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

~~**§ 17225.717. Collection.**~~

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

~~(1) Containers shall be kept closed except while loading and unloading.~~

~~(2) Containers shall be kept locked when not being loaded or unloaded unless unauthorized access is controlled pursuant to section 17352 of this Article.~~

~~(3) All waste tire deliveries shall be manifested in accordance with Article 8.5 of this Chapter.~~

~~(4) For the purpose of this section "temporarily" shall mean less than 90 days.~~

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

§ 17225.821. Indoor or Indoors.

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

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

§ 17225.822. Exempt or Excluded.

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

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

§ 17225.850. Waste Tire Facility.

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

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

ARTICLE 5.4. WASTE TIRE MONOFILL REGULATORY REQUIREMENTS

§ 17346. Authority and Scope.

(a) This Article sets forth permitting requirements and minimum operating standards for facilities that operate a waste tire monofill as defined in Section 17346.1 of this Article.

(b) This Article is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (the Act) commencing with Section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.

(c) Nothing in this Article limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor to limit or restrict cities or counties from promulgating laws which are at least as strict as the regulations contained in this Article. However, no city or county may promulgate laws which are inconsistent with the provisions of this Article.

(d) Nothing in this Article shall be construed as relieving any owner or operator from obtaining all required permits, licenses, or other clearances complying with all orders, laws, regulations, or other requirements of other regulatory or enforcement agencies, including, but not limited to, local health agencies, the Regional Water Quality Control Board, the Department of Toxic Substances Control, air quality management district or air pollution control district, local land use authorities, and fire authorities.

(e) These regulations are intended to provide a sufficient level of information and oversight to ensure that the disposal of waste tires will be conducted in a manner which meets the purposes of the Act, as specified in Public Resources Code Section 40052, while protecting the public health, safety and the environment.

(f) For the purposes of this Article and Article 5.5 of this Chapter, disposal and storage of waste tires does not include the beneficial reuse of waste tires as the ~~Board~~ Department may determine on a case-by-case basis. A project shall be considered a beneficial reuse of waste tires only if it is approved by the Department and meets the requirements set forth in section 18431.3 of Title 14 of the California Code of Regulations.

~~(1) Beneficial reuse of altered waste tires is permitted provided the beneficial use does not pose a threat to public health, safety and the environment.~~

~~(2) In order to qualify as a beneficial use, the proposed use must employ one or more of the engineering properties of waste tires and provide equal or superior performance or lower cost relative to conventional technologies and the proposed use must be approved in writing by a registered civil engineer.~~

~~(3) An application to determine if a project is considered a beneficial reuse must be made in writing to the EA and the Board. The EA and the Board will evaluate the proposed project under the criteria set forth in subsections 17346(f)(1) and (2) and will independently determine and notify the applicant whether the proposed project constitutes a beneficial reuse of altered waste tires within ninety (90) days from their receipt of the application.~~

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

ARTICLE 5.5. WASTE TIRE STORAGE AND DISPOSAL STANDARDS

§ 17350. Applicability.

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

~~(a)~~(1) ~~Any facility storing 500 or more w~~ Waste tires stored outdoors ~~must~~ shall comply with the technical and operational standards set forth in sections 17351 through ~~17355~~17354, and sections 17357 through 17359 of this Article.

~~(b)~~(2) ~~Any facility storing w~~ Waste tires stored indoors ~~must~~ shall comply with the technical and operational standards set forth in ~~section~~ sections 17351, 17352, 17353, and sections 17356 through 17359 of this Article.

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

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

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

(e)Nothing in this Article shall be construed as relieving any owner or operator from obtaining and operating under the terms and conditions of the California Fire Code, all use permits, business licenses, and other approvals required by applicable local fire code authorities and local governments.

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

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

~~§~~ 17351. Fire Prevention Measures.

Pursuant to the California Fire Code, Title 24 of the California Code of Regulations, sections 3201.1 through 3210.1, 3404.1 through 3408.2, which are hereby incorporated by reference, any person storing 500 or more waste tires shall meet the following requirements:

(a) The operator of the waste tire facility or solid waste facility shall demonstrate that they have prepared and submitted a fire safety plan to the fire code official having jurisdiction over a particular facility for review and approval. The fire safety plan shall include provisions for fire department vehicle access. At least one copy of the most recent, up-to-date fire safety plan and, if applicable, any approvals shall be made available at the time of inspection and at the time of application for a new permit, permit review or permit revision.

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

authority in the event of fire. The telephone number of the local fire authority and location of the nearest telephone shall be posted conspicuously in attended locations.

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

(1) Buildings or structures shall be equipped with portable fire extinguishers in accordance with Section 906 of the California Fire Code ~~One (1) dry chemical fire extinguisher~~;

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

(~~3~~2) One (1) pike pole or comparable pole at least 10 feet in length to separate burning from non-burning tires; ~~and~~

(~~4~~3) One (1) round point and one (1) square point shovel~~.~~; and

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

~~(c)~~(d) An adequate water supply shall be available for use by the local fire authority. The water supply shall be capable of delivering at least 1,000 gallons per minute for a duration of at least three hours and at least 2,000 gallons per minute for a duration of at least three hours if the sum of altered plus whole waste tires exceeds 10,000. The water supply shall be arranged such that any part of the storage yard can be reached by using not more than 500 feet of hose.

~~(d)~~(e) The following precautions against fire shall be maintained at the waste tire facility or solid waste facility at all times:

(1) No open burning.

(2) Open flame, cutting, welding, or heating devices, blow torches, or highly flammable materials, including, but not limited to, inner tubes, are prohibited within 40 feet of waste tires.

(3) No smoking, except in designated areas.

(4) Tire storage piles shall not be located beneath electrical power lines having a voltage in excess of 750 volts or that supply power to fire emergency systems.

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

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

§ 17352. Facility Access and Security.

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

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

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

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

§ 17353. Vector Control Measures.

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

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

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

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

§ 17354. Storage of Waste Tires Outdoors.

(a) ~~Except as provided in subsection (c) waste~~ Waste tires stored outdoors shall be stored as prescribed in the subsections below, and pursuant to the California Fire Code, Title 24 of the California Code of Regulations, sections 3405.1through 3405.9, which are hereby incorporated by reference.~~be restricted to individual piles, which include stacks and racks of tires that do not exceed 5,000 square feet of contiguous area. Any pile shall not exceed 50,000 cubic feet in volume nor 10 feet in height. Piles shall not exceed 6 feet in height when within 20 feet of any property line or perimeter fencing. Waste tires shall not be located within 10 feet of any property line or perimeter fencing. The minimum distance between waste tire piles and between waste tire piles and structures that are located either on-site or off-site shall be as specified in Table I.~~

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

~~Table I Minimum Separation Distances (Ft.)~~

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

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

(c) Storage of waste tires shall be restricted to individual piles, which include stacks and racks of waste tires, that do not exceed 5,000 square feet of contiguous area. Pile width shall not exceed 50 feet. Any pile shall not exceed 50,000 cubic feet in volume or 10 feet in height.

(d) Tire storage piles containing less than 500 waste tires shall be located no closer than 10 feet from lot lines or buildings; however, tire piles containing less than 500 waste tires may be stored within 10 feet of lot lines or buildings after the operator has obtained approval from the fire code official. Waste tire piles containing less than 500 waste tires shall not exceed 6 feet in height when within 20 feet of any property line, building, or perimeter fencing. Side slopes shall not exceed 60 degrees.

