California Integrated Waste Management Board

Board Meeting

February 15-16, 2005

AGENDA ITEM 22

ITEM

Consideration and Request for Direction on Proposed Revisions to the California Uniform Waste and Used Tire Manifest System

I. ISSUE/PROBLEM STATEMENT

At Board Member direction, CIWMB staff developed and implemented the current automated California Uniform Waste and Used Tire Manifest System (WTMS) in 2003-04, in response to the requirements of SB 876. The WTMS is an integral part of the Board's overall tire enforcement program, as it provides a regulatory process under which all of the participants must report all tire transactions. The current WTMS has been in operation since July 1, 2003, and has encountered a number of challenges, including: lack of funding for additional CIWMB staff to support the WTMS; the addition of a newly regulated community of 10,000-12,000 tire dealers and generators who had to be identified and educated on WTMS requirements; and, a high volume of reporting forms generated by the entire regulated community of tire dealers, haulers and end use facility operators.

In early 2004, staff were directed to accelerate review of the tire manifest program and develop options for the Board to consider that would simplify the waste tire tracking and reporting process, improve the efficiency of the Waste Tire Manifest System and reduce the paperwork volumes. In November 2004, the Special Waste Committee directed staff to conduct a stakeholder workshop to obtain comments on proposed changes to the WTMS. The workshop was held on January 24, 2005, and the comments received are summarized in this agenda item.

The purpose of this item is for the Board to consider the WTMS as currently structured and to review proposed revisions that could improve the efficiency and effectiveness of the tracking system by reducing the amount of paperwork, while maintaining the ability of the Board to achieve the Waste Tire enforcement and market development objectives. These objectives are discussed in greater detail in November 2004 Board Agenda Item 3, which was presented to the Special Waste Committee in November 2004, and is included as Attachment 1. These proposals are:

1. Utilizing the existing WTMS, more fully implement electronic submittal of data, through Electronic Data Transfer (EDT) and a Web-based data entry site for waste tire haulers to enter their information via the Web. The EDT and Web-based data entry allow the hauler to report on behalf of the generator and the end-use facility, using their own CIWMB approved invoice. If a majority of haulers do not participate in EDT and Web-based data entry, the WTMS may remain primarily a paper-based system because generators and end-use facilities will have to continue to use paper reporting documents. As part of this proposal, staff could develop software that would maintain customer lists and print client information on the manifest and/or trip logs to assist the generator, hauler and end-use facility with the paperwork burden.

2. Develop a Comprehensive Trip Log (CTL) form that would be completed and submitted by the hauler on behalf of the generator and the end-use facility, in place of the current manifest form and trip log. This option is based on a new form to be completed by haulers who are not participating in electronic data submittal. The form provides trip log "receipts" which are given to the generator and the end use facility. The information required on the CTL could be submitted electronically, or via paper format for data input, based on the hauler's invoice.Develop a summary reporting system that requires all waste tire haulers, generators and end use facilities to submit a quarterly report to the CIWMB summarizing the number of waste tires generated, hauled or put to an end use, by TPID number, in place of the current manifest form and trip log. This option is based on a hauler invoice, with all entities reporting. Quarterly reports could be submitted electronically, or via paper format for electronic scanning.

II. ITEM HISTORY

Board staff have summarized the lengthy history of the Board's efforts in the area of waste tire manifests in the attached November 2004 agenda item (Attachment 1). More recently, Board action included:

- On August 19 and September 8, 2004 workshops were held in Sacramento and Diamond Bar to obtain stakeholder input on ways to improve the efficiency and simplify the process used in the Waste and Used Tire Manifest System. Some suggested remedies included a simpler manifesting document, the "Comprehensive Trip Log," and further expanding the use of EDT and a Web-Based Data Entry for haulers to input their manifest information and minimize their reporting requirements.
- On January 24, 2005, another workshop was held in Sacramento to obtain input from stakeholders concerning the "Comprehensive Trip Log" and the "Quarterly Summary Report" and to demonstrate the ease of using the Web Based Data Entry option for haulers interested in using their own forms and submitting electronic reports to the Board. Both the Comprehensive Trip Log and Web Based Data Entry were well received by these stakeholders.

III. OPTIONS FOR THE BOARD

Following are the actions the Board may take, based upon the proposed options below, to modify the Waste and Used Tire Manifest System (WTMS).

The Board may:

- Direct staff to implement any of the proposed options listed below;
- Modify and then direct staff to implement any of the proposed options listed below;
- Direct staff to provide additional information, and bring the proposed options back to a future meeting of the Board.

A. Proposed Modifications to the California Uniform Waste and Used Tire Manifest System (WTMS) for Board Consideration

The following is a summary of three proposed options for Board consideration. Each option is described in more detail in Attachment 1, the November 2004 Board Agenda Item on the WTMS.

<u>Option 1 – More fully implement electronic data submittal for the existing paper based Waste and Used Tire Manifest System.</u>

Continue to implement the current paper-based WTMS that requires every generator, hauler and end-use facility to document each tire transaction and then to submit a copy of that transaction in the form of a completed manifest or trip log to the CIWMB for tracking and reconciliation. Implementation would continue with the suggested improvements detailed below:

- Continue the paper form process and expand the Pilot Electronic Data Transfer (EDT) project. The EDT module allows haulers to report on behalf of the generator and end-use facility, and to send data from their tire transactions to the Board electronically on a monthly schedule. The data is generated through software programmed to extract the data from the participating hauler's internal accounting system or operation. This project is based on use of the hauler's invoice, as approved by the CIWMB to ensure it captures all required information.
- Test and implement a new Web-based data entry option that has been developed by staff, which would allow the hauler to report on behalf of the generator and end-use facilities, using the hauler's own invoice form, once it is reviewed and approved by the CIWMB to ensure all required information is captured. The Web-based data entry allows anyone with an Internet connection to access the Board's Tire website where all tire transaction information can be entered, in lieu of submitting the paper forms.
- Develop a software package that would allow haulers who cannot or prefer not to utilize EDT or Web-based data entry to input their client base onto a trip log or similar document. The client information would be retained by the hauler and updated when needed. The software would simplify the process and make it easier to complete the forms.

Pros and Cons -- Option 1

The November 2004 agenda item (Attachment 1) provides a more detailed description and discussion of this option.

Pros:

- If EDT or Web-based data entry is selected, the hauler reports on behalf of the generator and the end-use facility, allowing staff efforts to focus only haulers, which staff believes is the most beneficial in terms of accuracy of data, compliance with requirements, and most effective use of resources.
- With EDT or Web-based data entry, the generator and end-use facility would not be required to submit forms or report directly to the CIWMB, but would still be part of the system by maintaining records for 3 years for audit and enforcement purposes.
- With EDT and Web-based data entry, reporting by the hauler would be based on their own Board approved invoice which simplifies reporting, and which should decrease completion errors, and increase data quality.
- This option captures all key information for enforcement purposes: pick up and delivery transactions and dates; quantities of tires exchanged; truck and decal information; specific information regarding the generator, hauler and end use facility by tying the TPID of generator, hauler and end use facility to specific pick up and deliveries; and driver information.
- Provides cross-referencing ability at the trip level between all three parties for enforcement purposes.
- Use of EDT and Web-based data entry would significantly reduce the number of forms required to be completed and submitted by all reporting parties and significantly reduce staff time expended mailing out forms and processing forms upon receipt.

- Although the hauler will be reporting on behalf of the end-use facility, these facilities would still be required to submit information on unregistered haulers to the CIWMB, ensuring that the Board can still follow up on this information.

Cons:

- EDT and Web-based data entry would place the majority of the responsibility on the hauler to submit information on behalf of the generator and end-use facility.
- EDT and Web based data entry will not be mandatory, so the Board may not obtain the full benefits that full participation would bring because many generators, haulers and end-use facilities will continue to use the paper-based forms.
- Generators, haulers and end-use facilities that use a hauler who is unwilling or unable to participate in EDT or Web-based data entry would still be required to submit the existing manifest and trip log forms.
- This option will be more time consuming for both the regulated community and for Board staff in terms of time to complete the forms, number of forms, and required reporting by all if not using EDT or Web-base data entry.
- It would not reduce the paperwork burden on the regulated community or simplify the process, or reduce the burden and cost to the Board.

Option 2 – Implement a Comprehensive Trip Log (CTL) based system in place of the existing manifest and trip log.

This option would eliminate the existing manifest and trip log forms, and instead would require completion of a single, paper Comprehensive Trip Log (new form) by the Hauler for transportation of waste or used tires. It builds from the "only the hauler reports" approach currently used with the EDT and Web-based reporting mechanisms. Like the above approach, it allows the hauler to report tire transactions on behalf of the generator and end-use facility using a single form.

Under this option, the hauler would 1) obtain and report all required information on tire transactions, including the identification of the generator and the end use facility, 2) provide the generator and end use facility with a Trip Log Receipt for each load; and 3) submit the CTL form to the CIWMB within 14 days of the tire transaction. The Trip Log receipts provided to the generator and end use facility would be maintained by them for 3 years at their facility location for enforcement purposes.

Reporting of the information collected under this option would be by electronic data submittal through EDT and Web-based data entry, as well as by the paper form.

Pros and Cons -- Option 2

The November 2004 agenda item (Attachment 1) provides a more detailed description and discussion of this option.

Pros:

- The hauler would report on behalf of the generator and the end-use facility, allowing staff efforts to focus only haulers, which staff believes is the most beneficial in terms of accuracy of data, compliance with requirements, and most effective use of resources.
- The generator and end-use facility would not be required to submit forms to the CIWMB, but would still be part of the system by maintaining records for 3 years for audit and enforcement purposes.

- Reporting by the hauler would be based on their own Board approved invoice if using EDT or Web-based data entry, which will lessen the burden, simplify the process, and increase data quality.
- Reporting using the new Comprehensive Trip Log will be simpler, which should decrease completion errors and increase data quality.
- For enforcement purposes captures all key information except trip information.
- Provides a level of cross referencing down to the load level.
- Would significantly reduce the number of forms required to be completed and submitted (75%); and significantly reduce staff time in mailing out forms and processing forms upon receipt.
- Would reduce costs for CIWMB from pre-paid postage and postage out-going as only haulers not participating in EDT or Web-based data entry will submit forms to the CIWMB (800 haulers only vs. 11-13,000 generators, haulers and end use facilities).
- Although the hauler will be reporting on their behalf, end-use facilities would still be required to submit information on unregistered haulers to the CIWMB, ensuring that the Board can still follow up on this information.

Cons:

- Would place the majority of the responsibility on the hauler to submit information on behalf of the generator and end-use facility.
- EDT and Web-based data entry will not be mandatory, so may not obtain the full benefits that full participation would bring.
- Will show individual pick up and delivery of tires, but does not associate a specific pickup or delivery to a specific trip. Therefore the Comprehensive Trip Log option tracks at the load level but not at the trip level.
- Will require regulatory changes.
- Information not captured by the CTL format: import; export; hauler exemption information categories; in transit load information; date on tire types and amounts; intended use; comments.

Option 3 – Implement a Summary Quarterly Reporting system for all generators, haulers, and end-use facilities

This option would eliminate the existing manifest and trip log forms, and instead would require **each** generator, hauler and end-use facility to submit to the CIWMB a quarterly summary report, in a reporting format developed by the Board.

The report would provide summary information only on the number of tires generated, the tire generator's location, the number of tires hauled by a registered hauler, and the number of tires processed by the end use facility, along with identifying information such as names, addresses, and TPID numbers.

Reporting of this information would be done by electronic data submittal through EDT and Web-based data entry, as well as the paper form.

Pros and Cons -- Option 3

The November 2004 agenda item (Attachment 1) provides a more detailed description and discussion of this option.

