

1                                   **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

2  
3                                   **Solid and Hazardous Waste Commission**

4                                   **Hazardous Materials and Waste Management Division**

5                                   **6 CCR 1007-2**

6  
7  
8                                   **STATEMENT OF BASIS AND PURPOSE**  
9                                   **AND SPECIFIC STATUTORY AUTHORITY FOR**

10  
11 Addition to Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1) –  
12 Deletion of Sections 10 (Scrap tire Facilities) and 15 (Waste Motor Vehicle Tire Haulers) and  
13 Replacement with New Section 10 (Waste Tire Facilities and Waste Tire Haulers) and  
14 Associated Additions to Section 1.2, Definitions  
15

16  
17                                   **Basis and Purpose**

18  
19 I.                               Statutory Authority

20  
21                               These amendments to 6 CCR 1007-2, Section 10: Waste Tire Facilities and Waste Tire  
22 Haulers, are made pursuant to the authority granted to the Solid and Hazardous Waste  
23 Commission in Sections 25-15-302(4.5) and 30-20-109, C.R.S. These regulations are a  
24 direct result of, and implement the requirements of, House Bill 10-1018, passed by the  
25 legislature in 2010, and House Bill 05-1126, passed by the legislature in 2005.  
26

27 II.                              House Bill 10-1018

28  
29                               House Bill (HB) 10-1018 extensively modified many sections of the Colorado Revised  
30 Statutes (C.R.S.). Important to these regulations, HB10-1018 made significant changes  
31 to Sections 25-17-202, and 204, and added Sections 25-17-202.6, 205, 206, and 207 as  
32 follows:  
33

34                               § 25-17-202 was modified to include many important definitions that have been carried  
35 over into these regulations, including: End-user, Processor, Tire, Tire-derived product,  
36 Waste tire, Waste tire facility, and Waste tire hauler.  
37

38                               § 25-17-204 was modified to remove the exclusion that allowed tire transport for non-  
39 commercial purposes. It now also prohibits transport of a quantity of tires in excess of a  
40 limit established by the Commission (the limit of 10 waste tires as set by Section  
41 10.3.2(A) of these regulations) unless the transporting person is registered with the  
42 Department, has affixed a decal to the transporting vehicle, and uses manifests to track all  
43 waste tire transport.

44 § 25-17-205 has been added to describe all types of facilities that need to place decals on  
45 their facilities. These include waste tire storage and collection facilities and waste tire  
46 haulers and each of the vehicles used to transport waste tires.

47  
48 § 25-17-205 also describes the use of uniform manifests to track waste tire shipments  
49 from the waste tire generator to the waste tire processor or end-user. This section  
50 describes the minimum information to be collected on the manifests, who gets copies of  
51 each waste tire manifest, and how long copies of each manifest must be retained.

52  
53 § 25-17-206 has been added to require that all waste tire facilities must be registered with  
54 the Department. It also requires that all waste tire facilities, except facilities with an  
55 existing certificate of designation (CDs) that are in compliance with these regulations and  
56 waste tire retailers and wholesalers, must have a Fire Prevention, Training, and  
57 Firefighting Program that has been approved by the local fire authority. This section then  
58 requires that all waste tire monofills annually submit to the Department, and comply  
59 with, a Waste Tire Inventory Reduction Plan. Next, this section requires that waste tire  
60 processors process, end-users convert into and end product, and monofills convert into  
61 tire-derived product, at least 75% of the three-year rolling average annual amount of  
62 waste tires accepted at the facility as a condition of maintaining their registration. Lastly,  
63 this section requires all waste tire facilities except those with an existing CD and tire  
64 retailers and wholesalers, to have an operations plan, emergency response plan, closure  
65 plan, and post a bond for closure and reclamation of the facility, should it be necessary.

66  
67 §25-17-207 has been added to describe the enforcement of the regulations. This section  
68 also describes the Department's reporting responsibilities to the Transportation  
69 Legislation Review Committee, the House Transportation and Energy Committee, and  
70 the Senate Transportation Committee. This section also requires the Department to  
71 develop an on-line complaint form and a process for addressing complaints received.

72  
73 III. Purpose of new regulations:

74  
75 The purpose of these new regulations is to implement the requirements of HB10-1018.  
76 HB10-1018 sets up a cradle-to-grave management scheme for waste tires to ensure that  
77 all newly generated waste tires are accounted for and properly recycled or dispositioned.  
78 These regulations set out the requirements for each type of facility or entity within the  
79 cradle-to-grave "lifespan" of a waste tire – tire retailers and wholesalers that generate  
80 waste tires as they replace old tires with new tires on vehicles; waste tire haulers and  
81 waste tire collection facilities that manage waste tires in transit, waste tire end-users and  
82 processors that either manufacture waste tires into new products or turn waste tires into  
83 useable feedstocks; and waste tire monofills that store waste tires for extended periods.