(e) Tire storage piles containing 500 or more waste tires shall be located at least 50 feet from lot lines and buildings, unless the facility is a waste tire facility described in subsections (1) through (4) below.

(1) Where the waste tire facility has obtained approval from the fire code official and the waste tires are stored at an exempt or excluded site defined in 14 CCR section 17225.822, tire storage piles may be located within 50 feet but no closer than 10 feet from lot lines or from buildings.

(2) Where the waste tire facility has obtained approval from the fire code official and the waste tires are stored at a permitted minor waste tire facility, tire storage piles may be located closer than 50 feet but no closer than 10 feet from lot lines and 50 feet from buildings.

(3) Where wastes tires are stored at a minor waste tire facility that was issued a minor waste tire facility permit prior to January 1, 2011, tire storage piles may be located closer than 50 feet but no closer than 10 feet from lot lines and 50 feet from buildings.

(4) In no case shall the waste tire storage piles exceed 6 feet in height when within 20 feet of any lot line or perimeter fencing, and side slopes shall not exceed 60 degrees.

(f) Any individual waste tire pile shall be separated from any other waste tire pile, combustible ground vegetation, stored used tires, waste tire material, or products made from tires, by a distance of at least 40 feet.

(g) Waste tire piles shall not be located under bridges, elevated trestles, elevated roadways, or stored in an area where they may be subjected to immersion in water during a 100-year storm unless the owner or operator demonstrates that the waste tire facility or solid waste facility will be designed and operated so as to prevent waste tires from migrating off-site.

(h) At a waste tire facility or solid waste facility storing more than 150,000 cubic feet of waste tires, adjacent individual waste tire piles shall be considered a group, and the aggregate volume of storage piles in a group shall not exceed 150,000 cubic feet. Each group shall be separated from any other group by a distance of at least 75 feet.

(i) Tires must be removed from rims immediately upon arrival at the waste tire facility or solid waste facility. Tires temporarily attached to rims awaiting removal shall be stored separate from other waste tires.

(j) The waste tire facility or solid waste facility shall be designed and constructed to provide protection to bodies of water from runoff of pyrolytic oil resulting from a potential tire fire.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Waste tires stored indoors ~~must~~ shall be stored ~~under conditions that meet or exceed those in "The Standard for Storage of Rubber Tires", National Fire Protection Association, NFPA 231D-1989 edition, published by the National Fire Protection Association, which is incorporated by reference.~~ in the manner prescribed in the subsections below, and pursuant to the California Fire Code, Title 24 of the California Code of Regulations, sections 3201.1 through 3210.1, 3403.1 through 3403.4 and 3409.1, which are hereby incorporated by reference:

(1) Waste tires stored adjacent to or along one wall shall not extend more than 25 feet from such wall.

(2) Waste tire piles shall not exceed 50 feet in width in any one direction. Where waste tires are stored on-tread, standing side by side in rows, the dimension of the pile in the direction of the wheel hole shall not be more than 50 feet.

(3) Waste tires shall not be stored in exits or enclosures for stairways or ramps, or in boiler rooms, mechanical rooms, or electrical equipment rooms.

(4) Waste tires shall not be stored within 2 feet or less from the ceiling in nonsprinklered areas of a building.

(5) Waste tires shall not be stored within 18 inches or less below sprinkler head deflectors in sprinklered areas of a building.

(6) Waste tire facilities and solid waste facilities with an indoor storage area between 500 square feet and 2,500 square feet shall maintain aisles with access to exits and fire access doors in accordance with the following requirements:

(A) In sprinklered buildings aisles shall be a minimum of 44 inches wide.

(B) In nonsprinklered buildings aisles shall be a minimum of 96 inches wide.

(C) The required aisle width shall extend from floor to ceiling.

(7) Waste tire facilities and solid waste facilities with an indoor storage area exceeding 2,500 square feet shall maintain aisles with access to exits and fire access doors in accordance with the following requirements:

(A) In nonsprinklered buildings aisles shall be a minimum of 96 inches wide.

(B) In sprinklered buildings where the waste tire piles are accessible to the public aisles shall be a minimum of 96 inches wide.

(C) In sprinklered buildings where the waste tire piles are not accessible to the public aisles shall be a minimum of 44 inches wide.

(D) The required aisle width shall extend from floor to ceiling.

(8) For waste tire facilities or solid waste facilities with a storage area of 500 square feet or less, the dimensions of the waste tire piles shall not exceed 50 feet in any direction.

(9) For waste tire facilities or solid waste facilities with a storage area greater than 500 square feet the dimensions of the waste tire piles shall not exceed 50 feet in any direction, 30 feet in height, and 75,000 cubic feet in volume.

(10) No waste tire facility or solid waste facility shall store waste tires in an area greater than 500,000 square feet.

(11) Waste tire facilities and solid waste facilities with an indoor storage area greater than 500 square feet shall be equipped with an automatic fire extinguishing system that has been described by the operator in the fire safety plan required by section 17351(a).

(12) Waste tire facilities and solid waste facilities with an indoor storage area greater than 2,500 square feet shall be equipped with smoke and heat vents that have been described by the operator in the fire safety plan required by section 17351(a).

(b) For purposes of determining the square footage of storage space described in subsection (a) above, the aggregate of all waste tire storage areas within a building shall be used, unless such areas are separated from each other by 1-hour fire barriers that have been approved by the local fire code official. Openings in 1-hour fire barriers shall be protected by opening protectives having a 1-hour fire protection rating.

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

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

§ 17357. Recordkeeping.

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

(b) A waste tire facility shall retain waste tire records as set forth in subsection (a) for three (3) years at the facility location. A facility described in section 18103 or section 18420.1 of Title 14 of the California Code of Regulations may retain waste tire records offsite if it notifies the Department of the location where all the records are maintained. On request, a waste tire facility shall provide the records to an authorized Department representative.

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

§ 17358. Waste Tire Transportation.

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

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

§ 17359. Tire Derived Product Handling.

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

(1) The material was acquired through a purchase from a separate and distinct waste tire facility, and

(2) The material has been accumulated for the purpose of a larger project and does not require further reduction in size. This documentation may include contracts or bids for projects requiring the use of tire derived product.

(b) Waste tire material shall not be considered tire derived product if the material is located on property owned or operated by the processing facility at which it was generated.

(c) Material not meeting the requirements in subsection (a) and (b) shall be considered waste tires.

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

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

ARTICLE 1. GENERAL

§ 18420. Applicability.

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

(1) The waste tires are stored within the boundaries of, or disposed at, a permitted solid waste disposal facility~~.~~ or stored within the boundaries of a permitted transfer station which receives less than 150 waste tires per day averaged over a 365-day period. If waste tires are stored within the boundaries of a solid waste facility, the ~~The~~ permit of the solid waste facility ~~shall be revised pursuant to Public Resources Code (PRC) section 44014 and~~ shall conform to the requirements of Public Resources Code section 44004 and Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations, to reflect the storage of waste tires.

(2) The facility is using fewer than 5,000 waste tires for agricultural purposes and the waste tires have been rendered incapable of holding accumulations of water.

(3) The facility is storing fewer than 500 waste tires.