Pros:

- As currently described, the generator, hauler, and end-use facility would all be required to report, so they would all be a part of the system and would be required to maintain records for 3 years for audit and enforcement purposes.
- Would greatly simplify reporting for the generator, hauler and end-use facility because reporting would be based on invoices rather than multiple forms, and only one summary report per quarter would be required.
- It may be possible to allow the hauler to report on behalf of the generator and end-use facility, if using EDT or Web-based data entry.
- Would provide a summary of number of tires by quarter, by generator, hauler and end use facility and TPID number for enforcement and market development purposes.
- Provides cross-referencing ability between all three parties at a summary level.
- Would place less burden on the generator, hauler and end-use facility as transaction specific manifests and logs would not be required to be completed and would thus significantly reduce the number of forms required to be submitted by the generator, hauler, and end-use facility (between 40-45%).
- Would significantly reduce staff time in mailing out forms and processing forms upon receipt.
- Would reduce costs for CIWMB from pre-paid postage and postage out-going as only generators, haulers and end-use facilities not participating in EDT or We-based data entry will submit paper forms to the CIWMB.
- End-use facilities would still be required to submit information on unregistered haulers to the CIWMB, ensuring that the Board can still follow up on this information.

Cons:

- For enforcement purposes, will not provide load dates, load amounts, type, hauler registration or truck decal information. Invoices would have to be reviewed at the generator/hauler/end-use location for this information.
- Places more of a burden on the generator, hauler and end-use facility to maintain accurate record of tire usage for a 90-day period in order to prepare report, rather than capturing or recording information at time of each transaction, which could result in data accuracy problems.
- Could create a workload management issue, as staff will be receiving all quarterly reports at once versus receiving a constant flow of forms.
- Haulers that act in the multiple roles of generator, hauler and end-use facility will be required to complete more than one quarterly report.
- Will require statutory and regulatory changes.
- Implementation will require substantial data management system development, requiring a substantial staff and resource allocation.
- EDT and Web-based data entry will not be mandatory, so may not obtain the full benefits that full participation would bring.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve Option 2 and further asks the Board to direct staff to initiate emergency regulations to incorporate the “Comprehensive Trip Log” into existing regulations.

V. ANALYSIS

A. Key Issues and Findings

Attachment 1, the November 2004 Board agenda item on the WTMS provides a detailed discussion of the background, history and critical issues considered during analysis of proposed changes to the WTMS.

Special Waste Committee WTMS Workshop

As directed by the Special Waste Committee, staff conducted a workshop on January 24, 2005 in Sacramento in order to obtain comments from stakeholders regarding options for revising the Waste Tire Manifest System. Staff provided background and a description of the three options proposed in this agenda item. In summary, the majority of the participants expressed support for Option 2, the Comprehensive Trip Log, and particularly for the use of Electronic Data Submittal and Web-based Data Submittal. Concerns were expressed about accountability in any system that allows the hauler to report on behalf of the other parties to tire transactions; and how generators and end-use facilities can ensure that the information that is submitted on their behalf by the hauler is correct. Staff clarified that retreaders can continue to use the Retreader Trip Log that was recently implemented for them; and that end-use facilities will still be required to report unregistered haulers to the Board. In addition, it was suggested that the CIWMB consider an incentive program (bounty) for haulers submitting the Comprehensive Trip Log to the Board, to encourage compliance with the requirements.

A more detailed summary of questions and answers is included as part of this agenda item as Attachment 2.

B. Environmental Issues

If any revisions to the regulations are adopted by the Board, staff will conduct any environmental analysis required under CEQA and submit any required environmental documents to the Board for its consideration.

C. Program/Long Term Impacts

The Waste Tire Manifest System has been in production for just over one year. In that time the Board has received over 300,000 paper manifest/log forms and 130,000 electronic WTMS records. As noted previously, the WTMS paper process is staff intensive and is somewhat problematic in data quality and completeness. The EDT data, by contrast, is complete and is of generally higher accuracy. The current EDT process and proposed Web-based data entry have a significantly lower staff preparation time and are submitted on a set schedule established between the participants and the Board.

The Waste Tire program is considered foundational to the mission of this Board and to the state as a whole, as past Board actions reflect. If the Board is to continue to support a Waste Tire program, it must have some form of a Waste Tire Manifest System and an Enforcement program as components. The question is how to do this given the current fiscal and staffing constraints. The regulated community associated with the waste tire program is large - 10,000 – 12,000 generators, 800 registered haulers, and 200 plus end-use facilities, and California is a large and populated state with many automobiles and a very large number of waste and used tires. These tires must be accounted for and dealt with in a systematic and efficient way that recognizes

the needs of industry and the Board to work cooperatively to manage the environmental hazard that waste and used tires represent. Given the above options and the stated need for an effective manifest and tire enforcement program, EDT and Web-based data entry are sound and accessible alternatives that provide for lower data collection costs, higher data accuracy and more timely data submission. Using these two data entry options has the least impact on the participant's current business processes. Any option selected by the Board should include electronic data submittal as the principal method used by the regulated entities wherever possible.

To begin to achieve a more workable manifest system and to provide support to the Board's emerging Tire Enforcement program, it is critical that the Board seek, with appropriate oversight and criteria, the ability to enable waste tire industry businesses to participate in the EDT and Web Based Data Entry programs. The Board can do this by providing technical assistance to those members of the regulated community who might best benefit and by leveraging the Board's own existing data resources. In addition the Board should seek to align any paper manifest processes that will be required with the EDT and Web based EDT approach where "only the hauler reports." This approach has proved workable and acceptable to the regulated community as evidenced in the three recent public hearings on various manifest options and as reviewed by the larger haulers in the State.

The objectives of SB 876 - tracking the movement of waste and used tires; identifying illegal haulers and disposal; an enhanced enforcement program; and reliable data for market development - all derive from accurate and complete data within the WTMS. An opportunity exists now to potentially lower the cost for that data collection by providing some level of assistance to the regulated community from whom the WTMS data is being generated.

D. Stakeholder Impacts

Option 1 –Paper Manifests, Electronic Data Transmission and Web Based Data Entry under current WTMS

Staff anticipate that many generators, haulers and end-use facilities will continue to use the paper-based manifests and trip logs. A number of participants under the current WTMS process use an electronic process for reporting tire transaction data to the Board. Of the two, electronic data submittal is considered more accurate and convenient than the paper. Staff is hopeful that more haulers, both large and small, can utilize the EDT and Web-based data entry processes for the submission of their records. It is believed that once in production and available to the waste tire haulers, this process will be received well and widely used in lieu of the existing paper manifesting forms. Web-based data entry is a very viable approach that would broaden the use of EDT and allow participants to submit data easily and securely through the Internet to the Board's website.

Option 2 - Comprehensive Trip Log

The Comprehensive Trip Log option aligns the paper manifest process with the "only the hauler reports "EDT and Web-based data entry approaches. It provides for the collection and reporting of pertinent information on the pick up and delivery of tires. It identifies the generator, hauler and/or end user to each transaction. And while it does not provide "reconciliation" to each Hauler trip, it does provide specific information on the date, time, name and address, trucks and tire load amounts for the

tracking and enforcement of waste tire haulers, generator and end users. The form as introduced to the stakeholders in the workshops both in Sacramento and Diamond Bar appeared to be acceptable to the community, as they liked its format and simplicity. If the Comprehensive Trip Log form option is selected it will still provide an adequate enforcement and tracking ability while reducing the paper volume for stakeholders by up to 60%.

This option strikes a common sense compromise between the existing manifest system and tracking program needs for basic tire enforcement. It reduces business overhead for the hauler, generator and end-use facility. For the Board, it reduces paper form printing, handling and processing.

It provides a common and uniform approach to Waste Tire data gathering by having both **paper and electronic data processes whereby the hauler is the responsible reporting party**, regardless of reporting options. And finally, it meets the intent of SB 876 for accountability of all parties in the tire transaction while providing the information necessary for auditing, enforcement of the State's growing tire problem.

Option 3- Quarterly Summary Reporting Proposal
This option will reduce the paperwork burden somewhat, but require a different type of reporting by all entities. In this option, each generator, hauler and end-use facility will be required to maintain records upon which to base a quarterly report summarizing their tire transaction activities. In contrast to Options 1 and 2, the hauler will not report on behalf of the over 10,000 generators, or the end-use facilities. As with the above, EDT and Web-based data entry are viable reporting means.

E. Fiscal Impacts

Option 1 - Electronic Data Transmission and Web Based Data Entry under current WTMS
Funding was approved in March 2004 for expanded uses of the EDT and Web-based processes and existing monies could be used to develop the software package in this option. Ongoing form processing costs for the current Manifest and Trip logs forms are estimated to be $300,000. These funds are being allocated from the current Tire Fund. Additional developmental costs for improvements to the system should be minimal, as the major costs have already been incurred.

Option 2 - Comprehensive Trip Log
Funding will be required to reconfigure the existing WTMS database and for the development of the Comprehensive Trip Log. Developmental costs to expand the use of WTMS to incorporate the Comprehensive Trip Log will include development of the form, and printing and processing costs. These costs are expected to be moderate, as the CTL process will be built upon the existing WTMS, and those developmental costs have already been incurred. The additional funds can be allocated from the current Tire Fund.

Option 3 – Quarterly Summary Report Proposal
Additional funding will be required to reconstruct the existing WTMS database to accommodate a Quarterly Summary Report and for the development of the Quarterly Summary Report form. Developmental costs for what will amount to a new system are anticipated to be major, as the system will have to be reconstructed, a process that

will not be able to take advantage of the existing WTMS structure. These funds can be allocated from the current Tire Fund.

F. Legal Issues

It appears that Option 2, the Comprehensive Trip Log will require regulatory changes and Option 3, the **Quarterly Summary Report**, will require statutory changes prior to adopting regulations. For example, Public Resources Code section 42961.5 is currently very specific in its requirements concerning the definition of a manifest and the need to maintain manifests by generators, haulers, and end-users. A regulation that proposes less stringent requirements than the statute could be found to be invalid.

G. Environmental Justice

The "California Uniform Waste and Used Tire Manifest System." is equally and uniformly applied to all applicable parties throughout the state of California regardless of income, population density, race, or ethnic origin.

H. 2001 Strategic Plan

With the implementation of these enhancement alternatives to assist in the EDT process, this item directly relates to the following goals and objectives of the Board's 2001 Strategic Plan:

- **Goal 1**—Increase participation in resource conservation, integrated waste management, waste prevention, and product stewardship to reduce waste and create a sustainable infrastructure:

  Objective 1: Promote environmentally sound and financially viable waste prevention and materials management practices among all actors in the life cycle of products and services.

- **Goal 3**—Educate the public to better understand and participate in resource conservation and integrated waste management strategies.

  Objective 1: Increase the level of environmental education and technical assistance support provided to all Californians about resource conservation and integrated waste management strategies.

- **Goal 5**—Improve the efficiency and effectiveness of the California Integrated Waste Management Board in pursuit of its mission.

  Objective 3: Improve the exchange of and access to information internally and externally.

- **Goal 7**—Promote a "zero-waste California" where the public, industry, and government strive to reduce, reuse, or recycle all municipal solid waste materials back into nature or the marketplace in a manner that protects human health and the environment and honors the principles of California's Integrated Waste Management Act.

  Objective 1: Promote source reduction to minimize the amount of waste generated.

VI. FUNDING INFORMATION

The $1.1 million allocated in Table 10 of the Waste and Used Tire Hauler Program and Manifest System Budget of the Board-approved Five-Year Plan should be adequate to accommodate the proposed program modifications to the WTMS, including new forms, computer program modifications, and development of regulations.

VII. ATTACHMENTS

1. Board Agenda Item 3 – November 9-10, 2004
2. Summary of Comments – January 24, 2005 Special Waste Committee Workshop on Waste Tire Manifest System
3. Resolution Number 2005-53

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

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IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

No letters of Support were submitted for these proposals

B. Opposition

One letter of Opposition to Option 3, the "Quarterly Summary Report" was submitted by a hauler who felt that a heavy burden would be placed upon them to report in this manner. In addition, one letter was sent not opposing any of the options, but to show concern for Option 2, the "Comprehensive Trip Log" as confidential information may be shown to competitors when the proprietor is required to initial the form. The hauler also felt that a quarterly/annual report was still warranted for the generator and end-use facility to ensure the "Comprehensive Trip Log" was submitted by the Hauler.

