

Chapter 6. Permitting of Waste Tire Facilities and Waste Tire Hauler Registration and Tire Manifests

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

18449. Scope.

- (a) This Article specifies the procedures for waste tire hauler registration and tire manifest system requirements for waste tire haulers, retreaders, ~~tire dealers~~, waste tire generators, and end-use facilities, including reporting and documentation requirements.
- (b) In addition to the regulations in this article, statutory provisions contained in Sections 42950 through 42967 of the Public Resources Code govern the Waste Tire Hauler Registration Program.

Note:

Authority cited:

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

Reference:

Section 42950 et seq., Public Resources Code.

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.
 - (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) "CIWMB" means the California Integrated Waste Management Board.
 - (6) "Civil Penalty" means a fine assessed as a result of a violation of an applicable provision.
 - (7) "Collection Center" See Facility.
 - (8) "Commingled" means inextricably mixed together, in that the waste components cannot be economically or practically separated.
 - (9) "Comprehensive Trip Log" means the California Uniform Waste and Used Tire Manifest System form developed by the Board pursuant to Public Resources Code, section 42961.5. The Comprehensive Trip Log is attached hereto as Appendix A (CIWMB_203, 03/05) and incorporated by reference herein.
 - (10) "Electronic report" means electronic submittal of manifest information to the CIWMB by means of Electronic Data Transfer or Web-based data entry in accordance with the requirements set forth in §18459.1.2.

~~(9)~~ (11) “EDT Form” means a paper business’ reporting form, approved by the Board, 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.

(12) “End-Use Facility” means the facility where used or waste tires are unloaded.

~~(10)~~(13) "Facility" means a waste tire facility, as defined in Public Resources Code Section 42808, a landfill authorized pursuant to Public Resources Code Section 42866, a facility authorized to accept used or waste tires pursuant to a state or local agency permit, or a facility which lawfully accepts used or waste tires as authorized under Title 14, Section 18420.

~~(11)~~(14) "Incidental Revenue" means 10% or less of total annual revenue for purposes of Public Resources Code Section 42954 (a)(7).

~~(12)~~(15) Invoice means a document provided by a Retreader that contains the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped.

~~(13)~~(16) “Load” means a single transaction (a pick up or delivery) of used or waste tires between the hauler and generator or the hauler and end-use facility. There may be one or more loads on a trip.

~~(14)~~(17) "Local Government" means a county, city, city and county, special district, joint powers agency or other political subdivision of the state.

~~(15)~~(18) "Manifest Form" means the California Uniform Waste and Used Tire Manifest Form developed by the Board that shall be completed by the waste tire hauler, ~~tire dealer~~, waste tire generator, or facility, which shall accompany each shipment of used or waste tires. The Manifest Form is attached hereto as Appendix A (Form #647, 01/03) and incorporated by reference herein.

~~(16)~~(19) New Tire Adjustment means return or replacement of a new tire that is defective or damaged.

~~(17)~~ (20) "Person" includes an individual, sole proprietorship, co-partnership, Limited Liability Company, corporation, political subdivision, government agency, or municipality.

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

~~(18)~~(22) "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.

~~(19)~~(23) “Retreader” means a business, person, entity, individual, sole proprietorship, co-partnership, Limited Liability Company, corporation, who is in the business of retreading, ~~re-casing~~, 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, § 574.5. A completed original form CIWMB 173 (4/04) "Retreader Self-Certification" which is attached hereto as Appendix A (CIWMB 173, 4/04) and incorporated by reference herein shall be completed by the Registered Waste Tire Hauler before being deemed by CIWMB to be a self-certified retreader.

Notwithstanding provisions of the manifesting requirements, the Retreader is a registered waste tire hauler and shall comply with all waste tire hauler requirements.

