

Chapter 3 Minimum Standards for Solid Waste Handling and Disposal

Article 5.5. Waste Tire Storage and Disposal Standards

Section 17350. Applicability.

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

(1) Waste tires stored outdoors shall comply with the technical and operational standards set forth in sections 17351 through 17354, and sections 17357 through 17359 of this Article.

(2) Waste tires stored indoors shall comply with the technical and operational standards set forth in sections 17351, 17352, 17353, and sections 17356 through 17359 of this Article.

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

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

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

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

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

Note:

Authority cited:

Section 40502, 42820, 42821, 42830, 42832, and 43020 of the [Public Resources Code](#).

Reference:

Sections 42820, 42821, 42830, 42832 and 43020 of the [Public Resources Code](#).

Section 17351. Fire Prevention Measures.

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

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

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(b) Communication equipment shall be maintained at all waste tire facilities and solid waste facilities, if they are staffed by an attendant, to ensure that the site operator can contact local fire authority in the event of fire. The telephone number of the local fire authority and location of the nearest telephone shall be posted conspicuously in attended locations.

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

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

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

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

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

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

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

(1) No open burning.

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

(3) No smoking, except in designated areas.

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

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

Note:

Authority cited:

Sections 40502, 42820, 42821, 42830, 42832, and 43020 of the [Public Resources Code](#).

Reference:

Sections 42820, 42821, 42830, 42832 and 43020 of the [Public Resources Code](#).

Section 17352. Facility Access and Security.

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

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

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

Note:

Authority cited:

Sections 40502, 42820, 42830 and 43020 of the [Public Resources Code](#).

Reference:

Sections 42820, 42821, 42830, 42832 and 43020 of the [Public Resources Code](#).

Section 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 Department concurrence at the time of issuance or review of the waste tire facility permit.

Note:

Authority cited:

Section 40502, 42820, 42830 and 43020 of the [Public Resources Code](#).

Reference:

Section 42820, 42821, 42830, 42832 and 43020 of the [Public Resources Code](#).

Section 17354. Storage of Waste Tires Outdoors.

(a) Waste tires stored outdoors shall be stored as prescribed in the subsections below, and pursuant to 6 the California Fire Code, Title 24 of the California Code of Regulations, sections 3405.1 through 3405.9, 7 which are hereby incorporated by reference.

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

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

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

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

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

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

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

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

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

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

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

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

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

Note:

Authority cited:

Section 40502, 42820, 42830 and 43020 of the [Public Resources Code](#).

Reference:

Section 42820, 42821, 42830, 42832 and 43020 of the [Public Resources Code](#).

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

(a) Waste tires may not be landfilled in a solid waste disposal facility which is permitted pursuant to Chapter 3 of Part 4 of the Public Resources Code, commencing with section 44001, unless they are permanently reduced

in volume prior to disposal by shredding, or other methods subject to solid waste Enforcement Agency approval and 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.

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

Note:

Authority cited:

Section 40502, 42820, 42830 and 43020 of the [Public Resources Code](#).

Reference:

Section 42820, 42821, 42830, 42832 and 43020 of the [Public Resources Code](#).

Section 17356. Storage of Waste Tires Indoors.

(a) Waste tires stored indoors shall be stored in the manner prescribed in the subsections below, and pursuant to the California Fire Code, Title 24 of the California Code of Regulations, sections 3201.1 8 through 3210.1, 3403.1 through 3403.4 and 3409.1, which are hereby incorporated by reference:

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

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

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

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

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

(6) Where the top of the storage of waste tires is greater than six feet in height waste tires shall be stored in accordance with the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) For purposes of determining the square footage of storage space described in subsection (a) above, the aggregate of all waste tire storage areas within a building which are designated, intended, proposed or actually used for storing waste tires at a maximum height of more than six feet shall be used, unless such areas are separated from each other by 1-hour fire barriers that have been approved by the local fire code official. Openings in 1-hour fire barriers shall be protected by opening protectives having a 1-hour fire protection rating.

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

Note:

Authority cited:

Section 40502, 42820, 42830 and 43020 of the [Public Resources Code](#).

Reference:

Section 42820, 42821, 42830, 42832 and 43020 of the [Public Resources Code](#).

Section 17357. Recordkeeping.

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

~~(b) A waste tire facility shall retain waste tire records as set forth in subsection (a) for three (3) years at the facility location. A facility described in section 18103 or section 18420.1 of Title 14 of the California Code of~~

Regulations may retain waste tire records offsite if it notifies the Department of the location where all the records are maintained. On request, a waste tire facility shall provide the records to an authorized Department representative.

Note:

Authority cited: Sections 40502, 42820, 42830 and 43020, [Public Resources Code](#).

Reference: Sections 42820, 42821, 42830, 42832 and 43020, [Public Resources Code](#).

Section 17358. Waste Tire Transportation.

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

Note:

Authority cited: Section 40502, 42820, 42830 and 43020, [Public Resources Code](#).

Reference: Sections 42820, 42821, 42830, 42832 and 43020, [Public Resources Code](#).

Section 17359. Tire Derived Product Handling.

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

- (1) The material was acquired through a purchase from a separate and distinct waste tire facility, and
 - (2) The material has been accumulated for the purpose of a larger project and does not require further reduction in size. This documentation may include contracts or bids for projects requiring the use of tire derived product.
- (b) Waste tire material shall not be considered tire derived product if the material is located on property owned or operated by the processing facility at which it was generated.
- (c) Material not meeting the requirements in subsection (a) and (b) shall be considered waste tires.

Note:

Authority cited: Section 40502, 42820, 42830 and 43020, [Public Resources Code](#).

Reference: Sections 42820, 42821, 42830, 42832 and 43020, [Public Resources Code](#).

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

Article 1. General

Section 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 Public Resources Code section 42808, unless any of the following conditions exist:

- (1) The waste tires are stored within the boundaries of, or disposed at, a permitted solid waste disposal facility or stored within the boundaries of a permitted transfer station which receives less than 150 waste tires per day averaged over a 365-day period. If waste tires are stored within the boundaries of a solid waste facility, the

permit of the solid waste facility shall conform to the requirements of Public Resources Code section 44004 and Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations, to reflect the storage of waste tires.

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

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

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

(5) (Reserved)

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

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

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

(c) Operations authorized to use the enforcement agency notification tier as prescribed by sections 18103 and 18103.1 of Title 14 of the California Code of Regulations, that stores, stockpiles, accumulates or discards 500 or more waste tires shall comply with the waste tire facility permitting requirements set forth in Division 30, Part 3, Chapter 16 of the Public Resources Code, and Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations.

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

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

Note:

Authority cited:

Sections 40502, 42820, 42830 and 42966, [Public Resources Code](#).

Reference:

Sections 42806.5, 42808, 42820, 42830, 42831, 42832, 42950, and 44014, [Public Resources Code](#).

Section 18420.1. Minor Waste Tire Collection Location.

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

(1) A permitted waste tire facility,

(2) A permitted solid waste facility,

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

(4) A Major Waste Tire Collection Location, or

~~(4)~~ (5) An operation operating pursuant to a notification requirement prescribed by sections 18103 and 18103.1 of Title 14 of the California Code of Regulations.

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

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

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

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

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

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

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

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

(7) The location is not adjacent to a parcel of property owned either in part or in its entirety by the same operator, or a principal of the corporate or limited liability company, of a permitted waste tire facility, permitted solid waste facility, facility identified in section 18420(a) of this Article, or a major collection location, attempting to operate the minor collection location.

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

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

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

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

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

Note:

Authority cited: *Section 40502, 42820, 42830 and 43020, [Public Resources Code](#).*

Reference: *Sections 42800, 42820, 42830 and 43020, [Public Resources Code](#).*

Section 18420.15. Major Waste Tire Collection Location.

(a) "Major Collection Location" or "Major Waste Tire Collection Location" means a location on which tires are being stored in collection and shall not be considered an illegal waste tire facility only if it meets all of the following:

(1) A form CalRecycle 504 Supplement (08/15), "Major Waste Tire Collection Location Closure Plan" has been incorporated into the operator's major waste tire facility permit pursuant to subsection (b), and includes the containers in which tires are placed and the area surrounding the containers.

(2) The amount of waste or used tires at any time greater than 4,999, but no more than 50,000 are temporarily placed in a fully enclosed container, on a lot identified in a form CalRecycle 504 Supplement (08/15), "Major Waste Tire Collection Location Closure Plan" that is not part of:

(i) A permitted waste tire facility,

(ii) A permitted solid waste facility,

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

(iv) A Minor Waste Tire Collection Location,

(v) A site operating pursuant to a notification requirement prescribed by sections 18103 and 18103.1 of Title 14 of the California Code of Regulations.

(3) All waste and used tires onsite shall be kept in closed and locked containers except when waste or used tires are transferred directly from one container to another so that the tires are never put on the ground or outside the confines of a container, before, during, or after transfer.

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

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

(6) Containers shall not remain onsite longer than 7 days.

(7) The total number of waste or used tires at a major collection location shall not exceed 50,000.

(8) The major collection location is not adjacent to a parcel of property owned either in part or in its entirety by the same operator, or a principal of the corporate or limited liability company, of a permitted waste tire facility, permitted solid waste facility, facility identified in section 18420(a) of this Article, or a minor collection location, attempting to operate the major collection location.

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

(b) No person shall operate a major collection location unless or until the form CalRecycle 504 Supplement (08/15), "Major Waste Tire Collection Location Closure Plan" has been incorporated into the person's major waste tire facility permit and the person has met the financial assurances and operating liability as specified in Articles 9 and 10 of this Chapter to cover the costs identified on the form CalRecycle 504 Supplement (08/15), "Major Waste Tire Collection Location Closure Plan". This CalRecycle 504 Supplement (08/15), "Major Waste Tire Collection Location Closure Plan" is incorporated herein by reference (See 14 CCR Division 7, Chapter 9, Appendix A.)

(1) A person in possession of a current, valid major waste tire facility permit at a location separate from the proposed site of the major collection location shall submit a form CalRecycle 504 Supplement (08/15), "Major

Waste Tire Collection Location Closure Plan” to the Department. The Department shall have 30 days to approve or reject the form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan”.

(2) Upon approval of the Major Waste Tire Collection Location Closure Plan, the form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan” shall become incorporated into and become part of the operator’s major waste tire facility permit. Upon surrender or revocation of the major waste tire facility permit, or any other occurrence that causes the operator’s major waste tire facility permit to cease to be valid, the location described by the form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan” shall cease to be a major waste tire collection location.

(3) Each separate major waste tire collection location shall be described in a separate form, CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan”, such that an operator of a major waste tire facility shall be required to submit multiple forms if the operator possesses or controls multiple major collection locations.

(4) The incorporation or removal of a form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan” from a major waste tire facility permit shall not be considered a substantial change pursuant to 14 CCR section 18427. Rather, incorporation or removal of a form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan” shall follow the procedure set forth in this section.

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

(d) The owner or operator of a major collection location shall notify the Department in writing of the intent to cease operations, 30 days prior to discontinuing operations. Open cessation of operations of a major waste tire collection location, the operator shall surrender form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan.”

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

(f) The Department shall notify the operator of the application for the Major Waste Tire Collection Facility of either an acceptance or a denial of the form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan” within 30 days of receipt of the submission of form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan.

(g) The Department may reject the form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan for any of the following:

(1) The form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan is not complete and correct as that term is defined in Section 18423(d).

(2) The operator of the Major Waste Tire Collection Location has not demonstrated the ability to meet the Financial Assurances as described in Subsection (e).

(3) The person submitting the form CalRecycle 504 Supplement (08/15), “Major Waste Tire Collection Location Closure Plan” is not in possession of a current, valid major waste tire facility permit.

h) The operator or owner of the Major Waste Tire Collection Location shall report any administrative change, including but not limited to, change of contact information or number of waste or used tire onsite, to the Department in writing within seven (7) days from the date of the change.

i) The requirements of Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations shall not apply to a major collection location.

j) A site shall be considered an illegal waste tire facility and not a Major Collection Location if any of the following are not met: the form CalRecycle 504 Supplement (08/15) “Major Waste Tire Collection Location

Closure Plan has not been incorporated into the permit, the financial assurances required by subsection (e) have not been met, or the requirements set forth in subsection (a) have not been met.

Article 2. Review of Permit Applications

Section 18423. Permit Application Filing.

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

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

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

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

Note:

Authority cited:

Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference:

Sections 42820, 42821, 42822, 42830, 42832 and 42833, [Public Resources Code](#) and Sections 15376 and 65943, *Government Code*.

Section 18424. Permit Application Amendments.

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

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

Note:

Authority cited:

Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference:

Sections 42820, 42821, 42822, 42830, 42832 and 42833, [Public Resources Code](#).

Article 3. Permit Issuance, Review, Revision, Revocation, Denial, Suspension, Reinstatement, Change of Owner, Operator, and/or Address

Section 18425. Permit Issuance.

(a) With the exception of subsection (d), within 180 days of accepting a complete and correct application, the

Department shall either issue a permit or deny the issuance of a permit in accordance with subsections (b) and (c), respectively, unless the applicant requests an extension of time.

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

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

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

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

Note:

Authority cited:

Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference:

Sections 42821, 42822, 42832, 42833, 42840, and 42841, [Public Resources Code](#) and Sections 15376 and 65920 through 65961 [Government Code](#).

Section 18426. Permit Review.

(a) The operator of a permitted waste tire facility shall provide the Department a copy of the most recent up-to-date fire safety plan that has been submitted to the fire code official having jurisdiction over the waste tire facility, and one of the following types of documentation, at least once every five years:

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

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

(b) The operator of a permitted waste tire facility shall submit a copy of the most recent up-to date fire safety plan submitted to the fire code official having jurisdiction over the waste tire facility, and the certification or permit revision application to the Department at least 180 days prior to five years from the date the Department last issued, or approved a revision, or reviewed a certification of the permit.

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

(d) If the Department, upon review of a certification submitted pursuant to subsection (a), determines that the waste tire facility operations continue to conform to the terms of the permit and the information in the permit application currently on file, the Department shall inform the operator of its decision within thirty (30) days of receipt of the certification.

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

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

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

Note:

Authority cited:

Sections 40502, 42820 and 42830 of the [Public Resources Code](#).

Reference:

Sections 42820, 42821, 42822, 42830, 42832, 42833, 42840, 42841, and 42843 of the [Public Resources Code](#) and Section 15376, [Government Code](#).

Section 18427. Permit Revision.

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

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

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

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

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

(e) If the Department determines that a waste tire facility administrative change requires a permit revision, it shall notify the applicant in writing within thirty (30) days of receipt of the administrative change notice.