Two additional letters were received by the Board that requested the Board to look at a "Bounty Incentive" for each manifest form submitted by the hauler, as an incentive to ensure the forms were correctly and promptly sent in. This "Bounty Incentive" was also mentioned at the January 24th Manifest workshop.

California Integrated Waste Management Board

Board Meeting

November 9-10, 2004

AGENDA ITEM 3

ITEM

Discussion and Request for Direction on Proposed Revisions to the California Uniform Waste and Used Tire Manifest System

I. ISSUE/PROBLEM STATEMENT

At Board Member direction, CIWMB staff developed and implemented the current automated California Uniform Waste and Used Tire Manifest System (WTMS) in 2003-04, in response to the requirements of SB 876. The WTMS is an integral part of the Board's overall tire enforcement program, as it provides a regulatory process under which all of the participants must report all tire transactions. The current WTMS has been in operation since July 1, 2003, and has encountered a number of challenges, including: lack of funding for additional CIWMB staff to support the WTMS; the addition of a newly regulated community of 10,000-12,000 tire dealers and generators who had to be identified and educated on WTMS requirements; and, a high volume of reporting forms generated by the entire regulated community of tire dealers, haulers and end use facility operators.

In early 2004, staff were directed to accelerate review of the tire manifest program and develop options for the Board to consider that would simplify the waste tire tracking and reporting process, improve the efficiency of the Waste Tire Manifest System and reduce the paperwork volumes.

The purpose of this item is for the Board to consider the WTMS as currently structured and to review proposed revisions that could improve the efficiency and effectiveness of the tracking system by reducing the amount of paperwork while maintaining the ability of the Board to achieve the stated Waste Tire enforcement and market development objectives (see section V, Background, Critical Issues to Consider). These proposals are:

1. Utilizing the existing WTMS, more fully implement electronic submittal of data, through Electronic Data Transfer (EDT) and a Web-based data entry site for waste tire haulers to enter their information via the Web. The EDT and Web- based date entry allow the hauler to report on behalf of the generator and the end- use facility, using their own CIWMB approved invoice. The WTMS will remain primarily a paper-based system, as staff anticipate that many haulers will be unable or unwilling to use EDT and Web-based data entry, and instead will continue to use paper reporting documents. As part of this proposal, staff would develop software that would maintain customer lists and print client information on the manifest and/or trip logs to assist the generator, hauler and end-use facility with the paperwork burden.

2. Develop a Comprehensive Trip Log (CTL) form that would be completed and submitted by the hauler on behalf of the generator and the end-use facility, in place of the current manifest form and trip log. This option is based on a new form completed by the hauler, who provides trip log "receipts" to the generator and the end use facility. The CTL could be submitted electronically, or via paper format for electronic scanning.

3. Develop a summary reporting system that requires all waste tire haulers, generators and end use facilities to submit a monthly report to the CIWMB, summarizing the number of waste tires generated, hauled or put to an end use, by TPID number, in place of the current manifest form and trip log. This option is based on a hauler invoice, with all entities reporting. Monthly reports could be submitted electronically, or via paper format for electronic scanning.

II. ITEM HISTORY

The Board has a long and involved history with waste tires as shown below in past legislation and Board action:

- Senate Bill (SB) 744 (McCorquodale, 1993) established the Waste Tire Hauler Registration Program and required the Board to adopt regulations for the Waste Tire Hauler Registration and Manifesting Programs. These regulations became effective on May 9, 1996. Under this system, the waste tire hauler was required to register his business and vehicles annually. In addition, each generator, hauler and end-use facility was required to complete a portion of a manifest form for tire transactions, and maintain a copy of the manifest form for 3 years. These entities were not required to submit copies to the CIWMB.
- Assembly Bill (AB) 117 (Escutia, 1998) required the Board to prepare a report to the Legislature on the waste tire program in effect at that time, and to make recommendations by June 30, 1999 for needed changes. The Board adopted the final version of the report entitled "California Waste Tire Program Evaluation and Recommendations" at its June 22, 1999 meeting. This report recommended that the manifest system in place at that time be continued, with the following modifications:
  - "Close the loop" on accountability, i.e. have copies of each manifest returned to the Board for monitoring.
  - Account for imported scrap and used tires.
  - Provide for "one time hauls" to support amnesty days and individual clean up of small tire piles.
  - Increase from five to ten the maximum number of waste and used tires that could be transported without having to obtain a waste tire hauler permit.
  - Develop a process to allow a hauler to temporarily substitute a replacement vehicle for a permanently registered vehicle.
- SB 876 (Escutia, 2000) requires copies of each manifest to be submitted to the Board for monitoring tire loads and the movement of tires within California. Based on this, Board staff modified the Waste Tire Manifest and Waste Tire Hauler Registration and manifesting regulations in effect at that time to incorporate these changes so that the Board would receive a copy of the completed manifest document for each transaction performed by the waste tire generator, hauler, and waste tire end-use facility. This legislation also required the Board to enhance the manifest system and make the manifest available in electronic format, which would make it possible to submit information to the CIWMB electronically.
- Board staff conducted public workshops in November 2001 to discuss and obtain comments on the proposed "California Uniform Waste and Used Tire Manifest System." Numerous comments were received from industry concerning this new manifest system. These comments were considered during the initial design and development of the documents.
- In March 2002, staff conducted a "testing phase" of the new form prototypes by

selecting a small group of waste tire generators, haulers, and end-use facilities to participate in using these documents for a two-week period. The information collected during this "testing phase" was crucial and resulted in the development of the final prototypes for implementation in the summer of 2003.

- During the October 7, 2002 Special Waste and Market Development Committee meeting, staff was directed to commence the 45-day comment period to implement regulatory changes that were consistent with SB 876 and the newly created "California Uniform Waste and Used Tire Manifest System."
- On December 6, 2002, the proposed changes to the Waste Tire Hauler Registration and Manifesting Regulations were publicly noticed with the Office of Administrative Law, which initiated the 45-day comment period ending on January 27, 2003.
- On February 4, 2003, the Special Waste and Market Development Committee held a public hearing for the 45-day public comment period for these regulations. Staff was directed to publicly notice the proposed changes to the Waste Tire Hauler Registration and Manifesting Regulations for an additional 15-Day Comment Period.
- On April 16, 2003 the Waste Tire Hauler Registration and Manifesting Regulations were submitted to the Office of Administrative Law (OAL). OAL approved these regulations on May 28, 2003, and they took effect on July 1, 2003.
- In June 2004, the Special Waste Division brought the Emergency Regulations for Retreaders to the Board, in order to alleviate some of the workload for the retread industry. The Retreader Trip Log (CIWMB 180) was introduced to accomplish the capture of information, provide a document for use while transporting tire casings, and to reduce the burdensome requirements of the manifest system for this group of haulers. Less regulatory scrutiny is required to monitor tire casings, because tire casings are a valuable commodity so there is no incentive to illegally dispose of them.
- On August 19 and September 8, 2004 workshops were held in Sacramento and Diamond Bar to obtain stakeholder input on ways to improve the efficiency and simplify the process used in the Waste and Used Tire Manifest System. Some suggested remedies included a simpler manifesting document, the " Comprehensive Trip Log," and further expanding the usefulness of EDT and a Web-Based Data Entry for haulers to input their manifest information and minimize their reporting requirements.

III. OPTIONS FOR THE BOARD

Following are the actions the Board may take, based upon the proposed options below, to modify the Waste and Used Tire Manifest System (WTMS).

The Board may:

A. Direct staff to implement any of the proposed options listed below;
B. Modify and then direct staff to implement any of the proposed options listed below;
C. Direct staff to provide additional information, and bring the proposed options back to a future meeting of the Board.
D. Direct staff to further develop the options and seek stakeholder input and bring the proposed options back to a future meeting of the Board.

A. Proposed Modifications to the California Uniform Waste and Used Tire Manifest System (WTMS) for Board Consideration

The following is a summary of three proposed options for Board consideration. Each option is described in more detail in attachments to this agenda item.

Option 1 – More fully implement electronic data submittal for the existing paper based Waste and Used Tire Manifest System.

Continue to implement the current paper-based WTMS that requires every generator, hauler and end-use facility to document each tire transaction and then to submit a copy of that transaction in the form of a completed manifest or trip log to the CIWMB for tracking and reconciliation. Implementation would continue with the suggested improvements detailed below:

- Continue the paper form process and expand the Pilot Electronic Data Transfer (EDT) project. The EDT module allows haulers to report on behalf of the generator and end-use facility, and to send data from their tire transactions to the Board electronically on a monthly schedule. The data is generated through software programmed to extract the data from the participating hauler's internal accounting system or operation. This project is based on use of the hauler's invoice, as approved by the CIWMB to ensure it captures all required information.
- Test and implement a new Web-based data entry option that has been developed by staff, which would allow the hauler to report on behalf of the generator and end-use facilities, using the hauler's own invoice form, once it is reviewed and approved by the CIWMB to ensure all required information is captured. The Web-based data entry allows anyone with an Internet connection to access the Board's Tire website where all tire transaction information can be entered, in lieu of submitting the paper forms.
- Develop a software package that would allow haulers who cannot or prefer not to utilize EDT or Web-based data entry to input their client base onto a trip log or similar document. The client information would be retained by the hauler and updated when needed. The software could be created specifically for each hauler upon request and would simplify the process and make it easier to complete the forms.

Discussion of Option 1

This option proposes to fully implement electronic submittal of data, through the current paper manifest and trip logs, Electronic Data Transfer (EDT) and Web-based data entry. For EDT and Web-based data entry, waste tire haulers will enter their information via the Internet, and will report on behalf of the generator and the end-use facility, using their own CIWMB-approved invoice. This option also includes the development of software for those haulers that would continue to use paper documents. The benefit of this software would be that it helps the business maintain customer lists and would allow the hauler to print client information on the WTMS manifest, trip log or similar document.

Issues arising from the use of the current manifest and trip log forms.

Time to complete the form. According to participants attending the workshops, the current manifest and trip log forms take too much time to complete. Estimates are that it takes from about 90 seconds to 180 seconds per form depending on the individual and whether the hauler or generator is using a rubber stamp to provide some of the standard information like name and address. Beyond these factors there are basically no other 'costs' to the generator, hauler or end use facility. The CIWMB supplies all forms and

pays for postage.

It should be noted that the haulers have prior experience with the CIWMB in the use and submittal of manifests, because, in the manifesting system in place in the 1990's, haulers and generators were requested, not required, to submit tire load manifests to the Board for reporting purposes. Manifesting is a common business practice.

Form Completion. Many forms are not being completed correctly, so the automated readability is a significant problem, which contributes to the administrative burden for the Board. Also, many participants are not providing complete and accurate information (e.g, entering "whole tire count" with a fractional value or not checking the box indicating whether the load is a "pickup" or "delivery").

Form handling by regulated community. The manifest and trip logs are designed to function as pre-paid mailers that are returned to the CIWMB when they are completed. Many of the forms are returned damaged or improperly sealed (i.e., taped, stapled or other mail affixed to them), which slows or interrupts the automated form processing, requiring manual processing and significantly increasing administrative overhead.

Required reporting. There is a 90-day mandated reporting deadline for submitting manifest information to the CIWMB. There is inconsistent adherence to reporting requirements, which makes reconciling pickups and deliveries within the WTMS difficult. There is also difficulty in reconciling a report of inconsistent load type, which can be based on count, volume, or weight, since volume measures are often inaccurate and 'counts' don't translate very accurately to weight (4 truck tires may actually weigh more than 10 passenger car tires). So, unless the reporting of the load type is consistent between the generators, haulers, and end-users, the reconciliation of a particular load will be difficult to accomplish.

Expanded use of EDT and Web-based data entry will, to some extent, address the problems noted above and improve responsiveness. In addition, continued use and expansion of the current system, with the more detailed information it captures, will provide the benefits discussed below.

<u>Use of data from existing WTMS.</u>
Reconcilation of Waste Tire Hauler Trips. The existing system has the ability to provide reconciliation of tire transactions at the load level,(i.e, to track each load of tires from pickup to ultimate delivery), which provides for the best method of ensuring the "closed loop on accountability" discussed in the AB 117 report. This potential has not been realized to date, however, because of the data entry and other problems noted above.