(4) The facility is a tire treading business and not more than 3,000 waste tires are kept on the premises.

(5) (Reserved).

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

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

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

(c) ~~(Reserved)~~ Operations authorized to use the enforcement agency notification tier as prescribed by sections 18103 and 18103.1 of Title 14 of the California Code of Regulations, that stores, stockpiles,

accumulates or discards 500 or more waste tires shall comply with the waste tire facility permitting requirements set forth in Division 30, Part 3, Chapter 16 of the Public Resources Code, and Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations.

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

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

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

§ 18420.1. Waste Tire Collection Location.

(a) Any amount of waste or used tires is in "collection" when temporarily placed in a fully enclosed container, on a lot identified by a unique assessor's parcel number that is not part of:

(1) A permitted waste tire facility,

(2) A permitted solid waste facility,

(3) A facility identified in section 18420(a) of this Article, or

(4) An operation operating pursuant to a notification requirement prescribed by sections 18103 and 18103.1 of Title 14 of the California Code of Regulations.

(b) "Collection Location" means a location on which tires are being stored in collection in accordance with subsection (a), and includes the containers in which tires are placed and the area surrounding the containers on which tires are temporarily placed during unloading, sorting, and loading.

(c) The requirements of Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations shall not apply to a collection location if all of the following six (6) requirements are met:

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

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

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

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

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

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

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

(e) Nothing in this Article shall be construed as relieving any owner or operator from obtaining and operating under the terms and conditions of all use permits, business licenses, and other approvals required by applicable local governments.

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

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

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

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

ARTICLE 2. REVIEW OF PERMIT APPLICATIONS

§ 18423. ~~Filing of~~ Permit Application Filing.

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

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

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

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

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

§ 18424. Permit Application Amendments ~~to Application~~.

(a) At any time after an application for a waste tire facility permit has been made and before issuance or denial of a permit or revision thereof, the applicant shall notify the ~~Board~~ Department of any changes to the

required information on the application. Such notice shall be given by the filing of an amendment to the application.

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

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

ARTICLE 3. PERMIT ISSUANCE, ~~RENEWAL~~REVIEW, REVISION, REVOCATION, DENIAL, SUSPENSION, REINSTATEMENT, CHANGE OF OWNER, OPERATOR, AND/OR ADDRESS

§ 18425. Permit Issuance.

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

(b) Upon the applicant's compliance with this Chapter, the ~~Board~~ Department may make findings and issue the permit as provided in this Article. The permit shall specify the conditions under which the waste tire facility shall comply with ~~this Chapter~~ applicable sections of the Public Resources Code and the California Code of Regulations.

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

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

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

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

§ 18426. Permit ~~Renewal~~ Review.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 18427. Permit Revision.

(a) ~~Any~~ If a permittee ~~proposing~~ proposes to make a substantial change in the design or operation of the waste tire facility, the operator of the waste tire facility shall apply for a revision of the permit. The application shall be made in the manner specified in sections 18423 and 18424, 18431, 18432, 18433 and 18434 of Article ~~2~~4 of this Chapter.

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

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

~~(c) Except as provided in Paragraph (b) of this section the permittee may at any time withdraw an application by submitting a written request to the Board.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Table 1#~~

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

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

~~Table 2A~~

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

~~Table 2B~~

~~Enhancement Issue-Intentional Act~~	~~Risk Factor~~
~~Serious threat to Public Health and Safety, or the Environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within 1,000 feet.~~	~~1.5~~

~~Moderate threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within one mile, but more than 1,000 feet.~~	~~1.25~~
~~No potential threat to public health and safety, or the environment~~	~~1.00~~

~~(b) Permitted Waste Tire Facilities:~~

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

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

~~Type Of Site/Operator~~	~~1-4,999 Tires [FNa1]~~	~~5,000 – 9,999 Tires [FNa1]~~	~~10,000-19,999 Tires [FNa1]~~	~~20,000-49,999 Tires [FNa1]~~	~~50,000 or More~~
~~Negligent Capacity~~					
~~Permitted WTF~~	~~$500~~	~~$1,000~~	~~$1,500~~	~~$2,000~~	~~$3,000~~
~~Permitted WTF (2nd Offense, etc.)~~	~~$2,000~~	~~$2,500~~	~~$3,000~~	~~$3,500~~	~~$4,000~~
~~Intentional Capacity~~					
~~Permitted WTF~~	~~$1,000~~	~~$2,000~~	~~$3,000~~	~~$4,000~~	~~$6,000~~
~~Permitted WTF (2nd Offense)~~	~~$4,000~~	~~$5,000~~	~~$6,000~~	~~$7,000~~	~~$8,000~~
~~Permitted WTF (3rd Offense, etc.)~~	~~$6,000~~	~~$7,000~~	~~$8,000~~	~~$9,000~~	~~$10,000~~

~~[FNa1] Over permitted capacity~~

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

~~Table 4A~~

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

~~Table 4B~~

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

~~Table 5~~

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

(a) Applicability:

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

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

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

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

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

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

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

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

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

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

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

(g) Other Waste Tire Facility Violations:

(1) Use subsection (h), Table 7, to determine a penalty for each violation other than capacity, storage and disposal, permit review submittal, and financial assurance. Determine applicable penalty amounts, in accordance with the criteria set forth in Public Resources Code section 42852, for all violations listed in Table 7 that exist at the waste tire facility.

(2) Use subsection (h), Table 7, to determine the penalty for a waste tire facility exempt or excluded from Department permitting requirements that fails to notify the Department as specified in sections 18431.1 or 18431.2 of this Chapter.

(h) Penalty Tables:

TABLE 1 – Unpermitted WT Facility: Capacity Penalties

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

TABLE 2 – Risk Factors

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

TABLE 3 – WT Facility: Storage and Disposal Penalties

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

TABLE 4 – Permitted WT Facility: Capacity Penalties

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

TABLE 5 – Permit Review Submittal Penalties

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

TABLE 6 – Permitted Major WT Facility: Financial Assurance Penalties

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

TABLE 7 – Other WT Facility Penalties

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

(i) Total Penalty Calculation:

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

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

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

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

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

§ 18431. Permit Application.

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

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

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

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

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

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

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

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

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

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

§ 18431.1. Permit Exemption.

(a) The following exempt waste tire facilities shall apply to the Department in writing for a permit exemption:

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

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

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

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

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

(e) A person responsible for discontinuing or dismantling an exempt waste tire facility shall meet all applicable requirements set forth in Division 7, Chapters 3 and 6 of Title 14 of the California Code of

Regulations to properly remove all tire material to an authorized facility, and shall notify the Department when the closure activity is complete.

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

§ 18431.2. Permit Exclusion.

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

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

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

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

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

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

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

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

§ 18431.3. Beneficial Reuse Project.

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

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

(c) In order to qualify as a beneficial reuse project, the request shall include all of the following information:

(1) A description of how the project employs one or more engineering properties of waste tires,

(2) A description of how the use of waste or used tires in the project provides equal or superior performance or lower cost relative to conventional technologies,

(3) Evidence that the project does not pose a threat to public health, safety and the environment, and

(4) Written approval of the proposed project by a registered civil engineer.

(d) A person responsible for discontinuing or dismantling a beneficial reuse project shall:

(1) Properly remove all tire material to an authorized facility, in accordance with Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations, and

(2) Notify the Department when the closure activity is complete.

