this Article shall be construed as relieving any owner or operator from obtaining all required permits, licenses, or other clearances complying with all orders, laws, regulations, or other requirements of other regulatory or enforcement agencies, including, but not limited to, local health agencies, the Regional Water Quality Control Board, the Department of Toxic Substances Control, air quality management district or air pollution control district, local land use authorities, and fire authorities.
- (e) These regulations are intended to provide a sufficient level of information and oversight to ensure that the disposal of waste tires will be conducted in a manner which meets the purposes of the Act, as specified in Public Resources Code Section 40052, while protecting the public health, safety and the environment.
- (f) For the purposes of this Article and Article 5.5 of this Chapter, disposal and storage of waste tires does not include the beneficial reuse of waste tires as the ~~Board~~Department may determine on a case-by-case basis. A project shall be considered a beneficial reuse of waste tires only if it is approved by the Department and meets the requirements set forth in section 18431.3 of Title 14 of the California Code of Regulations.
- ~~(1) Beneficial reuse of altered waste tires is permitted provided the beneficial use does not pose a threat to public health, safety and the environment.~~
- ~~(2) In order to qualify as a beneficial use, the proposed use must employ one or more of the engineering properties of waste tires and provide equal or superior performance or lower cost relative to conventional technologies and the proposed use must be approved in writing by a registered civil engineer.~~
- ~~(3) An application to determine if a project is considered a beneficial reuse must be made in writing to the EA and the Board. The EA and the Board will evaluate the proposed project under the criteria set forth in subsections 17346(f)(1) and (2) and will independently determine and notify the applicant whether the proposed project constitutes a beneficial reuse of altered waste tires within ninety (90) days from their receipt of the application.~~

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40052, 42808, 43020, and 43021 ~~and 42808~~, Public Resources Code.

## ARTICLE 5.5.

## WASTE TIRE STORAGE AND DISPOSAL STANDARDS

### § 17350. Applicability.

(a) A permitted waste tire facility, including a permitted facility and a facility excluded or exempt from permitting requirements, that stores a total of 500 or more waste and/or used tires, an excluded or exempt waste tire facility that stores a total of 500 or more waste tires, or a solid waste facility that stores 500 or more waste tires, shall comply with the technical and operational requirements of Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations. Whole, unaltered tires and whole, repairable tires that cannot be verified by the Department or a representative of the Department, at the time of inspection, as meeting the requirements of Public Resources Code section 42806.5 shall be counted as waste tires.

(a)(1) ~~Any waste tire facility storing 500 or more w~~Waste tires stored outdoors ~~must~~shall comply with the technical and operational standards set forth in sections 17351 through ~~17355~~17354, and sections 17357 through 17359 of this Article, and the applicable fire prevention requirements set forth in sections 2501 through 2508 of Title 24 of the California Code of Regulations.

(ba)(2) ~~Any waste tire facility storing w~~Waste tires stored indoors ~~must~~shall comply with the technical and operational standards set forth in ~~section~~sections 17351, 17352, 17353, and sections 17356 through 17359 of this Article, and the applicable fire prevention requirements set forth in sections 2301, 2305, 2306, 2501 through 2504, and 2506 through 2509 of Title 24 of the California Code of Regulations.

(3) All waste tire facilities shall comply with recordkeeping requirements in section 17357 and 17358 of this Article.

(eb) Waste tires that are disposed of ~~by burying by burying or stored~~ at a solid waste disposal facility are addressed in section 17355 of this Article.

(dc) For purposes of determining the applicability of this Chapter, altered waste tires shall be counted as passenger tire equivalents ~~(PTE)~~as that term is defined in section 17225.770 of this Chapter.

(d) The Department and/or the authorized representative of the Department ~~Enforcement Agency~~ for a jurisdiction in which a waste tire facility or solid waste facility is located may inspect any waste tire facility that is permitted, excluded, exempt, or otherwise authorized by the Department, statute or regulation. This inspection may be for compliance with applicable technical, operational and/or disposal standards, and waste tire facility permit terms and conditions.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

### § 17351. Fire Prevention Measures.

(a) Communication equipment shall be maintained at all waste tire facilities and solid waste facilities, if they are staffed by an attendant, to ensure that the site operator can contact local fire protection authorities in the event of fire.

(b) Adequate equipment to aid in the control of fires ~~must~~shall be provided and maintained at the waste tire facility and solid waste facility at all times. At a minimum, the following items shall be maintained on site and in working order at all times:

(1) One (1) dry chemical fire extinguisher;

(2) One (1) two and one-half gallon water extinguisher;

(3) One (1) pike pole or comparable pole at least 10 feet in length to separate burning from non-burning tires; ~~and~~

(4) One (1) round point and one (1) square point shovel; ~~and~~

(5) One (1) dry chemical fire extinguisher with a minimum rating of ~~4A:40BCA:40-B:C~~ shall be carried on each piece of fuel-powered equipment used to handle waste tires; ~~and~~

(c) An adequate water supply shall be available for use by the local fire authority. The water supply shall be capable of delivering at least 1,000 gallons per minute for a duration of at least three hours and at least 2,000 gallons per minute for a duration of at least three hours if the sum of altered plus whole waste tires exceeds 10,000.

(d) All of the requirements of subsections (b) and (c) shall apply unless the local fire authority having jurisdiction over a particular facility determines that a different requirement is necessary or adequate to meet the intent of these regulations for fire control and the protection of life and property. This may include the availability of earth moving equipment or other approved means to control the tire fire. Any change in, or any new, local fire authority requirements that affect the requirements in this Article shall be reported to the ~~Board~~Department by the operator within 30 days after their effective date. Any requirements approved by the local fire authority shall be subject to ~~Board~~Department concurrence at the time of issuance or ~~renewal~~review of the permit.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

#### **§ 17352. Facility Access and Security.**

(a) Signs - ~~for~~For waste tire facilities and solid waste facilities open to the public a sign shall be posted at the facility entrance stating the name of the operator, operating hours, and site rules.

(b) Attendant - An attendant shall be present when the waste tire facility or solid waste facility is open for business if the facility receives tires from persons other than the operator of the facility.

(c) Access - An access road to the waste tire facility or solid waste facility ~~must~~shall be maintained passable for emergency equipment, fire apparatus, and vector control vehicles at all times. Unauthorized access ~~must~~shall be strictly controlled.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

#### **§ 17353. Vector Control Measures.**

(a) All waste tires shall be stored in a manner which prevents the breeding and harborage of mosquitoes, rodents, and other vectors by any of the following means:

(1) Cover with impermeable barriers other than soil to prevent entry or accumulation of precipitation; or

(2) Use of treatments or methods to prevent or eliminate vector breeding as necessary, provided the control program is approved as appropriate and effective by the local vector control authority, if such authority exists. If no local vector control authority exists, the local Environmental Health Department or other local agency with authority over vector control shall approve the vector control plan. Any control program approved by the local vector control authority shall be subject to ~~Board~~Department concurrence at the time of issuance or ~~renewal~~review of the waste tire facility permit.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

**§ 17354. Storage of Waste Tires Outdoors.**

(a) ~~Except as provided in subsection (c) waste~~Waste tires stored outdoors shall ~~be meet or exceed~~ “Tire Rebuilding and Tire Storage” California Fire Code requirements set forth in Title 24 of the California Code of Regulations, including but not limited to sections 2501 through 2508, which are incorporated herein by ~~reference.~~ restricted to individual piles, which include stacks and racks of tires that do not exceed 5,000 square feet of contiguous area. Any pile shall not exceed 50,000 cubic feet in volume nor 10 feet in height. Piles shall not exceed 6 feet in height when within 20 feet of any property line or perimeter fencing. Waste tires shall not be located within 10 feet of any property line or perimeter fencing. The minimum distance between waste tire piles and between waste tire piles and structures that are located either on site or off site shall be as specified in Table I.

(b) ~~Except as provided in subsection (c) waste tires shall be separated from vegetation and other potentially flammable materials by no less than 40 feet. Accessible fire lanes with a minimum width as specified in Table I shall be provided between tire storage units. Fire lanes shall be kept free of flammable or combustible material and vegetation. Access to fire lane(s) for emergency vehicles must be unobstructed at all times. Open flames, blow torches, or highly flammable materials, including but not limited to, tire inner tubes, are prohibited within 40 feet of a waste tire pile.~~

Table I Minimum Separation Distances (Ft.)

Length of Exposed Tire Storage Pile Height (Ft.)	Face (Ft.)	6	8	10	25	50	56	62	50	66	75	84	100	84	100	116
		150	99	117	135	200	111	130	149	250	118	140	162			

(b) All of the requirements in ~~subsections~~subsection (a) and (b) shall apply to the storage of waste tires unless, for any particular requirement, the local fire authority having jurisdiction over a particular facility determines that a different requirement is necessary or adequate to meet the intent of these regulations for the prevention of fire and the protection of life and property. Any change in, or any new, local fire authority requirements that affect the requirements in this Article shall be reported to the ~~Board~~Department by the operator within 30 days after their effective date. Any requirements approved by the local fire authority shall be subject to ~~Board~~Department concurrence at the time of issuance or ~~renewal~~review of the permit.

(d) ~~Surface water drainage shall be directed around and away from the waste tire storage area.~~

(e) ~~Waste tires at existing waste tire facilities shall not be stored on surfaces with grades that will interfere with fire fighting equipment or personnel unless mitigation measures have been approved in writing by the local fire authority, or a fire safety engineer registered by the State of California. Measures established by a fire safety engineer shall be subject to approval by the local fire authority.~~

(f) ~~New waste tire facilities shall not:~~

(1) ~~Be sited in any area where they may be subjected to immersion in water during a 100 year storm unless the operator demonstrates to the Board that the facility will be designed and operated so as to prevent waste tires from migrating off site; or~~

(2) ~~Be located on sites with grades or other physical features that will interfere with fire fighting equipment or personnel.~~

(g) ~~Tires must be removed from rims immediately upon arrival at the facility.~~

(h) ~~The site shall be designed and constructed to provide protection to bodies of water from runoff of pyrolytic oil resulting from a potential tire fire.~~

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

**§ 17355. Disposal of Waste Tires at Solid Waste Disposal Facilities.**

(a) Waste tires may not be landfilled in a solid waste disposal facility which is permitted pursuant to Chapter 3 of Part 4 of the Public Resources Code, commencing with section 44001, unless they are permanently reduced in volume prior to disposal by shredding, or other methods subject to ~~the EA solid waste Local Enforcement Agency~~ approval and ~~Board~~Department approval.