85 **Discussion of Regulatory Proposal**

- 86
- 87 I. The proposed Section 10 regulations require some new definitions and some modified
- 88 definitions. These changes are summarized below. For consistency, these definitional
- 89 changes are being made to Section 1.2 of the solid waste regulations (6 CCR 1007-2, Part
- 90 1).

91

92 The following definitions are being added to Section 1.2:

- 93 1. Beneficial use
- 94 2. End-user
- 95 3. Fleet Service Facility
- 96 4. Processor
- 97 5. Tire-derived product
- 98 6. Waste tire collection facility
- 99 7. Waste tire facility
- 100 8. Waste tire hauler

101

102 The following definitions are being modified in Section 1.2

- 103 1. Agent of a Wholesaler
- 104 2. Passenger tire equivalents
- 105 3. Retailer
- 106 4. Tire (as used in Section 10)
- 107 5. Waste tire
- 108 6. Waste tire monofill
- 109 7. Wholesaler

110

111 The following definitions are being deleted from Section 1.2, as these terms no longer

112 appear anywhere in the Regulations

- 113 1. Scrap tire
- 114 2. Scrap tire recycling
- 115 3. Waste motor vehicle tire
- 116 4. Waste motor vehicle tire hauler
- 117 5. Waste motor vehicle tire monofill
- 118 6. Waste motor vehicle tire recycling facility
- 119 7. Waste motor vehicle tire storage site

- 120
- 121 II. Scope and applicability (Section 10.1)

122

123 The first two subsections in this section describe the types of waste tire facilities and

124 waste tire haulers to which the new Waste Tire Regulations apply. The third subsection

125 lays out the exemptions to the new Waste Tire Regulations.

126

127 Within Section 10.1.3 is an exemption for a person who transports only tires that have

128 been used but retain demonstrable and documented value for re-use or re-sale. The

129 Commission intends that receipts, bills-of-sale, or other equivalent documents that

130 demonstrate the existing or future value of the tires be used to satisfy this exemption.

131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175

III. General Provisions (Section 10.2)

The two general provisions in this section clarify that all waste tire facilities and waste tire haulers must comply with all other applicable provisions of law, and, if these facilities/operators conduct activities subject to more than one section of the new Waste Tire Regulations, they must comply with all applicable sections.

IV. Standards for Waste Tire Haulers (Section 10.3)

This section sets up new standards for persons hauling waste tires in Colorado. The waste tire hauling standards apply mainly to those persons hauling a load of ten (10) or more waste tires. However, there is an important requirement in subsection 10.3.1 that anyone hauling any amount of waste tires (this would include an individual hauling their own waste tires) may only deliver those waste tires to certain approved facilities, sites or users.

Subsections 10.3.2 through 10.3.6 are applicable to persons hauling ten (10) or more waste tires and set up the following:

- a. A system for registering as a “Waste Tire Hauler”, including obtaining a “Certificate of Registration” which is valid until March 15 of the following year and may be revoked by the Department for failure to comply with the Colorado Solid Waste Sites and Facilities Act or the Colorado Solid Waste Regulations;
- b. A requirement that Waste Tire Haulers obtain decals from the Department (issued along with the “Certificate of Registration”) for all vehicles used to haul waste tires as well as for each facility they operate. The vehicle decals shall be affixed to the lower left (driver’s side) corner of the windshield of each vehicle used to haul waste tires and a facility decal must be affixed to each facility the waste tire hauler used to store/accumulate waste tires. The decals are valid until March 15 of the following year;
- c. A manifest system to ensure that waste tires generated in Colorado are tracked from “cradle-to-grave”; this system is mainly the responsibility of the waste tire haulers. Waste tire haulers must use the Uniform Waste Tire Manifest form available from the Department and must provide a copy to both the generator of the waste tires and the destination facility. All manifest copies must be maintained by the waste tire generator, waste tire hauler, and waste tire destination facility for a period of 3 years. This can be accomplished by saving hard copies or electronic copies of the manifests;
- d. A requirement that a surety bond be posted in the amount of \$10,000 before hauling waste tires;

- 176 e. A requirement that an annual report be filed with the Department by February 1<sup>st</sup>  
177 every year on the Commercial Waste Tire Hauler Annual Report Form, which  
178 includes information accounting for the number of waste tires handled by the  
179 waste tire hauler during the previous calendar year.  
180

