

SECOND DRAFT INFORMAL TIRE REGULATIONS REVISIONS

Date: Tuesday, February 15, 2011.

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NOTES TO THE READER:

1. This informal draft incorporates proposed waste tire regulations revisions regarding the following topics:
 - The State Fire Marshal's fire requirements that became effective on January 1, 2011.
 - The tire facility permitting requirements to eliminate the existing five-year permit reapplication process.
 - The maintenance of Manifest Forms regarding exempt common carriers delivering waste tires to port terminals, temporary registration of alternative waste tire hauling vehicles.
2. ~~Red/strikeout~~ represents Title 14 language that CalRecycle staff proposes to incorporate the above changes. It also represents changes mandated SB 63, statutes of 2010, when the California Integrated Waste Management Board became CalRecycle.
3. Green/underlined text is draft regulatory language CalRecycle staff proposes to add.

Title 14. Natural Resources

**Division 7. ~~California Integrated Waste Management Board~~ Department of Resources
Recycling and Recovery**

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.5 Waste Tire Storage and Disposal Standards

§ 17350. Applicability.

(a) Any facility storing 500 or more waste tires outdoors must comply with the technical and operational standards in 14 CCR sections 17351 through 14 CCR section 17355 of this Article.

(b) Any facility storing waste tires indoors must comply with the technical and operational standards in 14 CCR sections 17351 through 14 CCR section 17356 of this Article.

(c) Any waste tire facility, including permitted facilities and facilities that are excluded or exempt from permitting requirements, that store 500 or more waste and/or used tires shall comply with the technical and operational requirements specified in 14 CCR sections 17351 through 14 CCR section 17356 of this Article.

(ed) Waste tires that are disposed of by burying at a solid waste disposal facility are addressed in 14 CCR section 17355 of this Article.

(de) For purposes of determining the applicability of this Chapter, altered waste tires shall be counted as passenger tire equivalents (PTE).

(f) The Department and/or the Enforcement Agency (EA) for a jurisdiction in which the waste tire facility is located may inspect any 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 for waste tire facility permit terms and conditions.

(g) Unless stated otherwise, this Article shall be consistent with high-piled combustible storage standards defined in section 2302.1, Chapter 23, Title 24, California Code of Regulations; and tire rebuilding and tire storage standards specified in Chapter 25, Title 24. Reference to these Fire Code requirements shall apply to future changes in Title 24, CCR.

Note:

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

Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

§ 17351. Fire Prevention Measures.

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

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

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

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

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

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

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

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

Note:

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

Reference: Sections 42820, 42821, 42830, 42832 and 43020, Public Resources Code.

§ 17352. Facility Access and Security.

(a) Signs - for 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 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 facility must be maintained passable for emergency equipment, fire apparatus, and vector control vehicles at all times. Unauthorized access must 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 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 ~~(e)~~ (d) waste tires stored outdoors shall 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 50 feet of any property line or perimeter fencing. The minimum distance between waste tire piles and between waste tire piles and between waste tire piles and structures that are located either on-site or off-site shall be shall be as specified in Table I.~~

(1) Individual tire piles, including stacks and racks of tires, that do not exceed 5,000 contiguous square feet.

(2) Tire piles that do not exceed 50,000 cubic feet.

(3) Tire piles that do not exceed 10 feet in height.

(4) Tire piles that are not located within 50 feet of any property line or building.

(5) Tire piles separated from vegetation and other potentially flammable material by no less than 40 feet.

(6) A contiguous storage area with unobstructed fire lanes free of flammable or combustible material and vegetation at all times.

(7) Tire piles must be separated by no less than 40 feet from open flame, blow torches or highly flammable material including, but not limited to, inner tubes.

(b) Except as provided in subsection ~~(e)~~ (d) 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 not smaller than eight (8) feet 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 Face (Ft.)	Tire Storage Pile Height (Ft.)		
	6	8	10
-	50	56	62
25	66	75	84
50	84	100	116
100	99	117	135
150	111	130	149
200	118	140	162
250			

(c) Where the bulk volume of waste tires is greater than 150,000 cubic feet pile layout shall be the following:

(1) Individual piles shall comply with subsections (a) and (b) regarding size and separation requirements.

(2) Adjacent waste tire piles shall be considered a group, and the aggregate volume of such group shall not be greater than 150,000 cubic feet. Separation between groups shall not be less than 75 feet in width.