~~(20)~~(24) "Retreader Trip Log" means the California Retreader Trip Log developed by the Board that shall be completed by the Retreader and shall accompany the tire casings during shipment for inspection, retreading, ~~releasing~~, or recapping. For the purposes of the Retreader Trip Log, this form shall only be used during the shipment of tire casings from the generator to the Retreading facility and on the return trip back to the generator, and the ownership of the tire casing(s) shall not change during either shipment. The Retreader Trip log meets the intent of Public Resources Code, section 42961.5 and is attached hereto as Appendix A (CIWMB 180, 03/04) and incorporated by reference herein.

~~(21)~~(25) "Revenue" is annual net income earned.

~~(22)~~(26) Tire casing is the carcass of a reusable tire that after inspection can be retreaded, ~~reused~~, or recapped by a Retreader.

~~(23)~~(27) "Tire Trip Log" means the California Uniform Waste and Used Tire Trip Log developed by the Board that shall be completed by the waste tire hauler and shall accompany the waste tire hauler for each shipment of used or waste tires. The Tire Trip log is attached hereto as Appendix A (Form #648, 01/03) and incorporated by reference herein.

~~(24)~~(28) "Trip" means the hauling of waste or used tires that begins with a waste tire hauler's first pick-up of used or waste tires from a generator and ends with the hauler's last delivery of used or waste tires to an end-use facility, but in no case shall a trip exceed five (5) consecutive days.

(29) "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 §§ 18461 (b) and 18462 (c). The Unregistered Hauler & Comprehensive Trip Log Substitution Form is attached hereto as Appendix A (CIWMB 204, 03/05) and incorporated by reference herein.

~~(25)~~(30) "Used and Waste Tire Generator" means any person who provides used or waste tires to a waste tire hauler; including, but not limited to ~~tire dealers~~, auto dismantlers, and automotive fleet service centers.

~~(26)~~(31) "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).

~~(27)~~(32) "Waste Tire Hauler Decal" is a decal issued by the Board, printed on specially prepared paper with a unique number, for affixing to the lower right hand corner of the windshield.

~~(28)~~(33) "Waste Tire Hauler Registration" means the documents, including the decal and registration form, issued by the Board, which authorizes the holder of the documents to legally haul waste tires within California for the period of issuance.

~~(29)~~(34) "Waste Tire Manifest System" means the California Uniform Waste and Used Tire Manifest System which includes the Comprehensive Trip Log, Retreader Trip Log, Manifest, Form and the Tire Trip Log forms developed by the Board and all procedures and regulations applicable to the transportation of the used or waste tires from point of origin to final destination of the used or waste tires.

Note:

Authority cited:

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

Reference:

Sections 42950, 42951, 42952, 42954, 42955, 42956, 42958, and 42961.5, Public Resources Code.

18451. Applicability of these Regulations.

(a) Waste tire haulers, retreaders, ~~tire dealers~~, waste tire generators, and end-use facilities shall comply with these regulations, unless exempted by Section 42954 of the Public Resources Code and applicable procedures set forth in Sections 18453-18453.2.

(b) The return of new tire adjustments to the wholesale distributor or manufacturer under "warranty consideration" is not considered used or waste tire hauling for the purposes, implementation, and enforcement of this Article. The person transporting the tires must have in the vehicle documentation substantiating that the tires are being returned for "warranty consideration." Lack of documentation or false information will subject the transporter to enforcement and penalties under this Article.

(c) "Tire Derived Product" being transported from the processing facility to the end-use facility is not considered used or waste tire hauling for the purposes, implementation, and enforcement of this Chapter. The hauler shall have a copy of the letter issued by the Board to the processing facility stating that the material is "Tire Derived Product" and a bill of lading accompanying the load. The letter and bill of lading shall be carried in the vehicle while transporting the "Tire Derived Product" from the processing facility to the end-use facility. Lack of documentation or false information will subject the transporter to enforcement and penalties under this Chapter.

Note:

Authority cited:

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

Reference:

Sections 42951, 42952, 42953, and 42954, Public Resources Code.