181 Subsection 10.3.7 exempts waste tire haulers who store waste tires at their facilities from  
182 the definition of “Waste Tire Collection Facility” and thus from the requirements of the  
183 new Section 10.7, as long as the hauler does not store those waste tires for longer than  
184 ninety (90) days.  
185

186  
187 V. Standards for Tire Retailers, Wholesalers, and Fleet Service Facilities (Section 10.4)  
188

189 This section sets up new standards for Tire Retailers, Wholesalers and Fleet Service  
190 Facilities in Colorado that are sources of waste tires pursuant to section 30-20-1007,  
191 C.R.S. or 30-20-1008, C.R.S.  
192

193 Subsections 10.4.2 through 10.4.5 are applicable to all Tire Retailers, Wholesalers and  
194 Fleet Service Facilities that manage waste tires. These subsections set up requirements to  
195 ensure that waste tires generated at these facilities are stored, managed and disposed in a  
196 manner which ensures safety of public health and the environment, including the  
197 following:  
198

- 199 a. General provisions including requirements to: ensure adequate road access to  
200 stored waste tires, control litter and weeds in order to minimize the threat of fire,  
201 maintain a working telephone, meet local fire code or the code of the Division of  
202 Fire Safety, ensure adequate fencing and tire storage limits, notify the Department  
203 in the event of an emergency involving the waste tires, ensure delivery of waste  
204 tires only to a registered commercial waste tire hauler, and allows acceptance of  
205 waste tires from private citizens who are not registered under the regulations;  
206
- 207 b. A system for registering as a “Waste Tire Facility”, including obtaining a  
208 “Certificate of Registration” which is valid for three (3) years following issuance  
209 and may be revoked by the Department for failure to comply with the Colorado  
210 Solid Waste Sites and Facilities Act or the Colorado Solid Waste Regulations;  
211
- 212 c. A requirement that Tire Retailers, Wholesalers and Fleet Service Facilities obtain  
213 decals from the Department (issued along with the “Certificate of Registration”)  
214 for each facility they operate. The “Waste Tire Facility” decals shall be posted or  
215 affixed in a prominent location at the facility. The decals are valid for three (3)  
216 years from the date of issuance;  
217
- 218 d. Manifest requirements to ensure that waste tires generated in Colorado are tracked  
219 from “cradle-to-grave”. Tire Retailers, Wholesalers and Fleet Service Facilities  
220 must not accept (except in the limited circumstance of a private citizen) nor offer  
221 any shipment of waste tires without an accompanying Uniform Waste Tire

222 Manifest. Tire Retailers, Wholesalers and Fleet Service Facilities must maintain  
223 copies of all Waste Tire Manifests for three (3) years.

224  
225 VI. Standards for Waste Tire Monofills (Section 10.5)

226  
227 This section sets up new standards for Waste Tire Monofills in Colorado. The general  
228 provisions of Section 10.5.1 require all Waste Tire Monofills to have a valid Certificate  
229 of Designation and require that all new Certificate of Designation applications for Waste  
230 Tire Monofills include the plans and obligations of Section 10.5, including a Waste Tire  
231 Facility Operations Plan, a Closure and Post-Closure Plan and evidence of required  
232 Financial Assurance.

233  
234 Subsections 10.5.2 through 10.5.9 set up requirements to ensure that waste tires managed  
235 at Waste Tire Monofills are stored, managed and disposed in a manner which ensures  
236 safety of public health and the environment, including the following:

- 237
- 238 a. General provisions including requirements to: ensure adequate road access to  
239 waste tires, control litter and weeds in order to minimize the threat of fire,  
240 maintain a fence surrounding the facility, post signs regarding operations,  
241 maintain a working telephone, have a site attendant, meet tire pile configuration  
242 requirements, notify the Department in the event of an emergency involving the  
243 waste tires, arrange for the processing of at least 75% of the three year rolling  
244 average of the tires accepted during the previous three years, ensure that any  
245 waste tires sent off-site are transported only by a registered commercial waste tire  
246 hauler and only to an authorized waste tire facility;
  - 247
  - 248 b. A system for registering as a “Waste Tire Facility”, including obtaining a  
249 “Certificate of Registration” which is valid for three (3) years following issuance  
250 and may be revoked by the Department for failure to comply with the Colorado  
251 Solid Waste Sites and Facilities Act or the Colorado Solid Waste Regulations;
  - 252
  - 253 c. A requirement that a waste tire monofill obtain a Waste Tire Facility decal from  
254 the Department (issued along with the “Certificate of Registration”) for each  
255 facility they operate. The Waste Tire Facility decals shall be affixed in a  
256 prominent location at the facility. The decals are valid for three (3) years from the  
257 date of issuance;
  - 258
  - 259 d. Manifest requirements to ensure that waste tires generated in Colorado are tracked  
260 from “cradle-to-grave”. Waste Tire Monofills must not accept nor offer any  
261 shipment of waste tires without an accompanying Uniform Waste Tire Manifest.  
262 All Waste Tire Monofills must maintain copies of all Waste Tire Manifests for  
263 three (3) years.
  - 264
  - 265 e. A requirement that financial assurance must be maintained for all Waste Tire  
266 Monofills in accordance with Section 1.8 of the Solid Waste Regulations;
  - 267