(b) The requirement of subsection (a) shall not apply to waste tires received which are commingled with municipal solid waste that arrive in loads, where the waste tires comprise less than one-half of one (0.5) percent by weight of the total load, or where the waste tires inadvertently arrive in homeowner delivered household loads of mixed waste and are not readily removable from the waste stream; ~~or.~~

(c) All waste tires stored at a solid waste disposal facility shall meet the requirements of this Article.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

**§ 17356. ~~Indoor~~Storage of Waste Tires Indoors.**

(a) Waste tires stored indoors ~~must~~shall be stored under conditions that meet or exceed those in “The Standard for Storage of Rubber Tires”, National Fire Protection Association, NFPA 231D-1989 edition, published by the National Fire Protection Association, which is incorporated by reference. California Fire Code requirements as set forth in Title 24 of the California Code of Regulations, including but not limited to:

(1) “High-Piled Combustible Storage” as set forth in sections 2301 through 2305 of Title 24 of the California Code of Regulations, which are incorporated herein by reference, and

(2) “Tire Rebuilding and Tire Storage” as set forth in sections 2501 through 2509 of Title 24 of the California Code of Regulations, which are incorporated herein by reference.

(b) ~~This requirement~~Subsection (a) requirements shall apply unless the local fire authority having jurisdiction over a particular facility determines that a different requirement is necessary or adequate to meet the intent of these regulations for fire control and the protection of life and property. Any change in, or any new, local fire authority requirements that affect the requirements in this Article shall be reported to the ~~Board~~Department by the operator within 30 days after their effective date. Any requirements approved by the local fire authority shall be subject to Department concurrence at the time of issuance or review of the permit.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

**§ 17357. Recordkeeping.**

(a) A waste tire facility shall create and maintain records documenting the quantity of waste tires received, stored and shipped from the site on a quarterly basis. The records may include log entries describing the methods of receipt and removal of the waste tires, the number of waste tires received and removed, the name of the person employed to deliver or remove the waste tires, and Manifest Forms.

(b) A waste tire facility shall retain waste tire records as set forth in subsection (a) for three (3) years. On request, a waste tire facility shall provide these records to an authorized Department representative.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

**§ 17358. Waste Tire Transportation.**

A waste tire facility or solid waste facility shall not give, contract, or arrange with another person for transportation of waste or used tires unless that person is a registered waste tire hauler or is exempt from the registration requirement pursuant to Public Resources Code section 42954.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

**§ 17359. Tire Derived Product Handling.**

(a) A person asserting that ~~waste tire~~ material meets the definition of tire derived product as set forth in Public Resources Code section 42805.7 shall provide, on request of a Department representative or authorized agent, documentation that:

- (1) The material was acquired through a purchase from a separate and distinct waste tire facility, and
  - (2) The person now in possession of the material is accumulating the material for the purpose of a larger project. This documentation may include contracts or bids for projects requiring the use of tire derived product.
- (b) Waste tire material shall not be considered tire derived product if the material is located on property owned or operated by the processing facility at which it was generated.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

**CHAPTER 6. PERMITTING OF WASTE TIRE FACILITIES AND WASTE TIRE HAULER REGISTRATION**

**ARTICLE 1. GENERAL**

**§ 18420. Applicability.**

(a) The operator of a waste tire facility shall acquire a waste tire facility permit in accordance with the requirements of this Chapter and ~~PRC~~Public Resources Code section 42808, unless any of the following conditions exist:

- (1) The waste tires are stored ~~within the boundaries of,~~ or disposed at, a permitted solid waste disposal facility; ~~or stored within the boundaries of at~~ a permitted solid waste facility which receives less than 150 waste tires per day averaged ~~on an annual basis~~ over a 365-day period. ~~If waste tires are stored within the boundaries of a solid waste facility, the~~ The permit of the solid waste facility shall be revised pursuant to Public Resources Code (PRC) section 44014 and shall conform to the requirements of Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations, to reflect the storage of waste tires.
- (2) The facility is using fewer than 5,000 waste tires for agricultural purposes and the waste tires have been rendered incapable of holding accumulations of water.
- (3) The facility is storing fewer than 500 waste tires.
- (4) The facility is a tire treading business and not more than 3,000 waste tires are kept on the premises.
- (5) (Reserved).

(6) The facility is an automobile dismantler, as defined in Sections 220 and 221 of the Vehicle Code, who stores waste tires on the premises of the auto dismantler for less than 90 days if not more than 1,500 waste tires are ever accumulated on the dismantler's premises.

(7) The facility is a tire dealer who stores waste tires on the dealer's premises for less than 90 days if not more than 1,500 waste tires are ever accumulated on the dealer's premises.

(b) For purposes of determining the applicability of this Chapter 6, altered waste tires shall be counted as passenger tire equivalents ~~(PTE)~~ as that term is defined in section 17225.770 of Title 14 of the California Code of Regulations.

(c) ~~(Reserved)~~ Operations authorized to use the enforcement agency. A facility operating pursuant to a notification tier requirement as prescribed by sections 18103 and 18103.1 of Title 14 of the California Code of Regulations, that stores, stockpiles, accumulates or discards 500 or more waste tires shall comply with the waste tire facility permitting requirements set forth in Division 30, Part 3, Chapter 16 of the Public Resources Code, and Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations.

(d) For the purposes of Chapter 6, Articles 2 through 7 and Articles 9, 10 and 11 apply to operators and/or businesses described under Chapter 6, Article 1.

(e) A "used tire dealer" is only authorized to lawfully accept ~~used or waste or used~~ tires without a waste tire facility permit if the used tire dealer is in compliance with Section 17225.820, Article 4.1, Chapter 3 and has fewer than ~~1500~~ 1,500 waste tires in accordance with ~~Section~~ Public Resources Code section 42808(c).

Note: Authority cited: Sections 40502, 42820, 42830 and 42966, Public Resources Code. Reference: Sections 42806.5, 42808, 42820, 42830, 42831, 42832, 42950 and 44014 ~~and 42950~~, Public Resources Code.

#### **§ 18420.1. Waste Tire Collection Location.**

(a) Any amount of waste or used tires is in "collection" when it is temporarily placed in a fully enclosed container that is not stored at a permitted waste tire facility, a permitted solid waste facility, a facility operating pursuant to a notification requirement prescribed by sections 18103 and 18103.1 of Title 14 of the California Code of Regulations, or a facility identified in section 18420(a) of this Article. The requirements of Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations shall not apply to a collection location if all of the following six (6) requirements are met:

(1) All waste and used tires onsite shall be kept in closed containers except while actively loading and unloading.

(2) Containers shall be kept locked when not being loaded or unloaded.

(3) Containers shall, at all times, be kept on or as part of a trailer for which a current, valid license plate has been issued by the Department of Motor Vehicles or an equivalent agency in another state or country.

(4) A waste or used tire transported to or from a collection location shall be manifested in accordance with Article 8.5 of this Chapter.

(5) Containers shall not remain onsite longer than 90 days.

(6) The total number of waste or used tires at a collection location, including, but not limited to, waste or used tires located in closed containers and on the ground, shall not exceed 4,999.

(b) Only whole waste or used tires that have not been altered, baled, or otherwise processed to become tire derived product or tire casings may be in "collection."

~~(c) Before a person temporarily holds waste or used tires in "collection," that person shall obtain, and subsequently operate~~ Nothing in this Article shall be construed as relieving any owner or operator from obtaining and operating under the terms and conditions of all use permits, business licenses, and other approvals required by applicable local governments.

(d) A person who owns or operates a collection location as defined in subsection (a) shall notify the Department in accordance with section 18431.2 of Article 4, Chapter 6, Division 7 of Title 14 of the California Code of Regulations. If there is a change to the information provided pursuant to California Code of Regulations section 18431.2, the operator or owner of the collection location shall report the change to the Department in writing within thirty (30) days from the date of the change.

(e) The owner or operator of a collection location shall notify the Department in writing of the intent to cease operations, thirty (30) days prior to discontinuing operations.

(f) A person responsible for discontinuing or dismantling a collection location shall properly remove ~~dispose of all waste or used-tire~~ material to an authorized facility, in accordance with Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations, and shall notify the Department in writing when closure activity is complete.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42800, 42820, 42830 and 43020, Public Resources Code.

## **ARTICLE 2. REVIEW OF PERMIT APPLICATIONS**

### **§ 18423. Filing of Permit Application Filing.**

(a) Every operator of a new ~~or existing~~ major or minor waste tire facility shall submit to the ~~Board~~Department a completed ~~and correct original and two (2) copies of the~~ waste tire facility permit application, as specified in Article 4 of this Chapter.

(b) Upon receipt of the application, the ~~Board~~Department shall mark the application package with the date of receipt. Within 30 days of receipt, the ~~Board~~Department shall examine the application package to determine whether it meets the requirements contained in this chapter and either accept the application as complete and correct or reject the application. If the ~~Board~~Department finds the application meets the requirements, the application shall be accepted as complete and correct. If the ~~Board~~Department determines that the application does not conform to the applicable requirements, it shall notify the applicant in writing enumerating the grounds for rejection.

(c) The operator of a waste tire facility may, at any time, withdraw a certification or permit revision application by submitting a written request to the Department. An applicant may not withdraw an application for revision if the Department requests the permit be revised pursuant to section 18427(b) or (g) of this Chapter.