Ability to track registered hauler violations. Under the current Manifest Program, staff have the ability to identify hauler violations. For example, by January 1 of each year, haulers are required to renew their Hauler Registration for the new calendar year. Typically, more than 20% (twenty percent) of the haulers fail to renew their registrations, and there are a small number of haulers (<2%) that fail to renew their registrations after cancellation has occurred, but that continue to haul waste tires illegally. The current Manifest System now conceptually allows for staff to track these non-renewals and determine if they are continuing to haul waste tires without the required registration

(since each tire transaction is supposed to be reported and there are cross-checks because of the linked submittals by the hauler, generator and end-user).

In addition, the end-use facility is required to complete a manifest for any unregistered hauler that brings 10 (ten) or more waste tires to their location. With this form, staff is able to identify the unregistered hauler and determine if this is a single time occurrence or if a business is removing their tires to circumvent the law. The CIWMB receives approximately 10-30 (ten to thirty) notifications per month.

With the submission of the manifest and trip log forms, staff is also able to identify those individuals that are using the incorrect decal assigned for a particular vehicle. This may be the result of not affixing the current year decal or mismatching the assigned decal to the proper vehicle. In either situation, staff is able to contact the operator and advise them of this error.

WTMS data as an enforcement tool. To date, the manifest system has identified over 50 haulers operating without the required registration, decals, or certified vehicles. In addition, approximately 7,500 generators may be operating outside the current requirements of the waste tire requirements. This information was found as a result of reviewing tire locations that have not submitted any manifesting paperwork.

A preliminary study shows that 34% of these facilities are currently out of compliance. Staff are attempting to relieve some of the reporting requirements and reduce the paper documentation needed with this process. Smaller, less advanced waste tire haulers who do not have the electronic capability of EDT or Web-based data entry will be able to continue to use a scannable paper format of the manifest and trip log.

Table 1 in Attachment A provides a more detailed description of this option, along with a summary of pros and cons.

Option 2 – Implement a Comprehensive Trip Log (CTL) based system in place of the existing manifest and trip log.

This option would eliminate the existing manifest and trip log forms, and instead would require completion of a single, paper Comprehensive Trip Log (new form) by the Hauler for transportation of waste or used tires. It builds from the "only the hauler reports" approach currently used with the EDT and Web-based reporting mechanisms. Like the above approach, it allows the hauler to report tire transactions on behalf of the generator and end-use facility using a single form.

Under this option, the hauler would 1) obtain and report all required information on tire transactions, including the identification of the generator and the end use facility, 2) provide the generator and end use facility with a Trip Log Receipt for each load; and 3) submit the CTL form to the CIWMB within 14 days of the tire transaction. The Trip Log receipts provided to the generator and end use facility would be maintained by them for 3 years at their facility location for enforcement purposes.

Reporting of the information collected under this option would be by electronic data submittal through EDT and Web-based data entry, as well as by the paper form.

Discussion of Option 2

In lieu of the existing manifest and trip log forms, staff has developed a draft "Comprehensive Trip Log" which captures required information that is currently on both the manifest and trip log forms, yet offers an easier and less time consuming process for the haulers. Under this option the haulers will be responsible for the submission of the information on behalf of the generators and end use facilities using the "only the hauler reports" approach of the EDT and Web-based data entry.

As currently envisioned, the Comprehensive Trip Log would have two major sections. The top section contains information on the hauler (name, address, registered hauler decal, license plate number, etc.). The bottom portion would consist of small perforated sheets or receipts that would be filled out by the hauler and used as an invoice receipt to be given to the generator or end-use facility, showing a legitimate pick up or delivery. The generator and end-use facility would retain the invoice receipt as a record for 3 years. The hauler would send the full copy of the Comprehensive Trip Log form to the CIWMB, and would maintain a second copy of the full form for his records. The CTL form provides the mechanism for the hauler to report tire transaction data on behalf of the generator and end-use facility, thus eliminating the need for either the generator or end-user to report to the Board.

The submitted Comprehensive Trip Log information would be received by CIWMB, scanned into the WTMS database and be viewable by the generator or end-use facility for verification via the Web on the Board's Tire Site.

Staff has developed the CTL format to relieve the burden of the current manifest reporting requirements and to reduce the paper documentation needed with this process while maintaining the capability to capture the pertinent information useful as regulatory and enforcement tools to determine if waste tire haulers, generators and end-use facilities are complying with the requirements of the Waste Tire statutes.

It is anticipated that the Comprehensive Trip Log option could reduce the overall submission of paper records to the CIWMB up to 75%, which would result in a significant cost savings to the Board by reducing the number of forms processed, and scanned, with similar reductions printing and postage. This Option would still allow for accountability for all parties.

Table 2, Attachment B provides a more detailed description of this option, along with a summary of pros and cons.

Option 3 – Implement a Summary Monthly Reporting system for all generators, haulers, and end-use facilities

This option would eliminate the existing manifest and trip log forms, and instead would require **each** generator, hauler and end-use facility to submit to the CIWMB a monthly summary report, in a reporting format developed by the Board.

The report would provide summary information only on the number of tires generated, the tire generator's location, the number of tires hauled by a registered hauler, and the number of tires processed by the end use facility, along with identifying information such as names, addresses, and TPID numbers.

Reporting of this information would be done by electronic data submittal through EDT and Web-based data entry, as well as the paper form.

Discussion of Option 3 –
This system proposes to eliminate the current Waste Tire Manifest System and replace it with a monthly Summary Report of various tire transactions. Under this option, the hauler, generator and end-use facilities would be no longer be required to complete the manifest and trip logs, or submit them to the Board for review.

Instead, like the current WTMS, each hauler, generator and end-use facility would be required to report. Each would prepare and submit a monthly summary report on the number of waste or used tires removed from their location, hauled, or received at their location, by TPID number. Reporting would use hauler invoices and receipts as the basis for recordkeeping. Copies of invoices and receipts would be required to be maintained at the place of business for 3 years for enforcement purposes.

The responsibility for this mandatory reporting falls upon each entity that is part of the tire transaction. It does not provide for the hauler to report on behalf of the generator and end-use facility, as with Options 1 and 2 above. Each entity will have to use an existing internal tracking system, or create one, that will allow them to accurately compile and maintain records upon which to base the monthly summary report. This may result in significant data accuracy problems and possible burdens for the hauler, generator and end-user to maintain and secure records each month for the required reporting.

It is anticipated that the Summary Monthly Reporting option could reduce the overall submission of paper records to the CIWMB by approximately 40-45%, which would result in a significant cost savings to the Board by reducing the number of forms processed, and scanned, with similar reductions printing and postage.

The information compiled through the Monthly Summary Reports on tire transactions would provide a information on transactions between generators, haulers and end use facilities in terms of total tires handled for each month, but would not provide individual load dates or amounts, type of tires, or information regarding hauler registrations and truck decal information. With Monthly Summary Reports, it would not be possible to reconcile tire trips or track pickup and deliveries by a particular hauler for a particular point in time. Copies of invoices that support the Monthly Summary Report on tire transactions will be required to be kept at each generator, hauler and end use location, so that enforcement staff can examine them as part of an inspection; however any level of "reconciliation" of tires would be difficult and enforcement staff intensive as invoices at each location would have to be reviewed and compared to each entity's monthly summary, and then substantiated with generators and end-use facilities with whom the hauler did business.

Table 3, Attachment C provides a more detailed description of this option, along with a summary of pros and cons.

IV. STAFF RECOMMENDATION

Staff have not provided a recommendation, as this item is presented for discussion and direction from the Board.

V. ANALYSIS

A. Key Issues and Findings

Background

Prior to July 2003, when the new manifest system became effective, each party to tire transactions -- the generator, hauler and end-use facility -- completed a portion of a 4-page, 3-part manifest form, and retained a copy of the form for 3 years. The CIWMB did not receive any documentation from these transactions, which meant that it was not possible to follow the tires from point of generation to the end use, since the manifests were not required to be submitted to the Board, where they could be audited for enforcement purposes. These problems were addressed in the AB 117 report and in the requirements enacted in SB 876.

In 2000, the Legislature enacted Senate Bill 876 (Escutia, Statutes of 2000, Chapter 838), a comprehensive measure to manage waste and used tires in California. One of the key provisions of the statute requires the CIWMB to prepare a five-year plan for the state's tire management program and update the plan every two years. The program elements identified in the statute that must be included in the plan are:

- Enforcement and regulations relating to the storage of waste and used tires;
- Cleanup, abatement, or other remedial actions related to tire stockpiles throughout the state;
- Research directed at promoting and developing alternatives to the landfill disposal of tires;
- Market development and new technology activities for used tires and waste tires; and
- **Development of a used and waste tire hauler program and manifest system.**

Over the last several years, Board staff have been working to implement a Waste Tire Manifest Program pursuant to the requirements of Senate Bill (SB) 876 and Board Member direction. The Waste Tire Manifest Program was built to work in conjunction with another key component of the Board's tire management program, the Waste Tire Hauler Registration Program. The purpose of the Waste Tire Hauler Registration Program is to ensure that waste and used tires are picked up and disposed properly by waste tire haulers who are registered by the Board so that the illegal dumping, disposal and stockpiling of waste tires at non-permitted facilities or sites throughout the state can be stopped.

These two components of the Board's tire management program both complement and support the Board's overall tire enforcement efforts, which encompass inspections done by grantees and field staff; enforcement actions by grantees, the Board, District Attorneys, and the Attorney General's office; permitting of tire facilities; complaint investigation; and aerial surveillance to identify illegal tire piles.

At the highest level, the primary intent of California laws relating to waste tires is:

- To reduce illegal storage and disposal of tires to minimize the effect on public health and the environment, and
- To foster alternative uses or reuse of waste tires.

More specifically, the variety of changes included in SB 876 related to the "California Uniform Waste and Used Tire Manifest" system sought:

- To provide an accurate accounting that tracks waste tires from the point of generation to disposal in the state, for the purposes of both tire enforcement

activities and market development, by requiring that tire manifests be submitted to CIWMB.

- To close the loop on accountability by requiring each party to a waste tire transaction (generator, hauler, and end-use facility) to submit a copy of the Manifest Form/Trip Log to CIWMB.

The initial implementation of the WTMS was based on the use of paper forms, with the intent to provide electronic data transfer of tire transaction data after the program had been in existence for a year or two. However, in light of reduced staffing, working with a newly regulated community and a high volume of paper forms, it was immediately recognized that, it was critical to expand the program to include Electronic Data Transmission (EDT) on a pilot program basis, and to begin development of an option for Web-based data entry. The WTMS paper form and EDT reporting options were implemented on July 1, 2003 after extensive workgroups, pretests, training, and orientation sessions were provided by Tire Program staff and the Information Management Branch at various locations statewide from Redding to San Diego.

In an effort to make this new manifest system work, hundreds of hours have been devoted to developing a Waste Tire Management System Guidance Manual, Field Reference Guides and informative bookmarks, all in English and Spanish, and individually training the regulated community through, the Boards field inspectors. In addition, the IWMB maintains an extensive Web site that contains information on how to become a registered waste tire hauler, how to order and complete manifests or log forms and how to obtain a TPID. This Web site can be viewed by going to www.ciwmb.ca.gov/tires.

The IWMB now receives over 300,000 manifest and log forms for processing annually. Problems identified both internally and by external stakeholders, which have led to an evaluation of the need for revisions to the WTMS, include: a high incidence of missing data; forms that are difficult to read, or that may be partially destroyed through the mailing process; the need for significant amounts of staff processing and handling prior to database input given current staffing levels; complaints from stakeholders regarding the amount of time required to complete the forms; and the amount paper work required to document tire pick ups and deliveries. Unfortunately, these issues have resulted in limiting the Board's ability to reconcile information in WTMS in support of the Board's enforcement program.

In response to these concerns, the Board has directed staff to present alternative approaches to the WTMS that would simplify the tracking and reporting process, improve the efficiency of the system, and reduce the paperwork burden.