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

Note:

Authority cited:

Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference:

Sections 21068, 21082.2, 42820, 42822, 42830 and 42833 [Public Resources Code](#) and Sections 15002, 15064, and 15382, [State CEQA Guidelines](#), Title 14, CCR.

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

(a) Owners and/or operators of a facility who plan to sell, encumber, transfer or convey the ownership or

operation of the facility or land to a new owner or operator, or who plan to change their address shall notify the Department 30 days prior to the date of the planned transaction. The new owner or operator is required to submit the following information:

- (1) Name(s) and address(es), where notice may be sent, and phone number(s) of the new owner and/or operator;
 - (2) Documentation that the new owner and/or operator meets the financial assurance and operating liability requirements, when applicable;
 - (3) A signed affidavit certifying that the owner and/or operator has read the governing permit and conditioning documents and will operate in accordance with the terms and conditions of the existing waste tire facility permit and conditioning documents and that all new information submitted is correct; and
 - (4) Amendments to the application package to reflect the change in owner and/or operator, and/or facility name.
- (b) The Department shall make the applicable administrative changes to the permit and forward the applicable pages of the permit to the permittee.

Note:

Authority cited:

Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference:

Sections 42820 and 42830, [Public Resources Code](#).

Article 3.5. Waste Tire Facility Violations and Enforcement

Section 18429. Penalty Schedule.

(a) Applicability:

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

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

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

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

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

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

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

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

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

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

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

(g) Other Waste Tire Facility Violations:

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

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

(h) Penalty Tables:

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

Table 2 - Risk Factors		
WT Facility Distance From Residential Home, Freeway/Major Road, Lake, River, Waterway or Airport	Risk Factor	
	Negligent Act	Intentional Act
More than 1 mile	0.50	1.00
Within 1 mile, but more than 1,000 feet	0.75	1.25
Within 1,000 feet	1.00	1.50

Table 3 - WT Facility: Storage and Disposal Penalties	
Violation	Penalty Range
14 CCR 17351 Fire Prevention Measures	\$500-\$5,000
14 CCR 17352 Facility Access and Security	\$500-\$5,000
14 CCR 17353 Vector Control Measures	\$500-\$5,000
14 CCR 17354 Storage of Waste Tires Outdoors	\$500-\$5,000
14 CCR 17356 Storage of Waste Tires Indoors	\$500-\$5,000

Table 4 - Permitted WT Facility: Capacity Penalties					
Violation Type/Sequence	Amount of Tires Over Permitted Capacity				
	1-4,999	5,000-9,999	10,000-19,999	20,000-49,999	50,000 or more
Negligent Act					
1st	\$ 500	\$1,000	\$1,500	\$2,000	\$3,000
2nd & subsequent	\$2,000	\$2,500	\$3,000	\$3,500	\$4,000
Intentional Act					

1st	\$1,000	\$2,000	\$3,000	\$4,000	\$6,000
2nd	\$4,000	\$5,000	\$6,000	\$7,000	\$8,000
3rd & subsequent	\$6,000	\$7,000	\$8,000	\$9,000	\$10,000

Table 5 - Permit Review Submittal Penalties

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

Table 6 - Permitted Major WT Facility: Financial Assurance Penalties

Violation	Penalty Range
14 CCR 18472 Closure Cost Estimate Adjustments	\$1,000 - \$10,000
14 CCR 18473 Acceptable Mechanisms and Combination of Mechanisms	\$1,000 - \$10,000
14 CCR 18474 Trust Fund	\$1,000 - \$10,000
14 CCR 18475 Surety Bond	\$1,000 - \$10,000
14 CCR 18476 Letter of Credit	\$1,000 - \$10,000
14 CCR 18477 Government Securities	\$1,000 - \$10,000
14 CCR 18478 Enterprise Fund	\$1,000 - \$10,000
14 CCR 18478.5 State Approved Mechanism	\$1,000 - \$10,000
14 CCR 18479 Substitution of Mechanisms by Operator	\$1,000 - \$10,000

14 CCR 18480 Bankruptcy or Other Incapacity of an Operator or Provider of Financial Assurance	\$1,000 - \$10,000
14 CCR 18481 Recordkeeping and Reporting Requirements	\$1,000 - \$10,000
14 CCR 18482 Release from Financial Assurance Requirements for Closure Costs	\$1,000 - \$10,000

Table 7 - Other WT Facility Penalties

Violation	Penalty Range
PRC 42824 Direct or Haul WTs to, or Accept WTs at, Unpermitted Major WT Facility	\$1,000 - \$10,000
PRC 42834 Direct or Haul WTs to, or Accept WTs at, Unpermitted Minor WT Facility	\$ 500 - \$ 5,000
14 CCR 18423(a) Permit Application Filing	\$ 500 - \$ 5,000
14 CCR 18427 Permit Revision (Major WT Facility)	\$1,000 - \$10,000
14 CCR 18427 Permit Revision (Minor WT Facility)	\$ 500 - \$ 5,000
14 CCR 18431.1 Permit Exemption (Exempt WT Facility)	\$ 500 - \$10,000
14 CCR 18431.2 Permit Exclusion (Excluded WT Facility)	\$ 500 - \$10,000
14 CCR 18440(a) Closure Commencement (Meet Closure Requirements)	\$ 500 - \$ 5,000
14 CCR 18440(b) Closure Commencement (Submit Updated Closure Plan)	\$ 500 - \$ 5,000
14 CCR 18440(c) Closure Commencement (Approval of Major WT Facility Closure Plan Prior to Beginning Closure)	\$1,000 - \$10,000
14 CCR 18440(d) Closure Commencement (Approval of Minor WT Facility Closure Plan Prior to Beginning Closure)	\$ 500 - \$ 5,000

14 CCR 18440(e) Closure Commencement (Immediately Begin Closure)	\$ 500 - \$ 5,000
14 CCR 18443(d) Inspection Access	\$ 500 - \$ 5,000
14 CCR 18447 Retention of Records	\$ 500 - \$ 5,000
14 CCR 18470-18482 Financial Assurance Requirements for Closure of Major WT Facility	\$1,000 - \$10,000

(i) Total Penalty Calculation:

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

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

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

Note:

Authority cited:
Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference:
Section 42825, 42835, 42850, 42852, [Public Resources Code](#).

Article 4. Permit Application, Exemption, Exclusion, and Beneficial Reuse

Section 18431. Permit Application.

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

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

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

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

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

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

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

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

(h) Applicable permits and approvals.

(i) A copy of the most recent up-to date fire safety plan submitted to the fire code official having jurisdiction over the waste tire facility.

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, Title 14, CCR, and Sections 65940 and 65941, [Government Code](#).

Section 18431.1. Permit Exemption.

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

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

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

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

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

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

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

Note:

Authority cited: Sections 40502, 42820, 42830 and 43020, [Public Resources Code](#).

Reference: Sections 42820, 42821, 42830, 42832 and 43020, [Public Resources Code](#).

Section 18431.2. Permit Exclusion.

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

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

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

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

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

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

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

Note:

Authority cited: Section 40502, 42820, 42830 and 43020, [Public Resources Code](#).

Reference: Sections 42820, 42821, 42830, 42832 and 43020, [Public Resources Code](#).

Section 18431.3. Beneficial Reuse Project.

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

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

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

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

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

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

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

(i) Has been approved by a registered civil engineer, or

(ii) Is of a type of project previously approved by the Department, such as a go-kart track or speedway, for which the Department has received general approval from a registered civil engineer. The Department shall compare the request for beneficial reuse against other projects previously approved for the same use to determine whether or not the requested beneficial reuse project would meet the standards approved by registered civil engineers in other similar projects in making a determination to grant or reject the request.

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

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

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

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

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

Note:

Authority cited: Section 40502, 43020 and 43021, [Public Resources Code](#).

Reference: Sections 40052, 42808, 43020 and 43021, [Public Resources Code](#).

Section 18432. Operation Plan.

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

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

Note:

Authority cited: Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference: Sections 41700, 42821 and 42832, [Public Resources Code](#).

Section 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 Department shall be notified of any changes to the plan within 30 days of the revision.

(b) The operator of the facility shall immediately notify the Department in the event of a fire or other emergency if that emergency has potential significant off-site effects. Within 30 days of any such emergency, the operator

shall submit to the Department a written report describing the cause(s) of the emergency, the results of actions taken, and an analysis of the success or failure of these actions.

Note:

Authority cited:

Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference:

Sections 42821 and 42832, [Public Resources Code](#).

Section 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:

Sections 42821, [Public Resources Code](#).

Article 5. Closure

Section 18440. Closure Commencement.

(a) The operator of a major or minor waste tire facility shall comply with the requirements of section 18441 of this Article when closing the waste tire facility.

(b) The operator of a major waste tire facility shall submit to the Department Board for approval an updated Closure Plan (Part B), Form CIWMB 504 (9/02) as specified in section 18442 of this Article, at least 120 days prior to the anticipated closure of the site. This time period shall not apply to facilities required to close in accordance with subsection (e).

(c) The operator of a major waste tire facility shall receive approval in writing from the Department Board of the updated Closure Plan, prior to beginning closure of the site.

(d) Operators of minor waste tire facilities shall receive written approval from the Department Board concerning the final planned disposition of waste tires prior to commencing closure. Approval shall be based upon the criteria in section 18441(a)(3) of this Article.

(e) The operator of a major or minor waste tire facility shall cease to accept waste tires and shall immediately begin closure of the site in compliance with any closure conditions established in the permit and these regulations, and shall notify the Department Board in writing upon commencement, after receiving written approval from the Department Board in accordance with subsections (c) and (d), if:

(1) The waste tire facility permit expires and renewal of the permit is not applied for, or is revoked or denied; or

(2) A Department Board order to cease operation is issued; or

(3) The operator is unable to comply with the Articles in this Chapter or Article 5.5 of Chapter 3.

Note:

Authority cited:

Sections 40502, 42820 and 42830 of the [Public Resources Code](#).

Reference:

Section 42821 and 42832, [Public Resources Code](#).

Section 18441. Closure Conditions.

(a) In closing the waste tire facility, the operator shall:

(1) Close public access to the waste tire facility;

(2) Post a notice at the entrance indicating to the public that the site is closed and the location of a site where waste tires can be deposited;

(3) Remove all waste tires and tire residues in accordance with Article 8.5 of this Chapter to a destination facility(s) approved by the Department Board in the Closure Plan. Department Board approval of destination facilities, within the state, shall be based on the following criteria:

(A) Destination facilities eligible for approval by the Department Board shall use one or more of the methods delineated in Public Resources Code section 42821(b). If waste tires are transported first to a collection facility, the operator of the closing facility shall provide documentation to the Department Board that the waste tires shall be transported from the collection facility to a destination facility approved by the Department Board, within 90 days of receipt of each shipment of waste tires from the closing facility.

(B) A Collection or destination facility shall meet the requirements of subsection (A), and the requirements associated with any of the following facility types:

(i) the facility is a solid waste disposal facility permitted in accordance with section 18420(a) of Article 1; or

(ii) the facility is a major or minor waste tire facility permitted under this Chapter; or

(iii) the facility meets at least one of the requirements of section 18420(a)(2) and (4)-(6) of Article 1 and it meets the requirements of section 18420(b) of Article 1.

(4) Remove any debris to a recycling facility or a permitted solid waste disposal site; and

(5) Notify the Department Board when the closure activities are completed and the site is ready for inspection, and furnish the Department Board with manifests and trucking receipts or other documentation that tires and tire residues have been removed from the site and disposed of properly.

(b) After receiving notification that site closure is complete, the Department Board may inspect the site. If all procedures have been completed in accordance with these regulations, and the waste tires have been transported to an approved destination facility if the waste tires were first transported to a collection facility as specified in section 18441(a) of this Article, the Department Board shall approve the closure of a major waste tire facility in writing.

Note:

Authority cited:

Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference:

Sections 42821 and 42832, [Public Resources Code](#).

Article 6. Inspection Of Waste Tire Facilities

Section 18443. Inspection.

(a) ~~The Board~~ Department or an authorized representative and/or the Enforcement Agency (EA) for the jurisdiction in which the waste tire facility is located shall inspect waste tire facilities for compliance with the applicable waste tire storage and disposal standards, and any terms and conditions specified in the waste tire facility permit.

(b) Prior to the initial issuance, certification-renewal, or revision of a major or minor waste tire facility permit ~~the Board or the EA~~ Department or an authorized representative shall inspect the facility. After the issuance of a permit, a major waste tire facility shall be inspected by the EA Department or an authorized representative at least once annually. Minor waste tire facilities shall be inspected at least once every two and a half years.

(c) ~~Reports of inspections conducted by the EA shall be submitted to the Board within 30 days of the date of inspection. If the inspection identifies a violation of the permit that is an endangerment to public health, safety or the environment, the EA shall file an inspection report within 7 days of the inspection.~~

(d) Upon presentation of proper credentials, ~~the Board or an authorized Board employee or agent~~ Department or an authorized representative, shall be allowed to enter the facility during normal working hours to examine and copy books, papers, records, or memoranda pertaining to the facility, and to conduct inspections and investigations pertaining to the facility.

Note:**Authority cited:**

Sections 40502, 42820, 42821, 42830, and 42832, [Public Resources Code](#).

Reference:

Sections 42825, 42834, 42835, 42845, [Public Resources Code](#).

Article 7. Records**Section 18447. Retention of Records.**

Copies of all records required to be kept under this Chapter shall be retained by the operator for three (3) years and shall be made available at the site during normal business hours for inspection and photocopy by any representative of the Department Board or any individual authorized by the Department Board.

Note:**Authority cited:**

Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference:

Sections 42820, 42821, 42830 and 42832, [Public Resources Code](#).

Section 18448. Certification of Records.

(a) All records, summaries or reports submitted to the Department Board as required by this Chapter shall be signed by a person responsible for preparing and reviewing such documents as part of his or her duties in the regular course of business.

(b) Any person signing a document submitted under this Chapter shall make the following certification:

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

Note:

Authority cited:

Sections 40502, 42820 and 42830, [Public Resources Code](#).

Reference:

Sections 42821, and 42832, [Public Resources Code](#).

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

Section 18449. Scope.

(a) This Article specifies the procedures for waste tire hauler registration and tire manifest system requirements for used and waste tire haulers, retreaders, used and 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](#).

Section 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 a Board and became part of (subjoined into) a new Department of Resources Recycling and Recovery (CalRecycle or Department).