18453.2. Valid Exemption Period and Renewal.

(a) An exemption as described under Public Resources Code Section 42954 (a)(5) and 42954 (a)(6) shall be valid from the date of approval to January 1 of the following year provided that the information in the certification letter relied upon to qualify for the exemption remains unchanged.

(b) A person wishing to continue to qualify for an exemption from waste tire hauler registration under Section 42954 (a)(5) and ~~42954~~ (a)(6) of the Public Resources Code shall re-certify to the Board on an annual basis, and in accordance with the requirements in Section 18453.

(c) All exemption certifications must be submitted 45 days prior to the expiration date. Renewed exemptions are valid for one calendar year, January 1 to January 1 of the following year.

Note:

Authority cited:

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

Reference:

Section 42954, Public Resources Code.

18456. Waste Tire Hauler Registration Application and Retreader Self-Certification Form

(a) Copies of form CIWMB 60 and 61 and form CIWMB ~~180~~ 173 can be obtained by contacting the California Integrated Waste Management Board, Special Waste Division, Waste Tire Hauler Program, P.O. Box 4025, Sacramento, CA 95812 or accessing the California Integrated Waste Management Board website located at www.ciwmb.ca.gov/Tires.

Note:

Authority cited:

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

Reference:

Sections 42951, 42952, 42954, 42955, 42956, and 42958, Public Resources Code.

18456.2.1 Retreader Self-Certification Process.

(a) The Board shall inform the applicant for retreader self-certification in writing within 30 days from date of receipt of the Retreader Self-Certification form of the following:

- (1) Whether the Self-Certification Form is complete;
- (2) If the Board determines that the Self-Certification Form is incomplete, the Board shall inform the applicant what specific information is required to complete the Certification Form.

(b) Upon a Board determination that the Retreader Self-Certification is valid and complete, the Board will provide proof of Retreader Self-Certification in the form of decals and specifically designed Retreader registration cards to the Retreader for those vehicles either owned or leased by the retreader. The Board will issue a specifically designed Retreader registration card and decal for each vehicle identified by the Retreader. The Retreader registration card shall be carried in the corresponding vehicle. The decal shall be permanently affixed to the lower right hand corner of the windshield.

(c) Registration cards and decals are not transferable from vehicle to vehicle. They shall be present in the vehicle to which they were issued.

(d) If the Board determines at any time that the information in the Self-Certification Form is false, then the Board will deem the Self-Certification Form to be invalid, and will notify the applicant. In addition, the Board will determine whether an enforcement action is necessary.

(e) Upon invalidation of the Retreader self-certification, the Retreader shall immediately return all unused Retreader Trip Logs and Retreader registration card(s) for each vehicle registered under the Retreader's Registration to the Board.

(f) If the Retreader Self-Certification is invalidated, the Retreader shall not transport any tire casings unless in possession of a Comprehensive Trip Log (CIWMB 203) or tire trip log (CIWMB 648) and accompanying manifest (CIWMB 647) in accordance with Section 18459 requirements set forth for the waste tire hauler.

(g) If the Self-Certification is deemed invalid, any hauling of tire casings not in accordance with Subsection (f) will be a cause for denial, suspension, or revocation of the Waste Tire Hauler Registration.

Note:

Authority cited:

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

Reference:

Sections 42951, 42952, 42955, 42958, 42960, and 42961, Public Resources Code.

18459. Waste Tire Manifest System Requirements.

(a) The Board will provide blank forms; CIWMB 203, CIWMB 647, CIWMB 648, and CIWMB 180 at the time of initial or renewed waste tire hauler registration. These forms will be provided at no cost. CIWMB 180 shall only be completed by a Retreader. It shall be unlawful for a waste tire hauler, who is not a Retreader determined by the Board, to use a Retreader Trip Log.

(1)The Manifest Form (CIWMB 647) and Tire Trip Log (CIWMB 648) may be used in lieu of the Comprehensive Trip Log; however, the Manifest Form and Tire Trip Log shall not be used after December 31, 2005.