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

(f) This section does not apply to the beneficial reuse of whole or altered waste tires as solid waste at a solid waste landfill as described in Division 2, Chapter 3, Article 2, section 20686 of Title 27 of the California Code of Regulations.

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

§ 18432. Operation Plan.

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

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

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

§ 18433. Emergency Response Plan.

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

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

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

§ 18434. Reduction/Elimination Plan.

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

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

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

§ 18450. Definitions.

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

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

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

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

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

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

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

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

(8) ~~"Collection Center" See Facility.~~ "Collection Location" means a location on which tires are being stored in collection in accordance with subsection 18420.1 (a), and includes the containers in which tires are placed and the area surrounding the containers on which tires are temporarily placed during unloading, sorting, and loading.

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

(10) "Common Carrier" means every common carrier as described in Public Utilities Code Section 211 with a motor vehicle transportation business that offers service to the general public and hauls a commodity other than ~~used or~~ waste or used tires to an original destination point and then transports ~~used or~~ waste or used tires on the return part of the trip. The revenue derived from transporting the ~~used or~~ waste or used tires ~~must~~ shall be incidental when compared to the revenue earned by the common carrier as stated in Public Resources Code Section 42954(a)(6). For purposes of this Chapter, incidental revenue means 10% or less of total annual revenue.

(11) "Comprehensive Trip Log" or "CTL" means the California Uniform ~~Used and~~ Waste and Used Tire Manifest System form developed by the Department pursuant to Public Resources Code, section 42961.5. The Comprehensive Trip Log is attached hereto as Appendix A (CalRecycle 203, ~~10/05~~7/10) and incorporated by reference herein. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(~~25~~26) “Registration” see “Waste Tire Hauler Registration” as defined in this section.

(~~26~~27) “Registered Vehicle Owner” means the person in whom title is vested and/or to whom the vehicle is registered with the Department of Motor Vehicles for any jurisdiction, domestic and foreign, in which the vehicle is registered.

(~~27~~28) “Retreader” means a business, person, entity, individual, sole proprietorship, co-partnership, Limited Liability Company, or corporation, who is in the business of retreading or recapping tire casings for reuse. The retreader shall have a Manufacturer 3-Digit Identification issued by the United States Department of Transportation pursuant to Title 49, Code of Federal Regulations, Section 574.5. If the retreader is a registered waste tire hauler, they shall comply with all waste tire hauler requirements. Retreaders ~~must~~ shall maintain for three (3) years, records of all CalRecycle forms whether currently used or documents that have been replaced by other forms.

(~~28~~29) “Revenue” is annual net income earned.

(~~29~~30) “Tire Casing” is the carcass of a reusable tire that after inspection can be retreaded or recapped by a retreader. For purposes of this Article, each tire casing is considered to be a separate ~~used or~~ waste or used tire.

(~~30~~31) “Tire Program Identification Number” or “TPID” is a unique CalRecycle assigned number for each ~~used or~~ waste or used tire hauler, each business location from which ~~used or~~ waste or used tires are generated, and for each location where ~~used or~~ waste or used tires are transported to as an end-use facility.

(~~31~~32) “Trip” means the hauling of ~~used or~~ waste or used tires that begins with a waste tire hauler's first pick-up of ~~used or~~ waste or used tires from a generator and ends with the hauler's last delivery of ~~used or~~ waste or used tires to an end-use facility, but in no case shall a trip exceed five (5) consecutive days.

(~~32~~33) “Unregistered Hauler & Comprehensive Trip Log Substitution Form” is the form to be completed by the generator and end-use facility pursuant to the requirements set forth in Sections 18461(b) and 18462(c). The Unregistered Hauler & Comprehensive Trip Log Substitution Form is attached hereto as Appendix A (CalRecycle 204, New 08/05) and incorporated by reference herein. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)

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

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

(~~35~~34) “Used Tire” in accordance with Public Resources Code Section 42950(~~j~~k) means a tire that meets both of the following requirements:

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

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

(~~36~~35) “Vehicle Description” includes the year, the model, the make of the vehicle, Vehicle Identification Number as defined in California Vehicle Code Section 671, and Vehicle License Plate Number, including

state of issuance, as defined in California Vehicle Code Section 4850(a). Trailers as defined in Vehicle Code Section 630 are not eligible for registration.

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

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

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

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

(~~37~~38) "Waste Tire" in accordance with Public Resources Code Section 42950(~~k~~l) means a tire that is no longer mounted on a vehicle and is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications. A waste tire includes a repairable tire, scrap tire, and altered waste tire, but does not include a tire derived product, crumb rubber, or a used tire.

(~~38~~39) "Waste Tire Hauler Decal" or "Decal" means ~~is~~ a ~~decal~~ self-adhesive tag with a unique serial number issued annually by the Department, ~~printed on specially prepared paper with a unique number, for affixing~~ that the registered hauler shall affix to the ~~common passenger side,~~ inside lower, right-hand corner of the windshield of the vehicle for which the decal was issued.

(~~39~~40) "Waste Tire Hauler Registration" means the documents, including the decal and registration form, issued by the Department, which authorizes the holder of the documents to legally haul ~~used or~~ waste or used tires within California for the period of issuance.

(~~40~~41) "Waste Tire Manifest System" means the California Uniform ~~Used and~~ Waste and Used Tire Manifest System authorized by Section 42961.5 of the Public Resources Code, which includes the Comprehensive Trip Log and all procedures and regulations applicable to the transportation of the ~~used or~~ waste or used tires from point of origin to final destination of the ~~used or~~ waste or used tires.

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

§ 18456.4. Temporary Registration of Alternate Vehicles.

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

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

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

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

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

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

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

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

§ 18459. Waste Tire Manifest System Requirements.

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

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

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

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

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

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

(3) Federal, State, and local governments when hauling 10 or more ~~used or~~ waste or used tires at any one time;

(4) any person hauling 10 or more ~~used or~~ waste or used tires at any one time for agricultural purposes;

(5) exempted common carriers when hauling 10 or more ~~used or~~ waste or used tires at any one time;

(6) a facility when accepting 10 or more ~~used or~~ waste or used tires at any one time;

(7) any person not included in Section 18459(c)(1) through (6) who gives, contracts, or arranges to have 10 or more ~~used or~~ waste or used tires transported;

(8) any person not included in Section 18459(c)(1) through (6) who accepts 10 or more ~~used or~~ waste or used tires;

(9) Retreaders when hauling any amount of ~~used or~~ waste or used tires at any one time with a registered vehicle.

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

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

(a) As provided in Section 18459(b), the common carrier approved for exemption pursuant to Public Resource Code Section 42954 shall not transport 10 or more ~~used or~~ waste or used tires without having a copy of the Manifest Form in the vehicle while transporting the ~~used or~~ waste or used tires.

(b) The exempt common carrier shall leave one copy of the Manifest Form with the waste tire generator, or end-use facility after the form has been completed with the required information. The common carrier is required to have in their possession a completed Manifest Form while transporting 10 or more ~~used or~~ waste or used tires. The Manifest Form may be kept with the trailer, as defined in Section 630 of the Vehicle Code, if the Manifest Form is readily accessible to the driver, any representative of the Department, any officer of the California Highway Patrol, any peace officer, as defined in Sections 830.1 or 830.2 of the Penal Code, or any local public officer designated by the Department.

