

Summary and Response to Comments: Discussion And Request For Rulemaking Direction On Noticing Revisions To The Existing Waste Tire Hauler Registration And Manifesting Regulations For An Additional 15 Day Comment Period
Sorted by Comment Number

Comment Number	Commenter	Summary of Comment	CIWMB Response	Revisions Needed	Section/Area
Initial 45-Day and Additional Extended Comment Period					
<i>[Note: Comment numbers starting with "L" denote comments contained in letters received and "S" denotes comments accepted at the December 8th Public Hearing]</i>					
L01-01	Jeff Rhodes, Big Sky Enterprises	Requesting that existing laws concerning Workers Compensation and Compliance be enforced by our Department.	Regulations that relate to Workers Compensation and Compliance are regulated and enforced by the Department of Industrial Relations, Division of Standards and Enforcement.	No	
L01-02	Jeff Rhodes, Big Sky Enterprises	Requesting that all Waste Tire Haulers show proof of Worker's Compensation and Payroll Compliance.	The Board has no regulatory authority to mandate a Waste Tire Hauler show sufficient proof of Worker's Compensation and Compliance, as it may not apply to all Waste Tire Haulers	No	
L01-03	Jeff Rhodes, Big Sky Enterprises	The revision of Section 18456.2 implies that haulers and operators must not have been in compliance with Department of Motor Vehicle laws, because sections (g) & (h) have been added to require all Waste Tire Haulers have a valid driver's license and all vehicles registered with as Waste Tire Hauler Vehicles have a current registration.	Staff believes code section 18457 should be revised to allow for the denial or revocation of a Waste Tire Hauler Registration when it has been determined that federal, state or local laws, which would encompass Workers Compensation Compliance laws, have been violated.	Revisions made.	18457 (a): Amended Waste Tire Hauler Registration Denial, Suspension, and Revocation
L01-04	Jeff Rhodes, Big Sky Enterprises	Believes that when Waste Tire Haulers operate "under the table" they avoid additional cost that are mandated by legitimate business.	See response L01-01.	No	
L01-05	Jeff Rhodes, Big Sky Enterprises	Believes that the Board should not allow Waste Tire Haulers to receive their registration without obtaining payroll taxes on all their employees.	See response L01-01	No	

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L01-06	Jeff Rhodes, Big Sky Enterprises	Requesting that all Waste Tire Haulers have their employees covered by Workers Compensation and Compliance.	See response L01-01	No	
L02-01	Carl E. Atkinson, Jr., Wheels Etc.	Believes that Agricultural use of tire as ballast on holding tarps for agricultural feeds and silage should only apply to tires that are split; therefore, when an Agricultural entity requests an Agricultural Exemption the tires they haul under that exemption should be split tire and not whole tires.	Staff believes the existing Agricultural Exemption is appropriate. The hauler may be required to transport waste tires to another location in order to have them split or to use the as bumpers. Staff anticipates additional discussion and subsequent regulatory changes consideration at a later date.	No	PRC 42950(a) PRC 42954(a)(5) 18420 (a): Applicability 18453. Exemption Certification for Agricultural Purposes or Common Carrier 18460.1: Waste Tire Manifest System Requirements for Agricultural Uses Exemption

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L02-02	Carl E. Atkinson, Jr., Wheels Etc.	Requesting that all Waste Tire Haulers under the Agricultural Hauler Exemption only be allowed to haul tires that have been split.	See response L02-01	No	PRC 42950(a) PRC 42954(a)(5) 18420 (a): Applicability 18453. Exemption Certification for Agricultural Purposes or Common Carrier 18460.1: Waste Tire Manifest System Requirements for Agricultural Uses Exemption
L02-03	Carl E. Atkinson, Jr., Wheels Etc.	Believes that there are markets available for split tires for use as ballast and that the exemption only needs to address split tires for farmers. He believes that if they are hauling whole tires that they need to get a registration like everyone else.	See response L02-01	No	PRC 42950(a) PRC 42954(a)(5) 18420 (a): Applicability 18453. Exemption Certification for Agricultural Purposes or Common Carrier 18460.1: Waste Tire Manifest System Requirements for Agricultural Uses Exemption
L03-01	Andrea C. Fox, California Farm Bureau Federation	Wants to exempt all agricultural user from hauler registration requirements. Request that a standard definition for Agricultural Operations be changed to reflect the	Staff believes exempting the agricultural users from hauler registration is a substantive and controversial change beyond the scope and intent of this proposed regulatory	No	PRC 42950(a) PRC 42954(a)(5) 18420 (a): Applicability

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		definition as stated by the Air Resources Board in a publication entitled Proposed Regulation for in-use on-road Diesel Vehicles.	change package. Staff anticipates additional discussion and subsequent regulatory changes coordination at a later date.		18453. Exemption Certification for Agricultural Purposes or Common Carrier 18460.1: Waste Tire Manifest System Requirements for Agricultural Uses Exemption
S01-01	Jeff Rhodes, Big Sky Enterprises	Reiterated his statements that were contained in his letter to the CIWMB during the 45-day public comment period.	See CIWMB responses in L01-01 through L01-06	See CIWMB responses in L01-01 through L01-06	See CIWMB responses in L01-01 through L01-06