(2) In lieu of (a)(1), if approved on an individual basis by the Board pursuant to Public Resources Code Section 42961.5, any person that is subject to the Comprehensive Trip Log, Retreader Trip Log, or Manifest and Tire Trip Log requirements of this section, may substitute their own form, once approved by the Board, in lieu of the Board required form and submit an electronic report within ninety (90) days of the load shipment to the Board. The hauler shall provide a copy of their Board approved form to the generator or end-use facility for every waste or used tire transaction.

(4)(3) Additional forms may be obtained from the Board by request.

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

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

- (1) waste and used tire hauler
- (2) used or waste tire generator
- (3) Federal, State, and local governments
- (4) person hauling used or waste tires for agricultural purposes

- (5) exempted commercial carrier
- (6) a facility
- (7) any person not included in Section 18459 (c)(1) through (6) who gives, contracts, or arranges to have used or waste tires transported
- (8) any person not included in Section 18459 (c)(1) through (6) who accepts used or waste tires
- (9) Retreader

(d) For purposes of this section, "waste and used tire hauler" means any person engaged in the transportation of used or waste tires, including haulers that the Board approved as exempt from registration pursuant to Public Resources Section 42954.

Note:

Authority cited:

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

Reference:

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

18459.1. Tire Program Identification Number.

- (a) On or after July 1, 2003, every ~~tire dealer~~/waste tire generator shall apply for and obtain a CIWMB assigned Tire Program Identification Number for each location from which used or waste tires are generated and transported from. Each location shall be assigned a unique site specific Tire Program Identification Number.
- (b) On or after July 1, 2003, every end-use facility shall apply for and obtain a CIWMB issued Tire Program Identification Number for each location where used or waste tires are accepted. Each location shall be assigned a unique site specific Tire Program Identification Number.
- (c) Every waste tire hauler shall be assigned a CIWMB issued Tire Program Identification Number, if not already assigned, at the time of registration.
- (d) Only one Tire Program Identification Number shall be assigned to any one business location. The Board shall issue a certificate with the Tire Program Identification Number for each location, which shall be posted by the operator in a conspicuous place.
- (e) Every ~~tire dealer~~/waste tire generator, waste tire hauler, or waste tire end-use facility shall submit written notification to the CIWMB upon any change of business operator or owner, business name, or business address within 10 days of the change.

Note:

Authority cited:

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

Reference:

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

18459.1.2. Electronic Data Transfer and Web-Based Data Entry Requirements.

(a) Pursuant to Public Resources Code Section 42961.5, any person may submit electronic reports to the Board in lieu of the required Comprehensive Trip Log, Retreader Trip Log, or Manifest or Tire Trip Log forms requirements with the following provisions:

(1) The business entity shall complete and sign the application for the Electronic Data Transfer/Web Based Data Entry project.

(2) The business shall be in good standing with the CIWMB and have no final administrative, civil, or criminal actions taken by the CIWMB or its representatives for violations of Chapter 3, Article 5.5 or Chapter 6 of these regulations.

(3) The waste tire generator, waste tire hauler, Retreader, or end-use facility must demonstrate that they have sufficient technical competency to process and transmit the required information electronically.

(4) The Business entity may use their own form, once approved by the Board, in lieu of the Board required form.

(b) The CIWMB may at any time terminate the businesses' eligibility to use electronic reporting based on violations of (a) or (c).

(c) Any falsification, misrepresentation, or omission of a fact to the CIWMB, or its representative in the application for the Electronic Data Transfer/Web Based Data Entry project or the electronic transmission of manifest information may be cause to terminate the business' eligibility to participate in either the Electronic Data Transfer or Web-Based Data Entry programs.

Note:

Authority cited:

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

Reference:

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

18459.2.1. Submittal of the Comprehensive Trip Log, Manifest Form, Tire Trip Log, and Retreader Trip Log, and Electronic Reporting to the Board.

