

1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

2 **Solid and Hazardous Waste Commission/Hazardous Materials and**
3 **Waste Management Division**

4 **6 CCR 1007-2**

5 **PART 1 - REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES**

6
7
8 **Deletion and Replacement of Existing Section 10 Regulation (Waste Tire Facilities**
9 **and Waste Tire Haulers) with New Section 10 Regulations (Waste Tires); the**
10 **Amendment of Section 16 (Materials Prohibited From Disposal) and the**
11 **Associated Additions and Revision to Section 1.2 Definitions**

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13
14 **1) Section 1.2 is being amended by adding the following definitions in**
15 **alphabetical order to read as follows:**

16
17 **1.2 Definitions**

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20
21 **“Applicant”** for the purposes of Section 10.12 means any person or business seeking a rebate from the
22 Waste Tire End Users Fund.

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26 **“Authorized signature”** means the signature of an individual who has authority to sign on behalf of and
27 bind an individual or corporation.

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31 **“Beneficial user”** means a person who uses solid waste as an ingredient in a manufacturing process or
32 as an effective substitute for natural or commercial products, in a manner that does not pose a threat to
33 human health or the environment. Avoidance of processing or disposal cost alone does not constitute
34 beneficial use.

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38 **“Buffings”** means the residual rubber material removed from the supporting structure of a waste tire or a
39 retreaded or recapped tire.

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43 **“Commission”** means the solid and hazardous waste commission created in section 25-15-302, C.R.S.

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46 **“Daily cover”** means using tire-derived product as an alternate cover placed upon exposed solid waste
47 in a permitted solid waste facility to control disease vectors, fires, odors, blowing litter and scavenging,
48 without presenting a threat to human health or the environment.

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“Mobile Processor” means a person who processes waste tires at a location other than the location of the person’s certificate of registration.

“Motor vehicle” means a self-propelled vehicle that is designed for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low speed electric vehicle. “Motor vehicle” includes automobiles, minivans, all trucks, motor homes, and motorcycles.

“Public project” means:

- (a) A publicly funded contract entered into by a governmental body of the executive branch of this state that is subject to the “Procurement Code”, articles 101 to 112 of title 24, C.R.S.; and
- (b) A publicly funded contract entered into by a county, municipal government, or special district, including a school district or recreation district.

“Pyrolysis” means the thermochemical decomposition of material at elevated temperatures without the participation of oxygen.

“Recapped or retreaded tire” means a previously worn tire which has gone through a remanufacturing process designed to extend its useful service life.

“Retailer” as used in Section 10 of these Regulations means a person who sells a small quantity of product to a consumer, as opposed to a wholesaler or supplier who typically sells large quantities of products to other businesses. Retailers of tire-derived product are persons who sell small quantities of tire-derived product to consumers.

“Trailer” means a wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle.

“Used tire” means a tire that was previously used as a tire and is graded and classified for reuse as a tire based on specifications and criteria maintained pursuant to section 30-20-1410(1)(a), C.R.S.

“Waste Tire Bale” means waste tires that are mechanically compressed and bound into block form and are secured using stainless steel or heavy gauge baling wire.

“Waste Tire Cleanup Program” means the program created by part 14 of article 20 of title 30, C.R.S.

104
105 **“Waste Tire Generator”** means a person who generates motor vehicle or trailer waste tires. The term
106 includes new tire retailers, used tire retailers, automobile dealers, automobile dismantlers, public and
107 private vehicle maintenance shops, garages, service stations, car care centers, automotive fleet centers,
108 local government fleet operators, and rental fleet operators.

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111 **“Waste Tire Processor”** means a person who processes a waste tire into a tire-derived product.

113 *****

116
117 **2) Section 1.2 is being amended by revising the following definitions to read as**
118 **follows:**

119
120 **1.2 Definitions**

121 *****

123 **“Collection facility”** as used in Section 16 of these Regulations means any facility that accepts,
124 aggregates and stores used oil, used lead-acid batteries, OR waste electronic devices, or waste tires
125 generated elsewhere for transport to a location described in Sections 16.2, 16.3, 16.4, and 16.5 of these
126 Regulations.

128 *****

130 **“End User”** means a person who:

131 (a) Uses a tire-derived product for a commercial or industrial purpose;

132 (b) USES A WHOLE WASTE TIRE TO GENERATE ENERGY OR FUEL; OR

133 (c) CONSUMES TIRE-DERIVED PRODUCT OR USES TIRE-DERIVED PRODUCT IN ITS FINAL APPLICATION OR IN
134 MAKING NEW MATERIALS WITH A DEMONSTRATED SALE TO A THIRD PARTY CUSTOMER.