(d) For purposes of this Chapter, "Complete and Correct" means all information provided by the applicant regarding the waste tire facility is accurate, exact, and fully describes all parameters of the waste tire facility.

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Sections 42820, 42821, 42822, 42830, 42832 and 42833, Public Resources Code and Sections 15376 and 65943, Government Code.

**§ 18424. Permit Application Amendments to Application.**

(a) At any time after an application for a waste tire facility permit has been made and before issuance or denial of a permit or revision thereof, the applicant shall notify the BoardDepartment of any changes to the required information on the application. Such notice shall be given by the filing of an amendment to the application.

(b) If the BoardDepartment determines that the amendment significantly alters the nature of the application, the BoardDepartment may deem the amendment a new application. The new application shall supersede the previous application. In this case the time for the BoardDepartment to act on the new application shall be computed from the date of filing of the amendment.

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Sections 42820, 42821, 42822, 42830, 42832 and 42833, Public Resources Code.

**ARTICLE 3. PERMIT ISSUANCE, RENEWALREVIEW, REVISION, REVOCATION, DENIAL, SUSPENSION, REINSTATEMENT, CHANGE OF OWNER, OPERATOR, AND/OR ADDRESS**

**§ 18425. Permit Issuance.**

(a) With the exception of subsection (d), within 180 days of accepting a completed and correct application, the BoardDepartment shall either issue a permit or deny the issuance of a permit in accordance with Subsections (b) and (c), respectively, unless the applicant requests an extension of time.

(b) Upon the applicant's compliance with this Chapter, the BoardDepartment may make findings and issue the permit as provided in this Article. The permit shall specify the conditions under which the waste tire facility shall comply with this Chapter.

(c) If the BoardDepartment denies the issuance of a permit, it shall accompany its denial with a written explanation of its action.

(d) If the BoardDepartment is lead agency for the project, as defined in Government Code section 65929, for which an environmental impact report ~~must~~ shall be prepared pursuant to ~~PRC~~Public Resources Code section 21100, the BoardDepartment shall have one year, from the date the application was accepted as complete, to issue or deny the issuance of a permit in accordance with subsections (b) and (c), respectively. If there has been an extension of time pursuant to ~~PRC~~Public Resources Code section 21100.2 to complete and certify the environmental impact report, the BoardDepartment shall issue a permit or deny the issuance of a permit in accordance with subsections (b) and (c), respectively, within 90 days after certification of the environmental impact report. This extension of time may be extended once for an additional period, not to exceed 90 days, upon consent of both the applicant and the BoardDepartment.

(e) A copy of the current permit shall be made available upon request to the BoardDepartment or an authorized employee or agent of the BoardDepartment during an inspection of the facility.

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Sections 42821, 42822, 42832, 42833, 42840 and 42841, Public Resources Code and Sections 15376 and 65920-through 65961, Government Code.

**§ 18426. Permit ~~Renewal~~Review.**

~~(a) Except as provided in Section 18429, of this Chapter every permit shall expire five years after its issuance, renewal, or most recent revision.~~

~~(b) At least 395 days prior to the expiration of an existing waste tire facility permit, the operator shall submit a completed original application for a waste tire facility permit and two (2) copies to the Board.~~

~~(c) Sections 18423 through 18425 of this Chapter shall apply to the submittal and review of the application for renewal and the issuance of a permit.~~

~~(d) If the Board determines upon review of the application for renewal that revision of the permit is not required, it shall inform the applicant of its decision and the basis for its decision.~~

(a) The operator of a permitted waste tire facility shall provide the Department at least once every five years:

(1) A certification in the form of a letter to the Department, signed by the operator under penalty of perjury, stating that the facility operations continue to conform to the terms of the permit and information in the permit application currently on file with the Department, or

(2) A permit revision application that only identifies proposed changes, in the manner prescribed in section 18427(d) of this Article.

(b) The operator of a permitted waste tire facility shall submit the certification or permit revision application to the Department at least 180 days prior to five years from the date the Department last issued, ~~certified,~~ or approved a revision, or reviewed a certification of the permit.

(c) The operator of a waste tire facility that has a waste tire facility permit with an expiration date shall provide the submittals required by subsection (a) at least 180 days prior to the permit expiration date.

(d) If the Department, upon review of a certification submitted pursuant to subsection (a), determines that the waste tire facility operations no longer conform to the terms of the permit or the information in the permit application currently on file, the Department shall:

(1) Inform the operator of its decision and the basis for its decision within thirty (30) days of receipt of the certification, and

(2) Require the operator of the waste tire facility to submit a permit revision application.

~~(e) The operator of a waste tire facility may, at any time, withdraw a certification or permit revision application by submitting a written request to the Department.~~

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Sections 42820, 42821, 42822, 42830, 42832, 42833, 42840, ~~and 42841,~~ and 42843, Public Resources Code, and Section 15376, Government Code.

**§ 18427. Permit Revision.**

~~(a) Any~~ If a permittee proposing proposes to make a substantial change in the design or operation of the waste tire facility, the operator of the waste tire facility shall apply for a revision of the permit. The application shall be made in the manner specified in sections 18423 and 18424, 18431, 18432, 18433 and 18434 of Article 2 of this Chapter.

Except as otherwise provided in this section, the ~~application~~ Department shall review and process a permit revision application shall be handled in the same manner as ~~an application for a new permit application.~~

(b) The ~~Board~~Department may require ~~the~~a permittee to submit ~~an~~a permit revision application for revision if ~~the~~a revision is required to reflect changed state or federal statutes or regulations applicable to the facility.

~~(c) Except as provided in Paragraph subsection (b) of this section or in California Code of Regulations section 18426, the a permittee may, at any time, withdraw an a permit revision application by submitting a written request to the BoardDepartment.~~

~~(d) A permit revision application shall only include required application documents as set forth in sections 18431, 18432, 18433, and 18434 of Article 4 of this Chapter that are necessary to reflect the changes in operations at the waste tire facility.~~

~~(e) The permittee shall notify the BoardDepartment in writing of each a waste tire facility's administrative change no later than seven (7) business days after the change is effective. Administrative changesAn administrative change shall include but are is not limited to, changes change to any information in the application that does not apply to the design or operation of the facility.~~

~~(f) The Board will review the information provided and determine whether or not a permit revision is required. The applicant shall be notified in writing if the information is incomplete or if it is determined that a permit revision is required. If the owner/operator has satisfied all the requirements, Board staff will make applicable administrative changes to the permit and forward the applicable pages of the permit to the permittee. If the Department determines that a waste tire facility administrative change requires a permit revision, it shall notify the applicant in writing within thirty (30) days of receipt of the administrative change notice.~~

~~(g) The Department may, at any time, require a permittee to submit a permit revision application if the Department finds that the facility operations no longer conform to the terms of the permittee's waste tire facility permit or the information in the waste tire facility permit application currently on file with the Department.~~

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Sections 21068, 21082.2, 42820, 42822, 42830 and 42833, Public Resources Code, and Sections 15002, 15064 and 15382, State CEQA Guidelines, Title 14, CCR.

#### **§ 18428. Change of Owner, Operator, and/or Address.**

(a) Owners and/or operators of a facility who plan to sell, encumber, transfer or convey the ownership or operation of the facility or land to a new owner or operator, or who plan to change their address shall notify the ~~Board~~Department 30 days prior to the date of the planned transaction. The new owner or operator is required to submit the following information:

(1) ~~Names(s), address(es),~~Name(s) and address(es) where notice ~~can~~may be sent, and phone ~~numbers(s),~~number(s) of the new ~~owner/operator~~owner and/or operator;

(2) Documentation that the new ~~owner/operator~~owner and/or operator meets the financial assurance and operating liability requirements, when applicable;

(3) A signed affidavit certifying that the ~~owner/operator~~owner and/or operator has read the governing permit and conditioning documents and will operate in accordance with the terms and conditions of the existing ~~WTFP~~waste tire facility permit and conditioning documents and that all new information submitted is correct; and

(4) Amendments to the application package to reflect the change in ~~owner/operator~~owner and/or operator, and/or facility name.

(b) The ~~Board staff~~ Department will/shall make the applicable administrative changes to the permit and forward the applicable pages of the permit to the permittee.

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Sections 42820 and 42830, Public Resources Code.

**ARTICLE 3.5. ENFORCEMENT CRITERIA FOR WASTE TIRE FACILITIES FACILITY VIOLATIONS AND ENFORCEMENT**

**§ 18429. Penalty Schedule for Administrative Complaints.**

(a) ~~Unpermitted Waste Tire Facilities:~~

(1) ~~Determine in Table 1 whether or not this act is negligent or intentional, and whether is it the first, second, or third offense (intentional only). Match it up to the amount of tires at the site, and determine the base fine. Table 1 is to be used for violations of Public Resources Code, sections 42823, 42824, 42833, 42834, and California Code of Regulations, section 18420(a). Multiply the base fine by the applicable risk factor in Table 2A or Table 2B, dependent upon whether it is negligent or intentional, and determine the total fine/day that will be set. Multiply the total fine/day by the number of days past due with the Clean Up & Abatement Order deadline.~~

Table 1#

Type-Of Site/Operator	500-4,999 Tires	5,000-9,999 Tires	10,000-19,999 Tires	20,000-49,999 Tires	50,000-or More Tires
<b>Negligent Capacity</b>					
Unpermitted WTF	\$500	\$1,000	\$1,500	\$2,000	\$3,000
Unpermitted WTF (2nd Offense, etc.)	\$2,000	\$2,500	\$3,000	\$3,500	\$4,000
<b>Intentional Capacity</b>					
Unpermitted WTF	\$1,000	\$2,000	\$3,000	\$4,000	\$6,000
Unpermitted WTF (2nd Offense)	\$4,000	\$5,000	\$6,000	\$7,000	\$8,000
Unpermitted WTF (3rd Offense, etc.)	\$6,000	\$7,000	\$8,000	\$9,000	\$10,000