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

(c) In lieu of Subsection (b), the waste tire generator is authorized by the Department to complete the Manifest Form in advance, including the end-use facility destination information on behalf of the exempt common carrier. This transport process may commonly occur at ports. The waste tire generator shall retain the generator portion of the Manifest Form for their records, submit the CalRecycle copy to the Department within 90 days of the initial shipment, and give the end use facility portion of the manifest and the hauler portion of the manifest to the exempt common carrier prior to shipment of the tires to the end-use facility. The common carrier shall retain their portion of the completed Manifest Form for their records.

(1) The exempt common carrier will have the end-use facility and hauler portions of the Manifest Form in their possession until reaching the final destination.

(2) This process does not alleviate the exempt common carrier of their responsibility to follow the manifesting requirements of this Chapter should the generator fail to follow the process outlined in this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Those ~~used and~~ waste and used tire haulers exempt from registration pursuant to Public Resources Code section 42954 shall be required to comply with the manifest requirements of Subsections (b) through (h) if they haul 10 or more ~~used or~~ waste or used tires, but will not be allowed to participate in the electronic reporting as provided in Subsection (j).

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 18462. Manifest System Requirements for Waste Tire Generators.

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

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

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

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

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

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

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

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

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

Title 14. Natural Resources
Division 7. California Integrated Waste Management Board
Chapter 9. Planning Guidelines and Procedures for Preparing and Revising Countywide Integrated Waste Management Plans

Appendix A

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2. CIWMB 57 Plastic Trash Bag Manufacturer Certification

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24. CalRecycle 241 Application For Agricultural/Common Carrier Exemption Letter

25. CIWMB 303a Lead Agency Form 303a Household Hazardous Waste Collection Information for Fiscal Year _____ /_____ [Repealed]

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29. ~~CIWMB~~ CalRecycle 500 Waste Tire Facilities Permit Application

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35. CIWMB 634 Farm and Ranch Solid Waste Cleanup and Abatement Grant - Application Cover Sheet

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39. CIWMB 1000 Notice of Designation of Local Agency

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This database is current through 12/6/13 Register 2013, No. 49
END OF DOCUMENT

WASTE TIRE FACILITY PERMIT APPLICATION

I. TYPE OF APPLICATION (please print or type)						**~~SWIS~~ TPID #:**	
☐	New Permit	☐	~~Permit Renewal~~	☐	Permit Revision	***~~CIWMB~~CalRecycle use only***	
☐	Application Amendment					*Date Received:*	
						Date Accepted:	
						Date Rejected:	

II. TYPE OF FACILITY			
☐	~~Existing~~	☐	~~Proposed~~
☐	Major Waste Tire Facility (5,000 or more tires)		
☐	Minor Waste Tire Facility (500 or more tires, but less than 5,000)		

III. GENERAL INFORMATION									
Facility Name:									
Facility Mailing Address:									
City:		County:		State:		Zip:		Phone:	
Facility Location (if different from mailing address):									
City:		County:		State:		Zip:		Phone:	
Assessor's Parcel Number(s):		GPS Coordinates:		Site Acreage:					
Facility Operator's Name:									
Mailing Address:									
City:		County:		State:		Zip:		Phone:	
Property Owner's Name (if different from operator):									
Mailing Address:									
City:		County:		State:		Zip:		Phone:	

IV. AGENCY INFORMATION			
Fire Authority Agency Name:			
Contact Person:		Phone:	
Vector Control/Mosquito Abatement Agency Name:			
Contact Person:		Phone:	

V. TYPE AND QUANTITY OF WASTE TIRES								
Type of Waste Tires Received:	☐	Whole Passenger	☐	Whole Truck	☐	Whole Tractor	☐	Split Tires
	☐	Whole Earthmover/Construction Equipment			☐	Cut Tires	☐	Shredded Tires
	☐	Other:						
Number of Whole Waste Tires/Passenger Tire Equivalents Stored or Maintained On-Site:								
Maximum Capacity (Whole Waste Tires/Passenger Tire Equivalents):								

VI. EQUIPMENT

Types of On-Site Processing Equipment:	☐	Stationary Shredder	☐	~~Bailer~~Baler	☐	Splitter	☐ Cutter
	☐	Mobile Shredder	☐	Other:			

VII. PROPOSED CHANGE TO FACILITY

☐	Design (describe):	
☐	Operation (describe):	
☐	~~Administrative (describe):~~	
☐	~~No Change:~~	
Proposed Date of Change:		

VIII. REQUIRED DOCUMENTS (attachments)

Major & Minor Waste Tire Facility~~WTF~~:	☐	Operation Plan (~~CIWMB~~CalRecycle 501)	☐	Environmental Form (~~CIWMB~~CalRecycle 502)	☐	Emergency Response Plan (~~CIWMB~~CalRecycle 503)
	☐	Vector Control Info. (include approved alternatives)	☐	Fire Department Info. (include approved alternatives)	☐	Property Lease Agreement
	☐	Fire Safety Plan				
	☐	~~Verification that a~~Applicable ~~local, state, and federal~~ permits and approvals ~~have been acquired~~.				
For Major Waste Tire Facility~~WTFs~~, also include the following:	☐	Closure Plan (~~CIWMB~~CalRecycle 504)	☐	Reduction/Elimination Plan	☐	Financial Assurance
	☐	Operating Liability				

IX. OWNER SIGNATURE

~~*I certify that this document and all attachments were prepared under my direction or supervision. I have inquired of the person or persons who manage the system or those persons directly responsible for gathering the information, and certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete.*~~I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a waste tire facility at the site specified above pursuant to this application and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

Property Owner or Agent Signature:			
Typed Name & Title:		Date:	

X. OPERATOR CERTIFICATION

~~*I certify that this document and all attachments were prepared under my direction or supervision. I have inquired of the person or persons who manage the system or those persons directly responsible for gathering the information, and certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete.*~~I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

Facility Operator or Agent Signature:			
Typed Name & Title:		Date:	

State of California
~~CIWMB~~CalRecycle 501 (Rev. 6/14~~9/02~~)

California Department of Resources Recycling and Recovery~~Integrated Waste Management Board~~

WASTE TIRE FACILITY OPERATION PLAN

California Code of Regulations (CCR), Title 14, §18432 requires that an Operation Plan be submitted as part of a waste tire facility permit application. For ease of reference, the applicable CCR section numbers are indicated where appropriate on this form.

