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REVISIONS TO MANIFEST REGULATIONS FOR WASTE AND USED TIRE HAULERS

Title 14. Natural Resources

Division 7. California Integrated Waste Management Board

Chapter 6. Permitting Of Waste Tire Facilities and Waste Tire Hauler Registration and Tire Manifest

Article 8.5 Waste Tire Hauler Registration and Manifesting Requirements for Used and Waste Tire Haulers, Tire Dealers, Used and Waste Tire Generators, and Used and Waste Tire End-Use Facilities

18460.1. Waste Tire Manifest System Requirements for Agricultural Uses Exemption.

(a) The agricultural exempt waste tire hauler shall not transport ~~any~~ 10 or more used or waste tires without having a copy of the Manifest Form and Tire Trip Log in the vehicle while transporting the used or waste tires. The Manifest Form and Tire Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the Penal Code, or any local public officer designated by the Board.

(b) The agricultural exempt waste tire hauler shall leave one copy of the Manifest Form with the tire dealer, waste tire generator, or end-use facility after the form has been completed with the required information.

(c) The agricultural exempt waste tire hauler shall submit the completed original of the Tire Trip Log to the Board within ninety (90) days of the load shipment. The Tire Trip Log shall contain the signature of the agricultural exempt waste tire hauler representative.

(d) The agricultural exempt waste tire hauler may destroy the "hauler" copy of the Manifest Form and Tire Trip Log upon reaching the end-use facility.

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

(f) The agricultural exempt waste tire hauler shall contact the Board and provide the name of the company, name of the person, and phone number of a tire dealer, waste tire generator, or end-use facility who does not properly complete the manifest..

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections ~~42950, 42951, 42952, 42953, 42954, and 42961.5, and 42962,~~ Public Resources Code.

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

- (a) The common carrier approved for exemption pursuant to Public Resources Code Section 42954 shall not transport ~~any~~ 10 or more used or waste tires without having a copy of the Manifest Form and Tire Trip Log in the vehicle while transporting the used or waste tires. The Manifest Form and Tire Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the Penal Code, or any local public officer designated by the Board.
- (b) The exempt common carrier shall leave one copy of the Manifest Form with the tire dealer, waste tire generator, or end-use facility after the form has been completed with the required information.
- (c) The common carrier shall keep one copy of the fully completed Manifest Form and Tire Trip Log.
- (d) The common carrier shall submit the completed original of the Tire Trip Log to the Board within ninety (90) days of the load shipment. The Tire Trip Log shall contain the signature of the common carrier representative.
- (e) If the used or waste tires are transported from a collection center, a new Manifest Form shall be used until the waste tires reach an end-use facility.
- (f) The common carrier shall not haul used or waste tires to an end-use facility not legally authorized to accept used or waste tires.
- (g) The common carrier shall contact the Board and provide the name of the company, name of the person, and phone number of a tire dealer, waste tire generator, or end-use facility who does not properly complete the manifest.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections ~~42950, 42951, 42952, 42953,~~ 42954, and 42961.5, ~~and 42962,~~ Public Resources Code.

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

- (a) The registered waste tire hauler shall show the tire dealer or waste tire generator the waste tire hauler registration for the vehicle being used to transport the used or waste tires.
- (b) The registered waste tire hauler shall complete a new Manifest Form for each pick-up or delivery of any used or waste tires in accordance with the directions on the form. Each pick-up or delivery of used or waste tires shall also be entered on

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the Tire Trip Log in accordance with the directions on the form. The waste tire hauler shall not transport any used or waste tires without having a copy of the Manifest Form and Tire Trip Log in the vehicle transporting the used or waste tires.

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

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

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

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

(g) The waste tire hauler shall contact the Board and provide the name of the company, name of the person, and phone number of the tire dealer, waste tire generator, or end-use facility who does not properly complete the manifest.

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

(i) Those waste and used tire haulers exempt from registration pursuant to Public Resources Code section 42954 shall be required to comply with the requirements of this section if they haul a load of 10 or more waste or used tires.

(j) For purposes of Amnesty Day Event or a One-time Exemption, when authorized by the Local Enforcement Agency in writing, unregistered waste tire haulers shall be required to comply with the requirements of this section if they haul a load of 20 or more waste or used tires.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections ~~42950, 42951, 42952, 42953,~~ 42954, 42956, and 42961.5, ~~and 42962,~~ 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) An end-use facility shall complete, retain a copy, and forward the original Manifest

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Form to the Board pursuant to Section 42961.5 of the Public Resources Code and the directions on the form when accepting used or waste tires from a waste tire hauler.

(b) The waste tire end-use facility may accept the used or waste tires from waste tire hauler(s) who are not registered with the Board and/or has no manifest.

(c) The end-use facility shall complete both the end-use facility and tire hauler portions of the Manifest Form ~~when reporting unregistered waste tire haulers that are not exempt pursuant to Public Resources Code Section 42954~~ indicating receipt of 10 or more waste and used tires from unregistered waste tire haulers, unless the hauler has written authorization by the Local Enforcement Agency for purposes of an Amnesty Day Event or a One Time Exemption and is transporting no more than 20 waste or used tires to the end-use facility. The completed Manifest Form shall be submitted to the Board.

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

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections ~~42950, 42951, 42952, 42953, and 42961.5, and 42962,~~ Public Resources Code.