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137 **“Residentially generated”** as used in Section 16 of these Regulations means used lead-acid batteries,
138 OR used oil, and waste tires generated by a person or by removal of said items from a personal vehicle
139 not used primarily for a commercial or business purpose.

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143 **“Retailer”** as used in Sections ~~10 and~~ 16 of these Regulations means any corporation, limited liability
144 company, partnership, individual, sole proprietorship, joint-stock company, joint venture, or other private
145 legal entity that engages in the sale of new lead-acid batteries, ELECTRONIC DEVICES, OR lubricating oil, ~~or~~
146 new tires directly to the consumer.

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148
149 **“Tire”** means a RUBBER CUSHION THAT FITS AROUND A WHEEL. tire for any passenger vehicle, including any
150 truck, weighing less than fifteen thousand pounds, and for any truck, including any truck tractor, trailer, or
151 semitrailer, weighing more than fifteen thousand pounds; except that “tire” does not include:

152 (I) Tires that are recapped or otherwise reprocessed for use; or

153 (II) Tires that are used for:

154 (A) Farm equipment exempt from sales and use taxes pursuant to section 39-26-716, C.R.S.; or

155 (B) A farm tractor or implement of husbandry exempt from registration pursuant to section 42-3-
156 404, C.R.S.

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159

160 “Tire-Derived Product” means matter that:

161 (a) Is derived from a process that uses whole tires as a feedstock, including, ~~but not limited to,~~
162 shredding, crumbing, and chipping; ~~and~~

163 (b) ~~Has been sold and removed from the facility of a processor.~~ ADHERES TO ESTABLISHED
164 ENGINEERING OR OTHER APPROPRIATE SPECIFICATIONS OR TO ESTABLISHED PRODUCT END USER
165 SPECIFICATIONS OR CUSTOMER CONDITIONS OF ACCEPTANCE.

166 (c) HAS A DEMONSTRATED BENEFIT ASSOCIATED WITH THE END USE;

167 (d) CAN BE USED AS A SUBSTITUTE FOR, OR IN CONJUNCTION WITH, A COMMERCIAL PRODUCT OR RAW
168 MATERIAL; AND

169 (e) HAS EITHER BEEN SOLD AND REMOVED FROM THE FACILITY OF A PROCESSOR OR HAS BEEN USED ON SITE
170 BY THE PROCESSOR.

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174 “Waste Tire” means a tire that is MODIFIED FROM ITS ORIGINAL SPECIFICATIONS BUT NOT PROCESSED INTO A
175 TIRE-DERIVED PRODUCT, IS NO LONGER BEING USED FOR ITS INITIAL INTENDED PURPOSE AS A TIRE, AND IS NOT A
176 USED TIRE. no longer mounted on a motor vehicle and is no longer suitable for use as a tire due to wear,
177 damage, or deviation from the manufacturer’s original specifications. “Waste Tire” includes the following
178 types of tires that are not organized for resale by size in a rack or a stack in a manner that allows the
179 inspection of each individual tire: A repairable tire, scrap tire, altered waste tire, and a used tire. “Waste
180 Tire” does not include a tire-derived product or crumb rubber.

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184 “Waste Tire Collection Facility” means ~~any~~ facility AT WHICH WASTE TIRES ARE STORED AWAITING PICKUP
185 BY A REGISTERED WASTE TIRE HAULER FOR TRANSPORTATION TO A REGISTERED WASTE TIRE PROCESSOR OR
186 REGISTERED WASTE TIRE MONOFILL. that aggregates or stores waste tires for transport to another location.

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190 “Waste Tire Hauler” means a person who transports TEN OR MORE waste tires IN ANY ONE LOAD. for
191 compensation.

192

193 *****

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195 “Waste ~~T~~ire ~~M~~onofill” means PART OR ALL OF A SOLID WASTE DISPOSAL SITE AND FACILITY THAT HAS BEEN
196 ISSUED A CERTIFICATE OF DESIGNATION AND AT WHICH ONLY WASTE TIRES ARE ACCEPTED. any duly licensed
197 and permitted (issued a Certificate of Designation by the local governing authority) solid waste disposal
198 site and facility or section of a solid waste disposal site and facility at which only waste tires are accepted.