(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 a Board and became part of (subjoined into) a new Department of Resources Recycling and Recovery (CalRecycle or Department).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (24) "Place of Business" means the actual physical location where waste or used tires are picked up from, delivered to, or stored.
- (25) "Port Terminal" means a wharf, bulkhead, quay, pier, dock or other berthing location, and adjacent storage areas and structures associated with primary movement of cargo or materials from vessel-to-shore or shore-to-vessel. A port terminal includes, but is not limited to:
- (A) Structures devoted to receiving, handling, holding, consolidating and loading or delivery of waterborne shipments or passengers,
 - (B) Areas devoted to maintenance of the terminal or its equipment, and
 - (C) Production or manufacturing areas, warehouses, storage facilities, and private or public businesses or entities located on or surrounded by port property.
- (26) "Registration" see "Waste Tire Hauler Registration" as defined in this section.
- (27) "Registered Vehicle Owner" means the person in whom title is vested and/or to whom the vehicle is registered with the Department of Motor Vehicles for any jurisdiction, domestic and foreign, in which the vehicle is registered.
- (28) "Retreader" means a business, person, entity, individual, sole proprietorship, co-partnership, Limited Liability Company, or corporation, who is in the business of retreading, or recapping tire casings for reuse. The retreader shall have a Manufacturer 3-Digit Identification issued by the United States Department of Transportation pursuant to Title 49, Code of Federal Regulations, Section 574.5. If the retreader is a registered waste tire hauler, they shall comply with all waste tire hauler requirements. Retreaders shall maintain for three (3) years, records of all CalRecycle forms whether currently used or documents that have been replaced by other forms.
- (29) "Revenue" is annual net income earned.
- (30) "Tire Casing" is the carcass of a reusable tire that after inspection can be retreaded, or recapped by a retreader. For purposes of this Article, each tire casing is considered to be a separate waste or used tire.
- (31) "Tire Program Identification Number" or "TPID" is a unique CalRecycle assigned number for each waste or used tire hauler, each business location from which waste or used tires are generated, and for each location where waste or used tires are transported to as an end-use facility.
- (32) "Trip" means the hauling of waste or used tires that begins with a waste tire hauler's first pick-up of waste or used tires from a generator and ends with that hauler's last delivery of waste or used tires to an end-use facility, but in no case shall a trip exceed five (5) consecutive days.
- (33) "Unregistered Hauler & Comprehensive Trip Log Substitution Form" is the form to be completed by the generator and end use facility pursuant to the requirements set forth in Sections 18461 (b) and 18462 (c). The Unregistered Hauler & Comprehensive Trip Log Substitution Form is attached hereto as Appendix A (CalRecycle 204, New 8/05) and incorporated by reference herein. (See 14 CCR Division 7, Chapter 9, Article 9.3, Appendix A.)
- (34) "Used Tire" in accordance with Public Resources Code Section 42950(k) means a tire that meets both of the following requirements:
- (A) The tire is no longer mounted on a vehicle but is still suitable for use as a vehicle tire.

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

(35) "Vehicle Description" includes the year, the model, the make of the vehicle, Vehicle Identification Number as defined in California Vehicle Code Section 671, and Vehicle License Plate Number, including state of issuance, as defined in California Vehicle Code Section 4850(a). Trailers as defined in Vehicle Code Section 630 are not eligible for registration.

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

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

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

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

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

(39) "Waste Tire Hauler Decal" or "Decal" means self-adhesive tag with a unique serial number issued annually by the Department, that the registered hauler shall affix to the inside lower right hand corner of the windshield of the vehicle for which the decal was issued.

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

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

Note:

Authority cited:

Sections 40400, 40401, 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 40110, 40400, 40401, 42950, 42951, 42952, 42954, 42955, 42956, 42958, and 42961.5, [Public Resources Code](#).

Section 18451. Applicability of these Regulations.

(a) Waste tire haulers, retreaders, 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 18452.1-18453.2.

(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 Department 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.

(d) New tires, pneumatic or solid, that have never been driven on by any vehicle, discarded tires from electric wheelchairs, and solid plastic forklift tires are not considered used or waste tires under this Chapter. All other used or waste tires including those from aircraft, motorcycles, and heavy equipment tires are subject to the requirements of this Chapter.

(e) The "beneficial use hauling of used or waste tires" is defined as using the used or waste tires as bumpers or cushions to stabilize or protect the goods or materials being transported; or where the used or waste tires are used as bumpers or cushions during the normal course of hauling. Beneficial use hauling shall not be considered used and waste tire hauling for the purposes of this Article.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42951, 42952, 42953, and 42954, [Public Resources Code](#).

Section 18452.1 Exemption Certification for Beneficial Use Hauling of Used or Waste Tires.

(a) A person wishing to qualify for an exemption from waste tire hauler registration under Sections 18451(e) shall certify in writing to the Department under penalty of perjury that they qualify for the beneficial use hauling exemption. This certification shall contain the following information:

- (1) The name of the individual and/or business.
- (2) The mailing address for the individual and/or business.
- (3) The name of the contact person.
- (4) The telephone number of the contact person.
- (5) The number of vehicles used.
- (6) The description of the business operation, including why the beneficial use exemption should be considered.
- (7) A certification statement by the operator as follows: "The undersigned certifies under penalty of perjury under the laws of the State of California that the information provided herein is true and correct."
- (8) The name and signature of the authorized agent on behalf of the business.

(9) The date of certification.

(b) Upon receipt of the certification letter, the Department will notify the applicant within 30 days if the certification for exemption is either:

(1) incomplete, and if so, what specific information is required,

(2) granted,

(3) denied, and if so, the reason(s) for denial.

(c) If the beneficial uses hauling exemption is granted, the Department shall issue a non-transferable Beneficial Use Hauling exemption letter to be carried in the vehicle(s) used to transport the used or waste tires. This document may be issued for a period of up to five years on a case by case basis. Failure to have a copy of this Exemption Letter in possession while transporting used and waste tires may subject the hauler to citation for unregistered used and waste tire hauling by local law enforcement and/or civil or administrative penalties by the Department.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Section 42954, [Public Resources Code](#).

Section 18453. Exemption Certification for Agricultural Purposes or Common Carrier.

(a) A person wishing to qualify for an exemption from waste tire hauler registration under Public Resources Code Section 42954 (a)(5) and 42954 (a)(6) shall complete and submit the Application for Agricultural/Common Carrier Exemption Letter, (CalRecycle 241, 01/08) which is attached hereto as Appendix A and incorporated by reference herein, to the Department under penalty of perjury to qualify for an exemption from registration as a waste tire hauler for agricultural purposes or as a Common Carrier.

(b) Upon receipt of the Application for Agricultural/Common Carrier Exemption Letter (CalRecycle 241), the Department will notify the applicant within 30 days if the certification for exemption is either:

(1) incomplete, and if so, what specific information is required.

(2) granted

(3) denied, and if so, the reason(s) for denial.

(c) If the agricultural purposes exemption or common carrier exemption is granted, the Department shall issue a non-transferable exemption document to be carried in the vehicle(s) used to transport the used or waste tires.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Section 42954, [Public Resources Code](#).

18453.1. Cost to Receive an Exemption from Waste Tire Hauler Registration.

No fee is to be paid to the Department ~~Board~~ to certify an exemption from waste tire hauler registration.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Section 42954, [Public Resources Code](#).

Section 18453.2. Valid Agricultural and Common Carrier Exemption Period and Renewal.

(a) An exemption as described under Public Resources Code Sections 42954 (a)(5) and 42954 (a)(6) shall be valid up to five years from the date of approval provided that the information 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 Sections 42954 (a)(5) or (a)(6) of the Public Resources Code shall renew the certification by submitting an application to the Department in accordance with the requirements in Section 18453.

(c) All exemption applications shall be submitted 45 days prior to the expiration date. Renewed exemptions are valid for up to five years.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Section 42954, [Public Resources Code](#).

Section 18454. Waste Tire Hauler Initial Registration.

(a) Any person hauling 10 or more used or waste tires shall apply for a waste tire hauler registration, unless exempt pursuant to Section 18451, by submitting to the Department a completed original form CalRecycle 60 (1/08) "Waste Tire Hauler Registration Application," which is attached hereto as Appendix A (CalRecycle 60, 1/08) and incorporated by reference herein and form CIWMB 61 "Waste Tire Hauler Bond" (1/08), which is attached hereto as Appendix A (CIWMB 61, 1/08) and incorporated by reference herein.

(1) For purposes of Public Resources Code Section 42960, it is presumed that any person transporting used or waste tires under a valid registration issued by the Department is an agent of the registered waste tire hauler.

(b) An application may be submitted at any time.

(c) The initial waste tire hauler registration is valid from the date of issuance to January 1 of the following year.

(d) The waste tire hauler is not authorized to haul used or waste tires after the January 1 expiration date unless the waste tire hauler has applied to renew the waste tire hauler registration prior to expiration and has received the Department issued renewal registration card(s) and vehicle decal(s).

(e) There is no fee paid to the Department to apply for an initial waste tire hauler registration.

(f) The registration card and/or decal issued to a specific vehicle are not transferable from vehicle to vehicle. They shall be present in the vehicle to which they were issued.

(g) A used or waste tire hauler registration is not transferable by the person to whom it was issued to any other person.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42951, 42952, 42954, 42955, 42956, and 42958, [Public Resources Code](#).

Section 18455. Waste Tire Hauler Renewal Registration.

(a) Any person may apply for renewal of a waste tire hauler registration by submitting to the Department a new completed form CalRecycle 60. If the waste tire hauler bond has expired or has been cancelled, a new bond must also be submitted with the renewal application.

(b) All renewed waste tire hauler registrations expire annually on January 1.

(c) The waste tire hauler who wishes to continue to operate as a waste tire hauler shall submit an application for a renewed waste tire hauler registration. This application shall be received by the Department no later than 45 days prior to the January 1 expiration date.

(d) The waste tire hauler is not authorized to haul used or waste tires after the January 1 expiration date unless the waste tire hauler has applied to renew the waste tire hauler registration prior to expiration and has received Department issued renewal registration card(s) and vehicle decal(s).

(e) There is no fee paid to the Department to apply for a renewed waste tire hauler registration.

(f) The registration card and/or decal issued to a specific vehicle are not transferable from vehicle to vehicle. They shall be present in the vehicle to which they were issued.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42955, 42956, and 42958, [Public Resources Code](#).

Section 18456. Waste Tire Hauler Registration Application.

(a) Copies of form CalRecycle 60 and CIWMB 61 can be obtained by contacting the Department of Resources Recycling and Recovery (CalRecycle), Tire Hauler Compliance Section, Compliance Evaluation and Enforcement Division, P.O. Box 4025, Sacramento, CA 95812 or accessing the Department of Resources Recycling and Recovery (CalRecycle) website located at www.calrecycle.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](#).

Section 18456.1. Waste Tire Hauler Surety Bond Application Process.

(a) The initial application shall be accompanied by an original surety bond in the amount of \$10,000 on behalf of the business owner in favor of the State of California ("surety bond"). The surety bond shall be completed by the insurance agent or bonding agent on form CIWMB 61. The surety bond shall be issued in the business name of the business owner as it appears on the application for registration as a waste tire hauler. The surety bond must be signed by a representative of the applicant.

(b) The surety bond shall remain in full force and effect during all registration periods. Failure to maintain an adequate bond pursuant to Public Resources Code Section 42955(d), shall result in automatic cancellation of the waste tire hauler registration. The cancelled registration may be reinstated by the Department when a new surety bond is posted.

(c) The surety company shall be licensed by the California Department of Insurance to transact the business of surety bonding in the State of California as an admitted insurance carrier.

(d) If coverage is not available as specified in Subsection (c) above, the waste tire hauler may seek coverage by a surety which, at a minimum, shall be eligible to provide surety bonds as an excess or surplus lines surety in California.

(e) If coverage is obtained as described in Subsection (d), the surety shall be transacted by and through a surplus line broker currently licensed under the regulations of the California Department of Insurance and upon the terms and conditions prescribed in the California Insurance Code (CIC), Division 1, Part 2, Chapter 6.

(f) The Department or its designee may reasonably object to the use of any surety at anytime, whether before or after placement of coverage based on information obtained from, but not limited to, the Surplus Line Association of California, Best's Insurance Reports, and/or the Non-Admitted Insurers Quarterly List.

(g) The surety company shall become liable under the terms of the bond if the Department determines that the waste tire hauler has failed to comply with the provisions of Public Resources Code Section 42950 et. seq. or these regulations. The registered waste tire hauler is jointly and severally liable for the bond amount and any penalties, clean-up costs, or judgments resulting from hauling activities in violation of the Public Resources Code that exceed the bond amount.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42951, 42952, 42955, 42956 and 42958, [Public Resources Code](#).

Section 18456.2. Waste Tire Hauler Registration Process.

(a) The Department shall inform an applicant in writing within 30 days from date of receipt that the application is any of the following:

- (1) incomplete and what specific information is required to complete the application;
- (2) complete and approved with registration documents and vehicle decals;
- (3) denied and the reason(s) for denial pursuant to the Public Resources Code Section 42960.

(b) Upon approval of the initial or renewal application, the Department will provide proof of registration in the form of decals and registration cards to the waste tire hauler. The Department will issue a waste tire hauler registration card and decal for each vehicle identified in the application. The registration card shall be carried in the corresponding vehicle. The decal shall be permanently affixed to the common passenger side, inside lower right hand corner of the windshield before hauling tires for that calendar year.

(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) All drivers of registered used or waste tire hauler vehicles shall maintain a valid driver's license. The use of unlicensed drivers is grounds for discipline against the used or waste tire hauler registration.

(e) All registered used or waste tire hauler vehicles shall maintain a current Department of Motor Vehicles registration. The use of a motor vehicle that does not have a valid motor vehicles registration is grounds for discipline against the used or waste tire hauler registration.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42951, 42952, 42955, 42956, 42958, and 42961, [Public Resources Code](#).

Section 18456.3. Changes In Information Provided or Lost Registration Documents.

(a) The waste tire hauler shall file a supplemental application to add or remove vehicle(s) on form CalRecycle 60. The application shall be filed and approved by the Department before a vehicle is allowed to haul used or waste tires.

(b) The Department shall inform the applicant in writing within 30 days that the application for an added vehicle is any of the following:

- (1) incomplete and what specific information is required to complete the application;
- (2) complete with registration document(s) and vehicle decal(s).
- (3) denied and the reason(s) for denial.

(c) In the event of a change in ownership of the waste tire hauler business:

- (1) The owner shall notify the Department in writing 45 days prior to the change in ownership.
- (2) The new owner shall apply for and obtain a waste tire hauler registration in accordance with Section 18454.
- (3) The new owner may begin hauling used or waste tires when he/she has received the registration documents and vehicle decal(s) from the Department.
- (4) The Department will process the change in ownership in accordance with Section 18456.2.
- (5) Registrations are nontransferable.

