



## **California Waste Tire Laws and Regulations Permit Requirements**

### **Public Resources Code (PRC), Division 30, Part 3, Chapter 16, section 42824**

On and after September 1, 1994, it is unlawful to direct or transport waste tires to a major waste tire facility or to accept waste tires at a major waste tire facility unless the operator has obtained a major waste tire facility permit.

#### **PRC 42834**

On and after July 1, 1994, it is unlawful to direct or transport waste tires to a minor waste tire facility or to accept waste tires at a minor waste tire facility unless the operator has obtained a minor waste tire facility permit.

#### **PRC 42850(a)**

- (a) Any person who negligently violates any provision of this chapter, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter, is liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000), for each violation of a separate provision or, for continuing violations, for each day that the violation continues.
- (b) Liability under this section may be imposed in a civil action or liability may be imposed administratively pursuant to this article.
- (c) Upon request of a city, county, or city and county, that city, county, or city and county may be designated, in writing, by the board, to exercise the enforcement authority granted to the board under this chapter. Any city, county, or city and county so designated shall follow the same procedures set forth for the board under this article. This designation shall not limit the authority of the board to take action it deems necessary or proper to ensure to enforcement of this chapter.

### **Title 14 California Code of Regulations (14 CCR) section 18420 –Applicable for Permit**

- (a) The operator of a waste tire facility shall acquire a waste tire facility permit in accordance with the requirements of this Chapter and Public Resources Code section 42808, unless any of the following conditions exist:
  - (1) The waste tires are stored within the boundaries of, or disposed at, a permitted solid waste disposal facility or stored within the boundaries of a permitted transfer station which receives less than 150 waste tires per day averaged over a 365-day period. If waste tires are stored within the boundaries of a solid waste facility, the permit of the solid waste facility shall conform to the requirements of Public Resources Code section 44004 and Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations, to reflect the storage of waste tires.

- (2) The facility is using fewer than 5,000 waste tires for agricultural purposes and the waste tires have been rendered incapable of holding accumulations of water.
- (3) The facility is storing fewer than 500 waste tires.
- (4) The facility is a tire treading business and not more than 3,000 waste tires are kept on the premises.
- (5) (Reserved)
- (6) The facility is an automobile dismantler, as defined in Sections 220 and 221 of the Vehicle Code, who stores waste tires on the premises of the auto dismantler for less than 90 days if not more than 1,500 waste tires are ever accumulated on the dismantler's premises
- (7) The facility is a tire dealer who stores waste tires on the dealer's premises for less than 90 days if not more than 1,500 waste tires are ever accumulated on the dealer's premises.
- (b) For purposes of determining the applicability of this Chapter 6, altered waste tires shall be counted as passenger tire equivalents as that term is defined in section 17225.770 of Title 14 of the California Code of Regulations.
- (c) Operations authorized to use the enforcement agency notification tier as prescribed by sections 18103 and 18103.1 of Title 14 of the California Code of Regulations, that stores, stockpiles, accumulates or discards 500 or more waste tires shall comply with the waste tire facility permitted requirements set forth in Division 30, Part 3, Chapter 16 of the Public Resources Code, and Division 7, Chapters 3 and 6 of Title 15 of the California Code of Regulations.
- (d) For the purposes of Chapter 6, Articles 2 through 7 and Articles 9, 10 and 11 apply to operators and/or businesses described under Chapter 6, Article 1.
- (e) A "used tire dealer" is only authorized to lawfully accept waste or used tires without a waste tire facility permit if the used tire dealer is in compliance with Section 17225.820, Article 4.1, Chapter 3 and has fewer than 1,500 waste tires in accordance with Public Resources Code section 42808(c).

## **14 CCR 18420.1-Waste Tire Collection Location**

- (a) Any amount of waste or used tires is in "collection" when temporarily placed in a fully enclosed container, on a lot identified by a unique assessor's parcel number that is not part of:
  - (1) A permitted waste tire facility,
  - (2) A permitted solid waste facility,
  - (3) A facility identified in section 18420(a) of this Article, or
  - (4) An operation operating pursuant to a notification requirement prescribed by sections 18103 and 18103.1 of Title 14 of the California Code of Regulations.
- (b) "Collection Location" means a location on which tires are being stored in collection in accordance with subsection (a), and includes the containers in which tires are placed and the area surrounding the containers on which tires are temporarily placed during unloading, sorting, and loading.
- (c) The requirements of Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations shall not apply to a collection location if all of the following six (6) requirements are met:
  - (1) All waste and used tires onsite shall be kept in closed containers except while actively unloading, sorting, or loading.
  - (2) Containers shall be kept locked when not being unloaded, sorted, or loaded.

