On September 22, 2005, the Office of Administrative Law (OAL) approved the regulations and the regulations became effective immediately; however, with the adoption of the Comprehensive Trip Log regulations on July 19, 2006, the retreader regulations were repealed and are no longer in effect.

Description
Revision of existing waste tire hauler registration and manifest regulations to allow retreaders to self-certify with the CIWMB and to allow self-certified retreaders to use a new Retreader Trip Log and to substitute customer invoices for the Manifest Forms currently required. The proposed changes implement, interpret and make specific the provisions of Chapter 838, Statutes of 2000 (Escutia, SB 876), as well as correct errors, add language to make the regulations more functional, and delete unnecessary language.

Regulatory Code Sections That Were Affected
Title 14, California Code of Regulations, Division 7, Chapter 6, Article 8.5

Rulemaking History
At the June 15-16, 2004, Board meeting, the Board approved emergency regulations to revise the Waste Tire Hauler Manifesting requirements for retreaders and directed staff to formally notice the permanent regulations for a 45-day comment period.

On August 23, 2004, OAL approved the emergency regulations and filed them with the Secretary of State. The regulations became effective immediately. The emergency regulations allowed a 120-day timeframe to hold a public hearing to allow interested parties to comment on the proposed regulations, staff to respond to the comments, and to file permanent regulations with OAL. The Board was granted an extension(s) to the 120-day timeframe by OAL in order to complete the rulemaking process.

The proposed nonemergency regulations were sent out for public comment on February 25, 2005. A public hearing for the proposed regulations was held on April 25, 2005. No comments were received during the comment period or at the public hearing.

Some additional staff changes, including a sunset provision, were presented to the June 8, 2005, Special Waste Committee. The Committee directed staff to notice the latest proposed changes for a 15-day comment period. The comment period ran from June 27 to July 11, 2005.

At the July 19-20, 2005, Board Meeting, the Board adopted the regulations with the changes from the 15-day comment period. The Board also directed staff to file a Notice of Exemption with the Office of Planning and Research, and to file the rulemaking package with OAL.

On September 22, 2005, OAL approved the regulations and filed them with the Secretary of State. The regulations became effective immediately; however, with the adoption of the Comprehensive Trip Log regulations on July 19, 2006, the retreader regulations were repealed and are no longer in effect.

Rulemaking Documents
- **Final Text**: Final text approved by OAL on September 22, 2005.
- **Response to Comments**, August 2005: Summary of comments and response to comments received during the rulemaking process.
- **Updated Informative Digest**, August 2005: Updated summary of the preceding laws and regulations relating to the regulations and the effect of the regulations.
Form CIWMB 173, May 2004. Retreader Self-Certification Form for 15-day comment period.

Form CIWMB 180, March 2004. Sample Retreader Trip Log for 15-day comment period.


Notice of Proposed Rulemaking, February 25, 2005. Information published in the California Regulatory Notice Register 45 days prior to the end of the public comment period, which references the proceedings, statutory authority, an informative digest describing existing laws, any mandates and the effect of the proposed action on small business.

Initial Statement of Reasons, February 25, 2005. A statement of the specific purpose and the rationale for the determination that this regulation is necessary to carry out the purpose for which it is proposed. Any alternatives considered and technical documents are also noted here.

California Department of Resources Recycling and Recovery (CalRecycle)
Chapter 6. Permitting of Waste Tire Facilities and Waste Tire Hauler Registration and Tire Manifests

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

Note to Reader: The two attached forms are new, but do not lend themselves to underlining.

18449. Scope.
(a) This Article specifies the procedures for waste tire hauler registration and tire manifest system requirements for waste tire haulers, retreaders, 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.
(c) This article contains different reporting provisions for retreaders than for other waste tire haulers. However, the Board's new Comprehensive Trip Log reporting system will apply the same provisions to retreaders as to other waste tire haulers. In order to provide a transition period for retreaders, the existing provisions will continue to apply to retreaders during the period of time that emergency Comprehensive Trip Log provisions are in effect. However, upon the effective date of non-emergency Comprehensive Trip Log provisions in this Article, the Retreader Trip Log shall no longer be a valid CIWMB form and retreaders shall not be required to comply with sections 18450(a)(12), (19), and (20), 18456.2.1, 18459.2.1(b), 18460.2.1, and 18461(a)(1). The three year record retention provision in sections 18459.3(b)(1) and 18462(b)(1) shall continue to apply to retreaders.

Note:

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

Reference:
Section 42950 et seq., Public Resources Code.

18450. Definitions.
(a) For the purposes of this Article, the definitions found in: Public Resources Code Sections 42950-42967; and Chapter 3, Article 4.1, of this Division (commencing with Section 17225.701); and the following shall apply:
   (1) "Board" means the California Integrated Waste Management Board.
   (2) "Bond" means a surety bond issued by a California admitted insurance carrier.
   (3) "Business Name" means the name of the operation registered with the local government of the State of California; the business license name.
(4) "Calendar Year" means January 1 through December 31 of any year.
(5) “CIWMB” means the California Integrated Waste Management Board.
(6) "Civil Penalty" means a fine assessed as a result of a violation of an applicable provision.
(7) "Collection Center" See Facility.
(8) "Commingled" means inextricably mixed together, in that the waste components cannot be economically or practically separated.
(9) “Comprehensive Trip Log” means the California Uniform Waste and Used Tire Manifest System form developed by the Board pursuant to Public Resources Code, section 42961.5. The Comprehensive Trip Log is attached hereto as Appendix A (CIWMB_203, 03/05) and incorporated by reference herein.
(10) "Electronic report" means electronic submittal of manifest information to the CIWMB by means of Electronic Data Transfer or Web-based data entry in accordance with the requirements set forth in §18459.1.2.
(11) “EDT Form” means a paper reporting form, approved by the Board, that is used by the hauler or responsible party for reporting manifest information in lieu of the required Comprehensive Trip Log. The EDT Form will contain the information required on the Comprehensive Trip Log.
(12) "End-Use Facility" means the facility where used or waste tires are unloaded.
(13) "Facility" means a waste tire facility, as defined in Public Resources Code Section 42808, a landfill authorized pursuant to Public Resources Code Section 42866, a facility authorized to accept used or waste tires pursuant to a state or local agency permit, or a facility which lawfully accepts used or waste tires as authorized under Title 14, Section 18420.
(14) "Incidental Revenue" means 10% or less of total annual revenue for purposes of Public Resources Code Section 42954 (a)(7).
(15) Invoice means a document provided by a Retreader that contains the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped.
(16) “Load” means a single transaction (a pick up or delivery) of used or waste tires between the hauler and generator or the hauler and end-use facility. There may be one or more loads on a trip.
(17) "Local Government" means a county, city, city and county, special district, joint powers agency or other political subdivision of the state.
(18) "Manifest Form" means the California Uniform Waste and Used Tire Manifest Form developed by the Board that shall be completed by the waste tire hauler, waste tire generator, or facility, which shall accompany each shipment of used or waste tires. The Manifest Form is attached hereto as Appendix A (Form #647, 01/03) and incorporated by reference herein.
(19) New Tire Adjustment means return or replacement of a new tire that is defective or damaged.
(20) "Person" includes an individual, sole proprietorship, co-partnership, Limited Liability Company, corporation, political subdivision, government agency, or municipality.
(21) "Place of Business" means the actual physical location where waste or used tires are picked up from, delivered to, or stored.
(22) "Registered Vehicle Owner" means the person in whom title is vested and/or to whom the vehicle is registered with the Department of Motor Vehicles for any jurisdiction, domestic and foreign, in which the vehicle is registered.
(23) “Retreader” means a business, person, entity, individual, sole proprietorship, co-partnership, Limited Liability Company, 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, § 574.5. A completed original form CIWMB 173 (4/04) "Retreader Self-Certification" which is attached hereto as Appendix A (CIWMB 173, 4/04) and incorporated by reference herein shall be completed by the Registered Waste Tire Hauler before being deemed by CIWMB to be a self-certified retreader. Notwithstanding provisions of the manifesting requirements, the Retreader is a registered waste tire hauler and shall comply with all waste tire hauler requirements.
(24) “Retreader Trip Log” means the California Retreader Trip Log developed by the Board that shall be completed by the Retreader and shall accompany the tire casings during shipment for inspection, retreading or recapping. For the purposes of the Retreader Trip Log, this form shall only be used during the shipment of tire casings from the generator to the Retreading facility and on the return trip back to the generator, and the ownership of the tire casing(s) shall not change during either shipment. The Retreader Trip log meets the intent of Public Resources Code, section 42961.5 and is attached hereto as Appendix A (CIWMB 180, 03/04) and incorporated by reference herein.
(25) "Revenue" is annual net income earned.
(26) Tire casing is the carcass of a reusable tire that after inspection can be retreadedor recapped by a Retreader.
(27) “Tire Trip Log” means the California Uniform Waste and Used Tire Trip Log developed by the Board that shall be completed by the waste tire hauler and shall accompany the waste tire hauler for each shipment of used or waste tires. The Tire Trip log is attached hereto as Appendix A (Form #648, 01/03) and incorporated by reference herein.
(28) “Trip” means the hauling of waste or used tires that begins with a waste tire hauler’s first pick-up of used or waste tires from a generator and ends with the hauler’s last delivery of used or waste tires to an end-use facility, but in no case shall a trip exceed five (5) consecutive days.
(29) “Unregistered Hauler & Comprehensive Trip Log Substitution Form” is the form to be completed by the generator and end use facility pursuant to the requirements set forth in §§ 18461 (b) and 18462 (c). The Unregistered Hauler & Comprehensive Trip Log Substitution Form is attached hereto as Appendix A (CIWMB 204, 03/05) and incorporated by reference herein.
(30) “Used and Waste Tire Generator” means any person who provides used or waste tires to a waste tire hauler; including, but not limited to auto dismantlers and automotive fleet service centers.
(31) "Vehicle Description" includes the year, the model, the make of the vehicle, Vehicle Identification Number as defined in California Vehicle Code Section 671, and Vehicle License Plate Number, including state of issuance, as defined in California Vehicle Code Section 4850(a).

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

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

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

Note:

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

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

18451. Applicability of these Regulations.
(a) Waste tire haulers, retreaders, waste tire generators, and end-use facilities shall comply with these regulations, unless exempted by Section 42954 of the Public Resources Code and applicable procedures set forth in Sections 18453-18453.2.

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

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

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

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

18456. Waste Tire Hauler Registration Application and Retreader Self-Certification Form
(a) Copies of form CIWMB 60 and 61 and form CIWMB 180 173 can be obtained by contacting the California Integrated Waste Management Board, Special Waste Division, Waste Tire Hauler Program, P.O. Box 4025, Sacramento, CA 95812 or accessing the California Integrated Waste Management Board website located at www.ciwmb.ca.gov/Tires.

Note:

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

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

18456.2.1 Retreader Self-Certification Process.
(a) The Board shall inform the applicant for retreader self-certification in writing within 30 days from date of receipt of the Retreader Self-Certification form of the following:
   (1) Whether the Self-Certification Form is complete;
   (2) If the Board determines that the Self-Certification Form is incomplete, the Board shall inform the applicant what specific information is required to complete the Certification Form.
(b) Upon a Board determination that the Retreader Self-Certification is valid and complete, the Board will provide proof of Retreader Self-Certification in the form of decals and specifically designed Retreader registration cards to the Retreader for those vehicles either owned or leased by the retreader. The Board will issue a specifically designed Retreader registration card and decal for each vehicle identified by the Retreader. The Retreader registration card shall be carried in the corresponding vehicle. The decal shall be permanently affixed to the lower right hand corner of the windshield.
(c) Registration cards and decals are not transferable from vehicle to vehicle. They shall be present in the vehicle to which they were issued.
(d) If the Board determines at any time that the information in the Self-Certification Form is false, then the Board will deem the Self-Certification Form to be invalid, and will notify the applicant. In addition, the Board will determine whether an enforcement action is necessary.
(e) Upon invalidation of the Retreader self-certification, the Retreader shall immediately return all unused Retreader Trip Logs and Retreader registration card(s) for each vehicle registered under the Retreader’s Registration to the Board.
(f) If the Retreader Self-Certification is invalidated, the Retreader shall not transport any tire casings unless in possession of a Comprehensive Trip Log (CIWMB 203)
or tire trip log (CIWMB 648) and accompanying manifest (CIWMB 647) in accordance with Section 18459 requirements set forth for the waste tire hauler.

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

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42951, 42952, 42955, 42958, 42960, and 42961, Public Resources Code.

18459. Waste Tire Manifest System Requirements.
(a) The Board will provide blank forms: CIWMB 203, CIWMB 647, CIWMB 648, and CIWMB 180 at the time of initial or renewed waste tire hauler registration. These forms will be provided at no cost. CIWMB 180 shall only be completed by a Retreader. It shall be unlawful for a waste tire hauler, who is not a Retreader determined by the Board, to use a Retreader Trip Log.