# Total amount of penalty not to exceed maximum amounts specified in PRC sections 42825 and 42835.

Table 2A

Enhancement Issue-Negligent Act	Risk Factor
Serious threat to Public Health and Safety, or the Environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within 1,000 feet.	1.00
Moderate threat to Public Health and Safety, or the Environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within one mile, but more than 1,000 feet.	0.75
No potential threat to Public Health and Safety, or the Environment	0.50

Table 2B

Enhancement Issue-Intentional Act	Risk Factor
Serious threat to Public Health and Safety, or the Environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within 1,000 feet.	1.5
Moderate threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within one mile, but more than 1,000 feet.	1.25
No potential threat to public health and safety, or the environment	1.00

(b) Permitted Waste Tire Facilities:

(1) Determine in Table 3 whether or not this act is negligent or intentional, and whether is it the first, second, or third offense. Match it up to the amount of tires exceeding the permitted capacity at the site, and determine what the base penalty is. Table 3 is to be used for violations of the California Code of Regulations, sections 17351(c) and 17354 (a) & (b), or permit capacity only. Multiply the base penalty by the applicable risk factor in Table 4A or Table 4B and multiply that number by the amount of days past the Clean Up & Abatement Order deadline to determine the total fine. Determine what other types of violations were observed in Table 5, determine the appropriate penalty amount in accordance with the criteria established in PRC section 42852, and add these penalties to the total fine.

Table 3# (For Violations Of 17351(c), 17354 (a) & (b), Or Permit Capacity only)

Type Of Site/Operator	1-4,999	5,000-9,999	10,000-19,999	20,000-49,999	50,000 or More
Tires <a href="#">[FNa1]</a>	Tires <a href="#">[FNa1]</a>	Tires <a href="#">[FNa1]</a>	Tires <a href="#">[FNa1]</a>	Tires <a href="#">[FNa1]</a>	
Negligent Capacity					
Permitted WTF	\$500	\$1,000	\$1,500	\$2,000	\$3,000
Permitted WTF (2nd Offense, etc.)	\$2,000	\$2,500	\$3,000	\$3,500	\$4,000
Intentional Capacity					
Permitted WTF	\$1,000	\$2,000	\$3,000	\$4,000	\$6,000
Permitted WTF (2nd Offense)	\$4,000	\$5,000	\$6,000	\$7,000	\$8,000
Permitted WTF (3rd Offense, etc.)	\$6,000	\$7,000	\$8,000	\$9,000	\$10,000
<a href="#">[FNa1]</a> Over permitted capacity					

# Total amount of penalty not to exceed maximum amounts specified in PRC sections 42825 and 42835.

Table 4A

Enhancement Issue-Negligent Act	Risk Factor
Serious threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within 1,000 feet	1.00

Moderate threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within one mile, but more than 1,000 feet.	0.75
No potential threat to public health and safety, or the environment.	0.50

Table 4B

Enhancement Issue Intentional Act	Risk Factor
Serious threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within 1,000 feet.	1.5
Moderate threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within one mile, but more than 1,000 feet.	1.25
No potential threat to public health and safety, or the environment.	1.00

Table 5

Additional Penalties Type of Violations	Range of Penalty
14 CCR 17351(a) & (b) Communications and other site equipment	\$500-\$5,000
14 CCR 17352 Facility Access and Security	\$500-\$5,000
14 CCR 17353 Vector Control Measures	\$500-\$5,000
14 CCR 17354 [except (a)&(b)] Parameters For Storage of Waste Tires Outdoors	\$500-\$5,000
14 CCR 17356 Indoor Storage Parameters	\$500-\$5,000
14 CCR 18427 Permit Revision	\$500/day (minor) \$1,000/day (major)
14 CCR 18470 Financial Assurance Requirements for Closure	\$500-\$5,000
Violation of any Permit conditions (except capacity violation)	\$500-\$5,000
14 CCR 18423(a) Filing of Application	\$500-\$5,000
14 CCR 18440(a) Compliance with Section 18441	\$500-\$5,000
14 CCR 18440(b) Submit Updated Closure Plan	\$500-\$5,000
14 CCR 18440(c) Approval of Major WTF Closure Plan Prior to Closure	\$500-\$5,000
14 CCR 18440(d) Approval of Minor WTF Closure Plan Prior to Closure	\$500-\$5,000
14 CCR 18440(e) Immediate Closure	\$500-\$5,000
14 CCR 18441(a) Closure Procedures	\$500-\$5,000
14 CCR 18443(d) Inspection Access	\$500-\$5,000

(a) Applicability:

Any person violating any statute set forth in Division 30, Part 3, Chapter 16 of the Public Resources Code, or any regulation set forth in Chapter 3, or Chapter 6, Articles 1 through 7 or 9 through 11 of Title 14 of the California Code of Regulations, may be liable for a penalty set forth in this section, including but not limited to, an owner or operator of a waste tire facility (WT Facility).

(b) Capacity Violations at an Unpermitted Waste Tire Facility:

Use subsection (g), Table 1, to determine the base penalty for each violation of Public Resources Code sections 42823, 42824, 42833, 42834, and section 18420(a) of this Chapter. Multiply this base penalty by the applicable risk factor in subsection (h), Table 2.

(c) Storage and Disposal Violations at Permitted and Unpermitted Waste Tire Facility:

Use subsection (g), Table 3, to determine the penalty for each Division 7, Chapter 3, Article 5.5 violation. Add applicable penalty amounts, in accordance with the criteria set forth in Public Resources Code section 42852, for all violations listed in Table 43 that exist at the waste tire facility.

(d) Capacity Violations at a Permitted Waste Tire Facility:

Use subsection (g), Table 4, to determine the base penalty for each capacity violation at a permitted waste tire facility. Multiply this base penalty by the applicable risk factor in subsection (g), Table 2.

(e) Permit Review Submittal Violations at a Permitted Waste Tire Facility:

Use subsection (g), Table 5, to determine the penalty for a permitted waste tire facility that fails to submit a Permit Certification or Revision Application to the Department by the required deadline. If a permitted waste tire facility fails to submit a Permit Certification or Revision Application to the Department within 180 days of the required date: the current permit shall be deemed expired, the operator shall remove all waste tire material onsite in excess of 499 passenger tire equivalents as that term is defined in section 17225.770 of Title 14 of the California Code of Regulations, and the operator shall apply for a new waste tire facility permit before continuing operations.

(f) Financial Assurance Violations at a Permitted Major Waste Tire Facility:

Use subsection (h), Table 6, to determine the penalty for each Division 7, Chapter 6, Article 9 violation. Add applicable penalty amounts, in accordance with the criteria set forth in Public Resources Code section 42852, for all violations listed in Table 6 that exist at the waste tire facility.

(g) Other Waste Tire Facility Violations:

(1) Use subsection (g), Table 67, to determine a penalty for each violation other than capacity, storage and disposal, and permit review submittal certification, and financial assurance. Determine applicable penalty amounts, in accordance with the criteria set forth in Public Resources Code section 42852, for all violations listed in Table 67 that exist at the waste tire facility.

(2) Use subsection (g), Table 67, to determine the penalty for a waste tire facility exempt or excluded from Department permitting requirements that fails to notify the Department as specified in sections 18431.1 or 18431.2 of this Chapter.

(h) Penalty Tables:

**TABLE 1 – Unpermitted WT Facility: Capacity Penalties**

Violation Type/ Sequence	Amount of Tires				
	500-4,999	5,000-9,999	10,000-19,999	20,000-49,999	50,000 or more
<b>Negligent Act</b>					
1st	\$ 500	\$1,000	\$1,500	\$2,000	\$3,000
2 <sup>nd</sup> & subsequent	\$2,000	\$2,500	\$3,000	\$3,500	\$4,000
<b>Intentional Act</b>					
1st	\$1,000	\$2,000	\$3,000	\$4,000	\$6,000
2 <sup>nd</sup>	\$4,000	\$5,000	\$6,000	\$7,000	\$8,000
3 <sup>rd</sup> & subsequent	\$6,000	\$7,000	\$8,000	\$9,000	\$10,000

**TABLE 2 – Risk Factors**

<u>WT Facility Distance From Residential Home, Freeway/ Major Road, Lake, River, Waterway or Airport</u>	<u>Risk Factor</u>	
	<u>Negligent Act</u>	<u>Intentional Act</u>
<u>More than 1 mile</u>	<u>0.50</u>	<u>1.00</u>
<u>Within 1 mile, but more than 1,000 feet</u>	<u>0.75</u>	<u>1.25</u>
<u>Within 1,000 feet</u>	<u>1.00</u>	<u>1.50</u>

**TABLE 3 – WT Facility: Storage and Disposal Penalties**

<u>Violation</u>	<u>Penalty Range</u>
<u>14 CCR 17351 Fire Prevention Measures</u>	<u>\$500-\$5,000</u>
<u>14 CCR 17352 Facility Access and Security</u>	<u>\$500-\$5,000</u>
<u>14 CCR 17353 Vector Control Measures</u>	<u>\$500-\$5,000</u>
<u>14 CCR 17354 Storage of Waste Tires Outdoors</u>	<u>\$500-\$5,000</u>
<u>14 CCR 17356 Storage of Waste Tires Indoors</u>	<u>\$500-\$5,000</u>