(d) Every registered waste tire hauler shall notify the Department on a form CalRecycle 60 of any change in the business name, business owner, facility address, mailing address, phone number, or vehicle ownership. Notice shall be given no more than ten (10) days after the change.

(e) The registered waste tire hauler shall submit a renewal application for any vehicle(s) for which decal(s) or registration(s) documents were lost. The Department will process the application as a renewal application under Section 18455.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42951, 42952, 42955, 42956, and 42958, [Public Resources Code](#).

Section 18456.4. Temporary Registration of Alternate Vehicles.

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

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

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

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

(d) Upon request by the Department or an authorized representative of the Department, the hauler shall immediately surrender the certificate by mail, or by hand-delivery, to Department staff or the authorized representative, 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](#).

Section 18457. Waste Tire Hauler Registration Denial, Suspension, and Revocation.

(a) The Department may deny, suspend or revoke a waste tire hauler registration for the following grounds:

(1) Failure to maintain a surety bond as required by Section 18455, and for the reasons stated in Public Resources Code Section 42960.

(2) Failure to pay a civil or administrative penalty imposed by the Department in accordance with the terms of the Department's Decision for a violation of Chapter 16 of Part 3 of Division 30 (waste tire storage laws) or Chapter 19 of Part 3 of Division 30 of the Public Resources Code (used and waste tire hauler laws) or this Chapter 6 of Title 14 of the California Code of Regulations.

(3) The hauler has violated federal, state, or local laws as determined in a final decision by the federal, state, or local agency responsible for enforcing those laws, and the violation(s) is related to health, safety, or environmental concerns of the violator's waste tire hauler business.

(b) The Department may deny, suspend or revoke a waste tire hauler registration pursuant to Public Resources Code Section 42960. ~~The Department may deny an application of a new or renewed waste tire hauler registration by issuing a statement of issues in accordance with Government Code Section 11504.~~ The denial is effective upon issuance of the statement of issues by the Department and can be overturned upon a decision by the Department.

(c) Upon suspension or revocation of the waste tire hauler registration, the waste tire hauler shall immediately return the decal(s) and registration card(s) to the Department.

(d) The waste tire hauler shall not transport used or waste tires, nor own, operate, or be an officer of a waste tire hauling business entity or corporation during the period of suspension or revocation. Any hauling of used and waste tires during the period of suspension or revocation will be a cause for denial, suspension, or revocation of the registration, and may subject the waste tire hauler to civil penalties pursuant to this chapter, and/or criminal penalties pursuant to the California Vehicle Code Section 31560.

(e) During the period of time for which a waste tire hauler's registration has been denied, suspended or revoked, neither the waste tire hauler, nor the waste tire hauler's vehicles, may be added to another waste tire hauler's registration. In addition, if the denial, suspension or revocation was the result of a particular driver's actions, neither that driver, nor that driver's vehicles, may be added to another waste tire hauler's registration.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42951, 42952, 42955, 42960, and 42961, [Public Resources Code](#).

Section 18458. Request for Hearing of Denial, Suspension, or Revocation of Waste Tire Hauler Registration.

~~(a) If the Board refuses to issue or renew (denies) a registration, or suspends, or revokes a waste tire hauler registration pursuant to Public Resources Code Section 42960, the waste tire hauler may appeal that decision and request a hearing in writing accordance with Government Code Sections 11505 to 11519. The request for a hearing must be in writing and received by the CIWMB Legal Office at P.O. Box 4025, Sacramento, CA 95812, within 30 days after receipt of the denial, suspension, or revocation. The Board shall consider the original application, the reasons for denial, and any additional relevant information presented by the applicant. This decision shall be the final decision by the Board.~~

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42951, 42952, 42955, 42960, and 42961, [Public Resources Code](#)

Section 18459. Waste Tire Manifest System Requirements.

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

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

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

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

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

(2) waste or used tire generator;

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

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

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

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

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

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

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

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42950, 42951, 42952, 42953, 42954, 42961.5, and 42962, [Public Resources Code](#).

Section 18459.1. Tire Program Identification Number.

(a) On or after July 1, 2003, every waste tire generator shall apply for and obtain a CalRecycle assigned Tire Program Identification Number for each location from which used or waste tires are generated and transported from. Each separate business location shall be assigned a unique site specific Tire Program Identification Number. The Department shall issue a Tire Program Identification Number certificate for each location, which shall be posted by the operator in a conspicuous place.

(b) On or after July 1, 2003, every end-use facility shall apply for and obtain a CalRecycle issued Tire Program Identification Number for each location where used or waste tires are accepted. Each separate business location shall be assigned a unique site specific Tire Program Identification Number.

(c) Every waste tire hauler shall be assigned a CalRecycle issued Tire Program Identification Number, if not already assigned, at the time of registration.

(d) Every waste tire generator, or end-use facility shall submit written notification to the Department upon any change of business operator or owner, business name, business address, or mailing 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 Department in lieu of the required Comprehensive Trip Log requirements with the following provisions:

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

(2) The business shall be in good standing with the Department and have no final administrative, civil, or criminal actions taken by the Department 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, 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 functionally equivalent form, once approved by the Department, in lieu of the Department required form.

(b) The Department 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 Department, or its representative in the application for the Electronic Data Transfer/Web Based Data Entry Program 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](#).

Section 18459.2.1. Submittal of the Manifest Form to the Department.

As provided in this section, the Manifest Form as defined in Section 18450 of this Article shall be submitted to the Department by the waste tire hauler.

(a) The waste tire hauler shall submit the completed original CTL Form to the Department within ninety (90) days of the load shipment. The Manifest Form shall be in the waste tire hauler's possession while transporting used or waste tires and 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.

(b) If approved by the Department pursuant to Public Resources Code Section 42961.5, any person that is subject to the requirements set forth in above (a) may substitute their own functionally equivalent EDT form, once approved by the Department, in lieu of the Department required form and submit an electronic report within ninety (90) days of the load shipment to the Department, in lieu of submitting the required paper form pursuant to Section 18459.1.2. The electronic report shall include all information required to be on the CTL Form.

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, [Public Resources Code](#).

Section 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.

(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](#).

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

(a) As provided in Section 18459(b), the agricultural exempt waste tire hauler 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. The Manifest Form shall be shown upon demand to any representative of the Department, 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 Department.

(b) The agricultural exempt waste tire hauler 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.

(c) The agricultural exempt waste tire hauler shall submit the completed Manifest Form to the Department within ninety (90) days of the load shipment. The Manifest Form shall contain the signature of the agricultural exempt waste tire hauler representative.

(d) The agricultural exempt waste tire hauler may destroy the "hauler" copy of the Manifest Form 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 Department and provide the name of the company, name of the person, and phone number of a waste tire generator, or end-use facility who does not provide the required information to the agricultural exempt waste tire hauler 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](#).

Section 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 waste or used tires without having a copy of the Manifest Form in the vehicle while transporting the waste or used tires.

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

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

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

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

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

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

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

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

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

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42951, 42954, and 42961.5, [Public Resources Code](#).

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

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

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

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

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

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

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

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

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

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

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

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

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42951, 42954, 42956, and 42961.5, [Public Resources Code](#).

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

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

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

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

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

(1) If waste or used 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, New 8/05) within 48 hours of the tire delivery and submit the CalRecycle 204 form to the Department within 90 days.

(2) The end-use facility shall complete the CalRecycle 204 (New 8/05) and submit it to the Department within 30 days of the acceptance of 10 or more waste or used tires from a person who is not registered as a waste tire hauler unless that person has written authorization by the Solid Waste 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.

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

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

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

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42950, 42951, 42953, 42961.5 and 42962, [Public Resources Code](#).

Section 18462. Manifest System Requirements for Waste Tire Generators.

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

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

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

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

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

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

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

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

Note:

Authority cited:

Sections 40502, 42966, and 43020, [Public Resources Code](#).

Reference:

Sections 42950, 42951, 42952, 42953, 42954, 42961.5, and 42962, [Public Resources Code](#).

Section 18463. Civil Penalties.

Any 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 Department 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, Manifest Form, Unregistered Hauler & Comprehensive Trip Log Substitution Form, or in information regarding these matters subsequently reported to the Department.

(e) In addition to liability for a civil penalty, the Department 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, 42962, 42966, and 43020, [Public Resources Code](#).

Reference:

Section 42950, 42951, 42952, 42953, 42961.5, and 42962, [Public Resources Code](#).

Section 18464. Amount of Civil Penalties and Administrative Penalty Schedule

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

(1) For used and waste 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 used and waste 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) For administrative hearings held pursuant to Public Resources Code Sections 42960 and 42962, a person waives the right to a hearing when that person fails to submit to the Department a Notice of Defense pursuant to Government Code section 11506 or CalRecycle Request for Hearing form within 15 days of service of the administrative complaint on that person.

Note:

Authority cited:

Sections 40502, 42962, 42966, and 43020, *Public Resources Code*.

Reference:

Sections 42960 and 42962, *Public Resources Code*; and Section 11506, *Government Code*.

Section 18465. Criteria to Impose a Civil Penalty

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

- (1) The nature, circumstances, extent, and gravity of the violation.
- (2) Evidence that the violation was willful or negligent.
- (3) The good or bad faith exhibited by the party.
- (4) History of violation of the same or similar nature.
- (5) The extent to which the party has cooperated with the Department Board in remediating the violation.
- (6) The extent that the party has mitigated or attempted to mitigate any damage or injury caused by his or her violation.
- (7) Evidence of any financial gain resulting from the violation.
- (8) Such other matters as justice may require.

Note:

Authority cited:

Sections 40502, 42962, and 43020, Public Resources Code.

Reference:

Sections 42962, Public Resources Code.

Section 18466. Procedure for Imposing Civil Penalties.

~~(a) Civil Penalties may be administratively imposed in accordance with the procedures outlined in the Administrative Procedure Act at Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code with the exception of Government Code Section 11505(c).~~

~~(b) The accusation or complaint and all accompanying documents may be served on the respondent by the following means:~~

~~(1) Personal service.~~

~~(2) Substitute service by using the same service procedures as described in Section 415.20 of the Code of Civil Procedure.~~

~~(3) Certified Mail: For respondents who are registered waste or used tire haulers, certified mail or registered mail if the letter containing the accusation or complaint and accompanying material is mailed, addressed to the respondent at the latest facility or mailing address(es) provided in the current year's waste tire hauler registration application (form CalRecycle 60) on file with the Department. Any address provided on the current year's waste tire hauler registration application may be used for service of process against a waste or used tire hauler, even if that hauler's actions occur while in the role of a waste tire generator or waste tire end-use facility. Proof of service of the accusation or complaint shall be the certified mail receipts or registered mail receipts proving the accusation or complaint and accompanying materials were sent to respondent by certified mail or registered mail. For respondents who are unregistered used or waste tire haulers, generators and end use facilities that do not provide a current year's waste tire hauler registration application to the Department, certified mail or registered mail pursuant to the procedures indicated in the Administrative Procedure Act at Section 11505(c) of the Government Code applies.~~

(c) 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, 42962, 42966 and 43020, [Public Resources Code](#).

Reference:

Sections 11500, Government Code; and Section 42962, [Public Resources Code](#).

Article 9. Financial Assurance Requirements for Closure of A Major Waste Tire Facility

Section 18470. Scope and Applicability.

(a) This Article requires operators of major waste tire facilities to demonstrate adequate financial ability to conduct closure activities.

(b) Operators of all major waste tire facilities, except state and federal operators, shall comply with the requirements of this Article upon application for issuance of a major waste tire facilities permit pursuant to Chapter 6, Article 1, section 18420.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18471. Definitions.

(a) When used in this Article, the following terms shall have the meanings given below:

(1) "Current Closure Cost Estimate" means the most recent estimate prepared in accordance with Chapter 6, Article 6, section 18442.

(2) "Depository Trust Fund" means the fund established in conjunction with a surety bond or letter of credit and that meets the requirements of section 18474 of this Article.

(3) "Enterprise Fund" means a fund established to account for the financing of self-supporting activities of a government unit that renders services on a user-fee basis.

(4) "Government Securities" means financial obligations issued by a federal, state or local government, including general obligation bonds, revenue bonds, and certificates of participation.

(5) "Letter of Credit" means a contract by which the issuing institution promises to extend credit on behalf of an operator to the ~~Department~~ Board or its designee, on presentation of the mechanism in accordance with its terms.

(6) "Provider of financial assurance" means an entity, other than an operator, that provides financial assurance to an operator of a major waste tire facility, including but not limited to a trustee, an institution issuing a letter of credit, or a surety company.

(7) "Surety Bond" means a contract by which a surety company promises that, if the operator fails to perform required closure activities, the surety company will be liable for the operator's responsibilities as specified by the bond.

(8) "Trust fund" means a contract by which the operator transfers assets to a trustee to hold, on behalf of the Department Board or its designee, to pay closure costs.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18472. Closure Cost Estimate Adjustments.

(a) An operator shall increase the closure cost estimate when changes to the closure plan increase the cost of closure.

(b) An operator may reduce the closure cost estimate when changes to the closure plan decrease the cost of closure. The request for reduction shall be submitted with an application for renewal or revision of the permit for approval by the Department Board or its designee.

(c) Each year, an operator shall submit to the Department Board or its designee, a report calculating the increase in the closure cost estimate due to the inflation factor for the previous calendar year. The inflation factor is derived from the annual Implicit Price Deflator for Gross National Product as published annually by the U.S. Department of Commerce, in its Survey of Current Business. The inflation factor is the result of dividing the latest annual published deflator by the deflator for the previous year. The operator shall adjust the closure cost estimate for inflation within 60 days of the anniversary date of the establishment of the financial mechanism for closure costs. The operator shall increase the monetary amount of the financial mechanism based on this inflation factor.

(d) The mechanism(s) used to demonstrate financial responsibility shall be updated, no more than 60 days after a change in the amount of the current closure cost estimate covered by the mechanism(s).

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18473. Acceptable Mechanisms and Combination of Mechanisms.

(a) Subject to the limitation of subsection (c) of this section, an operator shall use any one or any combination of the mechanisms specified which are defined in the following sections of this Article:

- (1) Section 18474, Trust Fund
- (2) Section 18475, Surety Bond
- (3) Section 18476, Letter of Credit
- (4) Section 18477, Government Securities
- (5) Section 18478, Enterprise Fund

(6) Section 18478.5 State Approved Mechanism

(b) If a combination of mechanisms are used, the operator shall designate one mechanism as "primary" and all others as "excess" coverage.