(1) The Manifest Form (CIWMB 647) and Tire Trip Log (CIWMB 648) may be used in lieu of the Comprehensive Trip Log; however, the Manifest Form and Tire Trip Log shall not be used after December 31, 2005.
(2) In lieu of (a)(1), if approved on an individual basis by the Board pursuant to Public Resources Code Section 42961.5, any person that is subject to the Comprehensive Trip Log, Retreader Trip Log, or Manifest and Tire Trip Log requirements of this section, may substitute a functionally equivalent form, once approved by the Board, in lieu of the Board required form and submit an electronic report within ninety (90) days of the load shipment to the Board. The hauler shall provide a copy of their Board approved form to the generator or end-use facility for every waste or used tire transaction.
(3) Additional forms may be obtained from the Board by request.

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

(c) The following persons and entities shall comply with the Waste Tire Manifest System:
(1) waste and used tire hauler
(2) used or waste tire generator
(3) Federal, State, and local governments
(4) person hauling used or waste tires for agricultural purposes
(5) exempted commercial carrier
(6) a facility
(7) any person not included in Section 18459 (c)(1) through (6) who gives, contracts, or arranges to have used or waste tires transported
(8) any person not included in Section 18459 (c)(1) through (6) who accepts used or waste tires
(9) Retreader
(d) For purposes of this section, "waste and used tire hauler" means any person engaged in the transportation of used or waste tires, including haulers that the Board approved as exempt from registration pursuant to Public Resources Section 42954.

Note:

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

18459.1. Tire Program Identification Number.
(a) On or after July 1, 2003, every waste tire generator shall apply for and obtain a CIWMB assigned Tire Program Identification Number for each location from which used or waste tires are generated and transported from. Each location shall be assigned a unique site specific Tire Program Identification Number.
(b) On or after July 1, 2003, every end-use facility shall apply for and obtain a CIWMB issued Tire Program Identification Number for each location where used or waste tires are accepted. Each location shall be assigned a unique site specific Tire Program Identification Number.
(c) Every waste tire hauler shall be assigned a CIWMB issued Tire Program Identification Number, if not already assigned, at the time of registration.
(d) Only one Tire Program Identification Number shall be assigned to any one business location. The Board shall issue a certificate with the Tire Program Identification Number for each location, which shall be posted by the operator in a conspicuous place.
(e) Every waste tire generator, waste tire hauler, or waste tire end-use facility shall submit written notification to the CIWMB upon any change of business operator or owner, business name, or business address within 10 days of the change.

Note:

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

18459.2.1. Submittal of the Comprehensive Trip Log, Manifest Form, and Tire Trip Log, Retreader Trip Log, and Electronic Reporting to the Board.
As provided in this section, the Comprehensive Trip Log, or Manifest Form and Tire Trip Log, or Retreader Trip Log shall be submitted to the CIWMB by the waste tire generator, waste tire hauler or Retreader as specified in (a), (b), (c), or (d).

(a)(1) If the waste tire hauler chooses to use the Manifest form, the waste tire generator shall submit the completed original Manifest Form to the Board within ninety (90) days of the load shipment. The Manifest Form and Tire Trip Log shall be in the waste tire hauler’s possession while transporting used or waste tires. The Manifest Form and the Tire Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

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

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

(b) On or before January 1, 2006, the waste tire hauler shall submit a copy of the completed Comprehensive Trip Log to the Board within ninety (90) days of the load shipment. The Comprehensive Trip Log shall be in the waste tire hauler’s possession while transporting used or waste tires. The Comprehensive Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

(c) If the waste or used tire is a tire casing being shipped for inspection, retreading, recasing, or recapping and is being transported by a Retreader, the waste tire generator or tire dealer may substitute an invoice for the required manifest form provided by the Retreader. The invoice shall contain the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped. A copy of the invoice and Retreader Trip Log shall be in the Retreader’s possession while transporting the tire casings. The copy of the invoice and Retreader Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

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

(d) If approved by the Board pursuant to Public Resources Code Section 42961.5, any person that is subject to the requirements set forth in above (a), (b), or (c) may substitute a functionally equivalent form, once approved by the Board, in lieu of the Board required form and submit an electronic report within ninety (90) days of the load shipment to the Board, in lieu of submitting the required form. The electronic report shall include all information required to be on the Comprehensive Trip Log, Retreader Trip Log, or Manifest and Tire Trip Log forms.

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

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

18459.3. Maintenance of Comprehensive Trip Logs, Retreader Trip Logs, Manifest Forms and Tire Trip Logs.
(a) The waste tire generator, and end-use facility shall retain a copy of the completed Manifest Form, receipt from the Comprehensive Trip Log, or Board approved EDT form at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

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

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

(1) The Retreader shall retain a copy of the completed Retreader Trip Log and corresponding invoices at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

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

Note:

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

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

18460.2.1 Waste Tire Manifest System Requirements for Retreaders.
(a) A registered waste tire hauler meeting the requirements set forth in §18450(a)(19) shall complete, sign under penalty of perjury, and submit the Retreader Self-Certification Form (CIWMB 173) to the Board before the Board deems that registered waste tire hauler to be a Retreader.

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

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

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

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

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

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

Note:

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

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

18461. Manifest System Requirements for Waste Tire End-Use Facilities.
The Waste Tire Manifest System requires specific actions on the part of end-use facilities including, but not limited to, the following:

(a) As provided in §18459.3.(a), an end-use facility shall retain a copy of the Manifest Form, Board approved EDT form, or the completed receipt from the Comprehensive Trip Log provided by the registered hauler.

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

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

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

(2) The end-use facility shall complete the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) and submit it to the Board within 30 days of the acceptance of 10 or more waste or used tires from a person who is not registered as a waste tire hauler unless that person has written authorization by the Local Enforcement Agency for purposes of an Amnesty Day Event or a One Time Exemption and is transporting no more than 20 waste or used tires to the end-use facility.
(3) If the person is hauling 20 or more waste or used tires under the written authorization of a Local Enforcement Agency for purposes of an Amnesty Day Event or a One Time Exemption, the end-use facility shall report this information on the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) and submit the form to the Board within 30 days of the acceptance of waste or used tires from that person.

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

Note:

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

Reference:
Sections 42951 and 42961.5, Public Resources Code.

18462. Manifest System Requirements for Waste Tire Generators.
(a) A waste tire generator shall not give, contract, or arrange with another person to transport used or waste tires unless that person is a registered waste tire hauler or is exempt under Public Resources Code Section 42954.

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

(b) As provided in §18459.3.(a), a waste tire generator shall retain a Board approved EDT form, completed receipt from the Comprehensive Trip Log provided by the hauler, or, retain a copy, and forward the original Manifest Form to the Board.

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

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

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

Reference:
Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.
Title 14. Natural Resources

Division 7. California Integrated Waste Management Board

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

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

§18449 - 18462

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

With the passage SB 744 (McCorquodale, 1993) and the subsequent regulations, the California Integrated Waste Management Board (Board) has been regulating the transportation of used and waste tires. Waste Tire Hauler Registration standards were designed to prevent environmental catastrophes and adverse impacts to public health and safety due to improper transportation and storage of used or waste tires. AB 117 (Escutia, 1998) was signed into law requiring the Board to prepare a report to the legislature on the current waste tire program and to make recommendations by June 30, 1999 for needed changes. The Board adopted the final version of the report entitled “California Waste Tire Program Evaluation and Recommendations” at its June 22, 1999 meeting. SB 876 (Escutia, 2000) was passed by the Legislature changing the tire statutes to better serve the regulated community and to protect public health and safety and the environment. Most of the changes that were incorporated in the regulations that became effective July 1, 2003, were the result of either the passage of SB 876, or recommendations in the AB 117 Report, as well as, changes that were made based on administering these regulations for the past 6 years.

Under these regulations retreaders, like other waste tire haulers, were required to manifest every transaction of retreadable casings along with the required trip log. The retread industry felt that because tire casings are owned by their clients, and do not become the property of the retreaders and because they are being transported by the retreader only for inspection, re-treading, re-
casing, or re-capping; and not disposal, that they should not be required to manifest the pick-up
and delivery of each load of casings. The retread industry felt that the manifesting requirements
were overly burdensome. The Board agreed with the retread industry, and adopted Emergency
Regulations. On August 23, 2004, the Emergency Regulations became effective, revising the
Waste Tire Hauler Registration and Manifesting Regulations pertaining to Retreaders.

The Emergency Regulations revise the waste tire hauler registration and manifesting regulations
allowing retreaders who have self-certified with the Board to use a new Retreader Trip Log, and
to substitute customer invoices for Manifest Forms.

At the April 2005 Board Meeting, the Board approved emergency regulations that revise the
current Waste and Used Tire Hauler Registration and Manifesting regulations by implementing a
new Comprehensive Trip Log (CTL) form while phasing out the current Waste Tire Manifest
Form and Tire Trip Log. The emergency CTL Regulations became effective on June 13, 2005,
when the Office of Administrative Law filed the regulations with the Secretary of State’s Office.

Both the Retreader Trip Log and the CTL simplify the manifesting process. However, the CTL
was not available a year ago when the Retread Industry approached the Board seeking relief
from the California Uniform Waste and Uniform Manifest System. Therefore, a sunset provision
in the proposed regulations shall eliminate the Retreader Trip Log when the non-emergency
CTL provisions become effective.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE
AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS &
ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD
LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS

The following response shall be used for the requirement that the above finding be made for each
proposed regulatory action.

The Board has determined that:

- No alternatives to the proposed regulatory actions would be as effective and less burdensome to private persons while protecting human health, safety, and the environment,
- There are no other alternatives to the proposed regulatory actions that would lessen adverse economic impact on small business while protecting human health, safety, and the environment.

The proposed regulations will not add any substantively new regulatory requirements for the
waste tire generators, tire dealers, and end-use facilities.

INITIAL DETERMINATION THAT THE ACTION WILL NOT HAVE A
SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS
DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS

CIMWB staff made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. In making this determination, the CIWMB relied upon an analysis by Cal/EPA’s Agency-wide Economic Analysis Program.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS

The following response shall be used for the requirement that for each proposed regulatory action that each study, report, or document relied upon, if any, must be identified.

The Board relied upon the following in proposing the adoption of these proposed regulations:

- Existing statute and regulation.
- Public board and committee meetings held by the CIWMB, both to implement the emergency regulations and to obtain approval to proceed with the final rulemaking.

LOCAL MANDATE AND FISCAL DETERMINATIONS

DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS

CIWMB staff has determined that the proposed regulations do not impose: 1) a mandate on local school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code section 17500 through 17630; 4) other non-discretionary costs or savings on local agencies; 5) costs or savings in federal funding to the state.

FINDING ON NECESSITY OF REPORTS

DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS

CIWMB has found that the requirement for specific reports are necessary for the health, safety, and welfare of the people of the state because it will help to ensure that the standards in Article 8.5 are met by operators and adequately monitored by the CIWMB or enforcement agencies.

DUPLICATION OR CONFLICTS WITH CODE OF FEDERAL REGULATIONS

DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS
No duplication or conflict exists between the proposed regulations and federal regulations contained in the Code of Federal Regulations because Federal law or regulations do not contain comparable requirements.

**SPECIFIC PURPOSE OF THE REGULATION: NECESSITY**

§ 18449 – The term “retreader” is added to the “Scope” of this article to indicate that the retreader profession is to be recognized apart from waste tire haulers, waste tire generators, tire dealers, and end-use facilities with regard to these regulations.

§ 18449(c) – The purpose of this subsection is to bring all waste tire haulers, including retreaders, under the new Comprehensive Trip Log. The Retreader Trip Log will be phased out while the emergency regulations are in effect for the Comprehensive Trip Log. During this period of time Retreaders will be able to use either the Retreader or the Comprehensive Trip Log. When the non-emergency Comprehensive Trip Log provisions become effective, the Retreader Trip Log shall no longer be a valid CIWMB form and retreaders shall not be required to comply with the other retreader provisions, with the exception of the record retention provisions. It is important to maintain record retention in order to be consistent with the retention requirements for other waste tire hauler forms, and allowing the CIWMB to take enforcement action if necessary at a later date. For enforcement purposes, the provisions cited that retreaders no longer have to comply with are not being removed from regulation.

§ 18450(a)(12) - This definition is intended to clarify the meaning of “Invoice” used in other sections of these regulations. The invoice is provided by the Retreader and contains information pertinent to the shipment of casings. The information required on the invoice is consistent with the information currently required on the Waste Tire Manifest form, with the exception of information that is not pertinent to retreading. This includes tire types, intended use, and hauler exemption.