~~(e)~~ (d) All of the requirements in subsections (a) and (b) shall apply to the storage of waste tires unless, for any particular requirement, in accordance with Section 1.11.2.4 of the California Fire Code, the local fire authority having jurisdiction over a particular facility determines that a different requirement is necessary or adequate to meet the intent of these regulations for the prevention of fire and the protection of life and property. Any change in, or any new, local fire authority requirements that affect the requirements in this Article shall be reported to the ~~Board~~ Department by the operator within 30 days after their effective date. Any requirements approved

by the local fire authority shall be subject to ~~Board~~ Department concurrence at the time of issuance or renewal of the permit.

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

(e) Waste tires at existing waste tire facilities shall be stored on surfaces with grades that will not 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~~ Department 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.

(i) Exempt, excluded and otherwise authorized minor waste tire facilities, and waste and/or used tire piles of 500 or more tires shall comply with these setback, height and side slope grade requirements:

(1) Exempt waste tire facilities defined in PRC sections 42808(c) and 42831, and used tires defined in PRC section 42806.5, shall not be closer than 10 feet from lot lines or buildings.

(2) Minor waste tire facilities defined in PRC section 42808 permitted prior to January 1, 2011, shall maintain waste tire piles no closer than 10 feet from lot lines or 50 feet from buildings.

(3) Waste and/or used tire piles shall not be greater than 6 (six) feet high when located within 20 feet of any property line or perimeter fencing. Side slopes shall not exceed 60 degrees.

(2) Waste tire piles at minor waste tire facilities defined in PRC section 42808 shall not be closer than ten (10) feet from lot lines or fifty (50) feet from buildings. These piles shall not be greater than six (6) feet high when located within twenty (20) feet of any property line or perimeter fencing. Side slopes shall not exceed 60 degrees.

(j) Tire piles shall not be located under bridges, elevated trestles, elevated roadways or elevated railroads.

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 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 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 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. Storage of Waste Tires ~~Indoors~~ Storage.

(a) Indoor waste tire piles shall be arranged:

(1) Where tires are stored on-tread, standing side by side in rows, the horizontal dimension of the row shall not be greater than 50 feet.

(2) Tires stored perpendicular to or adjacent a wall shall not extend more than 25 feet from such wall.

(3) Other piles shall not be greater than 50 feet wide. ~~Waste tires stored indoors must 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.~~

(4) The width of main aisles between tire piles shall not be less than eight (8) feet.

(b) Indoor waste tire pile clearance shall be:

(1) No less than three (3) feet from top of storage to sprinkler deflectors or roof structures.

- (2) No less than three feet (3) feet in any direction from unit heaters, radiant space heaters, duct furnaces, and flues.
- (3) No less than two (2) feet from structural columns and enclosing walls.
- (4) No less than eight (8) feet from other from other combustible materials.
- (c) When waste tires are stored:
 - (1) Up to fifteen (15) feet high, a 4-hour fire rating is required for walls between adjacent indoor storage areas, and walls between manufacturing and indoor storage areas.
 - (2) More than fifteen (15) feet high, a 6-hour fire rating is required for walls between manufacturing and indoor storage areas, and 1-hour fireproofing is required for structural steel columns.
 - (3) More than twenty (20) feet high, a 2-hour fireproofing is required for structural steel columns and their connections with other structural members.
 - (5) This requirement shall apply unless, in accordance with Section 1.11.2.4 of the California Fire Code, 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.

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) Waste tire facilities shall maintain records of the quantity of waste tires received, stored and shipped from the site.
- (b) Waste tire facilities shall retain waste tire records for three (3) years. Upon request, these facilities shall provide these records to any authorized Department representative.

§ 17358. Waste Tire Storage and Transportation.

- (a) Waste tire facilities shall not give, contract, or arrange with another person for transportation of waste tires unless that person is a registered waste tire hauler or is exempt per PRC section 42954.

- (b) Waste tires shall be transported only to a facility that is permitted, excluded, exempt or otherwise authorized by the Department.

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

Article 1. General

§ 18420. Applicability.

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

(1) The waste tires are stored or disposed at a permitted solid waste disposal facility. The permit of the solid waste facility shall be revised pursuant to Public Resources Code (PRC) section 44014 and shall conform to the requirements of Division 7, Chapter 3, Article 5.5.

(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).

(c) (Reserved)

(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 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 waste tires in accordance with Section 42808(c).

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

Article 2. Review of Permit Applications

§ 18423. Filing of Application.