**TABLE 4 – Permitted WT Facility: Capacity Penalties**

<u>Violation Type/ Sequence</u>	<u>Amount of Tires Over Permitted Capacity</u>				
	<u>1-4,999</u>	<u>5,000-9,999</u>	<u>10,000-19,999</u>	<u>20,000-49,999</u>	<u>50,000 or more</u>
<b><u>Negligent Act</u></b>					
<u>1st</u>	<u>\$ 500</u>	<u>\$1,000</u>	<u>\$1,500</u>	<u>\$2,000</u>	<u>\$3,000</u>
<u>2<sup>nd</sup> &amp; subsequent</u>	<u>\$2,000</u>	<u>\$2,500</u>	<u>\$3,000</u>	<u>\$3,500</u>	<u>\$4,000</u>
<b><u>Intentional Act</u></b>					
<u>1st</u>	<u>\$1,000</u>	<u>\$2,000</u>	<u>\$3,000</u>	<u>\$4,000</u>	<u>\$6,000</u>
<u>2<sup>nd</sup></u>	<u>\$4,000</u>	<u>\$5,000</u>	<u>\$6,000</u>	<u>\$7,000</u>	<u>\$8,000</u>
<u>3<sup>rd</sup> &amp; subsequent</u>	<u>\$6,000</u>	<u>\$7,000</u>	<u>\$8,000</u>	<u>\$9,000</u>	<u>\$10,000</u>

**TABLE 5 – Permit Review Submittal Penalties**

<u>Violation</u>	<u>Penalty</u>
<u>14 CCR 18426 Submittal of Certification or Revision Application Within 30 Days of Notice (Minor WT Facility)</u>	<u>\$1,000</u>
<u>14 CCR 18426 Submittal of Certification or Revision Application Within 30 Days of Notice (Major WT Facility)</u>	<u>\$2,000</u>
<u>14 CCR 18426 Submittal of Certification or Revision Application Within 60 Days of Notice (Minor WT Facility)</u>	<u>\$2,500</u>
<u>14 CCR 18426 Submittal of Certification or Revision Application Within 60 Days of Notice (Major WT Facility)</u>	<u>\$6,000</u>
<u>14 CCR 18426 Submittal of Certification or Revision Application Within 120 Days of Notice (Minor WT Facility)</u>	<u>\$5,000</u>
<u>14 CCR 18426 Submittal of Certification or Revision Application Within 120 Days of Notice (Major WT Facility)</u>	<u>\$10,000</u>

**TABLE 6 – Permitted Major WT Facility: Financial Assurance Penalties**

<b><u>Violation</u></b>	<b><u>Penalty Range</u></b>
14 CCR 18472 Closure Cost Estimate Adjustments	\$1,000 - \$10,000
14 CCR 18473 Acceptable Mechanisms and Combination of Mechanisms	\$1,000 - \$10,000
14 CCR 18474 Trust Fund	\$1,000 - \$10,000
14 CCR 18475 Surety Bond	\$1,000 - \$10,000
14 CCR 18476 Letter of Credit	\$1,000 - \$10,000
14 CCR 18477 Government Securities	\$1,000 - \$10,000
14 CCR 18478 Enterprise Fund	\$1,000 - \$10,000
14 CCR 18478.5 State Approved Mechanism	\$1,000 - \$10,000
14 CCR 18479 Substitution of Mechanisms by Operator	\$1,000 - \$10,000
14 CCR 18480 Bankruptcy or Other Incapacity of an Operator or Provider of Financial Assurance	\$1,000 - \$10,000
14 CCR 18481 Recordkeeping and Reporting Requirements	\$1,000 - \$10,000
14 CCR 18482 Release from Financial Assurance Requirements for Closure Costs	\$1,000 - \$10,000

**TABLE 67 – Other WT Facility Penalties**

<b><u>Violation</u></b>	<b><u>Penalty Range</u></b>
PRC 42824 Direct or Haul WTs to, or Accept WTs at, Unpermitted Major WT Facility	\$1,000 - \$10,000
PRC 42834 Direct or Haul WTs to, or Accept WTs at, Unpermitted Minor WT Facility	\$ 500 - \$ 5,000
14 CCR 18423(a) Permit Application Filing	\$ 500 - \$ 5,000
14 CCR 18427 Permit Revision (Major WT Facility)	\$1,000 - \$10,000
14 CCR 18427 Permit Revision (Minor WT Facility)	\$ 500 - \$ 5,000
14 CCR 18431.1 Permit Exemption (Exempt WT Facility)	\$ 500 - \$10,000
14 CCR 18431.2 Permit Exclusion (Excluded WT Facility)	\$ 500 - \$10,000
14 CCR 18440(a) Closure Commencement (Meet Closure Requirements)	\$ 500 - \$ 5,000
14 CCR 18440(b) Closure Commencement (Submit Updated Closure Plan)	\$ 500 - \$ 5,000
14 CCR 18440(c) Closure Commencement (Approval of Major WT Facility Closure Plan Prior to Beginning Closure)	\$1,000 - \$10,000
14 CCR 18440(d) Closure Commencement (Approval of Minor WT Facility Closure Plan Prior to Beginning Closure)	\$ 500 - \$ 5,000
14 CCR 18440(e) Closure Commencement (Immediately Begin Closure)	\$ 500 - \$ 5,000
14 CCR 18443(d) Inspection Access	\$ 500 - \$ 5,000
14 CCR 18447 Retention of Records	\$ 500 - \$ 5,000
14 CCR 18470-18482 Financial Assurance Requirements for Closure of Major WT Facility	\$1,000 - \$10,000

**(h) Total Penalty Calculation:**

(1) Separate penalties shall accrue for each day of violation, as set forth in Public Resources Code sections 42850 and 42850.1. Multiply each applicable violation penalty amount by the number of days of violation. Add the results for each violation to determine a total penalty amount.

(2) An unpermitted waste tire facility total penalty may not exceed maximum penalty amounts for each day of violation, as set forth in Public Resources Code sections 42825 and 42835. Unpermitted waste tire facilities include Exempt or Excluded waste tire facilities as that term is defined in section 17225.822 of Title 14 of the California Code of Regulations. For capacity violations at Exempt or Excluded waste tire facilities, calculate the amount of waste tires onsite that exceed the amount authorized by Public Resources Code sections 42823.5(a) and 42831, sections 18420(a) and 18431.3 of Title 14 of the California Code of Regulations, or other amounts authorized by the Department.

(3) Penalties for 2<sup>nd</sup> and Subsequent Negligent Acts, and Intentional Acts, may be assessed against an operator and/or owner as provided in Tables 1 and 4 when the operator and/or owner committed a prior violation at the same or a separate location.

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Section 42825, 42835, 42850 and 42852, Public Resources Code.

#### **ARTICLE 4. PERMIT APPLICATION, EXEMPTION, EXCLUSION, AND BENEFICIAL REUSE**

##### **§ 18431. Permit Application.**

An application for a new permit or ~~an application for renewal or~~ revision of an existing permit, for a major waste tire facility, shall include items (a) through (h) of this section. An application for a new permit or ~~an application for renewal or~~ revision ~~for of an existing permit for a~~ minor waste tire facility, ~~permit~~ shall include items (a) through (d), and (h), of this section. An application for revision shall only include all items (a) through (h) that describe the change being made at the waste tire facility.

(a) A ~~complete~~completed and correct form ~~CIWMB-CalRecycle 500~~ “Waste Tire Facility Permit Application” ~~(9/02)(10/02)(6/14)~~, which is incorporated herein by reference. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

(b) A ~~completed and correct~~ form ~~CIWMB-CalRecycle 501~~ “Waste Tire Facility Operation Plan” ~~(9/02)(6/14)~~ as specified in section 18432 of this Article, which is incorporated herein by reference. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

(c) A ~~completed and correct~~ form ~~CIWMB-CalRecycle 502~~ “Waste Tire Facility Environmental Information” ~~(9/02)(6/14)~~ which is incorporated herein by reference. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

(d) A ~~completed and correct~~ form ~~CIWMB-CalRecycle 503~~ “Waste Tire Facility Emergency Response Plan” ~~(9/02)(6/14)~~ as described in section 18433 of this Article. This form is incorporated herein by reference. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

(e) A ~~completed and correct~~ form ~~CIWMB-CalRecycle 504~~ “Waste Tire Facility Closure Plan” ~~(9/02)(6/14)~~. This form is incorporated herein by reference. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

(f) A completed Reduction/Elimination Plan as specified in section 18434 of this Article.

(g) Financial assurance mechanisms and operating liability as specified in Articles 9 and 10 of this Chapter. These Article 9 and 10 forms are incorporated herein by reference. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

(h) ~~Verification that applicable local, state, and federal~~ Applicable permits and approvals have been ~~acquired by the applicant.~~

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Sections 21068, 21082.2, 42821 and 42832, Public Resources Code; Sections 15002, 15064 and 15382, State CEQA Guidelines; and Sections 65940 and 65941, Government Code.

##### **§ 18431.1. Permit Exemption.**

(a) ~~An exempt waste tire facility including, but not limited to, the~~ The following exempt waste tire facilities; shall apply to the Department in writing for a permit exemption:

(1) For a cement manufacturing plant, the application for a permit exemption shall contain the information specified in Public Resources Code section 42823.5(b).

(2) For a beneficial reuse project, the application for a permit exemption shall contain the information specified in section 18431.3 of Title 14 of the California Code of Regulations.

(b) The application shall include a statement by the waste tire facility owner and/or operator that certifies under penalty of perjury that the information provided in the application is true and correct to the best of the owner's and/or operator's knowledge and belief.

(c) For purposes of compliance with subsection (a), a handwritten, facsimile, or photocopied signature shall be treated as an original.

(d) The owner or operator of an exempt waste tire facility shall notify the Department in writing of the intent to cease operations thirty (30) days prior to discontinuing operations.

(e) A person responsible for discontinuing or dismantling an exempt waste tire facility shall meet all applicable requirements set forth in Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations to properly remove ~~dispose of all waste or used~~ tire material ~~onsite~~ to an authorized facility, and shall notify the Department when the closure activity is complete.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

#### **§ 18431.2. Permit Exclusion.**

(a) Any person wishing to operate a waste tire facility that is excluded from permitting requirements by section 18420(a) (2), (4), (6), (7) or 18420.1 of Article 1 of this Chapter shall first notify the Department in writing. This notice shall be legible, presented in a manner approved by the Department, and shall include at a minimum, all of the following for each excluded waste tire facility:

(1) Tire Program Identification Number, assessor parcel number; property owner name, address, and telephone number; and operator name, address, and telephone number if different from the property owner.