§ 18450(a)(19) - This definition is intended to clarify the meaning of “Retreader” used in this and other sections of these regulations. A retreader is defined using terms similar to those used for “Person” in Section 18450(a)(17), with the exception that a retreader is not a political subdivision, government agency or a municipality. A retreader is in the business of retreading, recasing, or recapping tire casings for reuse. Each of these terms defines the activities of a retreader. Notwithstanding the other requirements, a retreader is someone actively engaged in the business of retreading. If a retreader is not currently retreading, recasing or recapping, then the retreader does not qualify under this definition. The requirement that the retreader have manufacturer 3-digit identification is consistent with the Code of Federal Regulations Title 49, Section 574.5. The requirement that the retreader complete the Retreader Self-Certification and that it be deemed complete by the Board is consistent with Section 18456.2.1. Aside from the deviation in the manifesting requirements, the retreader must comply with all the waste tire hauler requirements. For example, the retreader must retain his/her waste tire hauler status to function as a self-certified retreader. This includes among other requirements, keeping the bond in full force and effect as specified in Section 18456.1(b).
§ 18450(a)(20) – This definition is intended to clarify the meaning of “Retreader Trip Log” used in this and other sections of these regulations. The primary difference between the Retreader Trip Log and the Waste and Used Tire Trip Log is that the former is intended to be used by retreaders in conjunction with invoices and the latter is intended to be used by waste tire haulers in conjunction with Manifest Forms. The Retreader Trip Log shall be used when transporting casings from the generator to the retreading facility for inspection, retreading, recasing, or recapping. In the event that the casing does not meet the inspection standards for retreading, recasing, or recapping, the casing may be shipped back from the retreading facility to the generator using a Retreader Trip Log. In both cases the generator retains ownership of the casing(s). The Retreader Trip Log may not be used if the shipment of casings includes used or waste tires. In this instance, manifest forms and a Waste and Used Tire Trip Log will be required. The Retreader Trip Log is discussed in more detail in Appendix A, below.

§ 18450(a)(22) – The term “tire casing” is defined here because the term is used in the above definition of “Retreader,” “Retreader Trip Log,” etc. The definition states that a tire casing is the carcass of a reusable tire that after inspection can be retreaded, recased, or recapped by a Retreader. Not all casings can be reused due to wear or damage. Therefore, the definition includes the phrase “after inspection.” If it is determined that the casing cannot be reused, then the casing is returned to its owner.

§ 18451 - The term “retreader” is added to this section for consistency. In addition to waste tire haulers, waste tire generators, tire dealers, and end-use facilities, retreaders will be required to comply with these regulations unless exempt by statute.

§ 18456 – For consistency form CIWMB 180 (Retreader Self-Certification Form) will be made available by the Board along with forms CIWMB 60 and 61 for waste tire haulers.

§ 18456.2.1 – This section has been added to the regulations describing the “Retreader Self-Certification process. The purpose of the Retreader Self-Certification is to provide a method for individuals to certify to the Board that they are legitimate Retreaders. The Board chose a self-certification process, because the Board did not want it to appear that it was bestowing a new title on Retreaders that might give one Retreader a business advantage over another Retreader. The Board did not want to create a new classification. This is important because a Retreader may continue to operate as a Waste Tire Hauler. The Self-Certification requirements are enumerated on the Retreader Self-Certification form.

§ 18456.2.1(a) – The Board shall notify the applicant for retreader self-certification within 30 days of submittal as to whether the Self-Certification form is complete or incomplete, and what information is required if it is incomplete. This process time period is consistent with the application process for waste tire haulers in Section 18456.2(a).

§ 18456.2.1(b) – This subsection addresses the issuance of Retreader registration cards and decals, and is consistent with Section 18456.2(b) for waste tire haulers.
§ 18456.2.1(c) – This subsection is consistent with Section 18456.2(c) for waste tire haulers. Like the waste tire hauler program, registration cards and decals are not transferable from vehicle to vehicle, and shall be present in the vehicle to which they were issued.

§ 18456.2.1(d) – This subsection clarifies the procedure for invalidating a Self-Certification Form. If at any time the Board determines that the information on the form is false, the Board will deem the Self-Certification Form invalid. This is consistent with Section 18457(b) and 18463(d) for waste tire haulers. Section 18457(b) discusses revocation, and Section 18463(d) discusses enforcement. If the Self-Certification Form is deemed invalid, the retreader shall return retreader materials (Subsection (e)) and shall only transport casings as a waste tire hauler (Subsection (f)). The applicant shall be notified and the Board shall determine whether to take enforcement action.

§ 18456.2.1(e) – This subsection is consistent with Section 18457(c) for waste tire haulers. Upon invalidation of the Retreader Self-Certification, the retreader shall immediately return unused Retreader Trip Logs and vehicle Retreader registration cards to the Board.

§ 18456.2.1(f) – This subsection clarifies that if a Retreader Self-Certification is invalidated as described in Subsection (d), the waste tire hauler may still haul casings under his/her waste tire hauler registration following the requirements for waste tire haulers, i.e., using the Tire Trip Log and Manifest forms.

§ 18456.2.1(g) – Subsection (g) clarifies that if the Self-Certification form is deemed invalid by the Board, and if a hauler is not hauling casings in accordance with the retreader requirements, then the Board may deny, suspend or revoke their Waste Tire Hauler Registration. This subsection is consistent with Section 18457(b) for waste tire haulers, which refers to PRC Section 42960.

§ 18459(a) – To be consistent with the availability of Waste Tire Hauler forms, the Board will make the Retreader Trip Log available to Retreaders at no charge. It will also be unlawful for a waste tire hauler who is not a Retreader, determined by the Board, to use the Retreader Trip Log. This is consistent with proposed changes to other sections of these regulations.

§ 18459(b) – “Retreader Trip Log” and “by appropriate representative” are added to this paragraph to make the requirements for the Retreader Trip Log consistent with requirements for the Manifest form and Tire Trip Log. Each is signed under penalty of perjury and each must accompany the shipment of tires or casings.

§ 18459.1(d) – The word “business” has been added before the word “location” in Paragraph (d). This change is intended to clarify that the Tire Program Identification Number is assigned to the location where the business is being conducted.

§ 18459.2.1 - The title of this section has been expanded to include “Retreader Trip Log” to be consistent with the addition of Subsection (b).
§ 18459.2.1(b) – This subsection has been added to make the requirements for the use of the Retreader Trip Log and invoices consistent with the requirements for the use of the Tire Trip Log and Manifest Form. The information required on an invoice, which may be substituted for a Manifest Form, is similar to what is required on a Manifest Form. The Retreader Trip Log and invoices, like the Tire Trip Log and Manifests in Paragraph (a), shall be in the possession of the Retreader while transporting tire casings, and shown upon demand to any representative of the Board, any officer of the California Highway Patrol or any local public officer, or any local public official designated by the Board. To be consistent with the Tire Trip Log in Paragraph (a)(1), the Retreader Trip Log in Paragraph (b)(1) shall be submitted to the Board by the Retreader within 90 days of the load shipment. One difference between Subsections (a) and (b) is that unlike the manifest form, copies of the invoice do not have to be submitted to the Board by the tire dealer, waste tire generator, or retreader.

§ 18459.3(a)(1) – Paragraph (a)(1) is added to the regulations to make retention of invoices and the availability of review of invoices for generators, tire dealers and end-use facilities, consistent with requirements for manifests in Paragraph (a).

§ 18459.3(b)(1) – Paragraph (b)(1) is added to the regulations to make retention of the Retreader Trip Log and corresponding invoices and the availability of these records for review, consistent with requirements for the Tire Trip Log contained in Paragraph (b).

§ 18460.2.1 – This section provides clarity regarding manifest system requirements for retreaders beginning with the Retreader Self-Certification process. This section is consistent with the procedures for Waste Tire Hauler manifesting found in Section 18460.2. The term “manifest” is used in the title of this section, because the process of manifesting for waste tire haulers is similar to the process for retreaders.

§ 18460.2.1(a) – Subsection 18460.2.1(a) clarifies the requirements for a registered waste tire hauler to become a retreader for the purpose of these regulations. The waste tire hauler must complete the Retreader Self-Certification Form, and the Board must deem the registered waste tire hauler a Retreader after reviewing the Form.

§ 18460.2.1(b) – The requirement in Subsection (b) that the retreader registration card shall be shown to the tire dealer or waste tire generator for the vehicle being used to transport tire casings is consistent with the procedures in Subsection 18460.2(a) for waste tire haulers.

§ 18460.2.1(c) – The requirements in Subsection (c) that the retreader shall complete an invoice for each pick-up or delivery of tire casings in accordance with Section 18459.2.1(b) and 18461(a)(1) and that each pick-up or delivery of tire casings shall be entered into the Retreader Trip Log according to the instructions on the Trip Log is consistent with the procedures in Subsection 18460.2(b) for waste tire haulers, with the exception that the invoice is substituted for the manifest form.

§ 18460.2.1(d) – The requirement in Subsection (d) that a vehicle may contain casings from different tire dealers or waste tire generators so long as a separate invoice is prepared for the
casings from each point of origin is consistent with the procedures in 18460.2(c) for waste tire haulers.

§ 18460.2.1(e) – The requirement in Subsection (e) that a copy of the invoice shall be left with the tire dealers, waste tire generator, or end-use facility is consistent with the procedures in 18460.2(d) for waste tire haulers.

§ 18460.2.1(f) – The requirement in Subsection (f) that the retreader shall keep one copy of the fully completed invoice is consistent with the procedure in 18460.2(e) for waste tire haulers.

§ 18460.2.1(g) – The requirement in Subsection (g) that the retreader shall haul casings to an end-use facility not legally authorized to accept used or waste tires is consistent with the procedures in 18460.2(f) for waste tire haulers.

§ 18460.2.1(h) – The requirement in Subsection (h) that the retreader shall not transport casings without a properly completed invoice form and Retreader Trip Log is consistent with the procedures in 18460.2(g) for waste tire haulers.

§ 18461(a)(1) – This subsection clarifies that an invoice may be substituted for a manifest form when an end-use facility is receiving a casing from a Retreader for inspection, retreading, recasing, or recapping. The particulars of the invoice are spelled out in Section 18459.2.1(b). The term “may be substituted for the Manifest Form” means that a Retreader using a Retreader Trip Log and invoices or a Tire Trip Log and Waste Tire Hauler Manifest Forms may transport casings to a retread facility.

§ 18462(a)(1) – This subsection clarifies that an invoice may be substituted for a manifest form when a generator or tire dealer is shipping a casing via a Retreader to a retread facility for inspection, retreading, recasing, or recapping. The particulars of the invoice are spelled out in Section 18459.2.1(b). The term “may be substituted for the Manifest Form” means that a Retreader or Waste Tire Hauler may transport the casings to a retread facility using a Trip Log and Manifest Forms, under the existing Waste Tire Hauler Manifesting procedures. The requirement that the generator or tire dealer retain copies of invoices for a period of three years at the place of business is consistent with the procedures for the Manifest Form in Subsection 18462(a)(1).

Appendix A

Form CIWMB 173 (05/04) “Retreader Self-Certification” – This form is identified in Sections 18450 and 18460.2.1, as well as other sections of Article 8.5. Portions of the information to be entered on this form are consistent with the information asked for on the Waste Tire Hauler Application (CIWMB-60 (3/03)). This includes business name, address, etc. The applicant should have a Tire Program Identification (TPID) number in accordance with Section 18459.1(c). One unique piece of information required on the Retreader Self-Certification is the three digit retreader identification number. The Retreader shall insert a Manufacturer 3-Digit Identification issued by the United States Department of Transportation.
pursuant to Title 49, Code of Federal Regulations, § 574.5. The conditions specified on the form that the Retreader must comply with are consistent with the requirements in Sections 18460.2.1, 18460.2, and 18459.2.1(b) and Sections 830.1 and 830.2 of the Penal Code. The “penalty of perjury” is consistent with Section 18450(a)(19) and PRC Section 42960 and 42962.

**Form CIWMB 180 (03/04) “California Retreader Trip Log”** – The use of the Retreader Trip Log is described in Sections 18450(a)(20), 18459.2.1, and 18460.2.1. This form is to be used in place of the Waste Tire Manifest form and the Uniform Waste and Used Tire Trip Log for transporting tire casings by retreaders. The information required on the Retreader Trip Log is consistent with the information on the above cited forms; however, less information is collected. The purpose of Retreader Trip Log is to capture the necessary information for the Board to track shipments of casings, without being as onerous as the current manifest system. Since an invoice replaces the manifest for generator and retread facility, the Retreader Trip Log requires an invoice number instead of a manifest number. Because invoices are not submitted to the Board, the name, address and Tire Program Identification number of each generator and retread facility are entered on the Retreader Trip Log. Information on the retreader who is completing the Retreader Trip Log is similar to the information captured on the Waste and Used Tire Hauler Trip Log for the hauler.
RESPONSE TO COMMENTS
Revisions to Waste Tire Hauler Registration and Manifesting Regulations Regarding Retreaders

45-DAY COMMENT PERIOD
FEBRUARY 25, 2005 – APRIL 25, 2005

No comments were received.

HEARING
APRIL 25, 2005

No comments were received. (No individuals attended the hearing.)