(c) If an operator uses a trust fund in combination with a surety bond or letter of credit, the trust fund may be used as the depository trust fund for the other mechanisms.

(d) An operator shall not combine a performance bond with any other mechanism(s).

Note:

Authority cited:

Section 40502, 42820, [Public Resources Code](#).

Reference:

Section 42821, [Public Resources Code](#).

Section 18474. Trust Fund.

(a) An operator may establish a trust fund to meet the requirements of this Article. The trust agreement shall be submitted to the Department Board Board or its designee as an originally signed duplicate. The trustee shall be an entity which has the authority to act as a trustee, and whose trust operations are regulated and examined by a federal or state agency.

(b) The trust agreement shall be worded as specified by using form CIWMB 140 "Trust Agreement" (12/91) which is incorporated herein by reference; and also shall contain the original signature of the grantor and the trustee. (See Appendix A.)

(c) The initial deposit to the trust fund shall be at least equal to the current closure cost estimate.

(d) If the value of the fund is at any time less than the amount of the current estimate, the operator shall either deposit an amount into the fund so that the value of the fund at least equals the amount of the current closure cost estimate, or obtain other financial assurance, as specified in this Article, to cover the difference.

(e) If at any time, the value of the trust fund plus the amount of coverage demonstrated by other mechanisms is greater than the closure cost estimate based on the maximum quantity of waste tires permitted for storage, the operator may request in writing that the Department Board or its designee authorize the release of the excess funds. After receiving such a request, the Department Board or its designee shall review the request and, if any excess funds are verified, shall instruct the trustee to release the funds.

(f) After the Department Board or its designee has approved final closure, an operator or any other person authorized by the Department Board to perform closure, may request reimbursement for closure expenditures by submitting to the Department Board for review, documentation of those expenditures, including but not limited to tire receipts. After receiving the documentation for closure activities, the Department Board or its designee shall determine whether the closure expenditures are in accordance with the closure plan or otherwise justified. After the Department Board or its designee has approved final closure, the Department Board or its designee shall instruct the trustee, in writing, to reimburse the fund to the grantor.

(g) The Department Board or its designee shall agree to termination of the trust when:

(1) An operator substitutes alternate financial assurance as specified in section 18479 of this Article; or

(2) The Department Board or its designee releases the operator from the requirements of this Article in accordance with section 18482.

Note:

Authority cited:

Section 40502, 42820, [Public Resources Code](#).

Reference:

Section 42821, [Public Resources Code](#).

Section 18475. Surety Bond.

(a) An operator may establish a surety bond to meet the requirements of this Article. The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on federal bonds in the most recent issuance of Circular 570 of the U.S. Department of the Treasury.

(b) The surety bond shall be worded as specified by using one of the following forms which are incorporated by reference;

(1) Form CIWMB 141 (1/92) " Performance Bond," which is incorporated herein by reference, for a surety bond guaranteeing performance (See Appendix A.); or

(2) Form CIWMB 142 (1/92) "Financial Guarantee Bond," which is incorporated herein by reference, for a surety bond guaranteeing payment. (See Appendix A.)

(c) An operator who uses a surety bond to satisfy the requirements of this Article, or the surety who issues the bond, shall also establish a depository trust fund which meets the requirements of section 18474 of this Article if:

(1) An operator fails to demonstrate alternate financial assurance within 60 days after receiving notice of cancellation of the mechanism;

(2) An operator fails to perform closure in accordance with the applicable approved closure plan and permit requirements when required to do so by the Department Board or its designee; or

(3) A surety fails to perform such activities on behalf of the operator. This applies to the performance bond only.

(d) Under the terms of the bond, all payments made from the bond shall be deposited by the surety directly into the depository trust fund.

(e) A surety company shall become liable under the terms of the bond, if the Department Board or its designee determines that the operator has failed to perform closure as guaranteed by the bond.

(f) Under the terms of the bond, a surety may cancel the bond by sending notice of cancellation by certified mail to the operator and the Department Board or its designee. Cancellation shall not take effect until 120 days after the date of receipt of the notice of cancellation by both the operator and the Department Board or its designee, as evidenced by the return receipts.

(g) An operator may cancel a bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization from the Department Board or its designee to terminate the bond.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18476. Letter of Credit.

(a) An operator may establish a letter of credit to meet the requirements of this section. The issuing institution shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

(b) The letter of credit shall be worded as specified by using form CIWMB 143 "Irrevocable Letter of Credit for closure Costs" (12/91) which is incorporated herein by reference. (See Appendix A.)

(c) The letter of credit shall be accompanied by a letter from the operator identifying the number, issuing institution, and date of issuance of the letter of credit; and the name, address, facility number, and amount of funds assured by the letter of credit for closure for each major waste tire facility.

(d) An operator who uses a letter of credit to satisfy the requirements of this Article or the issuing institution shall also establish a depository trust fund which meets the requirements of section 18474 of this Article if:

(1) An operator fails to demonstrate alternate financial assurance within 60 days after receiving notice of cancellation of the mechanism; or

(2) An operator fails to perform closure in accordance with the applicable approved closure plan and permit requirements when required to do so by the Department Board or its designee.

(e) Under the terms of the letter of credit, all payments made from the letter of credit shall be deposited by the financial institution issuing the letter of credit, directly into the depository trust fund.

(f) The letter of credit shall:

(1) Be irrevocable and issued for a period of at least one year; and

(2) Provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the operator and the Department Board or its designee by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days shall begin on the date when both the operator and the Department Board or its designee have received the notice, as evidenced by the return receipts.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18477. Government Securities.

(a) Government securities may be used to cover closure costs only for major waste tire facilities operated by government agencies.

(b) The terms of issuance of government securities shall specify that proceeds from the sale of the securities shall be deposited into a financial assurance mechanism that meets the requirements of Section 18478(d) of this Article.

(c) The securities shall have been issued and the proceeds deposited into the financial assurance mechanism that provides equivalent protection to a trust fund by meeting the following requirements:

- (1) Proceeds from the sale of securities shall be used exclusively to pay for closure activities;
- (2) The financial operations of the provider of the financial assurance are regulated by a federal or state agency, or the provider is otherwise certain to maintain and disburse the assured funds properly;
- (3) If the provider of financial assurance has authority to invest revenue deposited into the mechanism, the provider shall exercise investment discretion similar to a trustee; and
- (4) The mechanism meets other requirements that the Department Board determines are necessary to ensure that the assured funds shall be available in a timely manner.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18478. Enterprise Fund.

- (a) The enterprise fund may be used to cover closure costs only for major waste tire facilities operated by government agencies.
- (b) The enterprise fund shall dedicate its revenue exclusively or with exclusive first priority to financing closure activities.
- (c) The enterprise fund shall be established and the documents shall be worded as specified by using form CIWMB 144 "Enterprise Fund for Financial Assurances" (3/92), which is incorporated herein by reference. (See Appendix A.) The wording, however, may be modified to accommodate special circumstances on a case-by-case basis, as approved by the Department Board or its designee.
- (d) Revenue generated by an enterprise fund shall be deposited into a financial assurance mechanism which:
 - (1) Provides equivalent protection to a trust fund as described in section 18474 of this Article;
 - (2) Shall be funded within five years as described in Section 18474 of this Article;
 - (3) Is used exclusively to finance closure activities and shall remain inviolate against all other claims, including any claims by the operator, the operator's governing body, and the creditors of the operator and its governing body;
 - (4) Authorizes the Department Board or its designee to direct the provider of financial assurance to pay closure costs if the Department Board or its designee determines that the operator has failed to perform closure activities covered by the mechanism;
 - (5) Is maintained by a provider whose financial operations are regulated by a federal or state agency, or the provider is otherwise certain to maintain and disburse the assured funds properly;
 - (6) Is maintained by a provider who has authority to invest revenue deposited into the mechanism. The provider shall exercise investment discretion similar to a trustee; and
 - (7) Meets other requirements that the Department Board determines are necessary to ensure that the assured amount of funds shall be available for closure activities in a timely manner.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18478.5 State Approved Mechanism.

(a) An operator may satisfy the requirements of this Chapter by obtaining any other mechanism that meets the following criteria, and that is approved by the Department Board.

(1) The financial assurance mechanism(s) must ensure that the amount of funds assured is sufficient to cover the costs assured when needed;

(2) The financial assurance mechanism(s) must ensure that the funds will be available in a timely fashion when needed;

(3) The financial assurance mechanism(s) must be obtained by the operator before the first waste is received at a new facility and before any other financial mechanism is cancelled at existing facilities. The financial mechanism must be maintained until the operator is released from the financial assurance requirements under this Chapter.

(4) The financial assurance mechanism(s) must be legally valid, binding, and enforceable under the California and Federal law.

Note:

Authority cited:

Section 40502 and 42820, [Public Resources Code](#).

Reference:

Section 40502 and 42821, [Public Resources Code](#).

Section 18479. Substitution of Mechanisms by Operator.

(a) An operator may substitute any alternate financial assurance mechanism(s) acceptable to the Department Board or its designee as specified in this Article, provided that at all times the operator maintains an effective mechanism or combination of mechanisms that satisfies the requirements of section 18473 of this Article, and informs the Department Board of such substitution.

(b) After obtaining alternate financial assurance, an operator may request that the Department Board or its designee terminate or authorize the termination of a financial assurance mechanism. The operator shall submit such a request in writing with evidence of alternate financial assurance.

(c) Following written approval by the Department Board or its designee, the operator may cancel a financial assurance mechanism by giving notice to the provider of financial assurance.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18480. Bankruptcy or Other Incapacity of an Operator or Provider of Financial Assurance.

(a) Within 10 days after commencement of a voluntary or involuntary proceeding under the Bankruptcy Code, Title 11, U.S.C. sections 101-1330 in which:

(1) The operator is named as debtor. The operator shall notify the Department Board or its designee by certified mail of such commencement.

(2) A provider of financial assurance is named as debtor, such provider shall notify the operator and the Department Board or its designee by certified mail of such commencement.

(b) An operator shall be deemed to be without the financial assurances in the event of bankruptcy of its provider, or in the event of a suspension or revocation of the authority of the provider to issue such coverage. If such an event occurs, the operator shall demonstrate, to the Department Board or its designee, alternate coverage as specified in this Article within 60 days after receiving notice of the event. If the operator fails to obtain alternate coverage within 60 days, the operator shall notify the Department Board or its designee within 10 days of such failure.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18481. Recordkeeping and Reporting Requirements.

(a) An operator shall maintain evidence of all financial assurance mechanisms until the operator is released from the requirements of this Article, as specified in section 18482. This evidence shall be maintained at each major waste tire facility, whenever possible, or at an alternate, designated location approved by the Department Board or its designee and which is accessible to the operator, and available for the Department Board or its designee to review.

(b) An operator shall maintain the following types of evidence of financial assurance:

(1) Trust Fund. An operator using a trust fund shall maintain a copy of the trust agreement and statements verifying the current balance of the fund.

(2) Surety Bond. An operator using a surety bond shall maintain a copy of the bond and any amendments to the bond.

(3) Letter of Credit. An operator using a letter of credit shall maintain a copy of the letter of credit and any amendments to the letter of credit.

(4) Government Securities. An operator using government securities shall maintain a copy of the following:

(A) All official resolutions, forms, letters or other pertinent documents generated to issue the securities;

(B) The terms of issuance of the securities; and

(C) With respect to the financial assurance mechanism into which proceeds from the issuance are deposited, the information listed in subsection (5)(C)1., 2., and 3. of this section.

(5) Enterprise Fund. An operator using an enterprise fund shall maintain a copy of the following:

- (A) All official resolutions, forms, letters, or other pertinent documents generated to establish the fund;
- (B) The annual financial statements of the fund; and
- (C) With respect to the financial assurance mechanism into which enterprise fund revenue is deposited:
 - 1. The mechanism, which shall identify the major waste tire facility(ies) and the current closure cost estimates covered by the mechanism;
 - 2. A letter from an authorized officer of the institution maintaining the mechanism, identifying the amount of coverage provided by the mechanism as of the date of its establishment and each anniversary date of establishment; and
 - 3. Documentation that the mechanism meets the requirements of section 18478(d) of this Article.

(c) An operator shall submit current evidence of financial responsibility, as described in subsection (b) of this section, to the Department Board or its designee:

(1) Whenever a financial assurance mechanism is established or amended.

(A) In the case of a trust fund, letter of credit or surety bond, such documentation shall include the original mechanisms or amendments;

(B) In the case of government securities such documentation shall include the information as specified in subsection (b)(4)(C) of this section.

(C) In the case of the enterprise fund such documentation shall include the information as specified in subsection (b)(5)(C) of this section.

(2) When a closure plan is required to be submitted as required in Article 6, or when the amendment of a cost estimate is required to be submitted as required in Articles 6 or 9; or

(3) If an operator fails to increase the balance of a trust fund or an enterprise fund in accordance with section 18474(c) of this Article.

Note:

Authority cited:
Section 40502, 42820 of the [Public Resources Code](#).

Reference:
Section 42821 of the [Public Resources Code](#).

Section 18482. Release from Financial Assurance Requirements for Closure Costs.

(a) After approving the closure of a major waste tire facility as specified in Article 6 of Chapter 6, the Department Board or its designee shall notify the operator in writing, that the operator is no longer required by this Article to maintain financial assurance for closure of a particular facility; or

(b) When operational control of a major waste tire facility is transferred, the existing operator shall remain subject to the requirements of this Article until the new operator provides acceptable financial assurances to the Department Board or its designee. The Department Board or its designee shall notify the previous operator in writing that they are no longer required to maintain financial assurance for closure of that particular facility.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Article 10. Financial Responsibility for Operating Liability Claims of Major Waste Tire Facilities

Section 18485. Scope and Applicability.

(a) This Article requires operators of major waste tire facilities to demonstrate adequate financial ability to compensate third parties for bodily injury and property damage caused by facility operation.

(b) Operators of all major waste tire facilities, except state and federal operators, shall comply with the requirements of this Article upon application for issuance of a major waste tire facilities permit pursuant to Chapter 6, Article 1, section 18420.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18486. Definitions.

(a) When used in this Article, the following terms shall have the meanings described in Chapter 5, Article 3.5, section 18281:

- (1) "Assets";
- (2) "Current assets";
- (3) "Current liabilities"
- (4) "Financial reporting year";
- (5) "Liabilities";
- (6) "Net working capital"
- (7) "Net worth";
- (8) "Parent corporation"; and
- (9) "Tangible net worth".