Critical Issues to Consider

Many in the regulated community continue to question the "need" for manifesting, contending that there must be simpler ways to accomplish the same purpose. However, they also acknowledge that illegal tire disposal is a problem with significant potential for adverse consequences (reference the tire fires at Fresno, Tracy and Westley, and the millions of dollars expended in their cleanup). Staff acknowledges that some of the reporting requirements in the existing paper based WTMS are burdensome and could be changed or modified for the benefit of the regulated community (particularly the reporting by generators and end users). These

changes would also benefit CIWMB in terms of staff time and administrative overhead in processing paper forms and in data entry.

There are three critical areas to consider as the Board determines whether and how to revise the WTMS:

- In the area of enforcement, Tire Program enforcement objectives must be clear. Specifically, the objective is to actively pursue enforcement of current statute and regulations, so that illegal dumping, unregistered haulers, generators working outside the law are identified and stopped. In order to do that, the Program must identify what data is needed to achieve that objective; and ensure its availability; and there must be a clear understanding of how such information will be used in the enforcement process.
- In the area of market development, SB 876 called for better techniques for identifying data to provide information for market development efforts.
- In the area of waste tire transaction data capture: how such data can be captured most efficiently and effectively must be determined, i.e. paper vs. electronic data transmission or some combination of the two methods, realizing that not all regulated community participants have the access or capability to use electronic data transfer options.

Enforcement

The primary goal of the Tire Enforcement Program is to reduce the illegal storage and disposal of tires to minimize the effect on public health and the environment. In addition, many stakeholders have commented that failure to enforce, or inconsistent enforcement of, statutes and regulations creates major problems for legitimate businesses. Law-abiding businesses have difficulty competing with those that willfully ignore the rules and thereby avoid costs associated with the regulatory process like the Waste and Used Tire Manifest System (WTMS).

In order to achieve these goals, the Tire Enforcement Program focuses on two objectives:

1. Ensuring that tires are transported to an authorized end-use facility; and
2. Ensuring that tires are stored legally and safely.

The Tire Enforcement Program uses the Hauler Registration Program and the WTMS to ensure that tires are transported to an authorized end-use facility. The Permitting Program, inspections of sites for fire and vector control standards and surveillance efforts all contribute to ensuring that tires are stored legally and safely. The enforcement program focuses on: 1) the generator to ensure they are using a registered hauler; and if they are storing tires, to ensure that they are stored legally and properly; 2) the hauler to ensure they are registered so that tires can be tracked to a proper end use ; and 3) the end-use facility to ensure tires are stored properly.

The Waste and Used Tire Manifest System is a critical tool in achieving Tire Enforcement Program goals and objectives. Although the potential of current WTMS has not yet been fully reached or even explored, due to data problems, Enforcement staff believe that the following information from a manifest system could form the basis for a strong tire enforcement program. Staff can use:

1. A report of the WTMS that identifies generators not submitting manifests. Inspections are scheduled to determine if the business is either sold or closed,

not complying with the manifest system, or something that would need further investigation or follow up by the CIWMB

2. A survey of TPID numbers cross checked against hauler registrations to identify haulers with expired registrations. The Waste Tire Hauler Registration & Manifest Program staff investigate this information to determine if this is a one-time event, or the hauler is not complying with the waste tire hauler requirements. If it is a one-time event, a letter of violation is sent out by the Hauler program. If it appears that the hauler is attempting to circumvent the process, then staff further investigate this hauler, by preparing a package of information for the field enforcement staff, including the waste tire hauler renewal history and any related manifests documenting the illegal transportation of waste or used tires while not being registered. Field enforcement staff then conduct a more in depth investigation to substantiate the allegations and, if necessary, prepare an enforcement case for the legal office.
3. A cross check the Hauler Registration Decal # with the vehicle information and the TPID number to determine if the hauler mistakenly placed the wrong decal on the wrong vehicle or if the operator may be using vehicles not reported to the CIWMB in violation of the 14 CCR requirements.
4. A report of unregistered hauler from end-use facilities. Staff will review the manifest documents to determine if this is a one-time event, or a hauler is not complying with the waste tire hauler requirements. As stated above, if it is a one-time event a letter of violation is sent out by the Hauler program, otherwise staff will prepare an enforcement package for the field enforcement staff to further investigate and take appropriate action.
5. A report, based on manifests and trip logs, comparing tires picked up by a hauler as compared to tires delivered as an indication of improper storage of tires.
6. A report reconciling the manifest information from a generator with the hauler manifest and trip log, and with the end-use facility manifest to identify tires that may not be accounted for as an indication of potential illegal tire activity.
7. A report detailing any individual hauler's tire transaction activities over a specified period of time, to check for hauling and storage patterns that may indicate illegal activity.
8. Reports that summarize the generators and haulers in any particular area, with a comparison to illegal dump sites in that area to check for patterns.

Market Development

One of the Board's primary goals is to "assist in the creation and expansion of sustainable markets to support diversion efforts and ensure that diverted materials return to the economic mainstream. In order to focus efforts in this area relative to tires, information from a manifest system such as the current WTMS, or a monthly summary reporting system, is critical. Useful information includes quantity and flow of tires regionally, statewide, out of state, and out of the country. Aggregate tire transaction data on point of tire entry into the system, where and how they are stored, and how they are moved from generator to end use facilities is all information that can inform market development efforts. Additionally, reports summarizing the types and sizes of generators, haulers and end-use facilities, as well as how they are distributed through out the state, can help inform market development efforts.

Data Submittal – EDT and Web-based Data Entry

Following is a detailed discussion of two methods of electronic data submittal that should form the foundation for any of the manifest system options selected by the Board. As noted above, each of the manifest system options presented in this agenda item is predicated on the use of some form of electronic data transfer (EDT) and Web-based data entry as a the principal method of data capture, with the addition of a paper-based format for entities unable or unwilling to report electronically.

Issues with Paper-based System. The CIWMB has limited staff resources to collect the paper-form-based manifest data under the current Waste Tire Manifest System. In reviewing the manifests and trip logs, staff find that many documents are not completely or accurately filled out; the forms are damaged or destroyed by the U.S. Postal Service; or, in some cases, forms are tampered with by the operator, by stapling or taping. Additional challenges currently faced by the Tire Program staff include difficulty in the timely processing associated with the high volume of forms being received, and insufficient staff and time to resolve missing or incorrect tire data submitted on the paper form. Overall data quality and completeness on the submitted manifest forms is problematic and present a challenge to staff's ability to accurately and efficiently "reconcile" waste tire loads and to identify violators.

Tire Program staff are attempting to address these problems by sending advisory letters to haulers, generators, and end users on form errors and data quality. In some instances, CIWMB Tire Program field staff or local enforcement grantees are making follow-up visits to these tire businesses. However, these actions, while proactive and showing some success in improving the data quality, are not sufficient to effectively administer a predominantly paper-based system.

Electronic Data Transfer (EDT). EDT is a system developed by staff that is currently in use as a pilot project under the current manifest system. Under this system, approved participating haulers assume responsibility on behalf of their customers for reporting information to the CIWMB regarding each pickup and delivery in which they are involved. The hauler provides trip verification receipts or invoices to the Generator and end use facility. This is done through the hauler's invoicing system, so that the necessary information is extracted from their accounting system in a "batch" file format covering some period of days and then submitted to the CIWMB electronically. CIWMB verifies the EDT data upon receipt to ensure that all required WTMS data is present and to verify to the extent possible the accuracy of the information as it is submitted. The ability to electronically accept and verify the data at the time of submission has saved thousands of hours of staff time that might otherwise be spent reviewing paper forms.

Industry EDT participants are supportive of this approach and sought to work with the Board early on in achieving a mutually beneficial means of providing the required data and submitting it in an efficient and accurate manner. A key factor in the success of the EDT program is that it uses data already collected electronically by the hauler as part of their normal invoicing and accounting procedures, and reformats the data as required to meet WTMS standards, regardless of the option selected by the Board.

Web-based Data Entry. The Web-based data entry system is similar to the EDT system but is broader in its application and more accessible to the regulated

community. In this option, the hauler enters information from their own invoice at a Web site, which again reflects use of data already collected by the hauler as part of their normal invoicing and accounting procedures. Haulers also report on behalf of their clients in the same way that EDT "batch" haulers do. The tire transaction data is transmitted to the Board via the Internet or Web rather than in a "batch" mode. Web-based data entry has the hauler link to the Board's Web site to enter the day's tire transaction data via secure data entry screens that are pre-populated with the hauler's known clients and registered vehicles. The Web-based data entry hauler then quickly enters the required data, which is verified for accuracy and completeness electronically at the time of submittal. The approach of Web-based data entry is similar to ordering merchandise or requesting information on commercial Internet sites. Web-based data entry is available to anyone with an Internet connection.

The Web-based data entry reporting option provides the regulated community with easy access for tire transaction data submittal, timely reporting, and provides the Board with high quality data, verification of data submittal, and the ability to cross reference haulers, generators, and end-users electronically, to ensure appropriate levels of data quality control.

Impact on Regulated Community. EDT and Web-based data entry require complete data records on tire pick up, deliveries and trips or the data is rejected. This puts more responsibility on the EDT or Web-based data entry participant to ensure complete and accurate data at the time of submission. Given the potential for significant cost savings/avoidances for the Board and the waste tire industry through increased waste tire hauler participation in the EDT Pilot Program, staff discussed the practicality and benefit of the EDT with many large, medium and small waste tire businesses over the last year. These businesses acknowledged the potential advantages to EDT submittal but indicated that they do not have the in-house technical expertise to make the jump to the EDT process, although many of these businesses currently have some level of automated data collection in their current business environment. They also indicated they would welcome some sort of assistance from the Board in this area.

Indications are that many of these businesses would seriously consider the Web-based electronic data entry. Given the lack of in-house technical expertise with haulers, Web-based data entry is the easiest and most practicable approach to data submittal to implement since it can be used by anyone with an Internet connection, whether they are large, medium or small waste tire hauling businesses.

Use of Contractor for Data Entry. A final issue for future discussion is the potential use of a contractor to perform the data entry for paper forms that the Board will likely continue to receive from haulers unable or unwilling to use EDT or Web-based data entry. This is an option that staff is currently exploring to determine potential costs and potential time savings. It could result in significant cost savings, and could further streamline and make more efficient the paper form intake process.

Conclusion. The EDT and Web-based data entry options provide a cost effective and timely response to the biggest costs associated with implementation of a new program, data collection and processing, by using existing data collected by haulers and by using the Internet to submit such data online at lower cost and higher

accuracy. Based on initial analysis of the EDT and Web-based data entry Pilot Program to date, there is significant potential for cost savings for the Board and waste tire industry participants because there is less staff time for both the Board and the regulated community involved in preparing and processing WTMS information.

Under these electronic options for data submittal, the Board would receive large volumes of records through electronic transfer and automated processing, which avoids work for staff that must prepare and process the paper-based form for input into the WTMS database. Based on the analysis of more than 270,000 paper forms processed through WTMS to date, staff have estimated that it may be possible to reduce paper processing volumes by as much as one-third through a moderate expansion of the EDT pilot project. (Based on the volume of paper forms submitted, the top 20% of registered tire haulers, in volume of tires hauled, account for nearly 80% of the total tires hauled in the state.) Reformatting of the data is a minor one-time cost and can pay big dividends in cost avoidance as the EDT and Web-based data entry participant continues to use their existing business processes and forms.

B. Environmental Issues

If any revisions to the regulations are adopted by the Board, staff will conduct any environmental analysis required under CEQA and submit any required environmental documents to the Board for its consideration.

C. Program/Long Term Impacts

The Waste Tire Manifest System has been in production for just over one year. In that time the Board has received over 300,000 paper manifest/log forms and 130,000 electronic WTMS records. As noted previously, the WTMS paper process is staff intensive and is somewhat problematic in data quality and completeness. The EDT data, by contrast, is complete and is of generally higher accuracy. The current EDT process and proposed Web-based data entry have a significantly lower staff preparation time and are submitted on a set schedule established between the participants and the Board.