15-DAY COMMENT PERIOD
JUNE 27, 2005 – JULY 11, 2005

No comments were received.
The California Integrated Waste Management Act (Act), Public Resources Code (PRC) §40000 et. seq., gives the Board authority to provide for the protection of public health, safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC §40502 requires the Board to adopt rules and regulations to implement the Act. Senate Bill (SB) 744 (McCorquodale, 1993) established the Waste Tire Hauler Registration Program and required the Board to adopt regulations for the Waste Tire Hauler Registration and Manifesting Programs. On May 9, 1996, the Board’s Waste Tire Hauler Regulations became effective. With the passage of these and subsequent regulations the Board has been regulating the hauling of used and waste tires. The Waste Tire Hauler Program currently registers more than 870 waste tire haulers annually, with more than 6,900 vehicles statewide, and requires that used or waste tires be manifested from the generator to the end-use or disposal facility.

Senate Bill (SB) 876 (Escutia, Statutes of 2000, Chapter 838) expanded the Board’s authority to oversee the management of used and waste tires and to better serve the regulated community and to protect public health and safety and the environment. The Board was also charged with implementing a new and improved "California Uniform Waste and Used Tire Manifest System."

This new manifesting system has been implemented through previous regulation packages approved by the Board, and impacts tire generators, haulers, and end-use facilities that generate, haul and/or accept used or waste tires. The intent of SB 876 was to "close the loop" on accountability by requiring copies of manifests from each party (generator, hauler, and end user) to be submitted to CIWMB for monitoring and tracking tire loads and movement within California. The current regulations for the "California Uniform Waste and Used Tire Manifest System" are found in Title 14, California Code of Regulations, Chapter 6, Article 8.5.

From the year 1995 to 2003 (prior to the changes implemented by SB 876), the Retread Industry was allowed to prepare an invoice for their customers and attach a copy of that invoice to a single manifest form for the day’s route. With the implementation of the California Uniform Waste and Used Tire Manifest System in July 2003, the Retread Industry has been required to manifest each transaction of retreadable casings along with a required trip log. Retreaders have had to abide by the waste tire hauler requirements, because the Public Resources Code includes casings that may be reused within the definition of waste tires (PRC Sections 42805.5 and 42807).

At the April 2005 Board Meeting, the Board approved emergency regulations that revise the current Waste and Used Tire Hauler Registration and Manifesting regulations by implementing a new Comprehensive Trip Log (CTL) form while phasing out the current Waste Tire Manifest Form and Tire Trip Log. The emergency CTL Regulations became effective on June 13, 2005, when the Office of Administrative Law filed the regulations with the Secretary of State’s Office.

The Board believes that because tire casings are owned by their clients and do not become
the property of the retreaders, and because they are being transported by the retreader only for inspection, re-treading, re-casing, or re-capping; and not disposal, that the retreader should not be required to manifest the pick-up and delivery of each load of casings.

Both the Retreader Trip Log and the CTL simplify the manifesting process. However, the CTL was not available a year ago when the Retread Industry approached the Board seeking relief from the California Uniform Waste and Uniform Manifest System. The Board has, therefore, added a sunset provision to the Retreader Trip Log provisions.

The following is a list summarizing the more significant proposed changes to the existing regulations to accommodate the retreaders:

1. A registered Waste Tire Hauler who is a retreader shall complete a Retreader Self-Certification Form in order to be a CIWMB certified retreader.
2. The Board shall issue decals and a retreader registration card to the self-certified retreader.
3. Regulations have been added entitled “Retreader Self-Certification Denial, Suspension, and Revocation” and “Request for Hearing of Denial, Suspension, or Revocation of Retreader Self-Certification” which are similar to the requirements for Registered Waste Tire Haulers.
4. A customer invoice may be substituted for a Manifest Form.
5. For each shipment of casings, the self-certified retreader should have in his/her possession a Retreader Trip Log and customer invoices/Manifest Forms, in lieu of the Manifest Form and Tire Trip Log required for the Registered Waste Tire Hauler.
6. A sunset provision will eliminate the Retreader Trip Log when the non-emergency CTL provisions become effective.

The Retreader will only be submitting to the CIWMB the Retreader Trip Log. The Retreader will be required to keep copies of the customer invoices for a period of three years. If the CIWMB wants to check the invoices against the Retreader Trip Log, the CIWMB will have to audit the Retreader.

Staff estimates that up to $32,000 will be needed to accommodate changes in the existing forms and computer programs. A portion of the $32,000 has already been spent in order to implement the current emergency regulations for retreaders. The costs associated with updating computer programs and printing forms have already been covered under the implementation of the emergency regulations. There should be enough existing forms to last until the non-emergency CTL regulations become effective.

Staff has also reviewed, interpreted, and updated inaccuracies in the existing regulations found in Title 14, California Code of Regulations, Chapter 6, Article 8.5.

POLICY STATEMENT OVERVIEW

Over the past seven years the California Integrated Waste Management Board has been regulating the hauling of used and waste tires in California. The Waste Tire Hauler
Program currently registers more than 870 waste tire haulers annually, with more than 6,900 vehicles statewide, and requires that every used or waste tire be manifested from the generator to the end-use or disposal facility. Existing waste tire hauler regulations set forth procedures for the waste tire haulers registration process and current manifest requirements.

The proposed regulations will no longer require a self-certified retreader to manifest the pick-up and delivery of each load of casings. The retreader will only be submitting to the CIWMB the Retreader Trip Log. The retreader will be required to keep copies of the customer invoices for a period of three years. A sunset provision will eliminate the Retreader Trip Log and require retreaders along with all other waste tire haulers to use the new CTL form when the non-emergency CTL provisions become effective. The regulations make changes in the existing regulations to implement, interpret and make specific the provisions of SB 876 (Escutia, 2000), as well as correct errors, add clarifying language to make the regulations more functional, and delete unnecessary language.

**PLAIN ENGLISH REQUIREMENTS**

Board staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed final regulations are considered non-technical and are written to be easily understood by those parties that will use them.

**AUTHORITY AND REFERENCES**

PRC §§ 40502, 42966, and 43020 provide authority for these regulations. The purpose of the proposed actions is to implement, interpret, and make specific numerous statutes and regulations related to the transportation of used and waste tires. The following is a list of references sited in these proposed regulation changes: PRC §§, 42950, 42951, 42952, 42953, 42954, 42955, 42956, 42958, 42960, 42961, 42961.5, and 42962.

**FEDERAL LAW OR REGULATIONS MANDATE**

Federal law or regulations do not contain comparable requirements.

**LOCAL MANDATE AND FISCAL DETERMINATIONS**

Board staff has determined that the proposed regulations do not impose: 1) a mandate on local agencies or school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code §§17500 through 17630; 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.
EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

EFFECT ON BUSINESS AND SMALL BUSINESSES/SMALL BUSINESS DETERMINATION

Board staff made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations may apply to business and small businesses, but as stated above, they will not have a significant adverse economic impact on business and small businesses. Retreaders will complete a Retreader Trip Log for each shipment of tires in lieu of the current Waste Tire Trip Log and Manifest Form.

EFFECT ON COMPETITION WITH OUT-OF-STATE BUSINESS

Board staff has determined that the proposed regulations will not have an adverse economic impact upon the ability of California businesses to compete with out-of-state business.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

Board staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the state of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACT ON PRIVATE PERSONS OR ENTERPRISES

Board staff has determined that the adoption of the proposed regulations will not have a cost impact on private persons or enterprises. Cost impacts for the program in general have already been identified in a previous rulemaking. Retreaders and their customers are essentially the only members of the regulated community that are affected by the proposed regulations. There will be no increase in the universe of individuals and businesses presently regulated. There is no cost associated with retreaders completing the “Retreader Self-Certification” Form or with the retreaders and their customers using the “CA Retreader Trip Log.” Therefore, the proposed regulations impose no costs on either retreaders or their customers and should not have a significant adverse economic impact on individuals and businesses that comply with the statute and regulations governing waste and used tire hauling.
CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Tom Micka, Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, California 95812-4025
(916) 341-6420 phone, (916) 319-7491 facsimile
e-mail: tmicka@ciwmb.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Georgianne Turner, Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6429 phone, (916) 319-7165 facsimile
e-mail: gturner@ciwmb.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulations, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. The Final Statement of Reasons will also be made available once it is prepared. Copies may be obtained by contacting Tom Micka at the address or phone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the Board’s Internet homepage at www.ciwmb.ca.gov/rulemaking

AVAILABILITY OF CHANGED OR MODIFIED TEXT
The Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text -- with changes clearly indicated -- available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for the modified text should be made to the contact person named above. The Board will mail any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.
June 27, 2005

TO: ALL INTERESTED PARTIES

FROM: CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
SPECIAL WASTE DIVISION

SUBJECT: NOTICE OF REVISIONS TO THE EXISTING WASTE TIRE HAULER REGISTRATION AND MANIFESTING REGULATIONS REGARDING RETREADERS (15-DAY COMMENT PERIOD)

The proposed regulations amend sections 18449 through 18462 and add sections 18456.2.1 and 18460.2.1 to the Waste Tire Hauler Registration and Manifesting Regulations (Title 14, California Code of Regulations, Division 7, Chapter 6, Articles 8.5, sections 18453 through 18465). A 45-day public comment period ran from February 25 through April 25, 2005. The California Integrated Waste Management Board (Board) held a public hearing on the proposed regulations on April 25, 2005.

No comments were received during the 45-day comment period or at the public hearing. However, the Board, at its June 8th Special Waste Committee meeting, directed staff to initiate an additional 15-day comment period for Committee directed changes made after the initial comment period. The changes include the addition of Paragraph (c) to Section 18449 and the Retreader Self-Certification Form (CIWMB 173 (4/04)) and the Retreader Trip Log (CIWMB 180 (3/04)). Both forms were inadvertently left out of the package that went out for the 45-day comment period. These forms are currently in use under the emergency regulations. Section 18449 with proposed Paragraph (c) and the two forms are included with this notice.

Proposed paragraph (c) refers to the newly enacted Comprehensive Trip Log (CTL) (6/13/05). A copy of the full text of the regulation as originally proposed, with the newly proposed changes clearly indicated, and the changes made by the Emergency CTL Regulations to these sections is available on the Legislation & Regulations page of the Board’s internet website at http://www.ciwmb.ca.gov/Rulemaking/Retreaders/. Paper copies may also be obtained by contacting Tom Micka at the address or fax number listed below. Text shown in double underline depicts proposed changes made after the 45-day comment period. Board staff is only required to respond to comments related to the newly proposed changes.

The 15-day comment period extends from June 27 through July 11, 2005. The Board must receive written comments on the proposed changes no later than 4:30 p.m. on July 11, 2005.
Please submit your written comments to:

Tom Micka  
California Integrated Waste Management Board  
Special Waste Division   Mail Stop 22  
P.O. Box 4025  
Sacramento, CA 95812-4025  
Phone: (916) 341-6420  
FAX: (916) 319-7491  
e-mail: tmicka@ciwmb.ca.gov
Chapter 6. Permitting of Waste Tire Facilities and Waste Tire Hauler Registration and Tire Manifests

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

Note to Reader: Text shown in single underline and strikeout depicts changes for the initial 45-day comment period. Text double underlined and the two attached retreader forms represent changes made for the 15-day comment period. State law only requires the Board to respond to comments related to the most recently proposed changes to the regulations (double underlined and two attached forms).

**18449. Scope.**
(a) This Article specifies the procedures for waste tire hauler registration and tire manifest system requirements for waste tire haulers, retreaders, 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.
(c) This article contains different reporting provisions for retreaders than for other waste tire haulers. However, the Board's new Comprehensive Trip Log reporting system will apply the same provisions to retreaders as to other waste tire haulers. In order to provide a transition period for retreaders, the existing provisions will continue to apply to retreaders during the period of time that emergency Comprehensive Trip Log provisions are in effect. However, upon the effective date of non-emergency Comprehensive Trip Log provisions in this Article, the Retreader Trip Log shall no longer be a valid CJWMB form and retreaders shall not be required to comply with sections 18450(a)(12), (19), and (20), 18456.2.1, 18459.2.1(b), 18460.2.1, and 18461(a)(1). The three year record retention provision in sections 18459.3(b)(1) and 18462(b)(1) shall continue to apply to retreaders.