- 268 f. A requirement that an annual report be filed with the Department by May 1<sup>st</sup>  
269 every year which includes information accounting for the number of waste tires  
270 handled by the Waste Tire Monofill during the previous calendar year and the  
271 report must contain a “Waste tire Inventory Reduction Plan”.
- 272
- 273 g. A requirement for a Waste Tire Facility Operations Plan which includes detailed  
274 information regarding facility operations and includes the following plans: an  
275 Emergency Response Plan, a Fire Prevention, Training and Firefighting Plan, and  
276 a Vector Control Plan.
- 277
- 278 h. A requirement for all Waste Tire Monofills to be closed and maintained in  
279 accordance with the closure and post-closure care requirements of Sections 2.5,  
280 2.6, and 10.5 of the Solid Waste Regulations.
- 281
- 282

283 VII. Standards for Waste Tire Processors and End-Users (Section 10.6)

284

285 This section sets up new standards for Waste Tire Processors and End-Users in Colorado.  
286 The general provisions of Section 10.6.1 require all Waste Tire Processors and End-Users  
287 to meet the requirements of Section 8 of the Solid Waste Regulations pertaining to  
288 Recycling Facilities in addition to the new requirements of Section 10.6.

289

290 Subsections 10.6.2 through 10.6.9 set up requirements to ensure that waste tires managed  
291 at Waste Tire Processors and End-Users are stored, managed and processed or used in a  
292 manner which ensures safety of public health and the environment, including the  
293 following:

294

- 295 a. General provisions including requirements to: ensure adequate road access to  
296 waste tires, control litter and weeds in order to minimize the threat of fire,  
297 maintain a fence surrounding the facility, post signs regarding operations,  
298 maintain a working telephone, have a site attendant, meet tire pile configuration  
299 requirements, notify the Department in the event of an emergency involving the  
300 waste tires, arrange for the processing or converting into an end product at least  
301 75% of the three year rolling average of the tires accepted during the previous  
302 three years, ensure that any waste tires sent off-site are transported only by a  
303 registered commercial waste tire hauler and only to an authorized waste tire  
304 facility;
- 305
- 306 b. A system for registering as a “Waste Tire Facility”, including obtaining a  
307 “Certificate of Registration” which is valid for three (3) years following issuance  
308 and may be revoked by the Department for failure to comply with the Colorado  
309 Solid Waste Sites and Facilities Act or the Colorado Solid Waste Regulations;
- 310
- 311 c. A requirement that Waste Tire Processors and End-Users obtain a Waste Tire  
312 Facility decal from the Department (issued along with the “Certificate of  
313 Registration”) for each facility they operate. The Waste Tire Facility decals shall

- 314 be affixed in a prominent location at the facility. The decals are valid for three (3)  
315 years from the date of issuance;  
316
- 317 d. Manifest requirements to ensure that waste tires generated in Colorado are tracked  
318 from “cradle-to-grave”. Waste Tire Processors and End-Users must not accept  
319 nor offer any shipment of waste tires without an accompanying Uniform Waste  
320 Tire Manifest. All Waste Tire Processors and End-Users must maintain copies of  
321 all Waste Tire Manifests for three (3) years.  
322
- 323 e. A requirement that financial assurance must be maintained for all Waste Tire  
324 Processors and End-Users in accordance with Section 1.8 of the Solid Waste  
325 Regulations;  
326
- 327 f. A requirement that an annual report be filed with the Department by May 1<sup>st</sup>  
328 every year which includes information accounting for the number of waste tires  
329 handled by the Waste Tire Processor or End-User during the previous calendar  
330 year and the report must contain evidence establishing that 75% of the three year  
331 rolling average of waste tires accepted during the previous three years have been  
332 processed or converted into end product.  
333
- 334 g. A requirement for a Facility Operations Plan which includes detailed information  
335 regarding facility operations and includes the following plans: an Emergency  
336 Response Plan, a Fire Prevention, Training and Firefighting Plan, and a Vector  
337 Control Plan.  
338
- 339 h. A requirement for all Waste Tire Processors and End-Users to be closed and  
340 maintained in accordance with the closure and post-closure care requirements of  
341 Sections 2.5, 2.6, and 10.6 of the Solid Waste Regulations.  
342