I. GENERAL INFORMATION (please print or type)								**~~SWIS~~ TPID #:**	
Facility Name:									
Facility Location ~~Mailing Address~~:									
City:		County:		State:		Zip:		Phone:	

II. FACILITY OPERATION DESCRIPTION (attach additional pages if necessary)					
Days and hours of operation:					
Days and hours open to public:					
How will waste tires be received?	☐ Self Haul	☐ Common Carrier	☐ Public	☐ Other:	
How will waste tires be stored?	☐ Outdoors (Complete Sections I, II, III, IV ~~V~~, ~~and~~ VI, and VII) **and/or** ☐ Indoors (Complete Sections I, II, III ~~IV~~, V, ~~and~~ VI, and VII)				
Describe storage method(s):					
Describe on-site processing (e.g., shredding, buffing, milling, baling, product manufacturing, etc.):					
~~Haul Destinations/Sites:~~					
You will be permitted for the maximum quantity of waste tires that you intend to have on site at any time ~~store during the five year permit period~~, not to exceed the amount that can be stored in compliance with 14 CCR, Division 7, Chapter 3, Article 5.5, sections 17350 through 17356. Financial Assurances, if needed, shall be based on the permitted quantity.					
+	**Maximum quantity of waste tires to be stored:**				

III. ~~OUTDOOR~~ STORAGE REQUIREMENTS					
A. FIRE PREVENTION MEASURES - §17351					
On-Site Emergency Communications:	☐	Phone:		☐ Radio:	
			area code/number		type/channel, band, or net
On-Site Emergency Equipment:					
	☐	~~*One, dry chemical*~~ Buildings and structures equipped with portable fire extinguishers		~~Weight:~~	
	☐	~~One, 2½ gallon water extinguisher~~			
	☐	One~~,~~ pike pole or comparable pole at least 10 feet in length			
	☐	One round point and one square point shovel			
	☐	One portable fire extinguisher with minimum rating of A:40-B:C on each piece of fuel powered equipment			
Describe additional on-site equipment or alternative equipment approved by the local fire authority ~~on-site~~. ~~Any local fire authority requirements? Attach any local fire authority agreement/approval.~~					

III. ~~OUTDOOR~~ STORAGE REQUIREMENTS CON'T

A. FIRE PREVENTION MEASURES CON'T - §17351

Water Supply (indicate flow in gallons per minute or containment capacities in gallons):

☐ Hydrant/Capacity:		☐ Water Tank/Capacity:	
☐ Well/Capacity:		☐ ~~Other, explain~~ Water supply within 500 ft of storage piles~~:~~	

☐ Local fire authority alternative ~~agreement/~~approval (attach)

Waste tires located beneath electrical power lines >750 volts? ☐ No ☐ Yes (attach fire authority approval)

B. FACILITY ACCESS AND SITE SECURITY - §17352

Attendant Present?	☐ Yes ☐ No	If Yes, days/hours present:	
Access Control:	☐ Perimeter Fencing ☐ Locked Gates ☐ Other, describe:		

Is there access to the site for emergency vehicles? ☐ Yes ☐ No If No, explain:

C. VECTOR CONTROL MEASURES - §17353

☐ Vector Control Plan for alternative measures approved/certified by (attach):

- ☐ Local Environmental Health Department
- ☐ Mosquito Abatement District
- ☐ Other, specify:

☐ Describe type of cover(s) or impermeable barrier(s) if utilized for vector control:

☐ Other vector control measures, explain:

IV. OUTDOOR STORAGE REQUIREMENTS

A~~D~~. STORAGE OF WASTE TIRES - §17354

Provide the number of waste tire storage ~~units~~ piles (existing and/or proposed) and the dimensions of each. Indicate locations, by pile number, with distances from structures and property boundaries on site map (attach additional pages if necessary).

Pile #	Dimension (L × W × H)	Cubic Feet	Existing (E) or Proposed (P)

~~III~~IV. OUTDOOR STORAGE REQUIREMENTS CON'T

B~~D~~. STORAGE OF WASTE TIRES CON'T - § 17354

Do any waste tire storage piles ~~units~~ exceed 10 feet in height?

☐ No

☐ Yes (attach fire authority approved requirements)

If Yes, explain:

Do any waste tire storage *piles* ~~*units*~~ exceed 5,000 sq. ft. in area?

☐ No

☐ Yes (attach fire authority approved requirements)

If Yes, explain:

~~Do any waste tire storage units within 20 feet of a property line exceed 6 feet in height?~~ Are waste tire piles located under bridges, elevated trestles, or elevated roadways?

☐ No

☐ Yes (attach fire authority approved requirements)

If Yes, explain:

Are waste tires stored less than ~~1~~50 feet from the property line or buildings?

☐ No

☐ Yes (attach fire authority approved requirements)

If Yes, explain:

Are waste tires stored less than 40 feet from combustible ground vegetation, ~~or other~~ waste tire piles, stored used tires, waste tire material or products made from tires ~~materials~~?

☐ No

☐ Yes (attach fire authority approved requirements)

If Yes, explain:	

~~III~~IV. OUTDOOR STORAGE REQUIREMENTS CON'T

~~D~~C. STORAGE OF WASTE TIRES CON'T - §17354

~~Are fire lanes between adjacent waste tire storage units and between waste tire storage units and structures that are located either on-site or off-site less than the minimum width specified in §17354?~~ If more than 150,000 cubic feet of waste tires will be stored on-site, are the waste tires stored in accordance with 17354(i)?

☐	No	
☐	Yes	(attach fire authority approved requirements)
If Yes, explain:		

~~Describe how surface water drainage will be diverted around and away from the waste tire storage area. Describe and/or indicate on appropriate map (may be included on map required under Part V. Map Requirements on Page 5).~~

Describe how any nearby bodies of water will be protected from water or pyrolytic oil runoff in the event of a tire fire.
Describe and/or indicate on appropriate map (may be included on map required under Part V. Map Requirements on Page 5).

~~Are there grades or other physical features that would interfere with fire fighting equipment or personnel?~~

☐	~~No~~	
☐	~~Yes~~	~~(existing facility – attach fire authority approved requirements)~~ ~~(new facility – see §17354(f)(2))~~
~~If Yes, explain:~~		

If this Operation Plan is for a new waste tire facility, will it be sited in an area subject to immersion in water during a 100-year storm?

☐	No	
☐	Yes	

If Yes, explain (i.e., how the facility will be designed and operated so as to prevent waste tires from migrating off-site):	

~~I~~V. INDOOR STORAGE

INDOOR STORAGE REQUIREMENTS - §17356	
☐	Meets ~~NFPA 231D~~ Title 14 Section 17356 Standards (attach verification)
☐	Alternative standards approved by the local fire authority (attach approval)

VI. MAP REQUIREMENTS (Minor facilities provide items a and b, Major facilities provide items a through f):

a.	General area location, with additional larger scale if needed to show proximity to nearest town, city, or major highway.
b.	Plot plan of site, drawn to scale, which shows:
	1. Legal boundaries for which title or leasehold is held (attach copy of lease agreement for property, if applicable);
	2. All buildings or structures on-site, indicating use; all other structures within 200 feet of site boundary;
	3. Site access including road or street names;
	4. Location of fences, gates, and other access control measures; and
	5. Waste tire storage boundaries and ~~D~~dimensions of existing and planned tire storage ~~units~~ piles, fire lanes, fire breaks.
c.	Site topography, including:
	1. Drainage swales, ditches, berms, surface waters, wetlands, 100 year floodplain boundary, and other drainage features;
	2. Wooded areas; and
	3. Other appropriate physical features.
d.	Loading, unloading, salvage, and processing areas.
e.	Locations of fire hydrants, water tanks, or wells for fire fighting water supply; indicate flow capacities of hydrants, mains, and wells and capacity of water tanks.
f.	Site surface material, e.g., asphalt, gravel, compacted earth, etc.

VII. OPERATOR CERTIFICATION

~~*I certify that this document and all attachments were prepared under my direction or supervision. I have inquired of the persons directly responsible for gathering the information, and certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete.*~~

I certify under penalty of perjury that the information contained in this document and all attachments are true and accurate to the best of my knowledge and belief.