Note:

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

**Reference:**
Section 42950 et seq., Public Resources Code.

**18450. Definitions.**
(a) For the purposes of this Article, the definitions found in: Public Resources Code
Sections 42950-42967; and Chapter 3, Article 4.1, of this Division (commencing with Section 17225.701); and the following shall apply:

(1) "Board" means the California Integrated Waste Management Board.
(2) "Bond" means a surety bond issued by a California admitted insurance carrier.
(3) "Business Name" means the name of the operation registered with the local government of the State of California; the business license name.
(4) "Calendar Year" means January 1 through December 31 of any year.
(5) "CIWMB" means the California Integrated Waste Management Board.
(6) "Civil Penalty" means a fine assessed as a result of a violation of an applicable provision.
(7) "Collection Center" See Facility.
(8) "Commingled" means inextricably mixed together, in that the waste components cannot be economically or practically separated.
(9) “Comprehensive Trip Log” means the California Uniform Waste and Used Tire Manifest System form developed by the Board pursuant to Public Resources Code, section 42961.5. The Comprehensive Trip Log is attached hereto as Appendix A (CIWMB_203, 03/05) and incorporated by reference herein.
(10) "Electronic report” means electronic submittal of manifest information to the CIWMB by means of Electronic Data Transfer or Web-based data entry in accordance with the requirements set forth in §18459.1.2.
(11) “EDT Form” means a paper reporting form, approved by the Board, that is used by the hauler or responsible party for reporting manifest information in lieu of the required Comprehensive Trip Log. The EDT Form will contain the information required on the Comprehensive Trip Log.
(12) "End-Use Facility” means the facility where used or waste tires are unloaded.
(13) "Facility" means a waste tire facility, as defined in Public Resources Code Section 42808, a landfill authorized pursuant to Public Resources Code Section 42866, a facility authorized to accept used or waste tires pursuant to a state or local agency permit, or a facility which lawfully accepts used or waste tires as authorized under Title 14, Section 18420.
(14) "Incidental Revenue" means 10% or less of total annual revenue for purposes of Public Resources Code Section 42954 (a)(7).
(15) Invoice means a document provided by a Retreader that contains the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped.
(16) “Load” means a single transaction (a pick up or delivery) of used or waste tires between the hauler and generator or the hauler and end-use facility. There may be one or more loads on a trip.
(17) "Local Government" means a county, city, city and county, special district, joint powers agency or other political subdivision of the state.
(18) "Manifest Form" means the California Uniform Waste and Used Tire Manifest Form developed by the Board that shall be completed by the waste tire hauler, waste tire generator, or facility, which shall accompany each shipment of used or waste tires. The Manifest Form is attached hereto as Appendix A (Form #647, 01/03) and incorporated by reference herein.
(19) New Tire Adjustment means return or replacement of a new tire that is defective or damaged.
(20) "Person" includes an individual, sole proprietorship, co-partnership, Limited Liability Company, corporation, political subdivision, government agency, or municipality.
(21) "Place of Business" means the actual physical location where waste or used tires are picked up from, delivered to, or stored.
(22) "Registered Vehicle Owner" means the person in whom title is vested and/or to whom the vehicle is registered with the Department of Motor Vehicles for any jurisdiction, domestic and foreign, in which the vehicle is registered.
(23) "Retreader" means a business, person, entity, individual, sole proprietorship, co-partnership, Limited Liability Company, 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, § 574.5. A completed original form CIWMB 173 (4/04) "Retreader Self-Certification" which is attached hereto as Appendix A (CIWMB 173, 4/04) and incorporated by reference herein shall be completed by the Registered Waste Tire Hauler before being deemed by CIWMB to be a self-certified retreader. Notwithstanding provisions of the manifesting requirements, the Retreader is a registered waste tire hauler and shall comply with all waste tire hauler requirements.
(24) "Retreader Trip Log" means the California Retreader Trip Log developed by the Board that shall be completed by the Retreader and shall accompany the tire casings during shipment for inspection, retreading or recapping. For the purposes of the Retreader Trip Log, this form shall only be used during the shipment of tire casings from the generator to the Retreading facility and on the return trip back to the generator, and the ownership of the tire casing(s) shall not change during either shipment. The Retreader Trip log meets the intent of Public Resources Code, section 42961.5 and is attached hereto as Appendix A (CIWMB 180, 03/04) and incorporated by reference herein.
(25) "Revenue" is annual net income earned.
(26) Tire casing is the carcass of a reusable tire that after inspection can be retreadedor recapped by a Retreader.
(27) "Tire Trip Log" means the California Uniform Waste and Used Tire Trip Log developed by the Board that shall be completed by the waste tire hauler and shall accompany the waste tire hauler for each shipment of used or waste tires. The Tire Trip log is attached hereto as Appendix A (Form #648, 01/03) and incorporated by reference herein.
(28) "Trip" means the hauling of waste or used tires that begins with a waste tire hauler’s first pick-up of used or waste tires from a generator and ends with the hauler’s last delivery of used or waste tires to an end-use facility, but in no case shall a trip exceed five (5) consecutive days.
(29) "Unregistered Hauler & Comprehensive Trip Log Substitution Form" is the form to be completed by the generator and end use facility pursuant to the requirements set forth in §§ 18461 (b) and 18462 (c). The Unregistered Hauler &
Comprehensive Trip Log Substitution Form is attached hereto as Appendix A (CIWMB 204, 03/05) and incorporated by reference herein.

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

(31) "Vehicle Description" includes the year, the model, the make of the vehicle, Vehicle Identification Number as defined in California Vehicle Code Section 671, and Vehicle License Plate Number, including state of issuance, as defined in California Vehicle Code Section 4850(a).

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

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

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

Note:

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

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

18451. Applicability of these Regulations.

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

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

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

Note:

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

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

18456. Waste Tire Hauler Registration Application and Retreader Self-Certification Form
(a) Copies of form CIWMB 60 and 61 and form CIWMB 180 173 can be obtained by contacting the California Integrated Waste Management Board, Special Waste Division, Waste Tire Hauler Program, P.O. Box 4025, Sacramento, CA 95812 or accessing the California Integrated Waste Management Board website located at www.ciwmb.ca.gov/Tires.

Note:

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

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

18456.2.1 Retreader Self-Certification Process.
(a) The Board shall inform the applicant for retreader self-certification in writing within 30 days from date of receipt of the Retreader Self-Certification form of the following:
   (1) Whether the Self-Certification Form is complete;
   (2) If the Board determines that the Self-Certification Form is incomplete, the Board shall inform the applicant what specific information is required to complete the Certification Form.
(b) Upon a Board determination that the Retreader Self-Certification is valid and complete, the Board will provide proof of Retreader Self-Certification in the form of decals and specifically designed Retreader registration cards to the Retreader for those vehicles either owned or leased by the retreader. The Board will issue a specifically designed Retreader registration card and decal for each vehicle identified by the Retreader. The Retreader registration card shall be carried in the corresponding vehicle. The decal shall be permanently affixed to the lower right hand corner of the windshield.
(c) Registration cards and decals are not transferable from vehicle to vehicle. They shall be present in the vehicle to which they were issued.
(d) If the Board determines at any time that the information in the Self-Certification Form is false, then the Board will deem the Self-Certification Form to be invalid, and will notify the applicant. In addition, the Board will determine whether an enforcement action is necessary.
(e) Upon invalidation of the Retreader self-certification, the Retreader shall immediately return all unused Retreader Trip Logs and Retreader registration card(s) for each vehicle registered under the Retreader’s Registration to the Board.

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

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

Note:

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

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

18459. Waste Tire Manifest System Requirements.
(a) The Board will provide blank forms: CIWMB 203, CIWMB 647, CIWMB 648, and CIWMB 180 at the time of initial or renewed waste tire hauler registration. These forms will be provided at no cost. CIWMB 180 shall only be completed by a Retreader. It shall be unlawful for a waste tire hauler, who is not a Retreader determined by the Board, to use a Retreader Trip Log.

(1) The Manifest Form (CIWMB 647) and Tire Trip Log (CIWMB 648) may be used in lieu of the Comprehensive Trip Log; however, the Manifest Form and Tire Trip Log shall not be used after December 31, 2005.
(2) In lieu of (a)(1), if approved on an individual basis by the Board pursuant to Public Resources Code Section 42961.5, any person that is subject to the Comprehensive Trip Log, Retreader Trip Log, or Manifest and Tire Trip Log requirements of this section, may substitute a functionally equivalent form, once approved by the Board, in lieu of the Board required form and submit an electronic report within ninety (90) days of the load shipment to the Board. The hauler shall provide a copy of their Board approved form to the generator or end-use facility for every waste or used tire transaction.
(3) Additional forms may be obtained from the Board by request.
(b) The Comprehensive Trip Log, Manifest Form, and Tire Trip Log, and Retreader Trip Log shall be completed and signed under penalty of perjury by the appropriate representative, and accompany each shipment of used or waste tires from the point of origin to the facility.
(c) The following persons and entities shall comply with the Waste Tire Manifest System:
(1) waste and used tire hauler  
(2) used or waste tire generator
(3) Federal, State, and local governments
(4) person hauling used or waste tires for agricultural purposes
(5) exempted commercial carrier
(6) a facility
(7) any person not included in Section 18459 (c)(1) through (6) who gives, contracts, or arranges to have used or waste tires transported
(8) any person not included in Section 18459 (c)(1) through (6) who accepts used or waste tires
(9) Retreader

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

Note:

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

18459.1. Tire Program Identification Number.
(a) On or after July 1, 2003, every waste tire generator shall apply for and obtain a CIWMB assigned Tire Program Identification Number for each location from which used or waste tires are generated and transported from. Each location shall be assigned a unique site specific Tire Program Identification Number.
(b) On or after July 1, 2003, every end-use facility shall apply for and obtain a CIWMB issued Tire Program Identification Number for each location where used or waste tires are accepted. Each location shall be assigned a unique site specific Tire Program Identification Number.
(c) Every waste tire hauler shall be assigned a CIWMB issued Tire Program Identification Number, if not already assigned, at the time of registration.
(d) Only one Tire Program Identification Number shall be assigned to any one business location. The Board shall issue a certificate with the Tire Program Identification Number for each location, which shall be posted by the operator in a conspicuous place.
(e) Every waste tire generator, waste tire hauler, or waste tire end-use facility shall submit written notification to the CIWMB upon any change of business operator or owner, business name, or business address within 10 days of the change.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42950, 42951, 42952, 42953, 42961.5, 42962, Public Resources Code.
18459.2.1. Submittal of the Comprehensive Trip Log, Manifest Form, and Tire Trip Log, Retreader Trip Log, and Electronic Reporting to the Board.

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

(a)(1) If the waste tire hauler chooses to use the Manifest form, the waste tire generator shall submit the completed original Manifest Form to the Board within ninety (90) days of the load shipment. The Manifest Form and Tire Trip Log shall be in the waste tire hauler’s possession while transporting used or waste tires. The Manifest Form and the Tire Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

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

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

(b) On or before January 1, 2006, the waste tire hauler shall submit a copy of the completed Comprehensive Trip Log to the Board within ninety (90) days of the load shipment. The Comprehensive Trip Log shall be in the waste tire hauler’s possession while transporting used or waste tires. The Comprehensive Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

(c) If the waste or used tire is a tire casing being shipped for inspection, retreading, recaulking, or recapping and is being transported by a Retreader, the waste tire generator or tire dealer may substitute an invoice for the required manifest form provided by the Retreader. The invoice shall contain the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped. A copy of the invoice and Retreader Trip Log shall be in the Retreader’s possession while transporting the tire casings. The copy of the invoice and Retreader Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

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

(d) If approved by the Board pursuant to Public Resources Code Section 42961.5, any person that is subject to the requirements set forth in above (a), (b), or (c) may substitute a functionally equivalent form, once approved by the Board, in lieu of the Board required form and submit an electronic report within ninety (90) days of the load shipment to the Board, in lieu of submitting the required form. The electronic report shall include all information required to be on the Comprehensive Trip Log, Retreader Trip Log, or Manifest and Tire Trip Log forms.
18459.3. Maintenance of Comprehensive Trip Logs, Retreader Trip Logs, Manifest Forms and Tire Trip Logs.

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

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

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

   (1) The Retreader shall retain a copy of the completed Retreader Trip Log and corresponding invoices at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

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

Note:

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

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

18460.2.1 Waste Tire Manifest System Requirements for Retreaders.

(a) A registered waste tire hauler meeting the requirements set forth in §18450(a)(19) shall complete, sign under penalty of perjury, and submit the Retreader Self-Certification Form (CIWMB 173) to the Board before the Board deems that registered waste tire hauler to be a Retreader.
(b) The Retreader shall show the tire dealer or waste tire generator the Retreader registration card for the vehicle being used to transport the tire casings.

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

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

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

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

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

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

**Note:**

**Authority cited:**

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

**Reference:**

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

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

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

(a) As provided in §18459.3.(a), an end-use facility shall retain a copy of the Manifest Form, Board approved EDT form, or the completed receipt from the Comprehensive Trip Log provided by the registered hauler.

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

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

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

2. The end-use facility shall complete the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) and submit it to the Board within 30 days of the acceptance of 10 or more waste or used tires from a person who is not registered as a waste tire hauler unless that person has written authorization by the Local Enforcement.
Agency for purposes of an Amnesty Day Event or a One Time Exemption and is transporting no more than 20 waste or used tires to the end-use facility.

(3) If the person is hauling 20 or more waste or used tires under the written authorization of a Local Enforcement Agency for purposes of an Amnesty Day Event or a One Time Exemption, the end-use facility shall report this information on the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) and submit the form to the Board within 30 days of the acceptance of waste or used tires from that person.