#### 343 VIII. Standards for Waste Tire Collection Facilities (Section 10.7)

344 This section sets up new standards for Waste Tire Collection Facilities in Colorado.  
345

346 Subsections 10.7.2 through 10.7.9 set up requirements to ensure that waste tires managed  
347 at Waste Tire Collection Facilities are stored and managed in a manner which ensures  
348 safety of public health and the environment, including the following:  
349

- 350
- 351 a. General provisions including requirements to: ensure adequate road access to  
352 waste tires, control litter and weeds in order to minimize the threat of fire,  
353 maintain a fence surrounding the facility, post signs regarding operations,  
354 maintain a working telephone, have a site attendant, meet tire pile configuration  
355 requirements, notify the Department in the event of an emergency involving the  
356 waste tires, ensure that any waste tires sent off-site are transported only by a  
357 registered commercial waste tire hauler and only to an authorized waste tire  
358 facility, and a restriction that no Waste Tire Collection Facility shall have more  
359

360 than 7500 waste tires on-site at any one time; and an allowance for facilities that  
361 collect waste tires as part of community clean-up activities may use a due  
362 diligence process to establish that transport by and to a registered facility is not  
363 possible.

- 364
- 365 b. A system for registering as a “Waste Tire Facility”, including obtaining a  
366 “Certificate of Registration” which is valid for three (3) years following issuance  
367 and may be revoked by the Department for failure to comply with the Colorado  
368 Solid Waste Sites and Facilities Act or the Colorado Solid Waste Regulations;  
369
- 370 c. A requirement that Waste Collection Facilities obtain a Waste Tire Facility decal  
371 from the Department (issued along with the “Certificate of Registration”) for each  
372 facility they operate. The Waste Tire Facility decals shall be affixed in a  
373 prominent location at the facility. The decals are valid for three (3) years from the  
374 date of issuance;  
375
- 376 d. Manifest requirements to ensure that waste tires generated in Colorado are tracked  
377 from “cradle-to-grave”. Waste Tire Collection Facilities must not accept nor offer  
378 any shipment of waste tires without an accompanying Uniform Waste Tire  
379 Manifest. All Waste Collection Facilities must maintain copies of all Waste Tire  
380 Manifests for three (3) years.  
381
- 382 e. A requirement that financial assurance must be maintained for all Waste Tire  
383 Collection Facilities in accordance with Section 1.8 of the Solid Waste  
384 Regulations;  
385
- 386 f. A requirement that an annual report be filed with the Department by May 1<sup>st</sup>  
387 every year which includes information accounting for the amount of waste tires  
388 received at the facility and how many waste tires were shipped off-site during the  
389 preceding year.  
390
- 391 g. A requirement for a Facility Operations Plan which includes detailed information  
392 regarding facility operations and includes the following plans: an Emergency  
393 Response Plan, a Fire Prevention, Training and Firefighting Plan, and a Vector  
394 Control Plan.  
395
- 396 h. A requirement for all Waste Tire Collection Facilities to be closed and maintained  
397 in accordance with the closure and post-closure care requirements of Sections 2.5,  
398 2.6, and 10.7 of the Solid Waste Regulations.  
399  
400

401 **Issues Encountered During Stakeholder Process:**  
402

- 403 1. Definition of “Person”: In the current solid waste regulations, waste tire requirements  
404 exist in Sections 10, 15, and 16. The Department thought modifying the regulations to  
405 include all of the new HB10-1018 requirements would be a good opportunity to merge all

406 regulatory requirements relating to waste tires into a single section. That turned out to be  
407 impossible because of conflicting definitions of “person” in the statutes. In §30-20-101,  
408 C.R.C., “person” is defined as “an individual, partnership, private or municipal  
409 corporation, firm, board of a metropolitan district or sanitation district, or other  
410 association of persons.” This definition applies to all of the regulations in the old  
411 Sections 10 and 15 of the solid waste regulations that have now been merged into this  
412 new Section 10. However, §30-20-1001, C.R.S., “person” is defined as not including  
413 waste haulers, as that term is defined in the same section. This second definition applies  
414 to all of the regulations in Section 16 of the solid waste regulations. Since the second  
415 definition of “person” exempts waste haulers, it was not possible to merge the waste tire  
416 portions of Section 16 into the new Section 10, so Section 16 remains unchanged.  
417