(a) Every operator of a new ~~or existing~~ major or minor waste tire facility shall submit to the Board a completed 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 shall mark the application package with the date of receipt. Within 30 days of receipt, the Board shall examine the application package to determine whether it meets the requirements contained in this chapter and either accept the application as complete or reject the application. If the Board finds the application meets the requirements, the application shall be accepted as complete. If the Board determines that the application does not conform to the applicable requirements, it shall notify the applicant in writing enumerating the grounds for rejection.

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. Amendments to an 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 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 determines that the amendment significantly alters the nature of the application, the Board may deem the amendment a new application. The new application shall supersede the previous application. In this case the time for the Board 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, Revision, Revocation, Denial, Suspension, Reinstatement, Change of Owner, Operator, and/or Address

§ 18425. Permit Issuance.

(a) With the exception of subsection (d), within 180 days of accepting a completed application, the Board 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 may make findings and issue the permit as provided in this Article. The permit shall specify the conditions under which the waste tire facility shall comply with this Chapter.

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

(d) If the Board is lead agency for the project, as defined in Government Code section 65929, for which an environmental impact report must be prepared pursuant to PRC section 21100, the Board shall have one year, from the date the application was accepted as complete, to issue or deny the issuance of a permit in accordance with subsections (b) and (c), respectively. If there has been an extension of time pursuant to PRC section 21100.2 to complete and certify the environmental impact report, the Board 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.

(e) A copy of the current permit shall be made available upon request to the Board or an

authorized employee or agent of the Board 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 65920-65961, Government Code.

§ 18426. Permit Renewal.

- (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~~180 days prior to ~~the~~ expiration of an ~~existing~~ waste tire facility permit, the operator shall:
 - (1) Submit a certification that information in the governing permit and application on file is current, or
 - (2) File a permit revision application that only identifies proposed per section 18427 of this Article. ~~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 of an operator certification or ~~and review of the~~ application for permit revision. ~~renewal and the issuance of a permit.~~
- (d) If the Department ~~Board~~ determines upon review of ~~the~~ an operator certification that the permit renewal is not appropriate and a permit revision is required ~~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 within 30 days of receipt of the certification.

Note:

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

Reference: Sections 42820, 42821, 42822, 42830, 42832, 42833, 42840 and 42841, Public Resources Code and Section 15376, Government Code.

§ 18427. Permit Revision.

- (a) Any permittee proposing 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 of Article 2.

Except as otherwise provided in this section, the application shall be handled in the same manner as an application for a new permit.

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

(c) Except as provided in Paragraph (b) ~~or in section 18426 of this section~~, the permittee may at any time withdraw an application by submitting a written request to the Department Board.

(d) A permit revision application shall only include required application documents per sections 18431 through 18434.

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

~~(e)(f) If the Department determines Board will review the information provided and determine whether or not a that an administrative change requires a permit revision is required., The applicant shall be notified in writing within 30 days of receipt of the administrative change notice. 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.~~

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.

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 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), where notice can be sent and phone numbers(s) of the new owner/operator;

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

(3) A signed affidavit certifying that the owner/operator has read the governing permit and conditioning documents and will operate in accordance with the terms and conditions of the existing WTFP 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, and/or facility name.

The Board staff will 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 4. Permit Application

§ 18431. 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 a minor waste tire facility permit shall include items (a) through (d) and (h) of this section.

(a) A complete form CIWMB 500 "Waste Tire Facility Permit Application" (9/02), which is incorporated herein by reference. (See Appendix A.)

(b) A completed form CIWMB 501 "Waste Tire Facility Operation Plan" (9/02) as specified in section 18432 of this Article, which is incorporated herein by reference. (See Appendix A.)

(c) A completed form CIWMB 502 "Waste Tire Facility Environmental Information" (9/02) which is incorporated herein by reference. (See Appendix A.)

(d) A completed form CIWMB 503 "Waste Tire Facility Emergency Response Plan" (9/02) as described in section 18433 of this Article. This form is incorporated herein by reference. (See Appendix A.)

(e) A completed form CIWMB 504 "Waste Tire Facility Closure Plan" (9/02). This form is incorporated herein by reference. (See 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 Appendix A.)

(h) Verification that applicable local, state, and federal 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.

§ 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.

(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 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 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 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 Tire Haulers, Retreaders, Used and Waste Tire Generators, and Used and Waste 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 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 and became part of (subjoined into) a new Department of Resources 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.” means a location at which waste tires are held exclusively in a collection process pursuant to 14 CCR section 17225.717. Any person temporarily storing tires at a Collection Facility must notify the Department of Resources Recycling and Recovery of the location of such facility.