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

**Note:**

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

**Reference:**
Sections 42951 and 42961.5, Public Resources Code.

18462. Manifest System Requirements for Waste Tire Generators.

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

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

(b) As provided in §18459.3.(a), a waste tire generator shall retain a Board approved EDT form, completed receipt from the Comprehensive Trip Log provided by the hauler, or, retain a copy, and forward the original Manifest Form to the Board.

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

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

**Note:**

**Authority cited:**
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.
NOTICE OF POSTPONEMENT
NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO WASTE TIRE HAULER REGISTRATION AND MANIFESTING REGULATIONS REGARDING RETREADERS

BY NOTICE published in the February 25, 2005, California Notice Register, Register 2005, No. 8-Z, the California Integrated Waste Management Board (CIWMB) announced it would conduct a public hearing on proposed amendments to the Waste Tire Hauler Registration and Manifesting regulations regarding retreaders. The hearing was scheduled for the April 13, 2005, Special Waste Committee meeting, at 9:30 a.m., at the Joe Serna, Jr. Cal/EPA Building, 2nd Floor Auditorium, 1001 I Street, Sacramento, CA. The written comment period for this rulemaking was to close at the close of the hearing.

PLEASE BE ADVISED that the hearing and the close of the comment period are postponed to the following date, time and place:

DATE: April 25, 2005

TIME: The hearing will begin at 9:30 a.m. and conclude after all testimony is given. The written comment period for this rulemaking will also close at the conclusion of the hearing.

PLACE: Joe Serna, Jr. Cal/EPA Building, 2nd Floor Coastal Hearing Room, 1001 I Street, Sacramento, CA

This facility is accessible to persons with disabilities.

The CIWMB requests that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

The proposed text of the regulations and other rulemaking documents are available on the Proposed Regulations page of the CIWMB’s website at http://www.ciwmb.ca.gov/rulemaking.

Questions or comments may be addressed to:

Tom Micka
California Integrated Waste Management Board
Special Waste Division
P.O. Box 4025
Sacramento, CA 95812-4025
Phone: (916) 341-6420
FAX: (916) 319-7491
e-mail: tmicka@ciwmb.ca.gov

California Environmental Protection Agency
Chapter 6. Permitting of Waste Tire Facilities and Waste Tire Hauler Registration and Tire Manifests

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

18449. Scope.
(a) This Article specifies the procedures for waste tire hauler registration and tire manifest system requirements for waste tire haulers, retreaders, tire dealers, waste tire generators, and end-use facilities, including reporting and documentation requirements.
(b) In addition to the regulations in this article, statutory provisions contained in Sections 42950 through 42967 of the Public Resources Code govern the Waste Tire Hauler Registration Program.

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

Reference:
Section 42950 et seq., Public Resources Code.

18450. Definitions.
(a) For the purposes of this Article, the definitions found in: Public Resources Code Sections 42950-42967; and Chapter 3, Article 4.1, of this Division (commencing with Section 17225.701); and the following shall apply:

(1) "Board" means the California Integrated Waste Management Board.

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

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

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

(5) “CIWMB” means the California Integrated Waste Management Board.

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

(7) "Collection Center" See Facility.

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

(9) “End-Use Facility” means the facility where used or waste tires are unloaded.
(10) "Facility" means a waste tire facility, as defined in Public Resources Code Section 42808, a landfill authorized pursuant to Public Resources Code Section 42866, a facility authorized to accept used or waste tires pursuant to a state or local agency permit, or a facility which lawfully accepts used or waste tires as authorized under Title 14, Section 18420.

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

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

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

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

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

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

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

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

(19) "Retreader" means a business, person, entity, individual, sole proprietorship, co-partnership, Limited Liability Company, corporation, who is in the business of retreading, recasing, or recapping tire casings for reuse. The Retreader shall have a Manufacturer 3-Digit Identification issued by the United States Department of Transportation pursuant to Title 49, Code of Federal Regulations, § 574.5. A completed original form CIWMB 173 (4/04) "Retreader Self-Certification" which is attached hereto as Appendix A (CIWMB 173, 4/04) and incorporated by reference herein shall be completed by the Registered Waste Tire Hauler before being deemed by CIWMB to be a self-certified retreader. Notwithstanding provisions of the manifesting
requirements, the Retreader is a registered waste tire hauler and shall comply with all waste tire hauler requirements.

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

(1821) "Revenue" is annual net income earned.

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

(1923) "Tire Trip Log" means the California Uniform Waste and Used Tire Trip Log developed by the Board that shall be completed by the waste tire hauler and shall accompany the waste tire hauler for each shipment of used or waste tires. The Tire Trip log is attached hereto as Appendix A (Form #648, 01/03) and incorporated by reference herein.

(2024) “Trip” means the hauling of waste or used tires that begins with a waste tire hauler’s first pick-up of used or waste tires from a generator and ends with that hauler’s last delivery of used or waste tires to an end-use facility, but in no case shall a trip exceed five (5) consecutive days.

(2125) “Used and Waste Tire Generator” means any person who provides used or waste tires to a waste tire hauler; including, but not limited to tire dealers, auto dismantlers, and automotive fleet service centers.

(2226) "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).

(2327) "Waste Tire Hauler Decal" is a decal issued by the Board, printed on specially prepared paper with a unique number, for affixing to the lower right hand corner of the windshield.

(2428) "Waste Tire Hauler Registration" means the documents, including the decal and registration form, issued by the Board, which authorizes the holder of the documents to legally haul waste tires within California for the period of issuance.

(2529) "Waste Tire Manifest System" means the California Uniform Waste and Used Tire Manifest System which includes the Manifest Form and the Tire Trip Log developed by the Board and all procedures and regulations applicable to
the transportation of the used or waste tires from point of origin to final
destination of the used or waste tires.

Note:

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

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

18451. Applicability of these Regulations.
(a) Waste tire haulers, retreaders, tire dealers, waste tire generators, and end-use facilities
shall comply with these regulations, unless exempted by Section 42954 of the Public
Resources Code and applicable procedures set forth in Sections 18453-18453.2.
(b) The return of new tire adjustments to the wholesale distributor or manufacturer under
"warranty consideration" is not considered used or waste tire hauling for the purposes,
implementation, and enforcement of this Article. The person transporting the tires must
have in the vehicle documentation substantiating that the tires are being returned for
"warranty consideration." Lack of documentation or false information will subject the
transporter to enforcement and penalties under this Article.
(c) "Tire Derived Product" being transported from the processing facility to the end-use
facility is not considered used or waste tire hauling for the purposes, implementation, and
enforcement of this Chapter. The hauler shall have a copy of the letter issued by the Board
to the processing facility stating that the material is "Tire Derived Product" and a bill of
lading accompanying the load. The letter and bill of lading shall be carried in the vehicle
while transporting the "Tire Derived Product" from the processing facility to the end-use
facility. Lack of documentation or false information will subject the transporter to
enforcement and penalties under this Chapter.

Note:

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

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

18456. Waste Tire Hauler Registration Application and Retreader Self-Certification
Form
(a) Copies of form CIWMB 60 and 61 and form CIWMB 180 can be obtained by contacting
the California Integrated Waste Management Board, Special Waste Division, Waste Tire
Hauler Program, P.O. Box 4025, Sacramento, CA 95812 or accessing the California
Integrated Waste Management Board web site located at www.ciwmb.ca.gov/Tires/.

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

Reference:
Sections 42951, Public Resources Code

18456.2.1 Retreader Self-Certification Process.
(a) The Board shall inform the applicant for retreader self-certification in writing within 30
days from date of receipt of the Retreader Self-Certification form of the following:
(1) Whether the Self-Certification Form is complete;
(2) If the Board determines that the Self-Certification Form is incomplete, the Board shall inform the applicant what specific information is required to complete the Certification Form.

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

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

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

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

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

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

Note:

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

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

18459. Waste Tire Manifest System Requirements.
(a) The Board will provide blank forms, CIWMB 647, and CIWMB 648, and CIWMB 180 at the time of initial or renewed waste tire hauler registration. These forms will be provided at no cost. CIWMB 180 shall only be completed by a Retreader. It shall be unlawful for a waste tire hauler, who is not a Retreader determined by the Board, to use a Retreader Trip Log.

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

(b) The Manifest Form, Tire Trip Log, and Retreader Trip Log shall be completed, signed under penalty of perjury, and accompany each shipment of used or waste tires from the point of origin to the facility, by the appropriate representative.
(c) The following persons and entities shall comply with the Waste Tire Manifest System:

(1) waste and used tire hauler
(2) used or waste tire generator
(3) Federal, State, and local governments
(4) person hauling used or waste tires for agricultural purposes
(5) exempted commercial carrier
(6) a facility
(7) any person not included in Section 18459 (c)(1) through (6) who gives, contracts, or arranges to have used or waste tires transported
(8) any person not included in Section 18459 (c)(1) through (6) who accepts used or waste tires
(9) Retreader

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

Note:

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

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

18459.1. Tire Program Identification Number.
(a) On or after July 1, 2003, every tire dealer/waste tire generator shall apply for and obtain a CIWMB assigned Tire Program Identification Number for each location from which used or waste tires are generated and transported from. Each location shall be assigned a unique site specific Tire Program Identification Number. The Board shall issue a certificate with the Tire Program Identification Number for that place of business which shall be posted in a conspicuous location.
(b) On or after July 1, 2003, every end-use facility shall apply for and obtain a CIWMB issued Tire Program Identification Number for each location where used or waste tires are accepted. Each location shall be assigned a unique site specific Tire Program Identification Number.
(c) Every waste tire hauler shall be assigned a CIWMB issued Tire Program Identification Number, if not already assigned, at the time of registration.
(d) Only one Tire Program Identification Number shall be assigned to any one business location.
(e) Every tire dealer/waste tire generator, waste tire hauler, or waste tire end-use facility shall submit written notification to the CIWMB upon any change of business operator or owner, business name, or business address within 10 days of the change.

Note:

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

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

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

(a) The waste tire generator or tire dealer shall submit the completed original Manifest Form to the Board within ninety (90) days of the load shipment. The Manifest Form and Tire Trip Log shall be in the waste tire hauler's possession while transporting used or waste tires. The Manifest Form and the Tire Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

(1) The waste tire hauler shall submit the completed original Tire Trip Log to the Board within ninety (90) days of the load shipment.

(b) If the waste or used tire is a tire casing being shipped for inspection, retreading, recasing, or recapping and is being transported by a Retreader, the waste tire generator or tire dealer may substitute an invoice for the required manifest form provided by the Retreader. The invoice shall contain the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped. A copy of the invoice and Retreader Trip Log shall be in the Retreader's possession while transporting the tire casings. The copy of the invoice and Retreader Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

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

(bc) If approved by the Board pursuant to Public Resources Code Section 42961.5, any waste tire hauler that is subject to the Manifest Form and Tire Trip Log requirements of this section, may submit an electronic report within ninety (90) days of the load shipment to the Board, in lieu of submitting the completed original copy of the Tire Trip Log, which is required. The electronic report shall include all information required to be on the Tire Trip Log, and any other information required by the Board.

Note:

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

Reference:
Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.
18459.3. Maintenance of Manifest Forms and Tire Trip Logs.
(a) The waste tire dealer, waste tire generator, end-use facility, and 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 Board upon request.

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

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

1) The Retreader shall retain a copy of the completed Retreader Trip Log and corresponding invoices at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

Note:

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

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

18460.2.1 Waste Tire Manifest System Requirements for Retreaders.
(a) A registered waste tire hauler meeting the requirements set forth in §18450(a)(19) shall complete, sign under penalty of perjury, and submit the Retreader Self-Certification Form (CIWMB 173) to the Board before the Board deems that registered waste tire hauler to be a Retreader.

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

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

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

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

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

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

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

Note:
**18461. Manifest System Requirements for Waste Tire End-Use Facilities.**
The Waste Tire Manifest System requires specific actions on the part of end-use facilities including, but not limited to, the following:

(a) An end-use facility shall complete, retain a copy, and forward the original Manifest Form to the Board pursuant to Section 42961.5 of the Public Resources Code and the directions on the form when accepting used or waste tires from a waste tire hauler.

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

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

(c) The end-use facility shall complete both the end-use facility and tire hauler portions of the Manifest Form when reporting unregistered waste tire haulers that are not exempt pursuant to Public Resources Code Section 42954. The completed Manifest Form shall be submitted to the Board.

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

**Note:**

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

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

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

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

(b) A tire dealer or waste tire generator shall complete, retain a copy, and forward the original Manifest Form to the Board pursuant to Section 42961.5 of the Public Resources Code and the directions on the form when a used/waste tire hauler picks up used or waste tires.