- 418 2. Implementation of statutory requirement to “post a bond”: Due to the current economic  
419 climate, small businesses are having difficulty obtaining bonds at reasonable cost. The  
420 Department believes this statutory phrase is a recognition by the legislature that certain  
421 waste tire facilities must provide some type of financial assurance that can be utilized to  
422 clean up an abandoned site whenever necessary to protect public health and the  
423 environment. Therefore, the Department has written the regulatory requirements to allow  
424 flexibility within the regulated community to use all of the financial assurance  
425 mechanisms available in Section 1.8.4(C) of the solid waste regulations (6 CCR 1007-2).  
426
- 427 3. Implementation of “hauling for compensation”: The Commission has interpreted the  
428 phrase “hauling for compensation” very broadly to include 1) hauling for monetary  
429 payment, 2) hauling for trade payment or for other value, and 3) hauling one’s own tires  
430 to avoid the cost of paying another hauler. There is a disconnect in HB10-1018 between  
431 the definition of “waste tire hauler” and prohibitions against “person[s]” doing things like  
432 hauling waste tires. HB10-1018 assumed anyone hauling more than a certain number of  
433 waste tires is doing so for compensation.  
434
- 435 4. The definitions of “scrap tire”, “scrap tire recycling”, “waste motor vehicle tire”, “waste  
436 motor vehicle tire hauler”, “waste motor vehicle tire monofill”, “waste motor vehicle tire  
437 recycling facility”, and “waste motor vehicle tire storage site” have all been deleted from  
438 Section 1.2 of the Solid Waste Regulations. These terms were unique to the old Section  
439 15 of the Regulations, which has now been combined into Section 10, and are no longer  
440 needed or have been superseded.  
441
- 442 5. Two types of decals are required by these regulations: 1) waste tire hauling vehicle decals  
443 and 2) waste tire facility decals. The vehicle decals are 3” x 3” square decals that are  
444 required to be affixed to the lower right corner on the inside of the vehicle windshield.  
445 The decals must be “permanently affixed” to the windshield of owned vehicles and must  
446 be “affixed” to the windshield of rented or leased vehicles. To permanently affix the  
447 decals to hauler-owned vehicles, the decals will have a peel-and-stick surface. For rented  
448 or leased vehicles, the Commission envisions that the decal may be taped to the inside of  
449 the windshield and the permanent adhesive on the face of the decal not used. Each  
450 vehicle decal has a unique number that will be assigned to a specific vehicle. Each  
451 vehicle decal for rented or leased vehicles will have a unique number, but will indicate

452 that it is assigned to a temporary vehicle and can be re-used on subsequent temporary  
453 vehicles.

454  
455 When a Waste Tire Hauler completes an application for a Certificate of Registration,  
456 he/she will include information on all vehicles that will be used to haul waste tires. The  
457 Department will issue the necessary decals free of charge as quickly after receipt of the  
458 registration application as possible. If a Waste Tire Hauler uses or will use leased or  
459 rented vehicles or purchases a new vehicle, the Waste Tire Hauler must update his/her  
460 application for a Certificate of Registration within 15 days so that new decals can be  
461 issued.

462  
463 No matter when waste tire vehicle decals are issued, they will all expire on March 15 of  
464 each year. The Department will send out reminder notices of the decal expiration so that  
465 reapplications from Waste Tire Haulers can be received in a timely manner.

466  
467 Waste facility decals are 4” x 11” and must be posted or affixed at the facility in a  
468 prominent location. This could be in a front window, behind a front counter, or in a  
469 public waiting area at the facility. Facility decals are non-transferable and are issued for  
470 a 3-year period.

471  
472 Decals can only be issued if a facility is properly registered. The main purpose of both  
473 the vehicle and facility decals is for easy identification, by the waste tire generator, the  
474 waste tire hauler, and the waste tire monofill, processor, or end-user, that each entity has  
475 been properly registered.