As provided in this section, the Comprehensive Trip Log, or Manifest Form and Tire Trip Log, and or Retreader Trip Log shall be submitted to the CIWMB by the waste tire generator, waste tire hauler or Retreader as specified in (a), (b), (c), or (d).

(a)(1) If the waste tire hauler chooses to use the Manifest form, ~~the~~ the waste tire generator ~~or tire dealer~~ shall submit the completed original Manifest Form to the Board within ninety (90) days of the load shipment. The Manifest Form and Tire Trip Log shall be in the waste tire hauler's possession while transporting used or waste tires. The Manifest Form and the 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 California Penal Code, or any local public officer designated by the Board.

~~(1)(2)~~ (2) If the waste tire hauler chooses to use the Tire Trip Log, ~~the~~ the waste tire hauler shall submit the completed original Tire Trip Log to the Board within ninety (90) days of the load shipment.

~~(2)~~(3) The Manifest Form and Tire Trip Log shall not be used after December 31, 2005.

(b) On or before January 1, 2006, the waste tire hauler shall submit a copy of the completed Comprehensive Trip Log to the Board within ninety (90) days of the load shipment. The Comprehensive Trip Log shall be in the waste tire hauler's possession while transporting used or waste tires. The Comprehensive 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 California Penal Code, or any local public officer designated by the Board.

~~(b)~~(c) If the waste or used tire is a tire casing being shipped for inspection, retreading, recasing, or recapping and is being transported by a Retreader, the waste tire generator ~~or tire dealer~~ may substitute an invoice for the required manifest form provided by the Retreader. The invoice shall contain the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped. A copy of the invoice and Retreader Trip Log shall be in the Retreader's possession while transporting the tire casings. The copy of the invoice and Retreader 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 California Penal Code, or any local public officer designated by the Board.

(1) The Retreader shall submit the completed Retreader Trip Log to the Board within ninety (90) days of the load shipment.

~~(e)~~(d) If approved by the Board pursuant to Public Resources Code Section 42961.5, any ~~person waste tire hauler~~ that is subject to the requirements set forth in above (a), (b), or (c) Manifest Form and Tire Trip Log requirements of this section, may substitute their own form, once approved by the Board, in lieu of the Board required form and submit an electronic report within ninety (90) days of the load shipment to the Board, in lieu of submitting the required form completed original copy of the Tire Trip Log, which is required. The electronic report shall include all information required to be on the Comprehensive Trip Log, Retreader Trip Log, or Manifest and Tire Trip Log forms, and any other information required by the Board.

Note:

Authority cited:

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

Reference:

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

18459.3. Maintenance of Comprehensive Trip Logs, Retreader Trip Logs, Manifest Forms and Tire Trip Logs.

(a) The waste ~~tire dealer~~, waste tire generator, and end-use facility and waste tire hauler shall retain a copy of the completed Manifest Form, ~~or receipt from the Comprehensive Trip Log,~~ or Board approved EDT form at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

(1) If the waste or used tire is a tire casing being shipped to or from a generator, ~~tire dealer~~, or end use facility for inspection, retreading, ~~recasing~~, or recapping by a Retreader, an invoice as required pursuant to 18459.2.1(b)(c) may be substituted for the Manifest form or receipt from the Comprehensive Trip Log. This invoice shall be retained at the place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.

(b) The waste tire hauler shall retain a copy of the completed Board approved EDT form, Comprehensive Trip Log, or the Manifest Form and Tire Trip Log at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

(1) The Retreader shall retain a copy of the completed Retreader Trip Log and corresponding invoices at their place of business for a period of three (3) years.

These records shall be made available to any authorized representative of the Board upon request.

(c) Any person using Electronic reporting, including used and waste tire generators and end-users, must retain a copy of the Board approved EDT form from the waste tire hauler or Retreader at their place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.