(2) Citation of underlying statutes and California Code of Regulations sections that authorize the waste tire facility permit exclusion; and a description of waste tire facility operations, including but not limited to, the average quantity of waste tires handled on an annual basis, and the hours of operation of the waste tire facility.

(3) A statement by the waste tire facility owner or operator that certifies under penalty of perjury that the waste tire facility complies with all required permits, licenses, and other local approvals, and the information provided in the statement is true and correct to the best of the owner's or operator's knowledge and belief.

(b) For purposes of compliance with subsection (a), a handwritten, facsimile, or photocopied signature shall be treated as an original.

(c) The owner or operator of an excluded waste tire facility shall notify the Department in writing of the intent to cease operations thirty (30) days prior to discontinuing operations.

(d) A person responsible for discontinuing or dismantling an excluded waste tire facility shall meet all applicable requirements set forth in Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations to ~~dispose of~~ properly remove all ~~waste or used~~ tire material ~~onsite~~ to an authorized facility, and shall notify the Department when the closure activity is complete.

Note: Authority cited: Sections 40502, 42820, 42830 and 43020, Public Resources Code. Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

**§ 18431.3. Beneficial Reuse Project.**

(a) The Department may authorize the use of waste or used tires in a beneficial reuse project using whole or altered waste tires on a case-by-case basis, if it receives a written request in a manner approved by the Department, prior to commencement of the reuse project.

(b) The Department shall issue either an approval or a denial of the beneficial reuse project to the requester within ninety (90) days of receipt of a completed request. The project may commence if the Department determines the project meets the requirements set forth in subsection (c).

(c) In order to qualify as a beneficial reuse, the request shall include a description of one or more engineering properties of waste tires and provide equal or superior performance or lower cost alternatives relative to conventional technologies, and the proposed use shall be approved in writing by a registered civil engineer. The request shall also provide evidence that the proposed beneficial reuse project does not pose a threat to public health, safety and the environment.

(d) A person responsible for discontinuing or dismantling a beneficial reuse project shall properly remove ~~dispose of all waste or used-tire material to an authorized facility,~~ in accordance with Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations, and shall notify the Department when the closure activity is complete.

(e) A beneficial reuse project approved by the Department shall be exempt from the permitting and storage requirements set forth in Division 30, Part 3, Chapter 16 of the Public Resources Code, and Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations.

Note: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 40052, 42808, 43020 and 43021, Public Resources Code.

**§ 18432. Operation Plan.**

(a) The Operation Plan, as required by 18431(b) shall demonstrate conformance with the technical standards contained in ~~14 CCR,~~ Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations.

(b) The operator shall file amendments to the Operation Plan whenever necessary to keep the information contained in it current.

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Sections 41700, 42821 and 42832, Public Resources Code.

**§ 18433. Emergency Response Plan.**

(a) The operator of the waste tire facility shall maintain a copy of the Emergency Response Plan at the facility. At the time of permit issuance the approved Emergency Response Plan shall be forwarded to the local fire authority by the permittee. The plan shall be revised as necessary to reflect any changes in the operations of the waste tire facility or requirements of the local fire authority. The local fire authority and the ~~Board~~Department shall be notified of any changes to the plan within 30 days of the revision.

(b) The operator of the facility shall immediately notify the ~~Board~~Department in the event of a fire or other emergency if that emergency has potential significant off-site effects. Within 30 days of any such emergency, the operator shall submit to the ~~Board~~Department a written report describing the cause(s) of the emergency, the results of actions taken, and an analysis of the success or failure of these actions.

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Sections 42821 and 42832, Public Resources Code.

**§ 18434. Reduction/Elimination Plan.**

(a) The operator of a major waste tire facility shall submit a detailed plan and implementation schedule for the elimination or substantial reduction of existing tire piles pursuant to Public Resources Code section 42821(b).

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Section 42821, Public Resources Code.

**ARTICLE 8.5. WASTE TIRE HAULER REGISTRATION AND MANIFESTING REQUIREMENTS FOR ~~USED AND WASTE AND USED TIRE HAULERS, RETREADERS, USED AND WASTE AND USED TIRE GENERATORS, AND USED AND WASTE AND USED TIRE END-USE FACILITIES~~**

**§ 18450. Definitions.**

(a) For the purposes of this Article, the definitions found in: Public Resources Code Sections 42950-42967; and Chapter 3, Article 4.1, of this Division (commencing with Section 17225.701); and the following shall apply:

(1) "Board" means the California Integrated Waste Management Board, which, as of January 1, 2010, ceased to exist as ~~an agency a Board~~ and became part of (subjoined into) a new Department of Resources Recycling and Recovery (CalRecycle).

(2) "Bond" means a surety bond issued by a California admitted insurance carrier.

(3) "Business Name" means the name of the operation registered with the local government of the State of California; the business license name.

(4) "Calendar Year" means January 1 through December 31 of any year.

(5) "CalRecycle" means the Department of Resources Recycling and Recovery, which is vested with the authority, duties, powers, purposes, responsibilities and jurisdiction of the former California Integrated Waste Management Board. CalRecycle is also referred to in these regulations as the "Department."

(6) "CIWMB" means the California Integrated Waste Management Board, which, as of January 1, 2010, ceased to exist as ~~an agency a Board~~ and became part of (subjoined into) a new Department of Resources ~~Recovery and Recycling and Recovery~~ (CalRecycle).

(7) "Civil Penalty" means a fine assessed as a result of a violation of an applicable provision.

(8) "Collection Center" ~~See Facility Location~~ means a place at which waste tires are held exclusively for collection that meets the requirements set forth in section 18420.1 of this Chapter. Any person temporarily storing tires in collection shall notify the Department of the location in accordance with the requirements set forth in section 18431.2 of this Chapter.

(9) "Commingled" means inextricably mixed together, in that the waste components cannot be economically or practically separated.

(10) "Common Carrier" means every common carrier as described in Public Utilities Code Section 211 with a motor vehicle transportation business that offers service to the general public and hauls a commodity

other than ~~used or waste~~ or used tires to an original destination point and then transports ~~used or waste~~ or used tires on the return part of the trip. The revenue derived from transporting the ~~used or waste~~ or used tires ~~must~~shall be incidental when compared to the revenue earned by the common carrier as stated in Public Resources Code Section 42954(a)(6). For purposes of this Chapter, incidental revenue means 10% or less of total annual revenue.

(11) “Comprehensive Trip Log” or “CTL” means the California Uniform ~~Used and Waste~~ and Used Tire Manifest System form developed by the Department pursuant to Public Resources Code, section 42961.5. The Comprehensive Trip Log is attached hereto as Appendix A (CalRecycle 203, ~~4/057/10~~) and incorporated by reference herein. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

(12) “Decal” see “Waste Tire Hauler Decal” as defined in this section.

(13) “Electronic report” means electronic submittal of manifest information to the Department by means of electronic data transfer or web-based data entry in accordance with the requirements set forth in Section 18459.1.2.

(14) “Electronic Data Transfer Form” or “EDT Form” means a paper reporting form, approved by the Department, that is used by the hauler or responsible party for reporting manifest information in lieu of the required Comprehensive Trip Log. The EDT Form will contain the information required on the Comprehensive Trip Log.

(15) “End-Use Facility” means the facility where ~~used or waste~~ or used tires are unloaded and/or accepted.

(16) “Facility” means a waste tire facility, as defined in Public Resources Code Section 42808, a facility authorized to accept ~~used or waste~~ or used tires pursuant to a state or local agency permit, or a facility which lawfully accepts ~~used or waste~~ or used tires as authorized under ~~Title 14, Section 18420~~ of Title 14 of the California Code of Regulations.

(17) “Generator” see “~~Used or Waste~~ or Used Tire Generator” as defined in this section.

(18) “Hauler” see “~~Used or Waste~~ or Used Tire Hauler” as defined in this section.

(19) “Load” means a single transaction (a pick up or delivery) of ~~used or waste~~ or used tires between the hauler and generator, or the hauler and end-use facility. There may be one or more loads on a trip.

(20) “Local Government” means a county, city, city and county, special district, joint powers agency or other political subdivision of the state.

(21) “Manifest Form” means Comprehensive Trip Log (CalRecycle 203, ~~7/10~~) or EDT Form. Except as otherwise provided by this Article, the Manifest Form shall be completed by the waste tire hauler which shall accompany each transported shipment of ~~used or waste~~ or used tires.

(22) “New Tire Adjustment” means return or replacement of a new tire that is defective or damaged to the manufacturer or wholesale distributor.

(23) “Person” includes an individual, sole proprietorship, co-partnership, Limited Liability Company, corporation, political subdivision, government agency, or municipality.

(24) “Place of Business” means the actual physical location where ~~used or waste~~ or used tires are picked up from, delivered to, or stored.

(25) “Port Terminal” means a wharf, bulkhead, quay, pier, dock or other berthing location, and adjacent storage areas and structures associated with primary movement of cargo or materials from vessel-to-shore or shore-to-vessel. A port terminal includes, but is not limited to:

(A) Structures devoted to receiving, handling, holding, consolidating and loading or delivery of waterborne shipments or passengers.

(B) Areas devoted to maintenance of the terminal or its equipment, and

(C) Production or manufacturing areas, warehouses, storage facilities, and private or public businesses or entities located on or surrounded by port property.

~~(2526)~~ “Registration” see “Waste Tire Hauler Registration” as defined in this section.

~~(2627)~~ “Registered Vehicle Owner” means the person in whom title is vested and/or to whom the vehicle is registered with the Department of Motor Vehicles for any jurisdiction, domestic and foreign, in which the vehicle is registered.