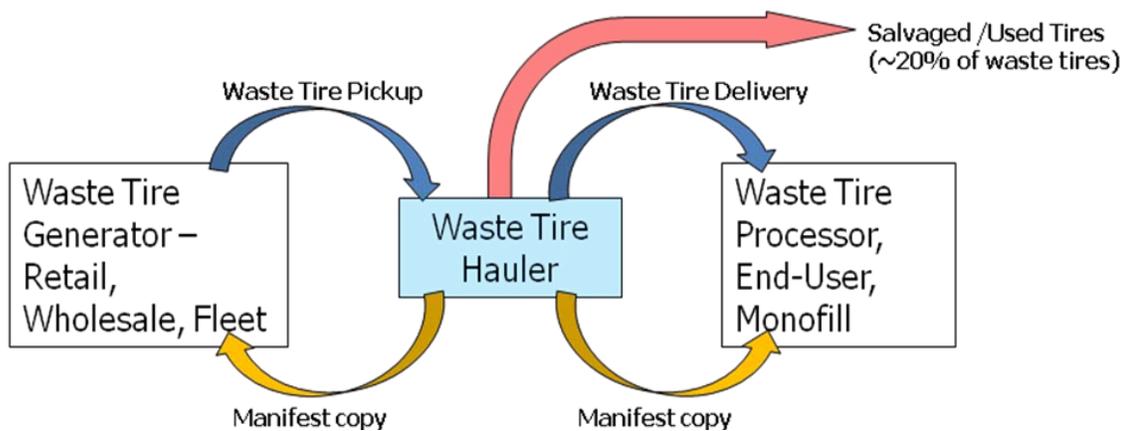
476  
477 6. To implement Section 10.3.7, the Department will not track each tire against the 90-day  
478 storage limitation. Instead, the Department will track on-site waste tire inventory against  
479 the manifest records at the facility to ensure that tire inventory turnover rates demonstrate  
480 no net waste tire storage increase over a 90-day period.

481 7. The Commission has chosen not to try to regulate persons hauling purchased used tires in  
482 large quantity in these regulations. If persons hauling purchased used tires are inspected  
483 by Department inspectors or law enforcement officers, it is assumed they would be able  
484 to show a receipt or other documentation proving the value and intent of use of the tires  
485 in their possession.

486 8. Though not specifically mentioned in HB10-1018, fleet service facilities like automobile  
487 dealerships, school district maintenance shops, postal service and package delivery  
488 maintenance facilities, can and do generate a large number of waste tires. Therefore, the  
489 Commission believes that these facilities should be regulated in Section 10. These  
490 facilities are most similar to tire retailers or wholesalers - they are replacing old tires on  
491 their vehicles with new tires. They are not similar to waste tire haulers, monofills,  
492 processors, or end-users. In addition, just like retailers and wholesalers, they should not  
493 be subject to the requirements of waste tire collection facilities unless they store tires  
494 longer than is reasonable. Therefore, the Commission has chosen to require Fleet Service  
495 Facilities to comply with the requirements of Section 10.4 of these regulations.

496 9. HB 10-1018 requires the use of uniform manifests to track waste tire shipments from the  
 497 waste tire generator to the waste tire processor or end-user. During the stakeholder  
 498 process it became evident that the requirements for waste tire manifests would have to be  
 499 different from the traditional cradle-to-grave process such as is used for hazardous waste.  
 500 Stakeholder input indicated that a percentage of re-use or salvage tires are removed  
 501 during waste tire pickup from waste tire facilities or at the waste tire hauler’s facility  
 502 where waste tires from multiple waste tire generator facilities are consolidated. In  
 503 addition, it became evident that tracking each waste tire from a generator to a monofill,  
 504 processor, or end-user was not realistic or necessary. Therefore, a “two-loop” manifest  
 505 system has been incorporated into these regulations (see diagram below). The first  
 506 “loop” occurs between the waste tire hauler and the waste tire generator. In this loop, the  
 507 waste tire hauler fills out a manifest when he/she picks up tires from a generator. A copy  
 508 of the manifest is left with the generator and the hauler also keeps a copy of the manifest.  
 509 On this manifest, the total tires picked up at the generator are indicated, but space is  
 510 provided on the manifest to indicate how many tires are removed from the waste stream  
 511 for salvage or re-use. The second “loop” occurs between the waste tire hauler and the  
 512 monofill, processor, or end-user. For this loop, the waste tire hauler again completes a  
 513 manifest, gives a copy to the monofill, processor, or end-user, and keeps a copy of the  
 514 manifest.