Note:

Authority cited:

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

Reference:

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

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

(a) As provided in §18459(a)(1), ~~The~~ agricultural exempt waste tire hauler shall not transport 10 or more used or waste tires without having a copy of the Comprehensive Trip Log or Manifest Form and Tire Trip Log in the vehicle while transporting the used or waste tires. The Comprehensive Trip Log or 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 or receipt from the Comprehensive Trip Log 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 Comprehensive Trip Log or original of the Tire Trip Log to the Board within ninety (90) days of the load shipment. The Comprehensive Trip Log or 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 Comprehensive Trip Log or 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 42951, 42954, and 42961.5, Public Resources Code.

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

(a) As provided in §18459(a)(1), ~~the~~ common carrier approved for exemption pursuant to Public Resources Code Section 42954 shall not transport 10 or more used or waste tires without having a copy of the Comprehensive Trip Log or Manifest Form and Tire Trip Log in the vehicle while transporting the used or waste tires. The Comprehensive Trip Log or 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 or receipt from the Comprehensive Trip Log 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 Comprehensive Trip Log or Manifest Form and Tire Trip Log.

(d) The common carrier shall submit the completed original Comprehensive Trip Log or ~~of the~~ Tire Trip Log to the Board within ninety (90) days of the load shipment. The Comprehensive Trip Log or 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 or receipt from the Comprehensive Trip Log 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 42951, 42954, and 42961.5, Public Resources Code.

18460.2. Waste Tire Manifest System Requirements for 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) ~~As provided in §18459(a)(1), the~~ registered waste tire hauler shall complete a new Manifest Form or receipt from a Comprehensive Trip Log for each pick-up or delivery of any used or waste tires in accordance with the directions on the form. If a Manifest Form is used, ~~Each~~ pick-up or delivery of used or waste tires shall also be entered on 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 or Comprehensive Trip Log in the vehicle transporting the used or waste tires.

(1) As provided in §18459(a)(2), the registered waste tire hauler may substitute their own form, once approved by the Board, in lieu of the Board required form and substitute an electronic report for the Manifest Form and Tire Trip Log or Comprehensive Trip Log.

(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 or receipt from the Comprehensive Trip Log from point of origin.

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

(e) The waste tire hauler shall keep one copy of the ~~fully~~ completed Manifest Form or Comprehensive Trip Log.

(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 provide the necessary information to the hauler in order to complete the manifest or Comprehensive Trip Log.

(h) The waste tire hauler shall not transport the used or waste tires without a properly completed Manifest Form and Tire Trip Log or Comprehensive 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 manifest requirements of Subsections (b) through (h) if they haul a load of 10 or more waste or used tires; however will not be allowed to participate in the electronic reporting as provided in (b)(1).

~~(1) 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 manifest requirements of Subsections (b) through (h) 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 42951, 42954, 42956, and 42961.5, Public Resources Code.

18460.2.1 Waste Tire Manifest System Requirements for Retreaders.

(a) A registered waste tire hauler meeting the requirements set forth in §18450(a)(19) shall complete, sign under penalty of perjury, and submit the Retreader Self-Certification Form (CIWMB 173) to the Board before the Board deems that registered waste tire hauler to be a Retreader.

(b) ~~The Retreader shall show the tire dealer or waste tire generator the Retreader registration card for the vehicle being used to transport the tire casings.~~

(c) The Retreader shall complete an invoice in accordance with §§18459.2.1~~(b)~~(c) and 18461(a)(1) for each pick-up or delivery of tire casings. Notwithstanding §18459(d), ~~e~~Each pick-up or delivery of tire casings shall also be entered on the Retreader Trip Log in accordance with the directions on the form. The Retreader shall not transport any tire casings without having a copy of the invoice and Retreader Trip Log in the vehicle transporting the tire casings.

(d) A vehicle may contain tire casings from different ~~tire dealers or~~ waste tire generators. Tire casings from each generator shall be accompanied by their own invoice form from point of origin.