Operator Signature:			
Typed Name & Title:		Date:	

WASTE TIRE FACILITY
ENVIRONMENTAL INFORMATION
(THIS IS NOT A CEQA DOCUMENT)

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETE, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being deemed incomplete and returned to you, causing delays in processing. If you need more space, attach additional pages. Additional information may be required from you to clarify the information requested in this form.

GENERAL INFORMATION (please print or type)									**~~SWIS~~ TPID #:**	
Facility Name:										
Facility Operator's Name:										
Mailing Address:										
City:		County:		State:		Zip:		Phone:		
Project Address (if different from operator mailing address):										
City:		County:		State:		Zip:		Phone:		

EXISTING WASTE TIRE FACILITIES		
~~*An existing waste tire facility is a facility which received, stored, or accumulated waste tires, or upon which waste tires were discarded, on January 1, 1990 (PRC 42808(a)).*~~		
Is the application for an existing waste tire facility:	☐ No	☐ Yes
If Yes, indicate all changes in the design and operation of the facility ~~that occurred between January 1, 1990, and the date of submittal of this permit application~~:		

PROJECT DESCRIPTION
Provide a brief description of your project, including but not limited to, site acreage, type of construction activity, structures to be built, and project operation:

PROJECT DESCRIPTION CON'T			
Discuss all items checked Yes or Maybe and include as attachments to your submittal.			
	Yes	**No**	**Maybe**
Substantial alteration of ground contours?	☐	☐	☐
Change in scenic views or vistas from existing residential areas or public lands or roads?	☐	☐	☐
Generation of significant amounts of solid waste or litter?	☐	☐	☐
Changes in dust, ash, smoke, fumes, or odors in vicinity?	☐	☐	☐
Alteration of existing drainage patterns?	☐	☐	☐
Facility sited on sloped terrain?	☐	☐	☐
Use or disposal of potentially hazardous materials, such as flammables, explosives, or toxic substances?	☐	☐	☐
Substantial change in demand for municipal services (police, fire, water, vector control, sewage, etc.)?	☐	☐	☐
Proximity to wetlands, drainage, or bodies of water?	☐	☐	☐

GOVERNMENTAL REQUIREMENTS					
Before a final decision can be made on your Waste Tire Facility Permit Application, we must consider, as a responsible agency, the information contained in an environmental document prepared in compliance with the requirements of the CEQA. If an environmental document has been prepared for your project by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your project. The following questions will aid us in the determination.					
Contact your city/county planning or public works department for the following information:					
Assessor's Parcel Number(s):					
County Zoning Designation:					
Is the project site consistent with the jurisdiction's Zoning designation?	☐ Yes	☐ No			
Is the project site consistent with the jurisdiction's General Plan?	☐ Yes	☐ No			
Was an environmental document prepared for the General Plan?	☐ Yes	☐ No			
If yes, what type of document was prepared?	☐ EIR	☐ Negative Declaration	Date:		
Was a Notice of Determination filed with city/county clerk?	☐ No	☐ Yes	If Yes, attach a copy.		
Will the city/county have to issue any permits or approvals for your project?					
☐ No					
☐ Yes	If Yes, check appropriate box:				
☐ Grading Permit	☐ Zoning Change	☐ General Plan Change			
☐ Other:					

GOVERNMENT REQUIREMENTS CON'T					
	If any permits have been obtained, list permit type and permit number for each (attach additional pages if necessary):				
	1. Permit Type:		Permit No:		
	Contact:		Phone:		Date:
	Department:				
	2. Permit Type:		Permit No:		
	Contact:		Phone:		Date:
	Department:				
Are any additional state or federal permits required for your project? (e.g., Federal Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Dam Safety), Reclamation Board, Coastal Commission, State Lands Commission, etc.). For each agency from which a permit is required, provide the following information (attach additional pages if necessary):					
	1. Agency Name:		Permit:		
	Contact:		Phone:		Date:
	2. Agency Name:		Permit:		
	Contact:		Phone:		Date:
Has your agency, or any permitting agency, prepared any environmental documents for your project?					
☐	Yes, Submit a copy of the latest environmental document with this application, including a copy of the notice of determination.				
☐	No, Will any environmental documents be prepared by any permitting agency, other than ~~the CIWMB~~ CalRecycle for your project?				
If No, explain:					
SCH #:		Name of Environmental Document:			
Note: T*he final environmental document (including notice of determination) or notice of exemption must be submitted to CalRecycle ~~the Board~~. Processing of your Waste Tire Facility Permit cannot proceed until such documents are submitted.*					

ENVIRONMENTAL SETTING	
Describe the current land use of the facility and adjacent properties within 1,000 feet of the facility. If possible, attach photographs of these areas. Date and label photos.	
On-site:	
Adjacent Properties:	

ENVIRONMENTAL SETTING CON'T	
Describe any existing vegetation at the facility and on adjacent properties. If any threatened or endangered species occur in the project area or on adjacent properties, identify the species and indicate how they will be impacted by the proposed project. These vegetation types should be shown in the photographs submitted.	
On-site:	
Adjacent properties:	
Describe existing wildlife at the facility and on adjacent properties. If any threatened or endangered species occur in the project area or on adjacent properties, identify the species and indicate how they will be impacted by the proposed project.	
On-site:	
Adjacent properties:	
What changes in the project site and surrounding area will occur or are likely to occur because of construction and operation of your project? Include in your answer such things as appropriate number and size/age of trees to be removed or areas of vegetation/brush removal; area or extent of trenching, grading, excavation, plowing, or road, dam or building construction; etc.	

Have any archeological reports been prepared for this project?					
☐ Yes	If Yes, Name of Report:			Date:	
☐ No	If No, will you be preparing an archeological report to satisfy another public agency?				
☐ No	☐ Yes	If Yes, Agency Name:			
Do you know of any archeological or historic sites located within the general project area?					
☐ No	☐ Yes	If Yes, explain:			

OPERATOR CERTIFICATION			
~~*I certify that this document and all attachments were prepared under my direction or supervision. I have inquired of the person or persons who manage the system or those persons directly responsible for gathering the information, and certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete.*~~ I certify under penalty of perjury that the information contained in this document and all attachments are true and accurate to the best of my knowledge and belief.			
Facility Operator or Agent Signature:			
Typed Name & Title:		Date:	

WASTE TIRE FACILITY
EMERGENCY RESPONSE PLAN

I. GENERAL INFORMATION (please print or type)									**~~SWIS~~ TPID #:**	
Facility Name:										
Facility Mailing Address:										
City:		County:		State:		Zip:		Phone:		
Facility Operator's Name:										
Mailing Address:										
City:		County:		State:		Zip:		Phone:		
Property Owner's Name (if different from operator):										
Mailing Address:										
City:		County:		State:		Zip:		Phone:		

II. EMERGENCY CONTACT LIST		
List the names and telephone numbers of the persons and appropriate agencies to be contacted in case of emergency:		
	Name	Phone
Facility Owner:		
Facility Operator:		
Local Fire Authority:		
Local Environmental Health Dept:		
Regional Water Quality Control Board:		
Any additional numbers that may be needed:		

III. EQUIPMENT			
Emergency Response Equipment Available:			
☐	1. Minimum equipment required:		
☐	~~One, dry chemical~~ Buildings and structures equipped with portable fire extinguishers	~~Weight:~~	
☐	~~One, 2½ gallon water extinguisher~~		
☐	One~~,~~ pike pole or comparable pole at least 10 feet in length		
☐	One round point and one square point shovel		
☐	One portable fire extinguisher with minimum rating of A:40-B:C on each piece of fuel powered equipment		
OR			
☐	2. Equipment in lieu of the list above (attach fire authority approved requirements):		

III. EQUIPMENT CON'T

Additional emergency response equipment present at the facility or available for use by the facility and how it is intended for use in case of emergency (attach local fire authority requirements, if any):

Attach a map showing the location of fire lanes, tire pile configurations, fire hydrants, power supply, and emergency response equipment (may include same map as required on Page 5 of the Operation Plan).