The Waste Tire program is considered foundational to the mission of this Board and to the state as a whole, as past Board actions reflect. If the Board is to continue to support a Waste Tire program, it must have some form of a Waste Tire Manifest System and an Enforcement program as components. The question is how to do this given the current fiscal and staffing constraints. The regulated community associated with the waste tire program is large - 10,000 – 12,000 generators, 800 registered haulers, and 200 plus end-use facilities, and California is a large and populated state with many automobiles and a very large number of waste and used tires. These tires must be accounted for and dealt with in a systematic and efficient way that recognizes the needs of industry and the Board to work cooperatively to manage the environmental hazard that waste and used tires represent. Given the above options and the stated need for an effective manifest and tire enforcement program, EDT and Web-based data entry are sound and accessible alternatives that provide for lower data collection costs, higher data accuracy and more timely data submission. Using these two data entry options has the least impact on the participant's current business processes. Any option selected by the Board should include electronic data submittal as the principal method used by the regulated entities wherever possible.

To begin to achieve a more workable manifest system and to provide support to the Board's emerging Tire Enforcement program, it is critical that the Board seek, with appropriate oversight and criteria, to enable waste tire industry businesses to participate in the EDT and Web Based Data Entry programs. The Board can do this by providing technical assistance to those members of the regulated community who might best benefit and by leveraging the Board's own existing data resources. In addition the Board should seek to align any paper manifest processes that will be required with the EDT and Web based EDT approach where "only the hauler reports." This approach has proved workable and acceptable to the regulated community as evidenced in the two public hearings on various manifest options and as reviewed by the larger haulers in the State.

The objectives of SB 876 - tracking the movement of waste and used tires; identifying illegal haulers and disposal; an enhanced enforcement program; and reliable data for market development - all derive from accurate and complete data within the WTMS. An opportunity exists now to potentially lower the cost for that data collection by providing some level of assistance to the regulated community from whom the WTMS data is being generated.

D. Stakeholder Impacts

Option 1 –Paper Manifests, Electronic Data Transmission and Web Based Data Entry under current WTMS

Staff anticipate that many generators, haulers and end-use facilities will continue to use the paper-based manifests and trip logs. A number of participants under the current WTMS process use an electronic process for reporting tire transaction data to the Board. Of the two, electronic data submittal is considered more accurate and convenient than the paper. Staff is hopeful that more haulers, both large and small, can utilize the EDT and Web-based data entry processes for the submission of their records. It is believed that once in production and available to the waste tire haulers, this process will be received well and widely used in lieu of the existing paper manifesting forms. Web-based data entry is a very viable approach that would broaden the use of EDT and allow participants to submit data easily and securely through the Internet to the Board's website.

Option 2 - Comprehensive Trip Log

The Comprehensive Trip Log option aligns the paper manifest process with the "only the hauler reports " EDT and Web-based data entry approaches. It provides for the collection and reporting of pertinent information on the pick up and delivery of tires. It identifies the generator, hauler and/or end user to each transaction. And while it does not provide a "reconciliation" to each Hauler trip, it does provide specific information on the date, time, name and address, trucks and tire load amounts for the tracking and enforcement of waste tire haulers, generator and end users. The form as introduced to the stakeholders in the workshops both in Sacramento and Diamond Bar appeared to be acceptable to the community, as they liked its format and simplicity. If the Comprehensive Trip Log form option is selected it will still provide an adequate enforcement and tracking ability while reducing the paper volume for stakeholders by up to 60%.

This option strikes a common sense compromise between the existing manifest system and tracking program needs for basic tire enforcement. It reduces business overhead for the hauler, generator and end-use facility. For the Board, it reduces paper form printing, handling and processing.

It provides a common and uniform approach to Waste Tire data gathering by having both **paper and electronic data process whereby the hauler is the responsible reporting party**, regardless of reporting options. And finally, it meets the intent of SB 876 for accountability of all parties in the tire transaction while providing the information necessary for auditing, enforcement of the State's growing tire problem.

Option 3- Monthly Summary Reporting Proposal

This option will reduce the paperwork burden somewhat, but require a different type of reporting by all entities. In this option, each generator, hauler and end-use facility will be required to maintain records upon which to base a monthly report summarizing their tire transaction activities. In contrast to Options 1 and 2, the hauler will not report on behalf of the over 10,000 generators, or the end-use facilities. As with the above, EDT and Web-based data entry are viable reporting means.

E. Fiscal Impacts

Option 1 - Electronic Data Transmission and Web Based Data Entry under current WTMS

Funding was approved in March 2004 for expanded uses of the EDT and Web-based processes and existing monies could be used to develop the software package in this option. Ongoing form processing costs for the current Manifest and Trip logs forms are estimated to be $300,000. These funds are being allocated from the current Tire Fund. Additional developmental costs for improvements to the system should be minimal, as the major costs have already been incurred.

Option 2 - Comprehensive Trip Log

Funding will be required to reconfigure the existing WTMS database and for the development of the Comprehensive Trip Log. Developmental costs to expand the use of WTMS to incorporate the Comprehensive Trip Log, develop the form, printing, and processing costs are expected to be moderate, as the CTL process will be built upon the existing WTMS, and those developmental costs have already been incurred. The additional funds can be allocated from the current Tire Fund.

Option 3 - Hauler Reporting Requirements Proposal

Additional funding will be required to reconstruct the existing WTMS database to accommodate a monthly summary report and for the development of the monthly summary report form. Developmental costs for what will amount to a new system are anticipated to be major, as the system will have to be reconstructed, a process that will not be able to take advantage of the existing WTMS structure. These funds can be allocated from the current Tire Fund.

F. Legal Issues

It appears that Option 2 and Option 3, the comprehensive trip log and the summary reports, will require statutory cleanup changes prior to adopting regulations to address several issues. For example, Public Resources Code section 42961.5 is currently very specific in its requirements concerning the definition of a manifest and the need to

maintain manifests by generators, haulers, and end-users. A regulation that proposes less stringent requirements than the statute could be found to be invalid.

G. Environmental Justice

The "California Uniform Waste and Used Tire Manifest System." is equally and uniformly applied to all applicable parties throughout the state of California regardless of income, population density, race, or ethnic origin.

H. 2001 Strategic Plan

With the implementation of these enhancement alternatives to assist in the EDT process, this item directly relates to the following goals and objectives of the Board's 2001 Strategic Plan:

- **Goal 1**—Increase participation in resource conservation, integrated waste management, waste prevention, and product stewardship to reduce waste and create a sustainable infrastructure:

  Objective 1: Promote environmentally sound and financially viable waste prevention and materials management practices among all actors in the life cycle of products and services.

- **Goal 3**—Educate the public to better understand and participate in resource conservation and integrated waste management strategies.

  Objective 1: Increase the level of environmental education and technical assistance support provided to all Californians about resource conservation and integrated waste management strategies.

- **Goal 5**—Improve the efficiency and effectiveness of the California Integrated Waste Management Board in pursuit of its mission.

  Objective 3: Improve the exchange of and access to information internally and externally.

- **Goal 7**—Promote a "zero-waste California" where the public, industry, and government strive to reduce, reuse, or recycle all municipal solid waste materials back into nature or the marketplace in a manner that protects human health and the environment and honors the principles of California's Integrated Waste Management Act.

  Objective 1: Promote source reduction to minimize the amount of waste generated.

VI. FUNDING INFORMATION

The $1.1 million allocated in Table 10 of the Waste and Used Tire Hauler Program and Manifest System Budget of the Board-approved Five-Year Plan should be adequate to accommodate the proposed program modifications to the WTMS, including new forms, computer program modifications, and development of regulations.

VII. ATTACHMENTS

1. Table 1 – Current Tire Manifest System with More Fully Implemented EDT and Web-based Data Entry Proposal
2. Table 2 – Comprehensive Trip Log Proposal
3. Table 3 -- Summary Monthly Reporting Proposal
4. Table 4 – Comparison of Options 1, 2 and 3

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

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IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

No letters of Support were submitted for these proposals

B. Opposition

No letters of Opposition were submitted for these proposals

Table 1 – Option 1

Current Paper-Based CA Uniform Waste and Used Tire Manifest System

Generator	Hauler	End Use Facility
← **Manifest**	**Trip Log**, Hauler only	**Manifest** →
California Uniform Waste and Used Tire Manifest System (either paper/electronic format); Submitted within 14 days of the transaction. **MANIFEST FORM, PART II** • Standardized Report Form (either EDT, web-based, or paper form developed by CIWMB) • Unique Numbered Document • Name, address, and phone number of Generator • Generator TPID • Type of load (whole count, lbs., tons, cubic yards) • Quantity of tires • Optional Data: Types of tires and intended uses • Name and signature of Generator and date	California Uniform Waste and Used Tire Manifest System (either paper/electronic format); Submitted within 14 days of the transaction. **MANIFEST FORM, PART I** • Standardized Report Form (either EDT, web-based, or paper form) • Unique Numbered Document • Pick up or delivery • Name, address, and phone number of Hauler • Load Date • Corresponding Log Number • Vehicle information: Decal number, License plate number and state of issuance • Exemption status: Government; LEA Exempt, Agricultural, Common Carrier • Status: In transit or unregistered hauler • Name and signature of Hauler and date **TRIP LOG FORM** • Standardized Report Form (either EDT, web-based, or paper form) • Unique Numbered Document • Master Log Number • Decal Number • Initial Trip Date • Name, address, and phone number of Hauler • Manifest number Entry (10 entries available) • Load pick up or delivery (10 entries available) • Type of load: whole count, lbs., tons, cubic yards (10 entries available) • Quantity of tires (10 entries available) • Driver's name, signature and date of transaction	California Uniform Waste and Used Tire Manifest System (either paper/electronic format); Submitted within 14 days of the transaction. **MANIFEST FORM, PART II** • Standardized Report Form (either EDT, web-based, or paper form developed by CIWMB) • Unique Numbered Document • Name, address, and phone number of End-Use Facility • End-Use Facility TPID • Type of load (whole count, lbs., tons, cubic yards) • Quantity of tires • Optional Data: Types of tires and intended uses • Name and signature of End-Use Facility and date
The Generator is requested to submit the completed manifest form within 14 days of the transaction; however regulation dictates within 90 days of the transaction. One form per transaction, Part I is completed by the Hauler and Part II is completed by the Generator. A copy of the Manifest form is used during the transportation of waste or used tires. A copy of Manifest form must be maintained at site for 3 years for enforcement follow up.	The Hauler completes Part I of the manifest form and also completes the Tire Trip Log form with all transactions listed on the Tire Trip Log form. The Hauler is then requested to submit the Tire Trip Log form to the CIWMB within 14 days of the transaction; however regulation dictates within 90 days of the transaction. Up to 10 entries or transactions can be entered on one Tire Trip Log. Copies of all Manifest and Tire Trip Log forms completed by the Hauler must be in possession of the Hauler during the transportation of waste or used tires. Copies of all Manifest and Tire Trip Log forms must be maintained at site for 3 years for enforcement follow up.	The End-Use Facility is requested to submit the completed manifest form within 14 days of the transaction; however regulation dictates within 90 days of the transaction. One form per transaction, Part I is completed by the Hauler and Part II is completed by the End-Use Facility. A copy of the Manifest form is used during the transportation of waste or used tires. A copy of Manifest form must be maintained at site for 3 years for enforcement follow up.