(e) The Retreader shall leave one copy of the invoice form with the ~~tire dealer,~~ waste tire generator, or end-use facility after the invoice form has been completed

(f) The Retreader shall keep one copy of the fully completed invoice form.

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

(h) The Retreader shall not transport the tire casings without a properly completed invoice form and Retreader Trip Log.

Note:

Authority cited:

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

Reference:

Sections 42950, 42951, 42952, 42953, 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) As provided in §18459.3.(a), ~~a~~An end-use facility shall ~~complete,~~ retain a copy, ~~and forward the original of the Manifest Form, Board approved EDT form, or the completed receipt from the Comprehensive Trip Log provided by the registered hauler, 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.~~

(1) If a tire casing is being shipped to an end use facility for inspection, retreading, ~~recasing~~, or recapping by a Retreader, an invoice as required pursuant to 18459.2.1~~(b)~~(c) may be substituted for the Manifest form.

(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 as provided below:-

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

~~(e)~~(2) The end-use facility shall complete the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) and submit it to the Board within 30 days of the acceptance of 10 or more waste or used tires from a person who is not registered as a waste tire hauler unless that person both the end-use facility and tire hauler portions of the Manifest Form 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.

(3) If the person is hauling 20 or more waste or used tires under the written authorization of a 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 Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) and submit the form to the Board within 30 days of the acceptance of waste or used tires from that person.

~~(d)~~(c) End-use facility operators shall make available for review by the waste tire hauler any Board issued permit, ~~exclusion~~ exemption 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 42951 and 42961.5, Public Resources Code.

18462. Manifest System Requirements for ~~Tire Dealers or~~ Waste Tire Generators.

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

(1) If a tire casing is being shipped from a generator for inspection, retreading, or recapping by a Retreader, an invoice as required pursuant to 18459.2.1(c) may be substituted for the Manifest form. This invoice shall be retained at the place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.

(b) As provided in §18459.3.(a), a ~~A tire dealer or~~ waste tire generator shall retain a Board approved EDT form, completed receipt from the Comprehensive Trip Log provided by the hauler, or, retain a copy, and forward the original Manifest Form to the Board. ~~pursuant to Section 42961.5 of the Public Resources Code and the directions on the form when a used/waste tire hauler picks up used or waste tires.~~

~~(1) If a tire casing is being shipped from a generator or tire dealer for inspection, retreading, recasing, or recapping by a Retreader, an invoice as required pursuant to 18459.2.1(b) may be substituted for the Manifest form. This invoice shall be retained at the place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.~~

(c) If waste or used tires are removed from the generator's location by a registered waste tire hauler and a completed receipt from the Comprehensive Trip Log is not provided, the generator shall complete a Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) within 48 hours of the tire removal and submit the form to the CIWMB within 90 days.

Note:

Authority cited:

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

Reference:

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

18463. Civil Penalties.

Any ~~tire dealer,~~ waste tire generator, end-use facility, or waste tire hauler, or any party or person who commits any of the following acts shall be liable for a civil penalty:

(a) Intentionally, or negligently violates any permit, rule, regulation, standard, or requirement pursuant to Chapter 19 of the Public Resources Code relating to the generation, transportation or disposal of used or waste tires.

(b) The aiding or abetting, or allowing of any violation, or noncompliance with any permit, rule, regulation, standard, or requirement pursuant to Chapter 19 of the Public Resources Code relating to the generation, transportation or disposals of used or waste tires.

(c) Any violation of, or noncompliance with any order issued by the Board or by a hearing officer or a court relating to the generation, transportation or disposal of used or waste tires.

(d) Any false statement, misrepresentation, or omission of a significant fact or other required information in the application for a waste tire hauler registration, Comprehensive Trip Log, Retreader Trip Log, Manifest Form or Tire Trip Log forms, or in information regarding these matters subsequently reported to the Board.