- (3) Containers shall, at all times, be kept on or as part of a trailer for which a current, valid license plate has been issued by the Department of Motor Vehicles or an equivalent agency in another state or country.
- (4) A waste or used tire transported to or from a collection location shall be manifested in accordance with Article 8.5 of this Chapter.
- (5) Containers shall not remain onsite longer than 90 days.
- (6) The total number of waste or used tires at a collection location, including, but not limited to, waste or used tires located in closed containers and on the ground, shall not exceed 4,999.
- (d) Only whole waste or used tires that have not been altered, baled, or otherwise processed to become tire derived product or tire casings may be in "collection."
- (e) Nothing in this Article shall be construed as relieving any owner or operator from obtaining and operating under the terms and conditions of all use permits, business licenses, and other approvals required by applicable local governments.
- (f) A person who owns or operates a collection location as defined in subsection (b) shall notify the Department in accordance with section 18431.2 of Article 4, Chapter 6, Division 7 of Title 14 of the California Code of Regulations. If there is a change to the information provided pursuant to California Code of Regulations section 18431.2, the operator or owner of the collection location shall report the change to the Department in writing within thirty (30) days from the date of the change.
- (g) The owner or operator of a collection location shall notify the Department in writing of the intent to cease operations, thirty (30) days prior to discontinuing operations.
- (h) A person responsible for discontinuing or dismantling a collection location shall properly remove all tire material to an authorized facility, in accordance with Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations, and shall notify the Department in writing when closure activity is complete.

## **14 CCR 18423-Filing Application for Permit**

- (a) Every operator of a new or existing major or minor waste tire facility shall submit to the Board a completed original and two (2) copies of the waste tire facility permit application, as specified in Article 4 of this Chapter. (b) Upon receipt of the application, the Department shall mark the application package with the date of receipt. Within 30 days of receipt, the Department shall examine the application package to determine whether it meets the requirements contained in this chapter and either accept the application as complete and correct or reject the application. If the Department finds the application meets the requirements, the application shall be accepted as complete and correct. If the Department determines that the application does not conform to the applicable requirements, it shall notify the applicant in writing enumerating the grounds for rejection.
- (b) *(intentionally left off of this document because it applies solely to CalRecycle.)*
- (c) The operator of a waste tire facility may, at any time, withdraw a certification or permit revision application by submitting a written request to the Department. An applicant may not withdraw an application for revision if the Department requests the permit be revised pursuant to section 18427(b) or (f) of this Chapter.
- (d) For purposes of this Chapter, "Complete and Correct" means all information provided by the applicant regarding the waste tire facility is accurate, exact, and fully describes all parameters of the waste tire facility.

## **14 CCR 18426-Permit Review**

- (a) The operator of a permitted waste tire facility shall provide the Department at least once every five years:
  - (1) A certification in the form of a letter to the Department, signed by the operator under penalty of perjury, stating that the facility operations continue to conform to the terms of the permit and information in the permit application currently on file with the Department, or
  - (2) A permit revision application that only identifies proposed changes, in the manner prescribed in section 18427(c) of this Article.
- (b) The operator of a permitted waste tire facility shall submit the certification or permit revision application to the Department at least 180 days prior to five years from the date the Department last issued, or approved a revision, or reviewed a certification of the permit.
- (c) The operator of a waste tire facility that has a waste tire facility permit with an expiration date shall provide the submittals required by subsection (a) at least 180 days prior to the permit expiration date.
- (d) If the Department, upon review of a certification submitted pursuant to subsection (a), determines that the waste tire facility operations no longer conform to the terms of the permit or the information in the permit application currently on file, the Department shall:
  - (1) Inform the operator of its decision and the basis for its decision within thirty (30) days of receipt of the certification, and
  - (2) Require the operator of the waste tire facility to submit a permit revision application.

## **14 CCR 18427-Permit Revision**

- (a) If a permittee proposes to make a substantial change in the design or operation of the waste tire facility, the operator of the waste tire facility shall apply for a revision of the permit. The application shall be made in the manner specified in sections 18423 and 18424, 18431, 18432, 18433 and 18434 of Article 4 of this Chapter.  
Except as otherwise provided in this section, the Department shall review and process a permit revision application in the same manner as a new permit application.
- (b) The Department may require a permittee to submit a permit revision application if a revision is required to reflect changed state or federal statutes or regulations applicable to the facility.
- (c) A permit revision application shall only include required application documents as set forth in sections 18431, 18432, 18433, and 18434 of Article 4 of this Chapter that are necessary to reflect the changes in operations at the waste tire facility.
- (d) The permittee shall notify the Department in writing of a waste tire facility's administrative change no later than seven (7) business days after the change is effective. An administrative change shall include but is not limited to, change to any information in the application that does not apply to the design or operation of the facility.
- (e) If the Department determines that a waste tire facility administrative change requires a permit revision, it shall notify the applicant in writing within thirty (30) days of receipt of the administrative change notice.