Table 1 -- Option 1
Current Tire Manifest System with More Fully Implemented EDT and Web Based Data Entry

Generator	Hauler	End Use Facility
	Invoice or Trip Receipt	Invoice or Trip Receipt
The generator receives a trip verification receipt or copy of invoice from the Hauler. The generator would be required to maintain the receipt at the generator's location for 3 years for enforcement follow up. The **hauler** submits the transaction or trip information to the CIWMB on behalf of the generator via EDT or Web-based data entry. The current Manifest form will still be required to be submitted to the Board by the generator, if using a hauler that is unable or unwilling to use EDT or Web-based data entry.	The hauler uses their own Board approved invoice for transportation of waste or used tires. The hauler would provide the generator and the end- use facility with a trip verification receipt or copy of invoice. The hauler would submit the tire transaction or trip information to the CIWMB on behalf of the generator and the end- use facility within 14 days, via EDT or Web-based data entry.. A copy of the invoice would be maintained at the hauler's location for 3 years for enforcement follow up. Using the hauler's own Board approved invoice, hauler will submit data in an electronic format using an EDT process or the a Web-Based system provided by the CIWMB, containing following: • Unique Numbered Document • Vehicle information required (decal, license plate, state of DMV issuance) • Name, address, TPID and phone number of Hauler • Driver's name • Pick up or delivery • Date of transaction • Type of load (whole count, lbs., tons, cubic yards) • Quantity of tires • Generator name, TPID, address, and phone number End-Use Facility name, TPID, address, and phone number	The end-use facility receives a receipt or copy of invoice from the hauler. The end-use facility would be required to maintain the receipt or invoice at the end-use facility's location for 3 years for enforcement follow up. The **hauler** submits the transaction or trip information to the CIWMB on behalf of the end-use facility via EDT or Web-based data entry. The current Manifest form will still be required to be submitted to the Board by the end-use facility, if using a hauler that is unable or unwilling to use EDT or Web-based data entry. The generator and end-use facility will still be required to submit a report of unregistered hauler to the Board.

Table 1 -- Option 1
Current Tire Manifest System with More Fully Implemented EDT and Web Based Data Entry

PRO:	CON:
• The hauler would report on behalf of the generator and the end-use facility, allowing staff efforts to focus only haulers, which staff believes is the most beneficial. • The generator or end-use facility would not be required to submit forms to the CIWMB, but would still be part of the system by maintaining records for 3 years for audit and enforcement purposes. • Reporting by the hauler would be based on their own Board approved invoice which simplifies reporting, and which should decrease completion errors, and increase data quality. • For enforcement purposes, captures all key information: pick up and delivery transactions and dates; quantities of tires exchanged; truck and decal information; specific information regarding the generator, hauler and end use facility by tying the TPID of generator, hauler and end use facility to specific pick up and deliveries; and driver information. • Provides cross-referencing ability at the trip level between all three parties for enforcement purposes. • Would significantly reduce the number of forms required to be completed and submitted by the Hauler (no receipt of paper forms from EDT or Web-based data entry haulers). • Would significantly reduce staff time expended mailing out forms and processing forms upon receipt. • Would reduce costs for CIWMB from pre-paid postage and postage out-going as only haulers not participating in EDT or Web-based data entry will submit forms to the CIWMB (800 haulers vs. 11-13,000 generators, haulers and end-users).	• Would place more responsibility on the hauler to submit information on behalf of the generator and end-use facility. • Generators and end-use facilities would still be required to submit information on unregistered haulers to the CIWMB. • Hauler would be accountable for all information completed. • EDT and Web based data entry will not be mandatory, so may not obtain the full benefits that full participation would bring because many haulers will continue to use the paper-based forms. • May require statutory or regulatory changes to fully implement. • Generators, haulers and end-use facilities that use a hauler who is unwilling or unable to participate in EDT or Web-based data entry would still be required to submit the existing manifest and trip log forms.

Table 2 -- Option 2
Comprehensive Trip Log (CTL) Proposal

Generator	Hauler	End Use Facility
← Comprehensive Trip Log Receipt		Comprehensive Trip Log Receipt →
The generator receives a Trip Log Receipt from the hauler. The Generator would be required to maintain the trip receipt at their location for 3 years for enforcement follow up. The **hauler** submits the Comprehensive Trip Log to the CIWMB on behalf of the generator, through EDT, Web-based data entry, or via paper format.	A Comprehensive Trip Log completed by the **hauler** would be used for transportation of waste or used tires. The hauler would provide the generator and the end-use facility with a Trip Log Receipt and the hauler would submit the completed CTL to the CIWMB on behalf of the generator and the end-use facility within 14 days of the tire transaction. A copy of the CTL would be maintained at the hauler's location for 3 years for enforcement follow up. **Comprehensive Trip Log** to be submitted in either scannable paper or electronic format using a standardized form provided by the CIWMB, containing following: • Unique Numbered Document • Vehicle information required (decal, license plate, state of DMV issuance) • Name, address, TPID and phone number of Hauler • Driver's name, signature and date of transaction • Pick up or delivery • Date of transaction • Type of load (whole count, lbs., tons, cubic yards) • Quantity of tires • Generator name, TPID, address, and phone number • Initials of generator indicating receipt is correct • End-use facility name, TPID, address, and phone number • Initials of end-use facility indicating receipt is correct	The end-use facility receives a Trip Log Receipt from the hauler. The end-use facility would be required to maintain the trip receipt at their location for 3 years for enforcement follow up. The **hauler** submits the Comprehensive Trip Log to the CIWMB on behalf of the end-use facility, through EDT, Web-based data entry, or via paper format.

Table 2 -- Option 2
Comprehensive Trip Log (CTL) Proposal

PRO:	CON:
• The hauler would report on behalf of the generator and the end-use facility, allowing staff education and enforcement efforts to focus only on 800 haulers, which would be more efficient and effective. • The generator and end-use facility would not be required to submit forms to the CIWMB, but would still be part of the system by maintaining records for 3 years for audit and enforcement purposes. • Reporting by the hauler would be based on the CTL, which is simpler and should decrease completion errors, and increase data quality. • For enforcement purposes captures all key information except trip information. • Provides a level of cross referencing down to the load level. • Would significantly reduce the number of forms required to be completed and submitted (75%). • Would significantly reduce staff time in mailing out forms and processing forms upon receipt. • Would reduce costs for CIWMB from pre-paid postage and postage out-going as only haulers not participating in EDT or Web-based data entry will submit forms to the CIWMB (800 haulers only vs. 11-13,000 generators, haulers and end use facilities).	• Would place more responsibility on the hauler to submit information on behalf of the generator and end-use facility. • Hauler would be accountable for all information completed. • EDT and Web-based data entry will not be mandatory, so may not obtain the full benefits that full participation would bring. • Will show individual pick up and delivery of tires, but does not associate a specific pickup or delivery to a specific trip. Therefore the CTL option tracks at the load level but not at the trip level. • May require statutory or regulatory changes. • Information not captured by the CTL format: import; export; hauler exemption information categories; in transit load information; date on tire types and amounts; intended use; comments.

Table 3 -- Option 3
Summary Monthly Reporting Proposal

Utilizes hauler invoice only

Utilizes invoice or tipping receipt

Generator

The generator would submit a summary report (monthly) to the CIWMB reporting the number of waste or used tires removed from their location by a registered waste tire hauler during the specified period. If multiple haulers are used then the generator would report each hauler and the number of tires removed by that hauler during that time period. No Manifest or Trip Log would be used for transportation of waste or used tires; only a hauler invoice that contains specific CIWMB required information. Copy of invoice must be maintained at site for 3 years for enforcement follow up.

Generator's Summary report to be submitted in either scannable paper or electronic format) containing following:

- Using standardized form developed by CIWMB
- Reporting time period will be pre-printed on form
- Name and Address of Generator
- TPID of Generator
- Number of tires removed during that previous quarter
- Name of Hauler(s)
- TPID of Hauler(s)

Hauler

The hauler would submit a summary report (monthly) to the CIWMB reporting the number of waste or used tires hauled to or from their location during the specified period. If multiple generator locations are listed then the hauler would need to report each generator location and the number of tires picked up from that location during that quarter. If multiple end-use locations are used then the hauler would need to report each end-use location and the number of tires taken to that location during that quarter. No Manifest or Trip Log would be used for transportation of waste or used tires; only an invoice and tipping receipts that contain specific CIWMB required information. Invoice would be used for verification of load by CHP during transit. Copy of invoice must be maintained at site for 3 years for enforcement follow up.

Hauler's Summary Report to be submitted in either scannable paper or electronic format) containing following:

- Using standardized form developed by CIWMB
- Reporting time period will be pre-printed on form
- Name, Address and TPID of hauler
- Total number of tires picked up by hauler during that previous quarter from each generator.
- Name and TPID of Generator(s)
- Number of tires shipped to authorized end-use locations during that previous quarter
- Name and TPID of authorized end-use locations(s)
- TPID of authorized End-Use locations(s)

End Use Facility

The end-use facility would submit a summary report (monthly) to the CIWMB reporting the number of waste or used tires received at their location during the specified period, listed by each hauler. No Manifest or Trip Log will be required for the acceptance of waste or used tires; only a tipping receipt will be issued by the end-use facility. Copy of tipping receipt must be maintained at site for 3 years for enforcement follow up.

End-use facility's Summary Report to be submitted in either paper/electronic format); Board may request report on monthly basis

- Standardized Report Form (either EDT, web-based, or paper form developed by CIWMB)
- Reporting time period (already printed on form)
- Name, Address and TPID of end-use facility
- Total number of tires received from each Registered Hauler during that previous quarter.
- Name and TPID of Hauler(s)
- Total number of tires received by unregistered haulers during that previous quarter.
- Number of tires processed during that previous quarter, i.e., land-filled, incinerated, transformed
- Number of tires shipped off site during that previous quarter

Table 3 -- Option 3
Summary Monthly Reporting Proposal

PRO:	CON:
• The generator, hauler, and end-use facility would all be required to report, so they would all be a part of the system and would be required to maintain records for 3 years for audit and enforcement purposes. • Would greatly simplify reporting for the generator, hauler and end-use facility because reporting would be based on invoices rather than multiple forms, and only one report per month would be required. • For enforcement and market development purposes, would provide a summary of number of tires by month, by generator, hauler and end use facility and TPID number. • Provides cross-referencing ability between all three parties at a summary level. • Would place less burden on the generator, hauler and end-use facility as transaction specific manifests and logs would not be required to be completed and would thus significantly reduce the number of forms required to be submitted by the generator, hauler, and end-use facility (between 40-45%). • Would significantly reduce staff time in mailing out forms and processing forms upon receipt. • Would reduce costs for CIWMB from pre-paid postage and postage out-going as only generators, haulers and end-use facilities not participating in EDT or We-based data entry will submit paper forms to the CIWMB.	• For enforcement purposes, will not provide load dates, load amounts, type, hauler registration or truck decal information. Invoices would have to be reviewed at the generator/hauler/end-use location for this information. • Places more of a burden on the generator, hauler and end-use facility to maintain accurate record of tire usage for a 30-day period in order to prepare report, rather than capturing or recording information at time of each transaction, which could result in data accuracy problems. • Unless each entity provides a monthly report, regardless of whether they had any tire transactions in that month, staff will be unable to determine who is not reporting due to non-compliance with the requirement, and who is not reporting due to lack of tire transactions. • Could create a workload management issue, as staff will be receiving all monthly reports at once versus receiving a constant flow of forms. • Creates more of a reporting burden for haulers that act in the multiple roles of generator, hauler and end-use facility. • May require statutory or regulatory changes. • Generators and end-use facilities would still be required to submit information on unregistered haulers to the CIWMB. • EDT and Web-based data entry will not be mandatory, so may not obtain the full benefits that full participation would bring.