515



516

517

518 The Department designed a “Waste Tire Trip Manifest” that accommodates stakeholder  
 519 input. The “Waste Tire Trip Manifest” contains the following information, and includes  
 520 items required by HB10-1018: the manifest number; the date; the name, address and  
 521 telephone number for the waste tire hauler, waste tire generator, and waste tire  
 522 destination facility; the e-mail address for the waste tire hauler; the name of the waste tire  
 523 hauler driver; the registration numbers for the waste tire hauler, waste tire generator, and  
 524 waste tire destination facility; the decal number for the waste tire hauler and waste tire  
 525 destination facility; the number or weight of waste tires picked up and delivered by the  
 526 waste tire hauler; and a signature box for both the waste tire generator and waste tire  
 527 destination facility. The manifest includes an adjustment table so waste tire haulers can

528 adjust for the amount of re-use or salvage tires removed from a waste tire generator's  
529 load or during waste tire consolidation at the waste tire hauler facility. The manifest will  
530 be printed in triplicate by the Department, allowing for waste tire haulers to retain a copy  
531 and provide copies to the waste tire generator and waste tire destination facility. These  
532 will be made available free of charge to all waste tire haulers. The manifest will also be  
533 available on the Waste Tire website within the Department's website if haulers want to  
534 print out their own manifests. Because of privacy issues, the stakeholders requested that  
535 the manifest be designed to only include one waste tire generator pickup location and one  
536 destination facility. The stakeholders preferred to fill out a new and separate manifest for  
537 each waste tire pickup and drop-off.

538 It is the responsibility of the waste tire hauler to properly fill out the "Waste Tire Trip  
539 Manifest," obtain waste tire generator and destination facility signatures, and provide a  
540 copies of the manifests to the waste tire generators and destination facilities. For pickup  
541 of tires at a waste tire facility, the waste tire hauler fills out the Waste Tire Hauler and  
542 Waste Tire Generator information boxes on the manifest. If these tires are taken directly  
543 to a destination facility (ie., a monofill, processor, or end-user), then that facility's  
544 information can be added to the same manifest in the Destination Facility information  
545 box. However, if the waste tires are brought back to the waste tire hauler's facility prior  
546 to being delivered to the waste tire destination facility, the waste tire hauler would fill out  
547 the Waste Tire Destination Facility box with his facility information. The waste tire  
548 hauler obtains a signature from the waste tire generator after the waste tire generator  
549 reviews the information provided by the waste tire hauler to determine completeness and  
550 accuracy of the form. The waste tire hauler provides the generator with a copy of the  
551 manifest. The generator must retain this copy for three years.

552 The waste tire hauler would fill out the Adjustment Table only if the waste tire hauler  
553 removed any tires from the generator's waste tire pickup for re-use or salvage. The  
554 Adjustment Table does not need to be complete before obtaining the generator's  
555 signature, but can be completed at the hauler's facility once tire sorting for resale and  
556 salvage has been completed. The additional copies of the manifest are retained by the  
557 waste tire hauler and must also be kept for three years. As per stakeholder preference, if  
558 waste tires are picked up at more than one waste tire generator on a single trip, then the  
559 waste tire hauler must generate a new and separate manifest for each separate waste tire  
560 generator.

561 Waste tires may be brought back to the waste tire hauler's facility prior to being delivered  
562 to a waste tire destination facility. In this case, the hauler would list his facility as the  
563 destination facility on the pick-up manifest. When the hauler is ready to ship these waste  
564 tires to a monofill, processor, or end-user, a new manifest must be generated with the  
565 waste tire hauler listed as the generator of these waste tires. The hauler must fill out the  
566 Waste Tire Hauler, Waste Tire Generator, and Waste Tire Destination facility boxes. The  
567 waste tire hauler obtains the signature from the waste tire destination facility after the  
568 waste tire destination facility reviews the information provided by the hauler to determine  
569 completeness and accuracy of the form. The waste tire hauler provides the waste tire  
570 destination facility with a copy of the manifest. The waste tire destination facility must

571 retain this copy for three years. The additional copies of the manifest are retained by the  
572 hauler and must also be kept for three years.

573 Waste tire haulers may pickup tires from an illegal tire pile cleanup. In this case, the  
574 cleanup location would be the waste tire generator. If there is an on-site representative,  
575 then that person should sign the manifest as the generator. In addition, waste tire haulers  
576 may bring waste tires into Colorado or ship waste tires out-of-state. In these cases, waste  
577 tire haulers are still required to use Waste Tire Trip Manifests.

578

579 **Alternatives Considered and Why Rejected**

580

581 No alternatives to these rules were considered as these rules are strictly the result of new  
582 statutory requirements.

583

584 **Cost/Benefit Analysis**

585

586 A cost-benefit analysis will be performed if requested by the Colorado Department of  
587 Regulatory Services.

588