199

200 *****

201 “Wholesaler” as used in Sections ~~40 and~~ 16 of these Regulations means any corporation, limited liability
202 company, partnership, individual, sole proprietorship, joint-stock company, joint venture, or other private
203 legal entity that sells new lead-acid batteries, electronic devices, or lubricating oil, ~~or new tires~~ for resale.

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208 **3) Section 1.2 is being amended by deleting the definitions of “Fleet Service**
209 **Facility”, “Passenger tire equivalents”, “Processor”, “Tire”, and “Waste Tire**
210 **Facility” as follows:**

211
212 **1.2 Definitions**

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215
216 ~~“Fleet Service Facility” as used in Section 10 of these Regulations means any facility that generates~~
217 ~~waste tires as a result of replacing old tires on fleet vehicles with new tires. This category of facilities~~
218 ~~could include, but would not be limited to, automobile dealerships, school districts, governmental fleet~~
219 ~~maintenance facilities, and package delivery fleet maintenance facilities.~~

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221 *****

222
223 ~~“Passenger tire equivalents” means a conversion measurement that is used to estimate waste tire~~
224 ~~weights and volume amounts defined as an average sized whole passenger/light truck tire weighing~~
225 ~~twenty-two and one-half (22.5) pounds and occupying a volume of four (4) cubic feet.~~

226
227 *****

228
229 ~~“Processor” means a person who processes waste tires in Colorado for recycling or beneficial use.~~

230
231 *****

232
233 ~~“Tire” as used in Section 16 of these Regulations means a pneumatic rubber covering designed to~~
234 ~~encircle the wheel of a vehicle in which a person or property is or may be transported or drawn upon a~~
235 ~~highway.~~

236
237 *****

238
239 ~~“Waste Tire Facility” means:~~

- 240 ~~(I) (a) A waste tire landfill;~~
241 ~~(b) A facility of an end user or processor;~~
242 ~~(c) A facility of a tire retailer or tire wholesaler that is a source of waste tires pursuant to section~~
243 ~~30-20-1007 or 30-20-1008, C.R.S.;~~
244 ~~(d) A waste tire collection facility; or~~
245 ~~(e) A fleet service facility.~~
246 ~~(II) “Waste Tire Facility” does not include the facility of a waste tire hauler unless that hauler stores~~
247 ~~any quantity of waste tires at the facility in excess of ninety (90) days.~~

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249
250 **4) The existing Section 10 Regulations (Waste Tire Facilities and Waste Tire**
251 **Haulers) are being deleted in their entirety and replaced with new Section 10**
252 **Regulations (Waste Tires) to read as follows:**

253
254 **SECTION 10**
255
256 **WASTE TIRES**

- 257
258 10.1 Scope and Applicability
259
260 10.2 General Provisions
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262 10.3 Standards for Waste Tire Haulers
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264 10.4 Standards for Generators of Motor Vehicle and Trailer Waste Tires

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266 10.5 Standards for Waste Tire Monofills
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268 10.6 Standards for Waste Tire Processors
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270 10.7 Standards for Mobile Waste Tire Processors
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272 10.8 Standards for Waste Tire Collection Facilities
273
274 10.9 Standards for End Users
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276 10.10 Standards for Management of Used Tires
277
278 10.11 Waste Tire Fee Administration
279
280 10.12 Waste Tire End Users Fund
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282
283 **SECTION 10.1- SCOPE and APPLICABILITY**
284

285 **10.1.1 PURPOSE**
286

287 The purpose of this Section 10 is to implement the provisions of section 30-20-1401 through 30-20-1417,
288 C.R.S.
289

290 **10.1.2 APPLICABILITY**
291

292 This section 10 applies to all persons, unless otherwise exempted, who generate, accumulate, store,
293 transport, dispense, or process waste tires, used tires or tire-derived product. Section 10.11 applies to all
294 persons who sell new motor vehicle or trailer tires. Persons managing waste tires pursuant to this section
295 10 are exempt from section 8 for their waste tire management activities, except for the beneficial use of
296 waste tires. Persons managing waste tires pursuant to this section 10 who engage in other recycling
297 activities are subject to section 8 for those activities.
298