IV. EMERGENCY RESPONSE PROCEDURES

Describe the procedures that should be followed in the event of a fire, including procedures to contain and dispose of any pyrolytic oil generated by the combustion of tires and any water used to fight the fire:

WASTE TIRE FACILITY CLOSURE PLAN

GENERAL INFORMATION (please print or type):									**~~SWIS~~ TPID #:**	
Facility Name:										
Facility Mailing Address:										
City:		County:		State:		Zip:		Phone:		
Facility Operator's Name:										
Mailing Address:										
City:		County:		State:		Zip:		Phone:		
Property Owner's Name (if different from operator):										
Mailing Address:										
City:		County:		State:		Zip:		Phone:		

PART A
The operator shall attach to this form a written cost estimate in accordance with Part C, in current dollars, of the cost of hiring a third party to close the major waste tire facility. Parts B and C shall be based on the maximum quantity of waste tires that the operator intends to store during the five year permit period as specified in the Operation Plan, Form ~~CIWMB~~CalRecycle 501 (6/14~~9/02~~).

PART B
The operator shall provide the following information to ~~the Board~~ CalRecycle prior to commencement of closure:
1. A closure schedule with a time period for completion (attach additional pages if necessary):
2. Details of the final disposition of the waste tires and waste tire products, in accordance with §18441(a). Include the name of each business that will receive the waste tires and the amounts. Provide the address and phone number for each business (attach additional pages if necessary):
3. A description of how the closure requirements of §18441 will be met (attach additional pages if necessary):

PART C

Closure Cost Estimate Worksheet

The estimate shall be completed by the operator/owner or duly recognized representative to include the following information:

1. The name, address, and telephone number of the authorized waste tire facility, where waste tires will be taken upon closure.

2. The cost estimate for a third party to cleanup the site along with the detail of how this estimate was calculated, as described below. The estimate shall be developed for the activities anticipated for closure, including disposition of waste tires and tire residues, equipment, labor and administration. Attach the cost estimate and all supporting documentation used in arriving at the closure cost estimate.

Calculate the Total Closure Cost Estimate in dollars for the waste tire facility being closed. You may use the formula provided below or an alternative formula that estimates the total cost -to close the facility in accordance with applicable requirements.

➢ *Total Closure Cost Estimate (TCC) = 1.2 × (Transportation Cost + Destination Charge + Loading Cost + Administration Cost + Security Cost)*

WHERE:

"*Transportation Cost*" represents the total cost of transportation for all loads of tires leaving the facility as well as the cost of the vehicles returning. The Transportation Cost shall be computed using the following formula:

$$\text{Transportation Cost (\$)} = M \times MT \times TC$$

Factor "M" (miles) represents the total distance (round trip mileage) to be covered by a vehicle transporting a load, from the closing facility to a facility selected by the operator that would accept the waste tires in the form that they are, or will be stored (e.g., shreds vs. whole). The destination facility shall meet the criteria in §18441(a) of Article 5, Chapter 6, Division 7, Title 14, CCR.

Factor "MT" (number of round trips) represents the number of truck loads of waste tires that will be required during the cleanup. The number of truck loads for a particular size waste tire is determined by dividing the total number of waste tires that are of one size (e.g., passenger) by the number of waste tires of that size that can fit into one truck load. Fewer large over sized tires can be hauled by the same truck that is also used for passenger tires. "MT" should be based on the maximum number of loads that will be necessary to cleanup the site. This will be based on the maximum quantity of waste tires that the operator is seeking a permit to store as specified in the Operation Plan, ~~CIWMB~~ CalRecycle Form 501 (6/14~~9/02~~); however the method of storage shall be taken into consideration. Fore example, if the operator intends to store only shredded waste tires in the future, but is presently storing whole waste tires, the calculations should be based on whichever storage condition requires the greatest cleanup cost.

Factor "TC " ($ per load per mile) represents the cost per mile to transport a load of waste tires. The cost includes the average expenses for transportation equipment, fuel, driver wages, tolls, and the vehicle's maintenance. This cost will vary based on the size of vehicle.

"*Destination Charge*" represents the total cost of tipping fees or disposal fees for all loads of waste tires transferred from the cleanup site to the destination facility. The Destination Charge shall be computed using the following formula:

$$\text{Destination Charge (\$)} = MT \times TF$$

Factor "MT" is described above.

Factor "TF" ($ per load) represents the cost to deposit waste tires at the destination facility. This may be a tipping fee or a disposal fee. If the fee is expressed in dollars per ton then this number must be multiplied by the weight of the load in order to yield dollars per load. The tipping fee should be based on the form of the waste tires (e.g., shreds vs. whole).

Closure Cost Estimate Worksheet Con't
"*Loading Cost*" represents the total cost of loading all loads of tires into vehicles at the closure facility and unloading the vehicles at the final destination. The Loading Cost shall be computed using the following formula: Loading Cost ($) = MT × LC Factor "MT" is described above. Factor "LC" ($ per load) represents the unit cost to load one vehicle with waste tires at the closing facility, and to unload the same waste tires at the final destination. This cost includes operational expenses, which covers wages for workers and pro rated expenses for rental or lease of equipment and machinery.
"*Administration Cost*" ($) represents the total cost of administration activities for the entire closure operation. This cost shall include the wages for personnel overseeing the cleanup activities and other operating expenses for the entire project.
"*Security Cost*" ($) represents the total cost of security arrangements for the entire closure operation. This is the cost to secure the site and restrict public access. This cost covers the expenses for the entire cleanup operation and includes installation of a site fence, installation or repair of lighting, and wages for security guards, etc.
Notes: 1. Total Closure Cost Estimate will vary according to the facility's design and operation as presented in the Operation Plan, Form ~~CIWMB~~ CalRecycle 501 (6/14~~9/02~~). 2. All costs will be added and then multiplied by the contingency factor of 1.2 to estimate the Total Closure Cost for the cleanup. 3. Any deviations from the above formula must be explained. 4. Complete a separate closure cost estimate worksheet if the waste tires are to be transported to more than one point of destination.

OPERATOR CERTIFICATION:			
~~*I certify that this document and all attachments were prepared under my direction or supervision. I have inquired of the person or persons who manage the system or those persons directly responsible for gathering the information, and certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete.*~~ I certify under penalty of perjury that the information contained in this document and all attachments are true and accurate to the best of my knowledge and belief.			
Facility Operator or Agent Signature:			
Typed Name & Title:		Date:	