~~(2728)~~ “Retreader” means a business, person, entity, individual, sole proprietorship, co-partnership, Limited Liability Company, or corporation, who is in the business of retreading or recapping tire casings for reuse. The retreader shall have a Manufacturer 3-Digit Identification issued by the United States Department of Transportation pursuant to Title 49, Code of Federal Regulations, Section 574.5. If the retreader is a registered waste tire hauler, they shall comply with all waste tire hauler requirements. Retreaders ~~must~~shall maintain for three (3) years, records of all CalRecycle forms whether currently used or documents that have been replaced by other forms.

~~(2829)~~ “Revenue” is annual net income earned.

~~(2930)~~ “Tire Casing” is the carcass of a reusable tire that after inspection can be retreaded or recapped by a retreader. For purposes of this Article, each tire casing is considered to be a separate ~~used or waste or used~~ used or waste or used tire.

~~(3031)~~ “Tire Program Identification Number” or “TPID” is a unique CalRecycle assigned number for each ~~used or waste or used~~ used or waste or used tire hauler, each business location from which ~~used or waste or used~~ used or waste or used tires are generated, and for each location where ~~used or waste or used~~ used or waste or used tires are transported to as an end-use facility.

~~(3132)~~ “Trip” means the hauling of ~~used or waste or used~~ used or waste or used tires that begins with a waste tire hauler's first pick-up of ~~used or waste or used~~ used or waste or used tires from a generator and ends with the hauler's last delivery of ~~used or waste or used~~ used or waste or used tires to an end-use facility, but in no case shall a trip exceed five (5) consecutive days.

~~(3233)~~ “Unregistered Hauler & Comprehensive Trip Log Substitution Form” is the form to be completed by the generator and end use facility pursuant to the requirements set forth in Sections 18461(b) and 18462(c). The Unregistered Hauler & Comprehensive Trip Log Substitution Form is attached hereto as Appendix A (CalRecycle 204, New 08/05) and incorporated by reference herein. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

~~(33)~~ “Used or Waste Tire Generator” or “Generator” means any person who provides used or waste tires to a waste tire hauler; including, but not limited to auto dismantlers, automotive fleet service centers, tire dealers, car dealers, local government fleet operators, rental fleets, etc., and as described in Public Resources Code Section 42950(1).

~~(34)~~ “Used or Waste Tire Hauler” or “Hauler” means any person engaged in the transportation of used or waste tires, or tire casings, including haulers that the Department approved as exempt from registration pursuant to Public Resources Code Section 42954.

~~(3534)~~ “Used Tire” in accordance with Public Resources Code Section 42950(~~jk~~) means a tire that meets both of the following requirements:

(A) The tire is no longer mounted on a vehicle but is still suitable for use as a vehicle tire.

(B) The tire meets the applicable requirements of ~~the Vehicle Code and of CCR, Title 13 (Motor Vehicles),~~ of the California Code of Regulations, Motor Vehicles.

~~(3635)~~ “Vehicle Description” includes the year, the model, the make of the vehicle, Vehicle Identification Number as defined in California Vehicle Code Section 671, and Vehicle License Plate Number, including state of issuance, as defined in California Vehicle Code Section 4850(a). Trailers as defined in Vehicle Code Section 630 are not eligible for registration.

(36) “Waste or Used Tire Generator,” “Waste Tire Generator” or “Generator” means any person whose act or process produces any amount of waste or used tires, causes a waste or used tire hauler to transport those waste or used tires, or otherwise causes waste or used tires to become subject to regulation.

(A) Any person meeting the definition of a Waste or Used Tire Generator above who causes to be transported 10 or more waste or used tires in a single load shall meet the requirements set forth in subsections 18462(a) through (c) of this Chapter.

(B) Any person meeting the definition of a Waste or Used Tire Generator above who causes to be transported 9 or less waste or used tires in a single load shall meet the requirements set forth in subsections 18462(a) through 18462(d) of this Chapter.

(37) “Waste or Used Tire Hauler” or “Hauler” means any person engaged in the transportation of waste or used tires, or tire casings, including haulers that the Department approved as exempt from registration pursuant to Public Resources Code Section 42954.

~~(3738)~~ “Waste Tire” in accordance with Public Resources Code Section 42950(~~k~~) means a tire that is no longer mounted on a vehicle and is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications. A waste tire includes a repairable tire, scrap tire, and altered waste tire, but does not include a tire derived product, crumb rubber, or a used tire.

~~(3839)~~ “Waste Tire Hauler Decal” or “Decal” ~~means a decal~~ means a self-adhesive tag with a unique serial number issued annually by the Department, printed on specially prepared paper with a unique number, for affixing that the registered hauler shall affix to the common passenger side, inside lower right hand corner of the windshield to the vehicle for which the decal was issued.

~~(3940)~~ “Waste Tire Hauler Registration” means the documents, including the decal and registration form, issued by the Department, which authorizes the holder of the documents to legally haul ~~used or waste or~~ used tires within California for the period of issuance.

~~(4041)~~ “Waste Tire Manifest System” means the California Uniform ~~Used and Waste and Used Tire~~ Manifest System authorized by Section 42961.5 of the Public Resources Code, which includes the Comprehensive Trip Log and all procedures and regulations applicable to the transportation of the ~~used or~~ waste or used tires from point of origin to final destination of the ~~used or waste or~~ used tires.

Note: Authority cited: Sections 40400, 40401, 40502, 42966 and 43020, Public Resources Code.  
Reference: Sections 40110, 40400, 40401, 42950, 42951, 42952, 42954, 42955, 42956, 42958 and 42961.5, Public Resources Code.

#### **§ 18456.4. Temporary Registration of Alternate Vehicles.**

(a) Upon request, the Department may issue a single temporary registration certificate, specifically assigned to that registered waste tire hauler, once the Department has deemed a new waste tire hauler application complete or at the time of the yearly renewal. This certificate, for the use of a temporary vehicle, shall bear the hauler's company name, address, registration number, unique decal number, and the year the certificate is valid.

(1) A waste tire hauler may request one additional temporary registration certificate for each 10 vehicles registered.

(b) The certificate shall be shown upon demand to any representative of the Department, any officer of the California Highway Patrol, any peace officer, as defined in Sections 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Department.

(c) The registered waste tire hauler shall notify the Department in writing within two (2) calendar days of when the temporary registration certificate is used by completing and submitting form CalRecycle 682 "Notification of Use of Temporary Registration Certificate", which is attached hereto as Appendix A (CalRecycle 682, Rev. 1/08) and incorporated by reference herein. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

(d) Upon request by the Department or ~~the Local Enforcement Agency~~ an authorized representative of the Department, the hauler ~~must~~shall immediately surrender the certificate by mail, or by hand-delivery, to Department staff or the authorized representative Local Enforcement Agency staff, if the Department's Tire Hauler Compliance Program determines that the temporary registration certificate was misused.

(1) The temporary registration certificate holder may file a written appeal to the Director within 15 days of receipt of a determination. The Director will issue a decision within 30 days of the appeal and the Decision will be mailed by certified or registered mail. The Director may delegate his or her duties under this section to any employee of the Department.

(2) Misuse of the temporary registration certificate is defined as failure to inform CalRecycle within 48 hours after using the temporary registration certificate, transferring or allowing the use of the temporary registration certificate by any other person not included in the registration holder's vehicle list, or the use of the temporary registration certificate after its expiration date.

Note: Authority cited: Sections 40502, 42966 and 43020, Public Resources Code. Reference: Sections 42951, 42952, 42955, 42956 and 42958, Public Resources Code.

#### **§ 18459. Waste Tire Manifest System Requirements.**

(a) The Department will provide blank CalRecycle 203 (7/10) forms at the time of initial or renewed waste tire hauler registration. These forms will be provided at no cost. Additional forms may be obtained from the Department by request.

(1) In lieu of the first paragraph of Subsection (a), if approved on an individual basis by the Department pursuant to Public Resources Code Section 42961.5, any person that is subject to the CTL Form requirements of this section, may substitute their own functionally equivalent EDT form, once approved by the Department, in lieu of the Department required form and submit an electronic report within ninety (90) days of the load shipment to the Department. The hauler shall provide a copy of their Department approved form to the generator or end-use facility for every ~~used or waste~~ or used tire transaction.

(b) The Manifest Form shall be completed and signed under penalty of perjury by the appropriate representative, and accompany each shipment of ~~used or waste~~ or used tires from the point of origin to the facility.

(c) The following persons and entities shall comply with the Waste Tire Manifest System:

(1) ~~used or waste~~ or used tire hauler when hauling any amount of ~~used or waste~~ or used tires at any one time with a registered vehicle;

(2) ~~used or waste~~ or used tire generator;

- (3) Federal, State, and local governments when hauling 10 or more ~~used or waste~~ or used tires at any one time;
- (4) person hauling 10 or more ~~used or waste~~ or used tires at any one time for agricultural purposes;
- (5) exempted common carrier when hauling 10 or more ~~used or waste~~ or used tires at any one time;
- (6) a facility when accepting 10 or more ~~used or waste~~ or used tires at any one time;
- (7) any person not included in Section 18459(c)(1) through (6) who gives, contracts, or arranges to have 10 or more ~~used or waste~~ or used tires transported;
- (8) any person not included in Section 18459(c)(1) through (6) who accepts 10 or more ~~used or waste~~ or used tires;
- (9) Retreader when hauling any amount of ~~used or waste~~ or used tires at any one time with a registered vehicle.

Note: Authority cited: Sections 40502, 42966 and 43020, Public Resources Code. Reference: Sections 42950, 42951, 42952, 42953, 42954, 42961.5 and 42962, Public Resources Code.