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

**Note:**

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

**Reference:**
Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.
NOTICE OF PROPOSED RULEMAKING

TITLE 14. NATURAL RESOURCES
DIVISION 7. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
CHAPTER 6. PERMITTING OF WASTE TIRE FACILITIES
ARTICLE 8.5. WASTE TIRE HAULER REGISTRATION

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (Board) proposes to amend Title 14, California Code of Regulations, Division 7, Chapter 6, by amending Articles 8.5, sections 18449 through 18462 and adding sections 18456.2.1 and 18460.2.1. The proposed regulations make changes in the existing regulations to implement, interpret and make specific the provisions of SB 876 (Escutia, 2000), as well as correct errors, and add clarifying language to make the regulations more functional, and delete unnecessary language.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period for this rulemaking closes at the close of the hearing on April 13, 2005. The Board will only consider comments received at the Board’s headquarters by that time. Please submit your written comments to:

Tom Micka, Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, California 95812-4025
Fax: (916) 319-7491
e-mail: tmicka@ciwmb.ca.gov

If an individual previously commented on these regulations at a board meeting, that person should be aware that those comments were considered and often incorporated into the regulations. However, if such individuals are not satisfied with the proposed regulations, as they

California Environmental Protection Agency

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exist in the current proposed regulations, they must resubmit their comments so that they will be considered anew and made a part of this rulemaking record.

PUBLIC HEARING

A public hearing to receive public comments has been scheduled for the Special Waste Committee Meeting. The hearing will be held at the

Joe Serna Jr., Cal EPA Building
1001 I Street, 2nd Floor
Sacramento, CA 95814

The hearing will begin at **9:30 a.m. on April 13, 2005**, and will conclude after all testimony is given. The California Integrated Waste Management Board requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheelchair accessible. If you have any questions, please contact Tom Micka at (916) 341-6420.

INFORMATIVE DIGEST

The California Integrated Waste Management Act (Act), Public Resources Code (PRC) §40000 et. seq., gives the Board authority to provide for the protection of public health, safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC §40502 requires the Board to adopt rules and regulations to implement the Act. Senate Bill (SB) 744 (McCorquodale, 1993) established the Waste Tire Hauler Registration Program and required the Board to adopt regulations for the Waste Tire Hauler Registration and Manifesting Programs. On May 9, 1996, the Board’s Waste Tire Hauler Regulations became effective. With the passage of these and subsequent regulations the Board has been regulating the hauling of used and waste tires. The Waste Tire Hauler Program currently registers more than 870 waste tire haulers annually, with more than 6,900 vehicles statewide, and requires that used or waste tires be manifested from the generator to the end-use or disposal facility.

Senate Bill (SB) 876 (Escutia, Statutes of 2000, Chapter 838) expanded the Board’s authority to oversee the management of used and waste tires and to better serve the regulated community and to protect public health and safety and the environment. The Board was also charged with implementing a new and improved "California Uniform Waste and Used Tire Manifest System."

This new manifesting system has been implemented through previous regulation packages approved by the Board, and impacts tire generators, haulers, and end-use facilities that generate, haul and/or accept used or waste tires. The intent of SB 876 was to "close the loop" on accountability by requiring copies of manifests from each party (generator, hauler, and end user) to be submitted to CIWMB for monitoring and tracking tire loads and movement within California. The current regulations for the "California Uniform Waste and Used Tire Manifest System" are found in Title 14, California Code of Regulations, Chapter 6, Article 8.5.

From the year 1995 to 2003 (prior to the changes implemented by SB 876), the Retread Industry was allowed to prepare an invoice for their customers and attach a copy of that invoice to a single manifest form for the day’s route. With the implementation of the California Uniform
Waste and Used Tire Manifest System in July 2003, the Retread Industry has been required to manifest each transaction of retreadable casings along with a required trip log. Retreaders have had to abide by the waste tire hauler requirements, because the Public Resources Code includes casings that may be reused within the definition of waste tires (PRC Sections 42805.5 and 42807).

The Board believes that because tire casings are owned by their clients and do not become the property of the retreaders, and because they are being transported by the retreader only for inspection, re-treading, re-casing, or re-capping; and not disposal, that the retreader should not be required to manifest the pick-up and delivery of each load of casings.

The following is a list summarizing the more significant proposed changes to the existing regulations to accommodate the retreaders:

1. A registered Waste Tire Hauler who is a retreader shall complete a Retreader Self-Certification Form in order to be a CIWMB certified retreader.
2. The Board shall issue decals and a retreader registration card to the self-certified retreader.
3. Regulations have been added entitled “Retreader Self-Certification Denial, Suspension, and Revocation” and “Request for Hearing of Denial, Suspension, or Revocation of Retreader Self-Certification” which are similar to the requirements for Registered Waste Tire Haulers.
4. A customer invoice may be substituted for a Manifest Form.
5. For each shipment of casings, the self-certified retreader should have in his/her possession a Retreader Trip Log and customer invoices/Manifest Forms, in lieu of the Manifest Form and Tire Trip Log required for the Registered Waste Tire Hauler.

The Retreader will only be submitting to the CIWMB the Retreader Trip Log. The Retreader will be required to keep copies of the customer invoices for a period of three years. If the CIWMB wants to check the invoices against the Retreader Trip Log, the CIWMB will have to audit the Retreader.

Staff estimates that up to $32,000 will be needed to accommodate changes in the existing forms and computer programs. A portion of the $32,000 has already been spent in order to implement the current emergency regulations for retreaders.

Staff has also reviewed, interpreted, and updated inaccuracies in the existing regulations found in Title 14, California Code of Regulations, Chapter 6, Article 8.5.

POLICY STATEMENT OVERVIEW

Over the past seven years the California Integrated Waste Management Board has been regulating the hauling of used and waste tires in California. The Waste Tire Hauler Program currently registers more than 870 waste tire haulers annually, with more than 6,900 vehicles statewide, and requires that every used or waste tire be manifested from the generator to the end-
use or disposal facility. Existing waste tire hauler regulations set forth procedures for the waste tire haulers registration process and current manifest requirements.

The proposed regulations will no longer require a self-certified retreader to manifest the pick-up and delivery of each load of casings. The retreader will only be submitting to the CIWMB the Retreader Trip Log. The retreader will be required to keep copies of the customer invoices for a period of three years. The regulations make changes in the existing regulations to implement, interpret and make specific the provisions of SB 876 (Escutia, 2000), as well as correct errors, add clarifying language to make the regulations more functional, and delete unnecessary language.

**PLAIN ENGLISH REQUIREMENTS**

Board staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed final regulations are considered non-technical and are written to be easily understood by those parties that will use them.

**AUTHORITY AND REFERENCES**

PRC §§ 40502, 42966, and 43020 provide authority for these regulations. The purpose of the proposed actions is to implement, interpret, and make specific numerous statutes and regulations related to the transportation of used and waste tires. The following is a list of references sited in these proposed regulation changes: PRC §§, 42950, 42951, 42952, 42953, 42954, 42955, 42956, 42958, 42960, 42961, 42961.5, and 42962.

**FEDERAL LAW OR REGULATIONS MANDATE**

Federal law or regulations do not contain comparable requirements.

**LOCAL MANDATE AND FISCAL DETERMINATIONS**

Board staff has determined that the proposed regulations do not impose: 1) a mandate on local agencies or school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code §§17500 through 17630; 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.

**EFFECT ON HOUSING COSTS**

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.
EFFECT ON BUSINESS AND SMALL BUSINESSES/ SMALL BUSINESS DETERMINATION

Board staff made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations may apply to business and small businesses, but as stated above, they will not have a significant adverse economic impact on business and small businesses. Retreaders will complete a Retreader Trip Log for each shipment of tires in lieu of the current Waste Tire Trip Log and Manifest Form.

EFFECT ON COMPETITION WITH OUT-OF-STATE BUSINESS

Board staff has determined that the proposed regulations will not have an adverse economic impact upon the ability of California businesses to compete with out-of-state business.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

Board staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the state of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACT ON PRIVATE PERSONS OR ENTERPRISES

Board staff has determined that the adoption of the proposed regulations will not have a cost impact on private persons or enterprises. Cost impacts for the program in general have already been identified in a previous rulemaking. Retreaders and their customers are essentially the only members of the regulated community that are affected by the proposed regulations. There will be no increase in the universe of individuals and businesses presently regulated. There is no cost associated with retreaders completing the “Retreader Self-Certification” Form or with the retreaders and their customers using the “CA Retreader Trip Log.” Therefore, the proposed regulations impose no costs on either retreaders or their customers and should not have a significant adverse economic impact on individuals and businesses that comply with the statute and regulations governing waste and used tire hauling.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.
CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Tom Micka, Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, California 95812-4025
(916) 341-6420 phone, (916) 319-7491 facsimile
e-mail: tmicka@ciwmb.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Georgianne Turner, Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6429 phone, (916) 319-7165 facsimile
e-mail: gturner@ciwmb.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND
TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulations, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. The Final Statement of Reasons will also be made available once it is prepared. Copies may be obtained by contacting Tom Micka at the address or phone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the Board’s Internet homepage at www.ciwmb.ca.gov/rulemaking

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text -- with changes clearly indicated -- available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for the modified text should be made to the contact person named above. The Board will mail any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.
With the passage SB 744 (McCorquodale, 1993) and the subsequent regulations, the California Integrated Waste Management Board (Board) has been regulating the transportation of used and waste tires. Waste Tire Hauler Registration standards were designed to prevent environmental catastrophes and adverse impacts to public health and safety due to improper transportation and storage of used or waste tires. AB 117 (Escutia, 1998) was signed into law requiring the Board to prepare a report to the legislature on the current waste tire program and to make recommendations by June 30, 1999 for needed changes. The Board adopted the final version of the report entitled “California Waste Tire Program Evaluation and Recommendations” at its June 22, 1999 meeting. SB 876 (Escutia, 2000) was passed by the Legislature changing the tire statutes to better serve the regulated community and to protect public health and safety and the environment. Most of the changes that were incorporated in the regulations that became effective July 1, 2003, were the result of either the passage of SB 876, or recommendations in the AB 117 Report, as well as, changes that were made based on administering these regulations for the past 6 years.

Under these regulations retreaders, like other waste tire haulers, were required to manifest every transaction of retreadable casings along with the required trip log. The retread industry felt that because tire casings are owned by their clients, and do not become the property of the retreaders and because they are being transported by the retreader only for inspection, re-treading, re-
casing, or re-capping; and not disposal, that they should not be required to manifest the pick-up and delivery of each load of casings. The retread industry felt that the manifesting requirements were overly burdensome. The Board agreed with the retread industry, and adopted Emergency Regulations. On August 23, 2004, the Emergency Regulations became effective, revising the Waste Tire Hauler Registration and Manifesting Regulations pertaining to Retreaders.

The Emergency Regulations revise the waste tire hauler registration and manifesting regulations allowing retreaders who have self-certified with the Board to use a new Retreader Trip Log, and to substitute customer invoices for Manifest Forms.

**ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS & ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.**

**DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS**

The following response shall be used for the requirement that the above finding be made for each proposed regulatory action.

The Board has determined that:
- No alternatives to the proposed regulatory actions would be as effective and less burdensome to private persons while protecting human health, safety, and the environment,
- There are no other alternatives to the proposed regulatory actions that would lessen adverse economic impact on small business while protecting human health, safety, and the environment.

The proposed regulations will not add any substantively new regulatory requirements for the waste tire generators, tire dealers, and end-use facilities.

**INITIAL DETERMINATION THAT THE ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

**DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS**

CIMWB staff made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. In making this determination, the CIWMB relied upon an analysis by Cal/EPA’s Agency-wide Economic Analysis Program.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

**DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS**
The following response shall be used for the requirement that for each proposed regulatory action that each study, report, or document relied upon, if any, must be identified.

The Board relied upon the following in proposing the adoption of these proposed regulations:

- Existing statute and regulation.
- Public board and committee meetings held by the CIWMB, both to implement the emergency regulations and to obtain approval to proceed with the final rulemaking.

LOCAL MANDATE AND FISCAL DETERMINATIONS

DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS

CIWMB staff has determined that the proposed regulations do not impose: 1) a mandate on local school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code section 17500 through 17630; 4) other non-discretionary costs or savings on local agencies; 5) costs or savings in federal funding to the state.

FINDING ON NECESSITY OF REPORTS

DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS

CIWMB has found that the requirement for specific reports are necessary for the health, safety, and welfare of the people of the state because it will help to ensure that the standards in Article 8.5 are met by operators and adequately monitored by the CIWMB or enforcement agencies.

DUPICATION OR CONFLICTS WITH CODE OF FEDERAL REGULATIONS

DECLARATION FOR SUBSEQUENT STATEMENT OF REASONS

No duplication or conflict exists between the proposed regulations and federal regulations contained in the Code of Federal Regulations because Federal law or regulations do not contain comparable requirements.

SPECIFIC PURPOSE OF THE REGULATION: NECESSITY

§ 18449 – The term “retreader” is added to the “Scope” of this article to indicate that the retreader profession is to be recognized apart from waste tire haulers, waste tire generators, tire dealers, and end-use facilities with regard to these regulations.

§ 18450(a)(12) - This definition is intended to clarify the meaning of “Invoice” used in other sections of these regulations. The invoice is provided by the Retreader and contains information pertinent to the shipment of casings. The information required on the invoice is consistent with the information currently required on the Waste Tire Manifest form, with the exception of
information that is not pertinent to retreading. This includes tire types, intended use, and hauler exemption.