Section 18464—Amount of Civil Penalties and Administrative Penalty Schedule

(a) Civil penalties may be imposed administratively in accordance with the following penalty tables:

1. FOR TIRE HAULERS, TIRE GENERATORS, AND END-USE FACILITIES, USING PENALTY TABLE I,

- A. Determine what violations have occurred.
- B. Determine the number of violations or offenses that have occurred.
- C. Add up the penalties to determine the applicable fine.

Penalty Table I

<u>VIOLATION</u>	<u>DESCRIPTION OF VIOLATION</u>	<u>1st OFFENSE</u>	<u>2nd OFFENSE</u>	<u>3rd OFFENSE AND SUBSEQUENT OFFENSES</u>
<u>PRC 42951(b)</u>	<u>Failure of tire haulers to transport waste or used tires to a facility that is permitted, excluded, exempted, or otherwise authorized by the board, by statute or regulation, to accept waste or used tires, or to a facility that lawfully accepts waste or used tires for reuse or disposal. (major, minor).</u>	<u>\$1,000-\$3,000</u>	<u>\$2,000-\$4,000</u>	<u>\$3,000-\$5,000</u>
<u>PRC 42952(b)</u>	<u>Falsely advertising or representing himself or herself as being in the business of a waste and used tire hauler without being register as a waste or used tire hauler by the board.</u>	<u>\$1,000-\$2,000</u>	<u>\$2,000-\$4,000</u>	<u>\$4,000-\$5,000</u>
<u>PRC 42953</u>	<u>Any person who gives, contracts, or arranges with another person to transport waste or used tires that fails to utilize a tire hauler holding a valid waste and used tire hauler registration from the board (unless the tire hauler is exempted from registration requirements as specified in Section 42954).</u>	<u>\$500-\$1,000</u>	<u>\$1,000-\$2,000</u>	<u>\$2,000-\$3,000</u>
<u>PRC 42956</u>	<u>Failure to carry waste or used tire hauler registration in vehicle; failure to permanently affix tire hauler decal to the lower right hand corner of the windshield.</u>	<u>\$100-\$500</u>	<u>\$1,000-3,000</u>	<u>\$3,000-\$5,000</u>
<u>PRC 42956(c)</u>	<u>Failure to present waste or used tire hauler registration upon the demand of an authorized representative of the board.</u>	<u>\$100-\$500</u>	<u>\$500-\$1,000</u>	<u>\$1,000-\$1,750</u>
<u>PRC 42961.5</u>	<u>Manifest Violations, including failure to submit manifests on a quarterly basis, missing information, incomplete information, and false information</u>	<u>\$100-\$500</u>	<u>\$500-\$1,000</u>	<u>\$1,500-\$2,500</u>
<u>14 CCR 18456.1(b)</u>	<u>Failure to maintain surety bond in full force and effect during all registration periods.</u>	<u>\$500-\$1,000</u>	<u>\$1,000-\$2,000</u>	<u>\$2,000-\$3,000</u>
<u>14 CCR 18456.3</u>	<u>Failure to notify board of changes in information provided on registration application form (CIWMB 60) as required by 14 CCR 18456.3.</u>	<u>\$100-\$300</u>	<u>\$500-\$1,000</u>	<u>\$1,500-\$2,000</u>

2. FOR UNREGISTERED HAULERS, USING PENALTY TABLE II

A. Determine the number of violations or offenses.

B. Find the number of tires hauled for each load.

C. Determine whether any other violations listed in Table I have occurred and add that fine to the fine from Table II to determine the total fine.

Penalty Table II (Violation of PRC section 42951(a))

<u>VIOLATION</u>	<u>10-20 TIRES per LOAD</u>	<u>21-40 TIRES per LOAD</u>	<u>41-100 TIRES per LOAD</u>	<u>More than 101 TIRES per LOAD</u>
<u>Unregistered Hauler (1st Offense)</u>	<u>\$100-\$500</u>	<u>\$500-\$750</u>	<u>\$500-\$1000</u>	<u>\$1,000-\$2,000</u>
<u>Unregistered Hauler (2nd Offense)</u>	<u>\$500-\$1,000</u>	<u>750-\$1,250</u>	<u>\$1,000-\$1,750</u>	<u>\$2,000-\$4,000</u>
<u>Unregistered Hauler (3rd Offense, etc.)</u>	<u>\$1,000- \$1,750</u>	<u>\$1,250-\$2,000</u>	<u>\$1,750-\$2,750</u>	<u>\$3,000-\$5,000</u>

Note:

Authority cited:

Sections 40502 Public Resources Code.

Reference:

Sections 42962, Public Resources Code.

Section 18465 – Criteria to Impose a Civil Penalty

a) In assessing the amount of civil penalty, factors to be considered shall include, but are not limited to, the following:

(1) The nature, circumstances, extent, and gravity of the violation.

(2) Evidence that the violation was willful or negligent.

(3) The good or bad faith exhibited by the party.

(4) History of violation of the same or similar nature.

(5) The extent to which the party has cooperated with the Board in remediating the violation.

(6) The extent that the party has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

(7) Evidence of any financial gain resulting from the violation.

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(8) Such other matters as justice may require.

~~(b) Civil penalties exceeding \$5,000 per violation of a separate provision or for continuing violations for each day that violation continues must be pursued through civil proceedings.~~

Note:

Authority cited:

Sections 40502 and 43020, Public Resources Code.

Reference:

Sections 42962, Public Resources Code.