2

Waste Tire Manifest System

Table 4
Comparison of WTMS Options

November 2004

Description of WTMS Options and Information	Option 1 WTMS	Option 2 Comprehensive Trip Log	Option 3 Monthly Summary Report Proposal	Comments, and Notes
Form Information Captured (Detailed)*				**Description of data captured by Monthly Report proposal**
Generator Information	X	X	**Summary Reports Only**	Generator reports Total Tires generated to Haulers by Hauler Name, Address and TPID.
Hauler Information	X	X	**Summary Reports Only**	Hauler reports Total Tires picked up by Generators and their TPID's and Total Tires delivered by End Use Facility and TPID
End User Information	X	X	**Summary Reports Only**	End Use Facility reports Total Tires delivered by Registered Haulers and their TPID's and Unregistered Haulers. End Use Facility reports Total Tire processed,disposed or movement.
Adaptable for High Speed Scanning and Optical Character Recognition for data capture.	**Yes**	**Yes**	**Yes**	
Load Tracking Capability - Individual Load Amts / Measurement	**Yes**	**Yes**	**No**	
Trip Reconciliation Capability	**Yes**	**No**	**No**	
Potential of data captured for Waste Tire Enforcement actions	**High**	**High**	**Low**	
Market Information Potential				
Summary Reports on Quantities of Tires Handled	X	X	X	
Summary Reports on Tire Flow information	X	X	X	
Summary Reports on Tire Types Handled	X	X	X	
Forms Submitted Annually				
Manifest and Trip Log	X			**300,000** Current Annual Rate (Does not include 132,000 EDT records.1 record = 1 form)
Comprehensive Trip Log (Est.)		X		**75,000** Potential Savings of 225,000 forms *Excludes possible Web Based EDT Entry*
Summary Report Submittal (Est.)			X	**132,000** Potential Savings of 168,000 forms *Excludes possible Web Based EDT Entry*
Reporting Frequency				
Within 14 Days after a transaction occurs	X	X		
Monthly -- Mandatory Reporting for Generator, Hauler and End User			X	
Regulated Community Participants Required to Report by Option				**No. of Regulated Community Participants by Category**
Generator	X**		X	**10,000 to 12,000** Generators
Registered Hauler	X	X	X	**800** Registered Hauler
End Use Facility	X**		X	**200** End Use Facility Operators
Reporting Options for Regulated Community				
Paper Form Submittal	X	X	X	
Batch EDT	X	X	**To be developed**	
Web Based EDT	X	X	**To be developed**	
Automated System Currently in Production to Support Option	**Yes**	**Yes**	**No**	**Monthly Summary report would require a new automated system be developed**

*** Detailed Data** includes - Generator, Hauler, End User Name and Address, TPID numbers, Driver Name and Signature,Truck license plate and decal numbers, pick up / delivery, Load date, Import/Export, Tire Count, Tire Measurement, Intended Use, Generator or End Use facility representative name and signature.

**** Under Batch EDT and Web Based EDT Hauler reports for Generator and End Use Facility.**

Prepared by Doug Ralston, IMB

Special Waste Committee
Waste Tire Manifest System Workshop
January 24, 2005

The following are comments, questions or issues raised by persons who attended the workshop.

1. **An individual from the Oakland Housing Authority wanted clarification about that agency's role as a generator, hauler, or end use facility.**

   Answer: As a government agency, the Housing Authority is not required to be registered as a waste tire hauler; however, they are required to comply with the manifesting requirements if they are hauling 10 or more tires at one time. The agency was told that they must obtain a Tire Program Identification (TPID) number for their use and to list the addresses of clean up sites in the comment box of the existing manifest form.

2. **How does the Comprehensive Trip Log affect Retreaders?**

   Answer: The Retreaders can continue to use the existing Retreader Trip Log should they wish to do so. The Comprehensive Trip Log is very similar and Retreaders would be able to use this form as well, which gives them a choice of two forms.

3. **A Generator expressed concern about tracking with the new form and wants guaranteed accountability.**

   Answer: Use of the Comprehensive Trip Log requires the hauler to report on behalf of the generator and end-use facility. In order to provide the ability for the generator and end-user to verify that the hauler is reporting accurately on their behalf, both the generator and end-use facility would be provided access to their information on a CIWMB web site. In this way, they could view and verify information on shipments of waste and used tires being picked up or delivered to that site. If they did not have accessibility to the Internet and to the CIWMB web site, they would be able to contact the CIWMB Waste Tire Hauler Registration & Manifest Program and obtain a report of information regarding their site, as reported by the hauler on their behalf. Additionally, for quality control purposes, the CIWMB will be conducting random checks of Electronic Data Transfer or Web Based Data Entry participants by verifying receipts provided by generators or end-use facilities and comparing that information to what has been submitted to the CIWMB. As a second alternative staff could provide a written report, on an annual

basis, to all generators and end use facilities of tires reportedly being picked up or disposed of at that location.

It was also mentioned that the Board may want to still require a quarterly or annual report from the generator and end use facilities, for use in verifying what the hauler had reported.

4. **How do we rectify the accounting method at the landfill for unregistered haulers?**

   Answer: In either Option 2 or 3, the CIWMB would still require the end-use facility to submit the current manifest form (CIWMB 647) to report unregistered haulers that bring 10 or more tires to the end-use facility.

5. **Is there anything different using the new form for retreaders? Does it separate waste tire haulers from retreaders in any way?**

   Answer: Please see question number # 2

6. **In the Web based Data Entry system, is there any way to identify retread vs. waste tires for pick up in the optional area?**

   Answer: Yes, that can be feature that the CIWMB may want to add to the Web based system.

7. **How often does data need to be entered on new form?**

   Answer: For both, the Comprehensive Trip Log or Web Based Data Entry system, submittal of the information must be within 14 days of the initiating the form.

8. **Can EDT be used to provide the Quarterly Summary Report information?**

   Answer: Yes, both EDT and Web Based Data Entry can be used as a mechanism to provide the Quarterly Summary Report should this option be selected by the CIWMB. Any of the three options can be met by either the EDT or Web Based Data Entry process as well as the paper process.

9. **It was asked if a Quarterly Summary Report could be replaced with an Annual Summary Report.**

   Answer: No, statute mandates that manifest forms be submitted to the CIWMB every quarter.

10. **What is required of generators to ensure correct information is entered by the hauler?**

    Answer: Ultimately, the generator still retains liability should the tires be disposed of illegally; therefore it is in the best interest of the generator to deal with a reputable hauler and to check the Board's website to verify that the tire transaction information was reported accurately.

11. **Questions were raised regarding transporting tires from Air Force Bases to out-of- state. What are the requirements?**

    Answer: The military are subject to the same requirements. If 10 or more waste or used tires are transported from a military base onto public roads, the military base needs to haul the tires in government vehicles, use a registered hauler, or common carrier (with a back haul exemption letter issued by the CIWMB). The waste or used tires must be manifested by all parties within the state and it is strongly encouraged that the out of state entity sign off receipt of the tires.

12. **Will this manifest system be integrated with the waste disposal system? EDT seems compatible with the waste disposal system.**

    Answer: The CIWMB is looking into this, but this may be down the road before such information can be provided in one reporting form.

13. **When will a decision on revisions affect industry?**

    Answer: Staff will take the proposals and workshop comments to the 2005 Special Waste Committee meeting and request direction. If Option 2, the Comprehensive Trip Log, is approved, emergency regulations and form printing would be required, so the earliest date for use of this new form would be June 2005. If Option 3 is selected, the Quarterly Summary Report, the process would be several months beyond June 2005. In either situation, the CIWMB will ensure that the regulated community is apprised of any regulatory and form changes prior to implementation of the new process.

14. Regulatory vs. Statutory changes for each new option discussed with attorney?

Answer: The CIWMB Legal Office has stated that if the Board selects Option 2, only emergency regulations would be required before implementation. If Option 3 is selected, statutory changes would be required before that system could be implemented. Such changes if obtained would not be before January 2006.

15. Can paper be eliminated with use of web-based system?

Answer: Yes, if you are using the Web Base Data Entry or EDT, you are not required to submit paperwork for those transactions. You only need to retain the paper forms (receipts or invoices) for 3 years at your place of business.

16. Will Inspectors Be Able To Access the Internet?

Answer: Yes, the enforcement agencies working with the CIWMB will eventually be able to access the internet and retrieve pertinent information from the WTMS in order for them to carry out their job responsibilities.

17. For Haulers Using EDT, if something is incorrect, are the haulers obligated to go into the system to check?

Answer: Since the hauler is legally responsible for the shipment of waste or used tires, it would be advantageous for the hauler to periodically examine the tire shipments listed under that registration to confirm the information is correct.

18. The draft Comprehensive Trip Log & Manifest form has multiple receipts on the same page requiring an initial which means that Joe's Tire Shop will see how many scrap tires his competitor just up the street had that week.

Answer: We understand that this may be a problem unless we can change the statute which currently requires a signature approval from the generator and end use facility. With this in mind, we can only ask that the hauler cover the form to protect the client's information.

19. **Pertaining to EDT, we will always want to be able to modify the manifest to use as an invoice even though some of that that information is not transmitted to you—therefore, there are space issues.**

    Answer: We are not sure what additional space needs there are for your EDT receipt format. We require certain information on the receipt along with the EDT logo. Aside from those requirements, if you want to add anything else to your receipts this is ok, as long as you provide us with a current EDT receipt form.

20. **Reporting responsibility: My biggest concern is that this program relies on the haulers exclusively. There must be an obligation on every generator at least once a year, or quarterly, or whatever to tell you how many tons or tires (waste) they produced and the name of the licensed hauler (s) to whom those were released. Every TPID # which is currently active should have to produce this report. The generator should be charged with that one simple responsibility just as they are charged with keeping manifests on file for three years to show a local inspector where their waste tires are going. We may never know who all the people are who are hauling tires but we really do have a good grasp on who generates scrap tires.**

    Answer: We agree that we cannot leave it solely upon the haulers for accurate reporting; therefore the generator or end use facility will have the ability to go into the CIWMB's web site and determine the transaction dates, quantity of tires, and the haulers they transacted with during any period of time. If they do not have internet ability, they can call the CIWMB and request this information to be sent to them. Additionally, staff may determine that an annual report be sent to the regulated community advising them of this transaction information and allow them to review the documentation and inform the CIWMB of any errors reported. Staff believes that any additional reporting beyond the Comprehensive Trip Log would create an additional burden upon staff and the regulated community and place us in a situation similar to the one we are in now with the Manifest form and Tire Trip Log.

21. **End use facilities: All end use facilities should have to report monthly or quarterly the names of haulers from whom they receive tires. The end use facilities are a known quantity. We know that we don't want tires dumped so end use facilities should never be stopped from receiving tires from anyone regardless of whether they are a licensed hauler or not. But, we need to be charged with reporting haulers to you. It appears right now that the license of non registered haulers is not being transmitting to you through EDT.**

    Answer: Please see the answer stated above for the end-user reporting requirements. For unregistered haulers, the current manifest form will still be

utilized to report those hauls of 10 or more tires being accepted at an end use faculty. The form will still need to be submitted to the CIWMB as a paper form document only, not submitted electronically as this can be used as evidence in an enforcement case.

General Comments

Staff:

- EDT/Web based Data Entry relieves the hauler from having to fill out forms.
- Concerns expressed that selected option must be cost-effective.
- Manifest numbers and load numbers are important requirements for enforcement purposes.
- Enforcement Grantees feel that Option 2 contains adequate reporting data that can be used for enforcement cases.

Regulated Community:

- The CIWMB should look into an incentive program for haulers submitting the Comprehensive Trip Log to the CIWMB which would encourage complete and punctual reporting on behalf of the hauler.
- After either Option 2 or 3 is selected, the CIWMB should closely look to see if the program objectives are being met.
- Several of the regulated community expressed preference for Option 2, the Comprehensive Trip Log.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-53

Consideration And Request For Direction On Proposed Revisions To The California Uniform Waste And Used Tire Manifest System

WHEREAS, the Public Resources Code (PRC), commencing with Section 42950, vests the Board with the responsibility for the administration of waste tire hauler and manifesting programs; specifically, the Board must protect public health, safety and the environment by establishing technical standards and a registration program for waste tire haulers and technical standards for manifesting waste and used tires for the waste tire generator, tire dealer, waste tire hauler, and end use facility; and

WHEREAS, the Board adopted revisions to the Waste Tire Hauler Registration and Manifesting regulations amending Title 14, California Code of Regulations, Division 7, Chapter 6, Article 8.5, which became effective July 1, 2003; and

WHEREAS, the current California Uniform Waste and Used Tire Manifest System (WTMS) is an integral part of the Board's overall tire enforcement program, as it provides a tool that allows the Board to track waste tires to ensure proper storage and disposal; and

WHEREAS, the Board has directed staff to revise the WTMS to simplify the waste tire tracking and reporting process, improve the efficiency of the system, and reduce the paperwork burden;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the revisions to the WTMS described in Option 2, Comprehensive Trip Log, and directs staff to implement the proposed revisions; and

BE IT FURTHER RESOLVED that the Board directs staff to prepare and submit emergency regulations for approval as needed to implement the Option 2 revisions to the WTMS.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on February 15-16, 2005.

Dated: February 15, 2005

ORIGINAL SIGNED BY

Mark Leary
Executive Director