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

## **14 CCR 18431.1-Permit Exemption**

- (a) The following exempt waste tire facilities shall apply to the Department in writing for a permit exemption:
  - (1) For a cement manufacturing plant, the application for a permit exemption shall contain the information specified in Public Resources Code section 42823.5(b).
  - (2) For a beneficial reuse project, the application for a permit exemption shall contain the information specified in section 18431.3 of Title 14 of the California Code of Regulations.
- (b) The application shall include a statement by the waste tire facility owner and/or operator that certifies under penalty of perjury that the information provided in the application is true and correct to the best of the owner's and/or operator's knowledge and belief.
- (c) For purposes of compliance with subsection (a), a handwritten, facsimile, or photocopied signature shall be treated as an original.
- (d) The owner or operator of an exempt waste tire facility shall notify the Department in writing of the intent to cease operations thirty (30) days prior to discontinuing operations.
- (e) A person responsible for discontinuing or dismantling an exempt waste tire facility shall meet all applicable requirements set forth in Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations to properly remove all tire material to an authorized facility, and shall notify the Department when the closure activity is complete.

## **14 CCR 18431.2-Permit Exclusion**

- (a) Any person wishing to operate a waste tire facility that is excluded from permitting requirements by section 18420(a) (2), (4), (6), (7) or 18420.1 of Article 1 of this Chapter shall first notify the Department in writing. This notice shall be legible and shall include all of the following for each excluded waste tire facility:
  - (1) Tire Program Identification Number, assessor parcel number; property owner name, address, and telephone number; and operator name, address, and telephone number if different from the property owner.
  - (2) Citation of underlying statutes and California Code of Regulations sections that authorize the waste tire facility permit exclusion; and a description of waste tire facility operations, including but not limited to, the average quantity of waste tires handled on an annual basis, and the hours of operation of the waste tire facility.
  - (3) A statement by the waste tire facility owner or operator that certifies under penalty of perjury that the waste tire facility complies with all required permits, licenses, and other local approvals, and the information provided in the statement is true and correct to the best of the owner's or operator's knowledge and belief.
- (b) For purposes of compliance with subsection (a), a handwritten, facsimile, or photocopied signature shall be treated as an original.

- (c) The owner or operator of an excluded waste tire facility shall notify the Department in writing of the intent to cease operations thirty (30) days prior to discontinuing operations.
- (d) A person responsible for discontinuing or dismantling an excluded waste tire facility shall meet all applicable requirements set forth in Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations to properly remove all tire material to an authorized facility, and shall notify the Department when the closure activity is complete.

## **14 CCR 18431.3-Beneficial Reuse Project**

- (a) The Department may authorize the use of waste or used tires in a beneficial reuse project using whole or altered waste tires on a case-by-case basis, if it receives a written request prior to commencement of the reuse project.
- (b) The Department shall issue either an approval or a denial of the beneficial reuse project to the requester within ninety (90) days of receipt of a completed request. The project may commence if the Department determines the project meets the requirements set forth in subsection (c).
- (c) In order to qualify as a beneficial reuse project, the request shall include all of the following information:
  - (1) A description of how the project employs one or more engineering properties of waste tires,
  - (2) A description of how the use of waste or used tires in the project provides equal or superior performance or lower cost relative to conventional technologies,
  - (3) Evidence that the project does not pose a threat to public health, safety and the environment, and
  - (4) Written approval of the proposed project by a registered civil engineer.
- (d) A person responsible for discontinuing or dismantling a beneficial reuse project shall:
  - (1) Properly remove all tire material to an authorized facility, in accordance with Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations, and
  - (2) Notify the Department when the closure activity is complete.
- (e) A beneficial reuse project approved by the Department shall be exempt from the permitting and storage requirements set forth in Division 30, Part 3, Chapter 16 of the Public Resources Code, and Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations.
- (f) This section does not apply to the beneficial reuse of whole or altered waste tires as solid waste at a solid waste landfill as described in Division 2, Chapter 3, Article 2, section 20686 of Title 27 of the California Code of Regulations.

## **14 CCR 18432-Operation Plan**

- (a) The Operation Plan, as required by 18431(b) shall demonstrate conformance with the technical standards contained in Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations.
- (b) The operator shall file amendments to the Operation Plan whenever necessary to keep the information contained in it current.

## **14 CCR 18433-Emergency Response Plan**

- (a) The operator of the waste tire facility shall maintain a copy of the Emergency Response Plan at the facility. At the time of permit issuance the approved Emergency Response Plan shall be forwarded to the local fire authority by the permittee. The plan shall be revised as necessary to reflect any changes in the operations of the waste tire facility or requirements of the local fire authority. The local fire authority and the Department shall be notified of any changes to the plan within 30 days of the revision.
- (b) The operator of the facility shall immediately notify the Department in the event of a fire or other emergency if that emergency has potential significant off-site effects. Within 30 days of any such emergency, the operator shall submit to the Department a written report describing the cause(s) of the emergency, the results of actions taken, and an analysis of the success or failure of these actions.