#### **§ 18460.1.1. Waste Tire Manifest System Requirements for Common Carrier Exemption.**

- (a) As provided in Section 18459(b), the common carrier approved for exemption pursuant to Public Resource Code Section 42954 shall not transport 10 or more ~~used or waste~~ or used tires without having a copy of the Manifest Form in the vehicle while transporting the ~~used or waste~~ or used tires.
- (b) The exempt common carrier shall leave one copy of the Manifest Form with the waste tire generator, or end-use facility after the form has been completed with the required information. The common carrier is required to have in their possession a completed Manifest Form while transporting 10 or more ~~used or waste~~ or used tires. The Manifest Form may be kept with the trailer, as defined in Section 630 of the Vehicle Code, if the Manifest Form is readily accessible to the driver, any representative of the Department, any officer of the California Highway Patrol, any peace officer, as defined in Sections 830.1 or 830.2 of the Penal Code, or any local public officer designated by the Department.
  - (1) If the final destination is a port terminal, the exempt common carrier shall leave the waste tire generator with a completed Manifest Form and confirming freight transport documentation, which includes, but is not limited to, bills of lading, sales receipts, and shipping invoices. For purposes of this section, the waste tire generator shall be the person who originates the shipment of waste or used tires to the port terminal. The completed Manifest Form shall show the port terminal operator as the final destination.
- (c) In lieu of Subsection (b), the waste tire generator is authorized by the Department to complete the Manifest Form in advance, including the end-use facility destination information on behalf of the exempt common carrier. This transport process may commonly occur at ports. The waste tire generator shall retain the generator portion of the Manifest Form for their records, submit the CalRecycle copy to the Department within 90 days of the initial shipment, and give the end use facility portion of the manifest and the hauler portion of the manifest to the exempt common carrier prior to shipment of the tires to the end-use facility. The common carrier shall retain their portion of the completed Manifest Form for their records.
  - (1) The exempt common carrier will have the end-use facility and hauler portions of the Manifest Form in their possession until reaching the final destination.
  - (2) This process does not alleviate the exempt common carrier of their responsibility to follow the manifesting requirements of this Chapter should the generator fail to follow the process outlined in this subsection.

(d) The waste tire generator shall not contract with the exempt common carrier to transport ~~used or waste~~ or used tires to an end-use facility not legally authorized to accept ~~used or waste~~ or used tires.

(e) The exempt common carrier shall not transport ~~used or waste~~ or used tires to an end-use facility not legally authorized to accept ~~used or waste~~ or used tires.

(f) Except as provided in Subsection (c), the common carrier shall submit the completed original Manifest Form to the Department within ninety (90) days of the load shipment. The Manifest Form shall contain the signature of the common carrier representative.

(g) The common carrier shall contact the Department and provide the name of the company, name of the person, and phone number of a waste tire generator, or end-use facility that does not provide the required information to the exempt common carrier so that the Manifest Form can be completed properly.

Note: Authority cited: Sections 40502, 42966 and 43020, Public Resources Code. Reference: Sections 42951, 42954 and 42961.5, Public Resources Code.

**§ 18460.2. Waste Tire Manifest System Requirements for Registered Waste Tire Haulers.**

(a) The registered waste tire hauler shall show the ~~used or waste~~ or used tire generator or end use facility the waste tire hauler registration for the vehicle being used to transport ~~used or waste~~ or used tires, if requested.

(b) The registered waste tire hauler shall complete a new Manifest Form for each pick-up or delivery of any ~~used or waste~~ or used tires in accordance with the directions on the form. The waste tire hauler shall not transport any ~~used or waste~~ or used tires without having a copy of the Manifest Form in the vehicle transporting the ~~used or waste~~ or used tires.

(c) A vehicle may contain ~~used or waste~~ or used tires from different ~~used or waste~~ or used tire generators. ~~Used or waste~~ Waste or used tires from each generator shall be accompanied by their own Manifest Form from the point of origin.

(d) The waste tire hauler shall leave one copy of the Manifest Form with the ~~used or waste~~ or used tire generator, or end-use facility after the form or receipt has been completed.

(1) If the final destination is a port terminal, the registered waste tire hauler shall leave the waste tire generator with a completed Manifest Form and confirming freight transport documentation, which includes, but is not limited to, bills of lading, sales receipts, and shipping invoices. For purposes of this section, the waste tire generator shall be the person who originates the shipment of waste or used tires to the port terminal. The completed Manifest Form shall show the port terminal operator as the final destination.

(e) The waste tire hauler shall keep one copy of the completed Manifest Form.

(f) The waste tire hauler shall not haul ~~used or waste~~ or used tires to an end-use facility not legally authorized to accept ~~used or waste~~ or used tires.

(g) The waste tire hauler shall contact the Department and provide the name of the company, name of the person, and phone number of the waste tire generator, or end-use facility who does not provide the necessary information to the hauler so that the Manifest Form can be completed properly.

(h) The waste tire hauler shall not transport the ~~used or waste~~ or used tires without a properly completed Manifest Form.

(i) Those ~~used and waste~~ and used tire haulers exempt from registration pursuant to Public Resources Code section 42954 shall be required to comply with the manifest requirements of Subsections (b) through (h) if

they haul 10 or more ~~used or waste~~ or used tires, but will not be allowed to participate in the electronic reporting as provided in Subsection (j).

(j) As provided in Section 18459(a)(1), the registered waste tire hauler may substitute their own functionally equivalent form, once approved by the Department, and substitute an electronic report for the Comprehensive Trip Log.

Note: Authority cited: Sections 40502, 42966 and 43020, Public Resources Code. Reference: Sections 42951, 42954, 42956 and 42961.5, Public Resources Code.

#### **§ 18461. Manifest System Requirements for Waste Tire End-Use Facilities.**

The Waste Tire Manifest System requires specific actions on the part of end-use facilities including, but not limited to, the following.

(a) As provided in Section 18459.3(a), an end-use facility shall retain a copy of the Manifest Form provided by the registered hauler.

(1) If the end-use facility is a port terminal, the registered waste tire hauler or exempt common carrier shall leave the waste tire generator with a completed Manifest Form and confirming freight transport documentation, which includes, but is not limited to, bills of lading, sales receipts, and shipping invoices. For purposes of this section, the waste tire generator shall be the person who originates the shipment of waste or used tires to the port terminal. The completed Manifest Form shall show the port terminal operator as the final destination.

(b) The end-use facility may accept the ~~used or waste~~ or used tires from waste tire hauler(s) who are not registered with the Department and/or have no manifest as provided below:

(1) If ~~used or waste~~ or used tires are received from a registered hauler that does not have a Manifest Form, the ~~end-use~~ end-use facility shall complete the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CalRecycle 204, New 8/05) within 48 hours of the tire delivery and submit the CalRecycle 204 form to the Department within 90 days.

(2) The end-use facility shall complete the CalRecycle 204 (New 8/05) and submit it to the Department within 30 days of the acceptance of 10 or more ~~used or waste~~ or used tires from a person who is not registered as a waste tire hauler unless that person has written authorization by the Solid Waste Local Enforcement Agency for purposes of an Amnesty Day Event or a One Time Exemption and is transporting no more than 20 ~~used or waste~~ or used tires to the end-use facility.

(3) If the person is hauling more than 20 ~~used or waste~~ or used tires under the written authorization of a Solid Waste Local Enforcement Agency for purposes of an Amnesty Day Event or a One Time Exemption, the end-use facility shall report this information on the CalRecycle 204 (New 8/05) and submit the form to the Department within 30 days of the acceptance of ~~used or waste~~ or used tires from that person.

(c) End-use facility operators shall make available for review by the waste tire hauler any Department issued permit, exemption from waste tire facility permitting requirements, or any local permit or license allowing the storage of ~~used or waste~~ or used tires on the site.

(d) If the ~~End-use~~ end-use facility completes and submits a CalRecycle 204 (New 8/05) under the requirements of this section, the ~~End-use~~ end-use facility operator shall retain a copy of the completed CalRecycle 204 (New 8/05) at the place of business for a period of 3 years and the form ~~must~~ shall be made available to the Department, or ~~any representative of the CalRecycle~~ an authorized representative of the Department, upon request.

Note: Authority cited: Sections 40502, 42966 and 43020, Public Resources Code. Reference: Sections 42950, 42951, 42953, 42961.5 and 42962, Public Resources Code.

**§ 18462. Manifest System Requirements for Waste Tire Generators.**

(a) A waste tire generator shall not give, contract, or arrange with another person to transport ~~used or waste~~ or used tires unless that person is a registered waste tire hauler or is exempt under Public Resources Code Section 42954.

(b) As provided in Section 18459.3(a), a waste tire generator shall retain a Department approved EDT form, ~~or~~ completed CTL Form, or freight transport documentation provided by the used or waste or used tire hauler at their place of business for 3 years. For shipments to the port, the waste tire generator shall also retain the confirming freight transport documents at their place of business for three years.

(c) If ~~used or waste~~ or used tires are removed from the generator's location by a registered waste tire hauler and a completed Manifest Form is not provided, the generator shall complete a CalRecycle 204 (New 8/05) ~~form~~ within 48 hours of the tire removal and submit the CalRecycle 204 (New 8/05) ~~form~~ to the Department within 90 days.

(d) If waste or used tires are removed from a generator location in a manner not requiring manifesting as described in this Article, for each separate or commingled load of waste or used tires removed, the generator shall document the removal method, number of tires removed, and person employed to remove the waste or used tires from the generator location.

(1) The documentation described in subsection (d) shall include, but not be limited to:

(A) Bills of lading, receipts, and monthly billing statements between the generator and the person employed to remove the waste or used tires, and the contact information for that person, and

(B) Daily log entries prepared by the generator detailing the accumulation and removal of waste or used tires, the types of tires, and dates of removal.

(2) The documentation described in subsection (d) shall be retained for three (3) years and shall be made available to an authorized representative of the Department upon request.

Note: Authority cited: Sections 40502, 42966 and 43020, Public Resources Code. Reference: Sections 42950, 42951, 42952, 42953, 42954, 42961.5 and 42962, Public Resources Code.