

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Solid and Hazardous Waste Commission

Hazardous Materials and Waste Management Division

6 CCR 1007-2

(Adopted by the Solid and Hazardous Waste Commission on February 15, 2011)

**STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY FOR**

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

Basis and Purpose

I. Statutory Authority

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

II. House Bill 10-1018

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

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

§ 25-17-204 was modified to remove the exclusion that allowed tire transport for non-commercial purposes. It now also prohibits transport of a quantity of tires in excess of a limit established by the Commission (the limit of 10 waste tires as set by Section 10.3.2(A) of these regulations) unless the transporting person is registered with the

Department, has affixed a decal to the transporting vehicle, and uses manifests to track all waste tire transport.

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

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

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

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

III. Purpose of new regulations:

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

Discussion of Regulatory Proposal

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

The following definitions are being added to Section 1.2:

1. Beneficial use
2. End-user
3. Fleet Service Facility
4. Processor
5. Tire-derived product
6. Waste tire collection facility
7. Waste tire facility
8. Waste tire hauler

The following definitions are being modified in Section 1.2

1. Agent of a Wholesaler
2. Passenger tire equivalents
3. Retailer
4. Tire (as used in Section 10)
5. Waste tire
6. Waste tire monofill
7. Wholesaler

The following definitions are being deleted from Section 1.2, as these terms no longer appear anywhere in the Regulations

1. Scrap tire
2. Scrap tire recycling
3. Waste motor vehicle tire
4. Waste motor vehicle tire hauler
5. Waste motor vehicle tire monofill
6. Waste motor vehicle tire recycling facility
7. Waste motor vehicle tire storage site

- II. Scope and applicability (Section 10.1)

The first two subsections in this section describe the types of waste tire facilities and waste tire haulers to which the new Waste Tire Regulations apply. The third subsection lays out the exemptions to the new Waste Tire Regulations.

Within Section 10.1.3 is an exemption for a person who transports only tires that have been used but retain demonstrable and documented value for re-use or re-sale. The Commission intends that receipts, bills-of-sale, or other equivalent documents that demonstrate the existing or future value of the tires be used to satisfy this exemption.

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 uses 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;

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

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

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

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

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

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

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

VI. Standards for Waste Tire Monofills (Section 10.5)

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

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

- a. General provisions including requirements to: ensure adequate road access to waste tires, control litter and weeds in order to minimize the threat of fire, maintain a fence surrounding the facility, post signs regarding operations, maintain a working telephone, have a site attendant, meet tire pile configuration requirements, notify the Department in the event of an emergency involving the waste tires, arrange for the processing of at least 75% of the three year rolling average of the tires accepted during the previous three years, ensure that any waste tires sent off-site are transported only by a registered commercial waste tire hauler and only to an authorized waste tire facility;
- b. A system for registering as a “Waste Tire Facility”, including obtaining a “Certificate of Registration” which is valid for three (3) years following issuance 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;
- c. A requirement that a waste tire monofill obtain a Waste Tire Facility decal from the Department (issued along with the “Certificate of Registration”) for each facility they operate. The Waste Tire Facility decals shall be affixed in a prominent location at the facility. The decals are valid for three (3) years from the date of issuance;
- d. Manifest requirements to ensure that waste tires generated in Colorado are tracked from “cradle-to-grave”. Waste Tire Monofills must not accept nor offer any shipment of waste tires without an accompanying Uniform Waste Tire Manifest. All Waste Tire Monofills must maintain copies of all Waste Tire Manifests for three (3) years.
- e. A requirement that financial assurance must be maintained for all Waste Tire Monofills in accordance with Section 1.8 of the Solid Waste Regulations;

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

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

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

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

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

be affixed in a prominent location at the facility. The decals are valid for three (3) years from the date of issuance;

- d. Manifest requirements to ensure that waste tires generated in Colorado are tracked from “cradle-to-grave”. Waste Tire Processors and End-Users must not accept nor offer any shipment of waste tires without an accompanying Uniform Waste Tire Manifest. All Waste Tire Processors and End-Users must maintain copies of all Waste Tire Manifests for three (3) years.
- e. A requirement that financial assurance must be maintained for all Waste Tire Processors and End-Users in accordance with Section 1.8 of the Solid Waste Regulations;
- f. A requirement that an annual report be filed with the Department by May 1st every year which includes information accounting for the number of waste tires handled by the Waste Tire Processor or End-User during the previous calendar year and the report must contain evidence establishing that 75% of the three year rolling average of waste tires accepted during the previous three years have been processed or converted into end product.
- g. A requirement for a Facility Operations Plan which includes detailed information regarding facility operations and includes the following plans: an Emergency Response Plan, a Fire Prevention, Training and Firefighting Plan, and a Vector Control Plan.
- h. A requirement for all Waste Tire Processors and End-Users to be closed and maintained in accordance with the closure and post-closure care requirements of Sections 2.5, 2.6, and 10.6 of the Solid Waste Regulations.