(b) When used in this Article, the following terms shall have the meanings given below:

(1) "Accidental occurrence" means an event, including pollution exposure, which occurs during the operation of a major waste tire facility prior to closure, that results in bodily injury and/or property damage, and includes continuous or repeated exposure to conditions, neither expected nor intended from the standpoint of the facility operator.

(2) "Admitted carrier" means an insurance company entitled to transact the business of insurance in this state, having complied with the laws imposing conditions precedent to transactions of such business.

(3) "Auto" means a land motor vehicle, trailer or semi-trailer designed for travel on public roads, including any attached machinery or equipment. But "auto" does not include "mobile equipment."

(4) "Bodily injury" means any injury to the body, sickness or disease sustained by a person, including death resulting from any of these at any time. Damages because of "bodily injury" include damages claimed by any person or organization for care, loss of services or death resulting at any time from the "bodily injury." "Bodily injury" excludes:

(A) "Bodily injury" expected or intended from the standpoint of the operator. This exclusion does not apply to "bodily injury" resulting from the use of reasonable force to protect persons or property.

(B) "Bodily injury" for which the operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the operator would have in the absence of the contract or agreement.

(C) Any obligation of the operator under a workers compensation, disability benefits or unemployment compensation law or any similar law.

(D) "Bodily injury" to:

1. An employee of the operator arising out of and in the course of employment by the operator; or
2. The spouse, child, parent, brother or sister of that employee as a consequence of subsection (b)(4)(D)1 above.

This exclusion applies:

- a. Whether the operator may be liable as an employer or in any other capacity; and
- b. To any obligation to share damages with or repay someone else who must pay damages because of the injury.

(E) "Bodily injury" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any operator. Use includes operation and loading or unloading. This exclusion does not apply to:

1. Parking an "auto" on, or on the ways next to, premises the operator owns or rents, provided the "auto" is not owned by or rented or loaned to the operator;
2. "Bodily injury" arising out of the operation of any of the equipment listed in paragraph (F)2. or (F)3. of the definition of "mobile equipment", found in subsection 12 below.

(5) "Corporate guarantee" means a contract meeting the requirements of section 18494 of this Article through which a guarantor promises that, if an operator fails to pay a claim by a third party for bodily injury and/or property damage caused by an accidental occurrence, the guarantor shall pay the claim on behalf of the operator.

(6) "Excess coverage" means assurance for third party bodily injury and property damage costs that are above a specified level (i.e., above the primary coverage level or a limit of lower excess coverage) but up to a specified limit.

(7) "Financial means test" means the financial assurance mechanism specified in section 18493 of this Article by which an operator demonstrates his or her ability to pay third party claims for bodily injury and property damage caused by accidental occurrences by satisfying the prescribed set of financial criteria.

(8) "Government securities" means financial obligations meeting the requirements of section 18490 of this Article that are issued by a federal, state, or local government, including but not limited to, general obligation bonds, revenue bonds, and certificates of participation.

(9) "Guarantor" means a parent corporation, or a corporation with a substantial business relationship to the operator who guarantees payment of a present or future obligation(s) of an operator.

(10) "Insurance" means a contract meeting the requirements of section 18491 of this Article by which an insurer promises to pay a claim by a third party for bodily injury and property damage caused by an accidental occurrence.

(11) "Legal defense costs" means expenses that an operator or a provider of financial assurance incurs in defending claims brought:

(A) By or on behalf of a third party for bodily injury and/or property damage caused by an accidental occurrence; or

(B) By any person to enforce the terms of a financial assurance mechanism.

(12) "Mobile equipment" means any of the following types of land vehicles, including any attached machinery or equipment:

(A) Bulldozers, farm machinery, forklifts and other vehicles designed for use principally off public roads;

(B) Vehicles maintained for use solely on or next to premises the operator owns or rents;

(C) Vehicles that travel on crawler treads;

(D) Vehicles, whether self-propelled or not, maintained primarily to provide mobility to permanently mounted:

1. Power cranes, shovels, loaders, diggers or drills; or

2. Road construction or resurfacing equipment such as graders, scrapers or rollers;

(E) Vehicles not described in (A), (B), (C) or (D) above that are not self-propelled and are maintained primarily to provide mobility to permanently attached equipment of the following types:

1. Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment; or

2. Cherry pickers and similar devices used to raise or lower workers;

(F) Vehicles not described in (A), (B), (C) or (D) above maintained primarily for purposes other than the transportation of persons or cargo. However, self-propelled vehicles with the following types of permanently attached equipment are not "mobile equipment" but will be considered "autos:"

1. Equipment designed primarily for:

a. Snow removal;

b. Road maintenance, but not construction or resurfacing;

c. Street cleaning;

2. Cherry pickers and similar devices mounted on automobile or truck chassis and used to raise or lower workers; and

3. Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment.

(13) "Primary coverage" means the first priority coverage for third party bodily injury and property damage costs up to a specified limit when used in combination with other coverage.

(14) "Property damage" means physical injury to tangible property, including all resulting loss of use of that property, or loss of use of tangible property that is not physically injured. "Property damage" excludes:

(A) "Property damage" expected or intended from the standpoint of the operator.

(B) "Property damage" for which the operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the operator would have in the absence of the contract or agreement.

(C) "Property damages" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any operator. Use includes operation and loading and unloading. This exclusion does not apply to:

1. Parking an "auto" on, or on the ways next to, premises the operator owns or rents, provided the "auto" is not owned by or rented or loaned to the operator;

2. "Property damage" arising out of the operation of any of the equipment listed in paragraph (F)2. or (F)3. of the definition of "mobile equipment", found in subsection 12 above.:

(D) "Property damage" to

1. Property the operator owns, rents, or occupies;

2. Premises the operator sells, gives away or abandons, if the "property damage" arises out of any part of those premises;

3. Property loaned to the operator;

4. Personal property in the operator's care, custody or control;

5. That particular part of real property on which the operator or any contractors or subcontractors working directly or indirectly on the operator's behalf are performing operations, if the "property damage" arises out of those operations; or

6. That particular part of any property that must be restored, repaired or replaced because the operator's work was incorrectly performed on it.

(15) "Provider of financial assurance" means an entity, other than the operator, that provides financial assurance to the operator of a major waste tire facility, including a trustee, an insurer, or a guarantor.

(16) "Substantial business relationship" means a business relationship that arises from a pattern of recent or ongoing business transactions.

Note:

Authority cited:

Section 40502, 42820, [Public Resources Code](#).

Reference:

Section 42821, [Public Resources Code](#).

Section 18487. Amount of Required Coverage.

(a) An operator of one or more major waste tire facilities shall demonstrate financial responsibility for compensating third parties for bodily injury and property damage caused by accidental occurrences, including exposures to pollution.

(b) The required amounts of coverage shall be:

(1) \$500,000 per occurrence with a \$500,000 annual aggregate for each facility permitted for 5,000 to 200,000 tires or tire equivalents; or

(2) \$1,000,000 per occurrence with a \$1,000,000 annual aggregate for each facility permitted for 200,001 tires or more or corresponding tire equivalents.

(c) The required amounts of coverage shall be exclusive of legal defense costs, deductibles and self-insured retentions.

(d) The required amounts of coverage shall apply exclusively to an operator's facility or facilities located in the State of California.

(e) An operator may use one or more mechanisms to provide proof of financial assurance.

(f) If a trust fund or government securities is depleted to compensate third parties for bodily injuries and/or property damages caused by accidental occurrences, the operator shall, within one year of the depletion, demonstrate financial responsibility for the full amount of coverage required by section (a) by replenishing the depleted mechanism(s) and/or acquiring additional financial assurance mechanism(s).

Note:

Authority cited:

Section 40502, 42820, [Public Resources Code](#).

Reference:

Section 4282, [Public Resources Code](#).

Section 18488. Acceptable Mechanisms and Combinations of Mechanisms.

(a) Subject to the limitations of subsections (c) and (d) of this section, an operator shall use any one, or any combination of the mechanisms which are defined in the following sections:

(1) Section 18489, Trust Fund

(2) Section 18490, Government Securities

(3) Section 18491, Insurance

(4) Section 18492, Self-Insurance and Risk Management

- (5) Section 18493, Financial Means Test
- (6) Section 18494, Corporate Guarantee
- (7) Section 18494.5, State Approved Mechanism

(b) If a combination of mechanisms are chosen, the operator shall designate one mechanism as "primary" and all others as "excess" coverage.

(c) The government securities and self-insurance and risk management mechanisms are acceptable only for major waste tire facilities operated by government agencies.

(d) The financial means test and corporate guarantee mechanisms are acceptable only for major waste tire facilities operated by private firms.

(1) A private operator may combine a financial means test with a corporate guarantee only if, for the purpose of meeting the requirements of the financial means test, the financial statements of the operator are not consolidated with the financial statements of the guarantor.

Note:

Authority cited:

Section 40502, 42820, [Public Resources Code](#).

Reference:

Section 42821, [Public Resources Code](#).

Section 18489. Trust Fund.

(a) The trust fund shall have a trustee that is authorized to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(b) The trust agreement shall be established by using form CIWMB 145 "Trust Agreement" (12/91) which is incorporated herein by reference; and also shall contain original signature of grantor and trustee. (See Appendix A.)

(c) If, at any time, the value of the trust fund is greater than the required amount of coverage minus the amount of coverage demonstrated by another mechanism, the operator may request in writing that the Department Board or its designee authorize the release of the excess funds. The Department Board or its designee shall review the request, and if any excess funds are verified, the Department Board or its designee shall instruct the trustee to release the funds.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18490. Government Securities.

(a) The terms of issuance of government securities shall specify that proceeds from the sale of the securities shall be deposited into a financial assurance mechanism that meets the requirements of section 18490(b) below.

(b) The securities shall have been issued and the proceeds already deposited into the financial assurance mechanism that provides equivalent protection to a trust fund by meeting the following requirements:

(1) Proceeds from the sale of securities shall be used exclusively to pay claims by third parties for bodily injury and property damage caused by accidental occurrences and shall remain inviolate against all other claims, including any claims by the operator, the operator's governing body, and the creditors of the operator and its governing body;

(2) The financial operations of the provider of the financial assurance are regulated by a federal or state agency, or the provider is otherwise certain to maintain and disburse the assured funds properly;

(3) If the provider of financial assurance has authority to invest revenue deposited into the mechanism, the provider shall exercise investment discretion similar to a trustee; and

(4) The mechanism meets other requirements that the Department Board or its designee determines are necessary to ensure that the assured funds shall be available in a timely manner.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18491. Insurance.

(a) The issuer of the insurance policy shall be an insurer that, at a minimum, is licensed by the California Department of Insurance to transact the business of insurance in the State of California as an admitted carrier.

(b) If coverage is not available as specified in (a) above, the operator may seek coverage by an insurer which, at a minimum, shall be eligible to provide insurance as an excess or surplus lines insurer in California.

(c) If coverage is obtained as described in section (b) of this section, the insurance shall be transacted by and through a surplus line broker currently licensed under the regulations of the California Department of Insurance and upon terms and conditions prescribed in the California Insurance Code (CIC), Division 1, Part 2, Chapter 6.

(d) The Department Board or its designee may object to the use of any insurer at anytime, whether before or after placement of coverage based on information obtained from, but not limited to, the Surplus Line Association of California, Best's Insurance Reports, and/or the Non-Admitted Insurers Quarterly List.

(e) Each insurance policy shall be either:

(1) Evidenced by a "Certificate of Liability Insurance" established by using form CIWMB 146 "Certificate of Liability Insurance" (12/91), which is incorporated herein by reference (See Appendix A.); or

(2) Amended and evidenced by a "Liability Insurance Endorsement" established by using form CIWMB 147 "Liability Insurance Endorsement" (12/91), which is incorporated herein by reference. (See Appendix A.)

Note:

Authority cited:

Section 40502 and 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18492. Self-Insurance and Risk Management.

(a) To use the self-insurance and risk management mechanism an operator shall:

- (1) Be a public entity;
- (2) Be self-insured;
- (3) Employ a risk manager;
- (4) Have an active safety and loss prevention program that seeks to minimize the frequency and magnitude of third party damages caused by accidental occurrences and other self-insured losses; and
- (5) Have procedures for and a recent history of timely investigation and resolution of any claims for third party damages caused by accidental occurrences and other self-insured losses; and
- (6) Satisfy any other reasonable conditions including but not limited to the submittal of audited financial statements that the ~~Department Board~~ or its designee determines are needed to ensure that the assured amount of funds shall be available in a timely manner.

(b) This coverage shall be demonstrated by using form CIWMB 148 (12/91), "Certificate of Self-Insurance and Risk Management", which is incorporated herein by reference. (See Appendix A.)

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18493. Financial Means Test.

(a) To pass the financial means test, an operator or a guarantor shall be a private entity and shall meet the criteria of subsection (c) or (d) based on independently audited year-end financial statements for the latest completed fiscal year.

(b) The phrase "amount of liability coverage to be demonstrated by the test" as used in subsections (c) and (d) refers to the amount of liability coverage required by section 18487 of this Article.

(c) The operator or guarantor shall have:

(1) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by the test; and

(2) Tangible net worth of at least \$10 million; and

(3) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the amount of liability coverage to be demonstrated by the test.

(d) The operator or guarantor shall have:

(1) A current rating for its most recent bond issuance of AAA, AA, A, or BBB issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; and

(2) Tangible net worth of at least six times the amount of liability coverage to be demonstrated by the test; and

(3) Tangible net worth of at least \$10 million; and

(4) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the amount of liability coverage to be demonstrated by the test.

(e) Within 90 days after the close of each financial reporting year, the operator or the guarantor shall submit the following items to the Department Board or its designee and, in the case of a guarantor, to the operator;

(1) A letter on the operator's or guarantor's official letterhead stationary that is worded and completed as specified in form CIWMB 149 "Instructions for the Letter from the Chief Financial Officer Financial Means Test for Liability" (12/91), which is incorporated herein by reference and which contains an original signature of the operator's or guarantor's chief financial officer. (See Appendix A.) An operator or guarantor shall use form CIWMB 149 (12/91) to demonstrate or guarantee financial responsibility for liability coverage only. If the operator or guarantor is using a similar financial means test to demonstrate liability coverage for facilities in California or other states, such as but not limited to, hazardous waste treatment, storage, or disposal facilities, or solid waste landfills, or other waste tire facilities, the operator shall list all facilities covered by the financial means test, whether in California or not.

(2) A copy of an independent certified public accountant's report on examination of the operator's or guarantor's financial statements for the latest completed fiscal year, with a copy of the operator's or guarantor's financial statements for the latest completed fiscal year.