(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 tires to an original destination point and then

transports used or waste tires on the return part of the trip. The revenue derived from transporting the used or waste tires must 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 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) and incorporated by reference herein.

(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 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 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.

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

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

(19) “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.

(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 the Comprehensive Trip Log (CalRecycle 203) 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 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 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. This 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.

(D) A port terminal is considered a collection facility and must meet the requirements of 14 CCR section 17225.717.

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

(267) “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.

(278) “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 maintain for three (3) years, records of all CalRecycle forms whether currently used or documents that have been replaced by other forms.

(289) “Revenue” is annual net income earned.

(3029) “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 tire.

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

(312) “Trip” means the hauling of used or waste 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.

(323) “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, 08/05) and incorporated by reference herein.

(334) “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).

(345) “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.

(356) “Used Tire” in accordance with Public Resources Code Section 42950(j) 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.

(367) “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.

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

(389) “Waste Tire Hauler Decal” is a decal issued by the Department, printed on specially prepared paper with a unique number, for affixing to the common passenger side, inside lower right hand corner of the windshield.

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

(401) “Waste Tire Manifest System” means the California Uniform Used and Waste 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 tires from point of origin to final destination of the used or waste 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.

§ 18459.3. Maintenance of Manifest Forms.

(a) The waste tire generator, and end-use facility shall retain a copy of the completed Manifest Form at their place of business. Manifest Forms shall also be retained for three (3) years. These records shall be made available to any authorized representative of the Department upon request.

(1) If the final destination is a port terminal, the waste tire hauler or exempt common carrier shall leave one copy of the completed Manifest Form showing the port terminal operator as the final destination and the motor vehicle transportation documentation with the waste tire generator that originated the shipment of used and waste tires to the port terminal.

(b) The waste tire hauler shall retain a copy of the completed Manifest 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 Department 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.

§ 18456.4. Temporary Registration of Alternate Vehicles.

(a) Upon request, the ~~Board~~ Department may issue a single temporary registration certificate, specifically assigned to that registered waste tire hauler, once the ~~Board~~ 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) Waste tire haulers that have 10 or more vehicles under their registration, may obtain one additional temporary registration certificate for each 10 vehicles listed in their registration.

(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, 1/08) and incorporated by reference herein.

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

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

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

Note:

Authority cited: Sections 40502, 42966 and 43020, Public Resources Code.

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

§ 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 Resources Code Section 42954 shall not transport 10 or more used or waste tires without having a copy of the Manifest Form in the vehicle while transporting the used or waste 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 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 waste tire hauler or exempt common carrier shall leave one copy of the completed Manifest Form showing the port terminal operator as the final destination and the motor vehicle transportation documentation with the waste tire generator that originated the shipment of used and waste tires to the port terminal.

(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 tires to an end-use facility not legally authorized to accept used or waste tires.

(e) The exempt common carrier shall not transport used or waste tires to an end-use facility not legally authorized to accept used or waste 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 tire generator or end use facility the waste tire hauler registration for the vehicle being used to transport used or waste 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 tires 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 in the vehicle transporting the used or waste tires.

(c) A vehicle may contain used or waste tires from different used or waste tire generators. Used or waste 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 tire generator, or end-use facility after the form or receipt has been completed.

(1) If the final destination is a port terminal, the waste tire hauler or exempt common carrier shall leave one copy of the completed Manifest Form showing the port terminal operator as the final destination and the motor vehicle transportation documentation with the waste tire generator that originated the shipment of used and waste tires to the port terminal.

(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 tires to an end-use facility not legally authorized to accept used or waste 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 that the Manifest Form can be completed properly.

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

(i) Those used and waste 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 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 final destination is a port terminal, the waste tire hauler or exempt common carrier shall leave one copy of the completed Manifest Form showing the port terminal operator as the final destination and the motor vehicle transportation documentation with the waste tire generator that originated the shipment of used and waste tires to the port terminal.

(b) The end-use facility may accept the used or waste 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 tires are received from a registered hauler that does not have a Manifest Form the end use facility shall complete the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CalRecycle 204) 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 and submit it to the Department within 30 days of the acceptance of 10 or more used or waste tires from a person who is not registered as a waste tire hauler unless that person 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 used or waste tires to the end-use facility.

(3) If the person is hauling more than 20 used or waste 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 CalRecycle 204 and submit the form to the Department within 30 days of the acceptance of used or waste 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 tires on the site.

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