(e) In addition to liability for a civil penalty, the Board may:

(1) File a claim against any registered waste tire hauler surety bond for activities resulting from the illegal disposal of tires or injury.

(2) Deny, suspend, or revoke a waste tire hauler registration.

Note:

Authority cited:

Sections 40502 and 42962, *Public Resources Code*.

Reference:

Section 42962, *Public Resources Code*.

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 waste and used 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.
2. For unregistered waste and used tire 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.

(b) Pursuant to Public Resources Code sections 42843, 42851(b), 42960, and 42962, a person waives the right to a hearing when that person fails to submit to the Board a Notice of Defense pursuant to Government Code section 11506 or CIWMB Request for Hearing form within 15 days of service of the administrative complaint on that person.

Note:

Authority cited:

Sections 40502 and 42962, *Public Resources Code*.

Reference:

Section 42962, *Public Resources Code*.

18466. Procedure for Imposing Civil Penalties

(a) Civil Penalties may be administratively imposed pursuant to the Administrative Procedure Act Government Code Section ~~41370~~ 11500 et seq.

(b) Civil penalties may be imposed pursuant to the Public Resources Code Section 42962 in the discretion of the trier of fact in the civil proceeding.

Note:

Authority cited:

Sections 40502 and 42962, *Public Resources Code*.

Reference:

Section 42962, *Public Resources Code*.

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Penalty Tables for Chapter 6, Article 8.5, Section 18464

Penalty Table I: For Tire Haulers, Tire Generators, and End-Use Facilities

Violation	Description of Violation	1st Offense	2nd Offense	3rd Offense and Subsequent Offenses
PRC 42951(b)	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).	\$1,000-\$3,000	\$2,000-\$4,000	\$3,000-\$5,000
PRC 42952(b)	Falsely advertising or representing himself or herself as being in the business of a waste and used tire hauler without being registered as a waste or used tire hauler by the board.	\$1,000-\$2,000	\$2,000-\$4,000	\$4,000-\$5,000
PRC 42953	Any person who gives, contracts, or arranges with another person to transport waste or used tires and 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 Public Resources Code Section 42954).	\$500-\$1,000	\$1,000-\$2,000	\$2,000-\$3,000
PRC 42956	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.	\$100-\$500	\$1,000-\$3,000	\$3,000-\$5,000
PRC 42956(c)	Failure to present waste or used tire hauler registration upon the demand of an authorized representative of the board.	\$100-\$500	\$500-\$1,000	\$1,000-\$1,750
PRC 42961.5	<u>Comprehensive Trip Log, Manifest Violations, or Electronic reporting</u> ; including failure to submit <u>the Comprehensive Trip Log, manifests, or Electronic reporting</u> on a quarterly basis, missing information, incomplete information, and false information	\$100-\$500	\$500-\$1,000	\$1,500-\$2,500
14 CCR 18456.1(b)	Failure to maintain surety bond in full force and effect during all registration periods.	\$500-\$1,000	\$1,000-\$2,000	\$2,000-\$3,000
14 CCR 18456.3	Failure to notify board of changes in information provided on registration application form (CIWMB 60) as required by 14 CCR 18456.3.	\$100-\$300	\$500-\$1,000	\$1,500-\$2,000

Penalty Table II: (Violation of PRC Section 42951(a))

Violation	10-20 Tires Per Load	21-40 Tires Per Load	41-100 Tires Per Load	More Than 40 100 Tires Per Load
Unregistered Hauler (1st Offense)	\$100-\$500	\$500-\$750	\$500-\$1,000	\$1,000-\$2,000
Unregistered Hauler (2nd Offense)	\$500-\$1,000	\$750-\$1,250	\$1,000-\$1,750	\$2,000-\$4,000
Unregistered Hauler (3rd Offense, etc)	\$1,000-\$1,750	\$1,250-\$2,000	\$1,750-\$2,750	\$3,000-\$5,000