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

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

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

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

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

- b. A system for registering as a “Waste Tire Facility”, including obtaining a “Certificate of Registration” which is valid for three (3) years following issuance 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;
- c. A requirement that Waste Collection Facilities obtain a Waste Tire Facility decal from the Department (issued along with the “Certificate of Registration”) for each facility they operate. The Waste Tire Facility decals shall be affixed in a prominent location at the facility. The decals are valid for three (3) years from the date of issuance;
- d. Manifest requirements to ensure that waste tires generated in Colorado are tracked from “cradle-to-grave”. Waste Tire Collection Facilities must not accept nor offer any shipment of waste tires without an accompanying Uniform Waste Tire Manifest. All Waste Collection Facilities must maintain copies of all Waste Tire Manifests for three (3) years.
- e. A requirement that financial assurance must be maintained for all Waste Tire Collection Facilities in accordance with Section 1.8 of the Solid Waste Regulations;
- f. A requirement that an annual report be filed with the Department by May 1st every year which includes information accounting for the amount of waste tires received at the facility and how many waste tires were shipped off-site during the preceding year.
- g. A requirement for a Facility Operations Plan which includes detailed information regarding facility operations and includes the following plans: an Emergency Response Plan, a Fire Prevention, Training and Firefighting Plan, and a Vector Control Plan.
- h. A requirement for all Waste Tire Collection Facilities to be closed and maintained in accordance with the closure and post-closure care requirements of Sections 2.5, 2.6, and 10.7 of the Solid Waste Regulations.

Issues Encountered During Stakeholder Process:

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

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

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

number, but will indicate that it is assigned to a temporary vehicle and can be re-used on subsequent temporary vehicles.

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

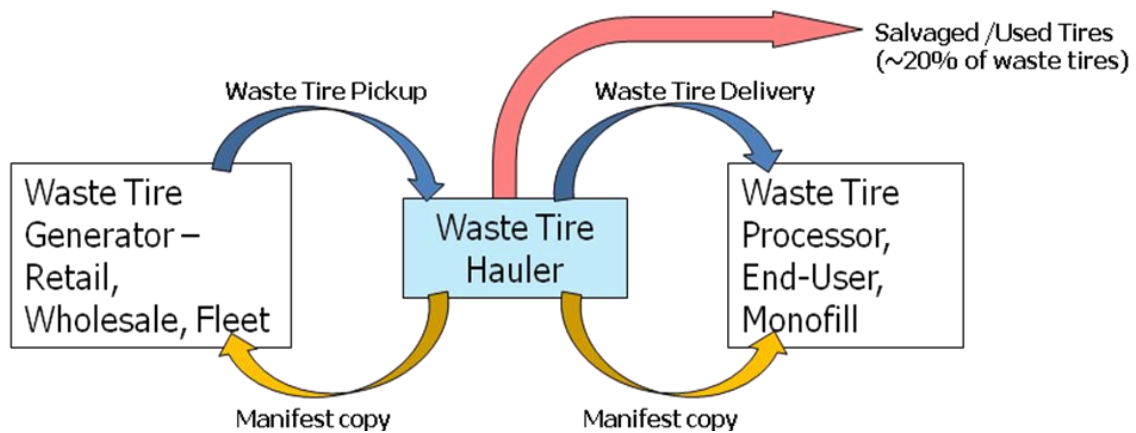
No matter when waste tire vehicle decals are issued, they will all expire on March 15 of each year. The Department will send out reminder notices of the decal expiration so that reapplications from Waste Tire Haulers can be received in a timely manner.

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

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

6. To implement Section 10.3.7, the Department will not track each tire against the 90-day storage limitation. Instead, the Department will track on-site waste tire inventory against the manifest records at the facility to ensure that tire inventory turnover rates demonstrate no net waste tire storage increase over a 90-day period.
7. The Commission has chosen not to try to regulate persons hauling purchased used tires in large quantity in these regulations. If persons hauling purchased used tires are inspected by Department inspectors or law enforcement officers, it is assumed they would be able to show a receipt or other documentation proving the value and intent of use of the tires in their possession.
8. Though not specifically mentioned in HB10-1018, fleet service facilities like automobile dealerships, school district maintenance shops, postal service and package delivery maintenance facilities, can and do generate a large number of waste tires. Therefore, the Commission believes that these facilities should be regulated in Section 10. These facilities are most similar to tire retailers or wholesalers - they are replacing old tires on their vehicles with new tires. They are not similar to waste tire haulers, monofills, processors, or end-users. In addition, just like retailers and wholesalers, they should not be subject to the requirements of waste tire collection facilities unless they store tires longer than is reasonable. Therefore, the Commission has chosen to require Fleet Service Facilities to comply with the requirements of Section 10.4 of these regulations.

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



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

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

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

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

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

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

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

Alternatives Considered and Why Rejected

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

Cost/Benefit Analysis

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