§ 18450(a)(19) - This definition is intended to clarify the meaning of “Retreader” used in this and other sections of these regulations. A retreader! is defined using terms similar to those used for “Person” in Section 18450(a)(17), with the exception that a retreader is not a political subdivision, government agency or a municipality. A retreader is in the business of retreading, recasing, or recapping tire casings for reuse. Each of these terms defines the activities of a retreader. Notwithstanding the other requirements, a retreader is someone actively engaged in the business of retreading. If a retreader is not currently retreading, recasing or recapping, then the retreader does not qualify under this definition. The requirement that the retreader have manufacturer 3-digit identification is consistent with the Code of Federal Regulations Title 49, Section 574.5. The requirement that the retreader complete the Retreader Self-Certification and that it be deemed complete by the Board is consistent with Section 18456.2.1. Aside from the deviation in the manifesting requirements, the retreader must comply with all the waste tire hauler requirements. For example, the retreader must retain his/her waste tire hauler status to function as a self-certified retreader. This includes among other requirements, keeping the bond in full force and effect as specified in Section 18456.1(b).

§ 18450(a)(20) – This definition is intended to clarify the meaning of “Retreader Trip Log” used in this and other sections of these regulations. The primary difference between the Retreader Trip Log and the Waste and Used Tire Trip Log is that the former is intended to be used by retreaders in conjunction with invoices and the latter is intended to be used by waste tire haulers in conjunction with Manifest Forms. The Retreader Trip Log shall be used when transporting casings from the generator to the retreading facility for inspection, retreading, recasing, or recapping. In the event that the casing does not meet the inspection standards for retreading, recasing, or recapping, the casing may be shipped back from the retreading facility to the generator using a Retreader Trip Log. In both cases the generator retains ownership of the casing(s). The Retreader Trip Log may not be used if the shipment of casings includes used or waste tires. In this instance, manifest forms and a Waste and Used Tire Trip log will be required. The Retreader Trip Log is discussed in more detail in Appendix A, below.

§ 18450(a)(22) – The term “tire casing” is defined here because the term is used in the above definition of “Retreader,” “Retreader Trip Log,” etc. The definition states that a tire casing is the carcass of a reusable tire that after inspection can be retreaded, recased, or recapped by a Retreader. Not all casings can be reused due to wear or damage. Therefore, the definition includes the phrase “after inspection.” If it is determined that the casing cannot be reused, then the casing is returned to its owner.

§ 18451 - The term “retreader” is added to this section for consistency. In addition to waste tire haulers, waste tire generators, tire dealers, and end-use facilities, retreaders will be required to comply with these regulations unless exempt by statute.

§ 18456 – For consistency form CIWMB 180 (Retreader Self-Certification Form) will be made available by the Board along with forms CIWMB 60 and 61 for waste tire haulers.
§ 18456.2.1 – This section has been added to the regulations describing the “Retreader Self-Certification process. The purpose of the Retreader Self-Certification is to provide a method for individuals to certify to the Board that they are legitimate Retreaders. The Board chose a self-certification process, because the Board did not want it to appear that it was bestowing a new title on Retreaders that might give one Retreader a business advantage over another Retreader. The Board did not want to create a new classification. This is important because a Retreader may continue to operate as a Waste Tire Hauler. The Self-Certification requirements are enumerated on the Retreader Self-Certification form.

§ 18456.2.1(a) – The Board shall notify the applicant for retreader self-certification within 30 days of submittal as to whether the Self-Certification form is complete or incomplete, and what information is required if it is incomplete. This process time period is consistent with the application process for waste tire haulers in Section 18456.2(a).

§ 18456.2.1(b) – This subsection addresses the issuance of Retreader registration cards and decals, and is consistent with Section 18456.2(b) for waste tire haulers.

§ 18456.2.1(c) – This subsection is consistent with Section 18456.2(c) for waste tire haulers. Like the waste tire hauler program, registration cards and decals are not transferable from vehicle to vehicle, and shall be present in the vehicle to which they were issued.

§ 18456.2.1(d) – This subsection clarifies the procedure for invalidating a Self-Certification Form. If at any time the Board determines that the information on the form is false, the Board will deem the Self-Certification Form invalid. This is consistent with Section 18457(b) and 18463(d) for waste tire haulers. Section 18457(b) discusses revocation, and Section 18463(d) discusses enforcement. If the Self-Certification Form is deemed invalid, the retreader shall return retreader materials (Subsection (e)) and shall only transport casings as a waste tire hauler (Subsection (f)). The applicant shall be notified and the Board shall determine whether to take enforcement action.

§ 18456.2.1(e) – This subsection is consistent with Section 18457(c) for waste tire haulers. Upon invalidation of the Retreader Self-Certification, the retreader shall immediately return unused Retreader Trip Logs and vehicle Retreader registration cards to the Board.

§ 18456.2.1(f) – This subsection clarifies that if a Retreader Self-Certification is invalidated as described in Subsection (d), the waste tire hauler may still haul casings under his/her waste tire hauler registration following the requirements for waste tire haulers, i.e., using the Tire Trip Log and Manifest forms.

§ 18456.2.1(g) – Subsection (g) clarifies that if the Self-Certification form is deemed invalid by the Board, and if a hauler is not hauling casings in accordance with the retreader requirements, then the Board may deny, suspend or revoke their Waste Tire Hauler Registration. This subsection is consistent with Section 18457(b) for waste tire haulers, which refers to PRC Section 42960.
§ 18459(a) – To be consistent with the availability of Waste Tire Hauler forms, the Board will make the Retreader Trip Log available to Retreaders at no charge. It will also be unlawful for a waste tire hauler who is not a Retreader, determined by the Board, to use the Retreader Trip Log. This is consistent with proposed changes to other sections of these regulations.

§ 18459(b) – “Retreader Trip Log” and “by appropriate representative” are added to this paragraph to make the requirements for the Retreader Trip Log consistent with requirements for the Manifest form and Tire Trip Log. Each is signed under penalty of perjury and each must accompany the shipment of tires or casings.

§ 18459.1(d) – The word “business” has been added before the word “location” in Paragraph (d). This change is intended to clarify that the Tire Program Identification Number is assigned to the location where the business is being conducted.

§ 18459.2.1 - The title of this section has been expanded to include “Retreader Trip Log” to be consistent with the addition of Subsection (b).

§ 18459.2.1(b) – This subsection has been added to make the requirements for the use of the Retreader Trip Log and invoices consistent with the requirements for the use of the Tire Trip Log and Manifest Form. The information required on an invoice, which may be substituted for a Manifest Form, is similar to what is required on a Manifest Form. The Retreader Trip Log and invoices, like the Tire Trip Log and Manifests in Paragraph (a), shall be in the possession of the Retreader while transporting tire casings, and shown upon demand to any representative of the Board, any officer of the California Highway Patrol or any local public officer, or any local public official designated by the Board. To be consistent with the Tire Trip Log in Paragraph (a)(1), the Retreader Trip Log in Paragraph (b)(1) shall be submitted to the Board by the Retreader within 90 days of the load shipment. One difference between Subsections (a) and (b) is that unlike the manifest form, copies of the invoice do not have to be submitted to the Board by the tire dealer, waste tire generator, or retreader.

§ 18459.3(a)(1) – Paragraph (a)(1) is added to the regulations to make retention of invoices and the availability of review of invoices for generators, tire dealers and end-use facilities, consistent with requirements for manifests in Paragraph (a).

§ 18459.3(b)(1) - Paragraph (b)(1) is added to the regulations to make retention of the Retreader Trip Log and corresponding invoices and the availability of these records for review, consistent with requirements for the Tire Trip Log contained in Paragraph (b).

§ 18460.2.1 – This section provides clarity regarding manifest system requirements for retreaders beginning with the Retreader Self-Certification process. This section is consistent with the procedures for Waste Tire Hauler manifesting found in Section 18460.2. The term “manifest” is used in the title of this section, because the process of manifesting for waste tire haulers is similar to the process for retreaders.

§ 18460.2.1(a) - Subsection 18460.2.1(a) clarifies the requirements for a registered waste tire hauler to become a retreader for the purpose of these regulations. The waste tire hauler must
complete the Retreader Self-Certification Form, and the Board must deem the registered waste tire hauler a Retreader after reviewing the Form.

§ 18460.2.1(b) – The requirement in Subsection (b) that the retreader registration card shall be shown to the tire dealer or waste tire generator for the vehicle being used to transport tire casings is consistent with the procedures in Subsection 18460.2(a) for waste tire haulers.

§ 18460.2.1(c) – The requirements in Subsection (c) that the retreader shall complete an invoice for each pick-up or delivery of tire casings in accordance with Section 18459.2.1(b) and 18461(a)(1) and that each pick-up or delivery of tire casings shall be entered into the Retreader Trip Log according to the instructions on the Trip Log is consistent with the procedures in Subsection 18460.2(b) for waste tire haulers, with the exception that the invoice is substituted for the manifest form.

§ 18460.2.1(d) – The requirement in Subsection (d) that a vehicle may contain casings from different tire dealers or waste tire generators so long as a separate invoice is prepared for the casings from each point of origin is consistent with the procedures in 18460.2(c) for waste tire haulers.

§ 18460.2.1(e) – The requirement in Subsection (e) that a copy of the invoice shall be left with the tire dealers, waste tire generator, or end-use facility is consistent with the procedures in 18460.2(d) for waste tire haulers.

§ 18460.2.1(f) – The requirement in Subsection (f) that the retreader shall keep one copy of the fully completed invoice is consistent with the procedure in 18460.2(e) for waste tire haulers.

§ 18460.2.1(g) – The requirement in Subsection (g) that the retreader shall haul casings to an end-use facility not legally authorized to accept used or waste tires is consistent with the procedures in 18460.2(f) for waste tire haulers.

§ 18460.2.1(h) – The requirement in Subsection (h) that the retreader shall not transport casings without a properly completed invoice form and Retreader Trip Log is consistent with the procedures in 18460.2(g) for waste tire haulers.

§ 18461(a)(1) - This subsection clarifies that an invoice may be substituted for a manifest form when an end-use facility is receiving a casing from a Retreader for inspection, retreading, recasing, or recapping. The particulars of the invoice are spelled out in Section 18459.2.1(b). The term “may be substituted for the Manifest Form” means that a Retreader using a Retreader Trip Log and invoices or a Tire Trip Log and Waste Tire Hauler Manifest Forms may transport casings to a retread facility.

§ 18462(a)(1) – This subsection clarifies that an invoice may be substituted for a manifest form when a generator or tire dealer is shipping a casing via a Retreader to a retread facility for inspection, retreading, recasing, or recapping. The particulars of the invoice are spelled out in Section 18459.2.1(b). The term “may be substituted for the Manifest Form” means that a Retreader or Waste Tire Hauler may transport the casings to a retread facility using a Trip Log
and Manifest Forms, under the existing Waste Tire Hauler Manifesting procedures. The requirement that the generator or tire dealer retain copies of invoices for a period of three years at the place of business is consistent with the procedures for the Manifest Form in Subsection 18462(a)(1).

Appendix A

Form CIWMB 173 (05/04) “Retreader Self-Certification” – This form is identified in Sections 18450 and 18460.2.1, as well as other sections of Article 8.5. Portions of the information to be entered on this form are consistent with the information asked for on the Waste Tire Hauler Application (CIWMB-60 (3/03)). This includes business name, address, etc. The applicant should have a Tire Program Identification (TPID) number in accordance with Section 18459.1(c). One unique piece of information required on the Retreader Self-Certification is the three digit retreader identification number. The Retreader shall insert a Manufacturer 3-Digit Identification issued by the United States Department of Transportation pursuant to Title 49, Code of Federal Regulations, § 574.5. The conditions specified on the form that the Retreader must comply with are consistent with the requirements in Sections 18460.2.1, 18460.2, and 18459.2.1(b) and Sections 830.1 and 830.2 of the Penal Code. The “penalty of perjury” is consistent with Section 18450(a)(19) and PRC Section 42960 and 42962.

Form CIWMB 180 (03/04) “California Retreader Trip Log” – The use of the Retreader Trip Log is described in Sections 18450(a)(20), 18459.2.1, and 18460.2.1. This form is to be used in place of the Waste Tire Manifest form and the Uniform Waste and Used Tire Trip Log for transporting tire casings by retreaders. The information required on the Retreader Trip Log is consistent with the information on the above cited forms; however, less information is collected. The purpose of Retreader Trip Log is to capture the necessary information for the Board to track shipments of casings, without being as onerous as the current manifest system. Since an invoice replaces the manifest for generator and retread facility, the Retreader Trip Log requires an invoice number instead of a manifest number. Because invoices are not submitted to the Board, the name, address and Tire Program Identification number of each generator and retread facility are entered on the Retreader Trip Log. Information on the retreader who is completing the Retreader Trip Log is similar to the information captured on the Waste and Used Tire Hauler Trip Log for the hauler.