(3) A letter from an independent certified public accountant stating that:

(A) He or she has compared the data in the letter in subsection (e)(1), from the chief financial officer specified as having been derived from the financial statements for the latest completed fiscal year of the operator or the guarantor, with the amounts in the financial statements; and

(B) Based on the comparison, no matters came to his or her attention that caused him or her to believe that the specified data should be adjusted.

(4) If the operator or the guarantor is required to make such a filing, a copy of the operator's or guarantor's most recent form 10-K filed with the U.S. Securities and Exchange Commission.

(f) The Department Board or its designee may require updated financial statements at any time from the operator or guarantor. If the Department Board or its designee finds that the operator no longer meets the financial means test requirements of subsections (c) or (d) based on such reports or other information, including but not limited to, credit reports and reports from other state agencies, the operator shall obtain alternate coverage within 60 days after receiving the notification of such a finding.

(g) If an operator using the financial means test fails to meet the requirements of the financial means test under subsections (c) or (d), the operator shall obtain alternate coverage within 60 days after the determination of such failure.

(h) If the operator fails to obtain alternate coverage within the times specified in subsections (f) or (g), the operator shall notify the Department Board or its designee by certified mail within 10 days of such failure.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18494. Corporate Guarantee.

(a) The guarantor shall be:

(1) A parent corporation of the operator; or

(2) A firm whose parent corporation is also the parent corporation of the operator; or

(3) A firm engaged in a substantial business relationship with the operator and issuing the corporate guarantee as an act incident to that business relationship.

(b) The guarantor shall meet the requirements of the financial means test under section 18493(c) or (d) of this Article based on the guarantor's audited year-end financial statements.

(c) The corporate guarantee shall be worded and completed as specified by form CIWMB 150 "Corporate Guarantee" (12/91), which is incorporated herein by reference. (See Appendix A.)

(d) The terms of the corporate guarantee shall specify that if the operator fails to satisfy a judgment or an award for bodily injury and property damage to third parties caused by accidental occurrences, or fails to pay an amount agreed in settlement of a claim arising from or alleged to arise from such injury and damage, the guarantor shall satisfy such judgment, award, or settlement agreement up to the limits of the corporate guarantee.

(e) If the guarantor fails to meet the requirements of the financial means test under section 18493(c) or (d) of this Article or wishes to terminate the corporate guarantee, the guarantor shall send notice of such failure or termination by certified mail to the operator and the Department Board or its designee within 90 days after the end of that financial reporting year. The corporate guarantee shall terminate no less than 60 days after the date that the operator and the Department Board or its designee have received the notice of such failure or termination, as evidenced by the return receipts. The guarantor shall establish alternate coverage as specified in section 18488 of this Article on behalf of the operator within 60 days after such notice, unless the operator has done so.

(f) The Department Board or its designee may require updated financial statements at any time from a guarantor. If the Department Board or its designee finds, on the basis of such reports or information from other sources, including but not limited to, credit reports and reports from other state agencies, that the guarantor no longer meets the financial means test requirements of section 18493(c) or (d) of this Article, or any requirements of section 18494 of this Article, the Department Board or its designee shall notify the guarantor and operator of such finding by certified mail. The guarantor shall establish alternate coverage as specified in section 18488 of this Article on behalf of the operator within 60 days after such notice, unless the operator has done so.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18494.5. State Approved Mechanism.

(a) An operator may satisfy the requirements of this Chapter by obtaining any other mechanism that meets the following criteria, and that is approved by the Department Board.

(1) The financial assurance mechanism(s) must ensure that the amount of funds assured is sufficient to cover the costs assured when needed;

(2) The financial assurance mechanism(s) must ensure that funds will be available in a timely fashion when needed;

(3) The financial assurance mechanism(s) must be obtained by the operator before the first waste is received at a new facility and before any other financial mechanism is cancelled at existing facilities. The financial mechanism must be maintained until the operator is released from the financial assurance requirements under this Chapter.

(4) The financial assurance mechanism(s) must be legally valid, binding, and enforceable under California and Federal law.

Note:

Authority cited:

Sections 40502 and 42820, [Public Resources Code](#).

Reference:

Section 42821, [Public Resources Code](#).

Section 18495. Substitution of Mechanisms by Operator.

(a) An operator may substitute any alternate financial assurance mechanism(s) as described in sections 18489 through 18494 of this Article, provided that at all times the operator maintains an effective mechanism or a combination of effective mechanisms, that satisfies the requirements of section 18488 of this Article, and informs the Department Board or its designee of such substitution.

(b) In the event an operator obtains alternate financial assurance, it may request that the Department Board or its designee terminate or authorize the termination of the previous financial assurance mechanism. The operator shall submit such a request in writing with evidence of alternate financial assurance.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18496. Cancellation or Nonrenewal by a Provider of Financial Assurance.

(a) Except as otherwise provided in section 18497 of this Article, a provider of financial assurance may cancel or not renew a financial assurance mechanism by sending a notice of termination by certified mail to the operator and the Department Board or its designee.

(b) Termination of a corporate guarantee shall occur no less than 60 days after the date on which the operator and the Department Board or its designee have received the notice of termination, as evidenced by the return receipts.

(c) Cancellation or nonrenewal of insurance or self-insurance and risk management coverage shall occur no less than 60 days after the date on which the operator and the Department Board or its designee have received the notice of termination, as evidenced by the return receipts; except in the case of non-payment of insurance premiums, in which case cancellation shall occur no less than 10 days after the date on which the operator and the Department Board or its designee have received the notice of termination.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18497. Bankruptcy or Other Incapacity of Operator or Provider of Financial Assurance.

(a) Within 10 days after commencement of a voluntary or involuntary proceeding under the Bankruptcy Code, Title 11 U.S.C. sections 101-1330 in which:

(1) The operator is named as debtor, the operator shall notify the Department Board or its designee by certified mail of such commencement.

(2) A provider of financial assurance is named as debtor, such provider shall notify the operator and the Department Board or its designee by certified mail of such commencement.

(b) An operator shall be deemed to be without the required financial assurance in the event of bankruptcy of its provider of financial assurance, or in the event of a suspension or revocation of the authority of the provider of financial assurance to issue a mechanism. If such an event occurs, the operator shall demonstrate alternate financial assurance as specified in this Article within 60 days after receiving notice of the event. If the operator fails to obtain alternate financial assurance within 60 days, the operator shall notify the Department Board or its designee within 10 days of such failure.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18498. Recordkeeping and Reporting.

(a) An operator shall maintain evidence of all financial assurance mechanisms until the operator is released from the requirements as specified in section 18499 of this Article. This evidence shall be maintained at each major waste tire facility, whenever possible, or at an alternate, designated location approved by the Department Board or its designee and which is accessible to the operator, and available for Department Board staff review.

(b) An operator shall maintain the following types of evidence, and shall maintain an original or copy of each mechanism used to demonstrate financial responsibility under this Article:

(1) Trust Fund. An operator using a trust fund shall maintain a copy of the trust agreement and statements verifying the current balance of the fund.

(2) Government Securities. An operator using government securities shall maintain a copy of the following:

(A) All official resolutions, forms, letters, or other pertinent documents generated to issue the securities;

(B) The terms of issuance of the securities; and

(C) With respect to the mechanism into which the funds generated by the issuance are deposited

1. Identify the major waste tire facilities covered by the fund and the amount of third party liability coverage;

2. Include a letter from an authorized officer of the institution maintaining the mechanism identifying the amount of funds provided by the mechanism as of the anniversary date of each mechanism for each year; and

3. Include a copy of the evidence documenting that the mechanism meets the requirements of section 18490(b) of this Article.

(3) Insurance. An operator using insurance shall maintain the original or a copy of the insurance policy in addition to the original or a copy of the liability insurance endorsement or the certificate of liability insurance.

(4) Self-Insurance and Risk Management. An operator using self-insurance and risk management shall maintain:

(A) The name and qualifications of the currently employed risk manager;

(B) Pertinent documents verifying the ongoing activity of the operator's safety and loss prevention program; and

(C) Pertinent documents showing procedures for timely investigation and resolution of any claims for third party damages caused by accidental occurrences and other self-insured losses.

(5) Financial Means Test. An operator using a financial means test shall maintain a copy of the information specified in section 18493(e) of this Article.

(6) Corporate Guarantee. An operator using a corporate guarantee shall maintain documentation of the corporate guarantee as specified in section 18494(a),(b),and (c) of this Article.

(c) An operator shall submit the documentation of current evidence of financial responsibility listed in section 18498(b) to the Department Board or its designee whenever a financial assurance mechanism is established or amended:

(1) In the case of a trust fund such documentation shall include the original mechanism and a copy of the current statement verifying the balance of the account;

(2) In the case of government securities such documentation shall include the information as specified in section 18498(b)(2) of this Article;

(3) In the case of a financial means test, or a corporate guarantee, such documentation shall include the original mechanism; or

(4) In the case of insurance or self-insurance and risk management, such documentation shall include the original liability insurance endorsement, certificate of liability insurance, or certificate of self-insurance and risk management.

(d) An operator shall submit written notice to the Department Board or its designee of the number of claims paid and the total dollar amount paid as a result of an accidental occurrence at an operating facility. This information shall be compiled for the previous calendar year and submitted to the Department Board or its designee by March 1st of each year.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#).

Section 18499. Release of an Operator from the Requirements.

(a) After approving the closure of the major waste tire facility as specified in Article 6, the Department Board or its designee shall notify the operator and the provider of financial assurance in writing, that he or she is no longer required to demonstrate financial responsibility by this Article for third party operating liability, at the particular facility.

(b) When operational control of a major waste tire facility is transferred, the existing operator shall remain subject to the requirements of this Article until the new operator provides acceptable financial assurances to the Department Board or its designee.

Note:

Authority cited:

Section 40502, 42820 of the [Public Resources Code](#).

Reference:

Section 42821 of the [Public Resources Code](#). **Article 11. Financial Assurances Enforcement Procedures for Major Waste Tire Facilities**

Section 18499.1 Scope and Applicability.

All operators of major waste tire facilities shall be subject to the requirements of this article, except state and federal operators.

Note:

Authority cited:

Section 40502, 42850 and 42850.1, [Public Resources Code](#).

Reference:

Section 40502, 42850 and 42850.1, [Public Resources Code](#).

Section 18499.2. Definitions.

(a) "Degree of non-compliance" means the status of compliance of an operator with the financial assurance requirements. An operator is either: 1) partially out of compliance with the requirements ("Minor"); or 2) completely out of compliance with the requirements ("Major").

(b) "Potential for harm" means the degree to which operator's actions adversely affect the public health, safety and the environment. This potential is based on the number of tires for which that facility is permitted.

(1) Major: 1,000,001 tires or more, or tire equivalents.

(2) Moderate: 200,001 to 1,000,000 tires or tire equivalents.

(3) Minor: 5000 to 200,000 tires or tire equivalents.

Note:

Authority cited:

Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Reference:

Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Section 18499.3. Notice of Violation.

(a) The ~~CIWMB~~ CalRecycle shall send a written Notice of Violation to an operator violating the requirements of Articles 9 or 10 of this Chapter (commencing with section 18470).

(b) The Notice of Violation shall:

(1) describe the violation which ~~CIWMB~~ CalRecycle staff believe is occurring; and

(2) describe the consequences of continued failure to comply or respond.

(c) All operators shall submit a response to a Notice of Violation within 10 working days from receipt of the Notice of Violation.

(d) The CIWMB CalRecycle may consider all contacts with an operator as "good faith" efforts to comply with this Chapter, and the CIWMB CalRecycle may extend the timeframe for an operator to respond and/or comply, as the CIWMB deems necessary, to assure adequate financing for closure activities and operating liability.

Note:

Authority cited:

Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Reference:

Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Section 18499.4. Issuance of Notice and Order, Cleanup and Abatement Order, and/or Stipulated Notice and Order.

(a) If an operator fails to respond to the Notice of Violation within the specified timeframe, the CIWMB shall draft and send a Notice and Order or Cleanup and Abatement Order to the operator.

(b) An operator shall respond to the CIWMB with evidence of compliance, or request an alternate schedule for compliance, within 10 working days from receipt of the Order.

(c) If an operator responds to the Order by offering partial compliance immediately, and full compliance over a period of time, which is acceptable to the CIWMB, the CIWMB may enter into a Stipulated Notice and Order with the operator.

(d) If an operator fails to conform with the compliance schedule within the specified timeframe as provided in the Notice and Order, Cleanup and Abatement Order or Stipulated Notice and Order, further enforcement action may be taken by the CIWMB CalRecycle, as specified in the Notice and Order, Cleanup and Abatement Order, or Stipulated Notice and Order.

Note:

Authority cited:

Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Reference:

Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Section 18499.5. Compliance Options.

(a) The CIWMB CalRecycle may consider compliance options other than imposing penalties, to assure adequate financing for closure activities and operating liability. The CIWMB CalRecycle may consider options that include, but are not limited to:

(1) Placing restrictions on current financial assurance mechanism(s) being used by the operator such as more frequent reporting requirements.

(2) Prohibiting use of current financial assurance mechanism(s) being used by the operator, and requiring the operator to establish an alternate mechanism as prescribed in section 18473 and 18488 of this Title.

Note:

Authority cited:
Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Reference:
Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Section 18499.6. Penalty Calculations.

(a) If the CIWMB chooses to impose a penalty, the daily penalty shall equal an amount determined by the gravity-based matrix, in Table 1, using the degree of non-compliance and the potential for harm as the deciding factors, added to the economic benefit an operator receives from noncompliance with this Chapter.

Table 1.

	Degree of Non-Compliance	
Potential for Harm	Major	Minor
Major	\$10,000 to \$905	\$904 to \$804
Moderate	\$803 to \$703	\$702 to \$652
Minor	\$651 to \$551	\$550 to \$500

(1) The economic benefit portion of penalty for lack of liability coverage shall be based on a minimum annual premium for liability insurance, as identified by a CIWMB survey of the insurance industry. The premium is multiplied by the number of years an operator is out of compliance (rounded up to the next whole year if a partial year of non-compliance exists).

(2) The economic benefit portion of a penalty for lack of coverage for closure costs shall be based on the current cost of a letter of credit or bond, as identified by a CIWMB survey of the banking industry or insurance industry, respectively. The cost for a letter of credit or bond is multiplied by the pro-rata factor for the length of time of non-compliance.

(b) Determinations of penalty amounts may be modified by the CIWMB for one or more of the following reasons:

(1) Evidence that coverage has been subsequently provided, such as bank statements, letter from county treasurer verifying balance of fund, certificate demonstrating adequate coverage, etc.

(2) Evidence of a payment schedule, if applicable, detailing the operator's good faith efforts has been subsequently provided, such as past deposits to the financial assurance mechanism, etc.

(3) An operator's good faith efforts to comply or lack of good faith.

(4) An operator's degree of willingness to comply.

(5) An operator's history of compliance.

(6) Other unique factors such as size of operation, threat to public health and safety and the environment.

(c) Penalties may be pursued by the CIWMB administratively or through superior court as specified in Public Resources Code, sections 42850 and 42850.1.

Note:

Authority cited:
Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Reference:

Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Section 18499.7. Processing and Collection of Civil Penalty.

Processing and collection of civil penalties shall be made by the CIWMB CalRecycle as provided in Public Resources Code Section 42855.

Note:

Authority cited:

Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Reference:

Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Section 18499.8. Appeals Process.

Any aggrieved person may appeal a Notice and Order or Cleanup and Abatement Order by the CIWMB CalRecycle, according to Public Resources Code, section 42854.

Note:

Authority cited:

Sections 40502, 42850 and 42850.1, [Public Resources Code](#).

Reference:

Sections 40502, 42850 and 42850.1, and 42854, [Public Resources Code](#).

Section 18499.9. Continued or Recurring Violations.

(a) If an operator pays an initial penalty by fails to correct the violation pursuant to Notice and Order or Cleanup and Abatement Order, or has recurring violations within a one year period from the date of the preceding Notice of Violation:

- (1) the CIWMB may re-initiate the enforcement process;
- (2) the CIWMB may pursue action to revoke a permit, according to Public Resources Code section 42843, and/or pursue closure of the facility;
- (3) the CIWMB may pursue both (1) and (2) above.

Note:

Authority cited:

Sections 40502, 42843, 42850 and 42850.1, [Public Resources Code](#).

Reference:

Sections 40502, 42843, 42850, and 42850.1, [Public Resources Code](#).

DRAFT PROPOSED WASTE TIRE REGULATIONS

State of California
CalRecycle 501 (Rev. 6/24/16)

California Department of Resources Recycling and Recovery

**WASTE TIRE FACILITY
OPERATION PLAN**

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

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

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

III. STORAGE REQUIREMENTS			
A. FIRE PREVENTION MEASURES - §17351			
On-Site Emergency Communications:	<input type="checkbox"/> Phone:		<input type="checkbox"/> Radio:
		area code/number	type/channel, band, or net
On-Site Emergency Equipment:			
<input type="checkbox"/>	Buildings and structures equipped with portable fire extinguishers		
<input type="checkbox"/>	One pike pole or comparable pole at least 10 feet in length		
<input type="checkbox"/>	One round point and one square point shovel		
<input type="checkbox"/>	One portable fire extinguisher with minimum rating of A:40-B:C on each piece of fuel powered equipment		
Describe additional on-site equipment or alternative equipment approved by the local fire authority.			

III. STORAGE REQUIREMENTS CON'T

A. FIRE PREVENTION MEASURES CON'T - §17351

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

<input type="checkbox"/> Hydrant/Capacity:		<input type="checkbox"/> Water Tank/Capacity:	
<input type="checkbox"/> Well/Capacity:		<input type="checkbox"/> Water supply within 500 ft of storage piles	
<input type="checkbox"/> Local fire authority alternative approval (attach)			

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

B. FACILITY ACCESS AND SITE SECURITY - §17352

Attendant Present? Yes No If Yes, days/hours present: _____

Access Control: Perimeter Fencing Locked Gates Other, describe: _____

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

C. VECTOR CONTROL MEASURES - §17353

<input type="checkbox"/> Vector Control Plan for alternative measures approved/certified by (attach):	
<input type="checkbox"/> Local Environmental Health Department	
<input type="checkbox"/> Mosquito Abatement District	
<input type="checkbox"/> Other, specify:	_____

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

Other vector control measures, explain: _____

IV. OUTDOOR STORAGE REQUIREMENTS

A. STORAGE OF WASTE TIRES - §17354

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

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

IV. OUTDOOR STORAGE REQUIREMENTS CON'T

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

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

No

Yes (attach fire authority approved requirements)

If Yes, explain:

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

No

Yes (attach fire authority approved requirements)

If Yes, explain:

Are waste tire piles located under bridges, elevated trestles, or elevated roadways?

No

Yes (attach fire authority approved requirements)

If Yes, explain:

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

No

Yes (attach fire authority approved requirements)

If Yes, explain:

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

No

Yes (attach fire authority approved requirements)

If Yes, explain:

IV. OUTDOOR STORAGE REQUIREMENTS CON'T

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

If more than 150,000 cubic feet of waste tires will be stored on-site, are the waste tires stored in accordance with 17354(h)?

~~No~~ Yes

Yes ~~No~~ (attach fire authority approved requirements)

If ~~Yes~~ No, explain:

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

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

No

Yes

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

V. INDOOR STORAGE

INDOOR STORAGE REQUIREMENTS - §17356

Meets Title 14 Section 17356 Standards (attach verification)

Alternative standards approved by the local fire authority (attach approval)

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

a. General area location, with additional larger scale if needed to show proximity to nearest town, city, or major highway.

b. Plot plan of site, drawn to scale, which shows:

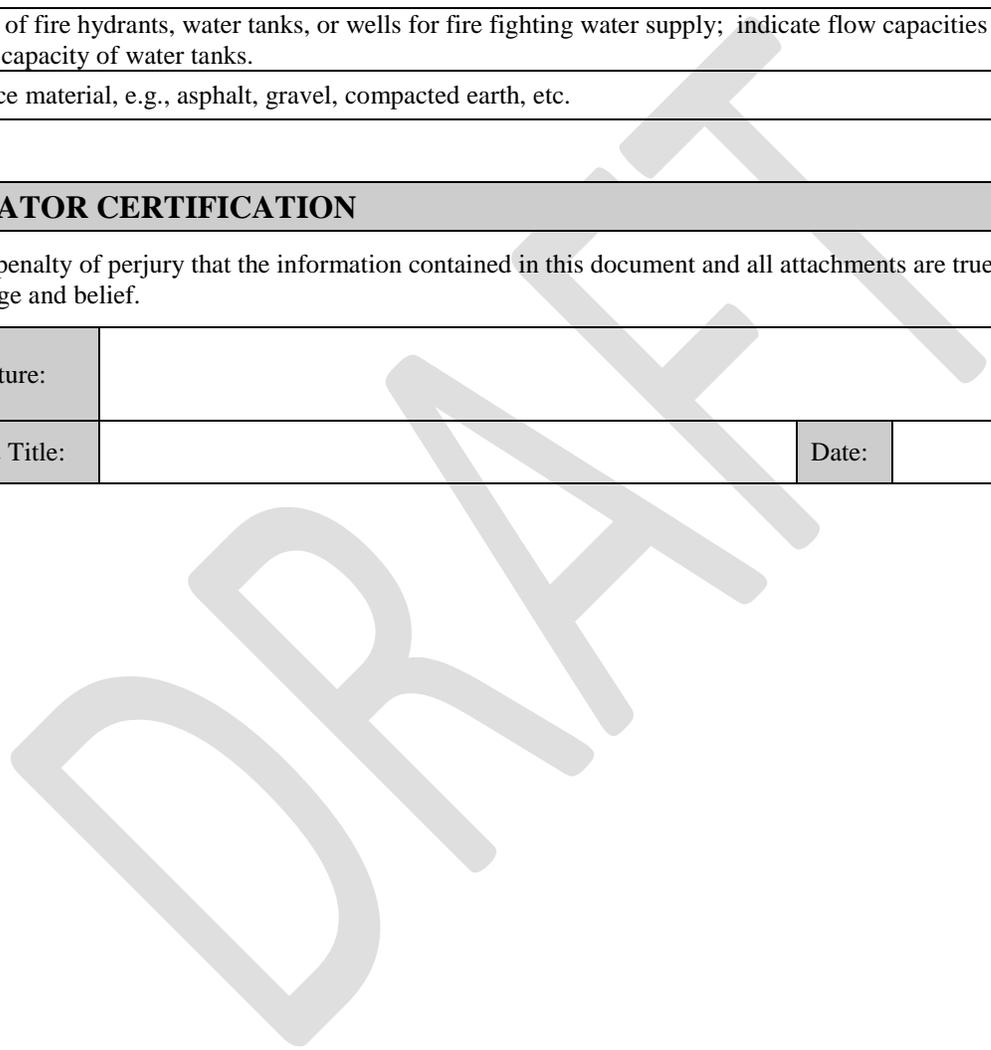
1. Legal boundaries for which title or leasehold is held (attach copy of lease agreement for property, if applicable);
2. All buildings or structures on-site, indicating use; all other structures within 200 feet of site boundary;
3. Site access including road or street names;
4. Location of fences, gates, and other access control measures; and

5.	Waste tire storage boundaries and dimensions of existing and planned tire storage piles, fire lanes, fire breaks.
c.	Site topography, including:
1.	Drainage swales, ditches, berms, surface waters, wetlands, 100 year floodplain boundary, and other drainage features;
2.	Wooded areas; and
3.	Other appropriate physical features.
d.	Loading, unloading, salvage, and processing areas.
e.	Locations of fire hydrants, water tanks, or wells for fire fighting water supply; indicate flow capacities of hydrants, mains, and wells and capacity of water tanks.
f.	Site surface material, e.g., asphalt, gravel, compacted earth, etc.

VII. OPERATOR CERTIFICATION

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

Operator Signature:			
Typed Name & Title:		Date:	



DRAFT PROPOSED WASTE TIRE REGULATIONS

State of California
CalRecycle 504 Supplement (2/16)

California Department of Resources Recycling and Recovery

MAJOR WASTE TIRE COLLECTION LOCATION CLOSURE PLAN

GENERAL INFORMATION (please print or type):						TPID #:	
Name:							
Major Waste Tire Facility Permit TPID #:							
Collection Location Address:							
City:		County:		State:		Zip:	
Collection Location Operator's Name:							
Mailing Address:							
City:		County:		State:		Zip:	
Collection Location Property Owner's Name (if different from operator):							
Mailing Address:							
City:		County:		State:		Zip:	
Maximum Number of Whole Waste Tires Stored on Site:							

PART A

The operator shall attach to this form a written cost estimate in accordance with Part C, in current dollars, of the cost of hiring a third party to close the major waste tire collection location. Parts B and C shall be based on the maximum quantity of waste tires that the operator intends to store at the major waste tire collection location.

PART B

The operator shall provide the following information to CalRecycle prior to commencement of closure:

1. A closure schedule with a time period for completion (attach additional pages if necessary):

2. Details of the final disposition of the waste tires in accordance with §18441(a). Include the name of each business that will receive the waste tires and the amounts. Provide the address and phone number for each business (attach additional pages if necessary):

3. A description of how the closure requirements of §18441 will be met (attach additional pages if necessary):

PART C

Closure Cost Estimate Worksheet

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

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

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

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

WHERE:

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

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

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

Factor "MT" (number of round trips) represents the number of truck loads of waste tires that will be required during the cleanup. The number of truck loads for a particular size waste tire is determined by dividing the total number of waste tires that are of one size (e.g., passenger) by the number of waste tires of that size that can fit into one truck load. Fewer large over sized tires can be hauled by the same truck that is also used for passenger tires. "MT" should be based on the maximum number of loads that will be necessary to cleanup the site. This will be based on the maximum quantity of waste tires that the operator is authorized to have at the collection location as specified above.

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

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

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

Factor "MT" is described above.

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

Closure Cost Estimate Worksheet Con't

"Loading Cost" represents the total cost of loading all loads of tires into vehicles at the closure facility and unloading the vehicles at the final destination. The Loading Cost shall be computed using the following formula:

$$\text{Loading Cost (\$)} = \text{MT} \times \text{LC}$$

Factor "MT" is described above.

Factor "LC" (\$ per load) represents the unit cost to load one vehicle with waste tires at the closing facility, and to unload the same waste tires at the final destination. This cost includes operational expenses, which covers wages for workers and pro-rated expenses for rental or lease of equipment and machinery.

"Administration Cost" (\$) represents the total cost of administration activities for the entire closure operation. This cost shall include the wages for personnel overseeing the cleanup activities and other operating expenses for the entire project.

"Security Cost" (\$) represents the total cost of security arrangements for the entire closure operation. This is the cost to secure the site and restrict public access. This cost covers the expenses for the entire cleanup operation and includes installation of a site fence, installation or repair of lighting, and wages for security guards, etc.

Notes:

1. Total Closure Cost Estimate will vary according to the maximum number of waste tires that will be stored at the waste tire collection location as specified above.
2. All costs will be added and then multiplied by the contingency factor of 1.2 to estimate the Total Closure Cost for the cleanup.
3. Any deviations from the above formula must be explained.
4. Complete a separate closure cost estimate worksheet if the waste tires are to be transported to more than one point of destination.

OWNER SIGNATURE:

I certify under penalty of perjury that the information I provided for this document and all attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a major waste tire collection location at the site specified above pursuant to this document and understand that I may be responsible for the site should the operator fail to meet applicable requirements.

Property Owner or Agent Signature:

Typed Name & Title:

Date:

OPERATOR CERTIFICATION:

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

Facility Operator or Agent Signature:

Typed Name & Title:

Date:

APPROVAL AND INCORPORATION BY REFERENCE INTO WASTE TIRE FACILITY PERMIT

Findings:

- a. The operator has met the financial assurance mechanism and operating liability requirements as specified in Title 14, California Code of Regulations (14 CCR), Chapter 6, Articles 9 and 10, to cover the costs identified in this Form 504 Supplement.
- b. The design and operation of the major waste tire collection location is consistent with the requirements set forth in 14 CCR section 18420.15
- c. The terms of this Form 504 Supplement and the operations of the major waste tire collection location relating to the storage of waste tires described herein shall be enforced by the Department of Resources Recycling and Recovery.
- d. Approval of this Form 504 Supplement does not release the operator from his or her responsibilities under any other existing laws, ordinances, regulations or statutes of other government agencies.

Approval:

Based on the above findings and the information described within this Form 504 Supplement, the major waste tire collection location described herein is approved and this Form 504 Supplement is hereby incorporated into Major Waste Tire Facility Permit TPID Number _____.

Deviation from the requirements of a major waste tire collection location set forth in 14 CCR section 18420.15, failure to maintain operations in a manner consistent with those described within this Form 504 Supplement and all attachments, or failure to maintain adequate financial assurance mechanisms and operating liability requirements for the major waste tire collection location shall be deemed a violation of Major Waste Tire Facility Permit TPID Number _____, and may result in any of the following: issuance of orders; penalties; and a revocation or suspension of this Form 504 Supplement allowing the operation of this major waste tire collection location.

Approving Officer Name and Title: _____

Approving Officer Signature: _____ Date: _____