299 **10.1.3 EXEMPTIONS**
300

301 (A) This section 10 does not apply to:
302

- 303 (1) Operation, including by a local, state or federal government agency, of a vehicle that is primarily
304 engaged in the collection and transportation of solid wastes other than waste tires;
305
- 306 (2) A person who only travels through the state with waste tires as part of interstate commerce and
307 does not collect, deposit, transfer, store or dispose of any waste tires within this state;
308
- 309 (3) Transportation of products made from waste tires for sale or other distribution;
310
- 311 (4) Household Hazardous Waste roundup events, community cleanup events, and other one-time or
312 occasional collection events where waste tires are accepted for drop-off by persons not engaged
313 in commercial activity and where the waste tires are picked up by a registered Waste Tire Hauler
314 and transported to the facility of a registered Waste Tire Hauler or Waste Tire Generator, Waste
315 Tire Collection Facility, Waste Tire Processor, Waste Tire Monofill, approved beneficial user of
316 whole waste tires, municipal or county-owned waste tire collection area, or municipal or privately
317 owned solid waste landfill; at the conclusion of the event;
318

- 319 (5) The beneficial use of less than ten (10) waste tires. A person who beneficially uses ten (10) or
320 more waste tires must:
- 321
- 322 (a) Comply with section 8.6;
- 323
- 324 (b) Comply with section 10.3 if they transport their own waste tires,
- 325
- 326 (c) Comply with section 10.6 if they process waste tires at the facility, and
- 327
- 328 (d) Comply with section 10.8, if they store more than five hundred (500) waste tires at any one
- 329 site at any one time.
- 330
- 331 (B) Owners/operators of Solid Waste Landfills, Transfer Stations, and Recycling Facilities that
- 332 accumulate waste tires by separating them out of the solid waste streams are exempt from section
- 333 10.8 of these Regulations if they:
- 334
- 335 (1) Store less than five hundred (500) waste tires outdoors at their facility, and
- 336
- 337 (2) Store less than a total of one thousand five hundred (1,500) waste tires at their facility.
- 338
- 339 (C) Government entities that store waste tires as part of road-side cleanup activities are exempt from
- 340 section 10.8 if they:
- 341
- 342 (1) Store less than five hundred (500) waste tires outdoors at their facility, and
- 343
- 344 (2) Store less than a total of one thousand five hundred (1,500) waste tires at their facility.
- 345
- 346 (D) A government entity that removes illegally disposed waste tires from the road-side is exempt from
- 347 section 10.3 if the waste tires are disposed of or recycled in accordance with this section 10.
- 348
- 349 (E) Registered waste tire haulers, generators, monofills, processors and waste tire collection facilities
- 350 who accept ten (10) or more unmanifested waste tires or ten (10) or more waste tires from
- 351 unregistered waste tire haulers must submit to the Department within twenty (20) days from the end
- 352 of the preceding month a Uniform Waste Tire Manifest(s) Form WT-2 for the receipt of unmanifested
- 353 waste tires. The Uniform Waste Tire Manifest Form must contain the following information:
- 354
- 355 (1) Date(s) waste tires were accepted;
- 356
- 357 (2) The total amount of waste tires accepted;
- 358
- 359 (3) License plate number of unregistered waste tire hauler vehicle used to deliver waste tires;
- 360
- 361 (4) If available the name, address and telephone number of the person who delivered the waste tires.
- 362
- 363 (5) If possible, the source of the tires.
- 364
- 365

366 SECTION 10.2 - GENERAL PROVISIONS

367 10.2.1 COMPLIANCE WITH OTHER LAWS

368 Waste Tire Haulers, Waste Tire Generators, Waste Tire Processors, Mobile Waste Tire Processors,
369 Waste Tire Collection Facilities, Waste Tire Monofills, End Users, and Beneficial Users must comply with
370 all local, state, and federal laws, regulations, ordinances, and other requirements.
371
372
373

374 **10.2.2 OPERATIONS COVERED BY MULTIPLE PARTS OF THIS SECTION 10**

375
376 Waste Tire Generators, Waste Tire Haulers, Waste Tire Collection Facilities, Waste Tire Processors,
377 Mobile Waste Tire Processors, Waste Tire Monofills, and End Users may perform activities that are
378 regulated by multiple parts of this section 10. If so, these entities must register accordingly and comply
379 with the requirements of all applicable parts of these regulations, which are not duplicative or overlapping.
380

381 **10.2.3 LIMITATIONS ON THE DISPOSAL OF WASTE TIRES**

382
383 (A) Except as specified in section 10.2.3(B) below, a person must dispose of waste tires only by
384 delivery to a generator engaging in waste tire collection, to a waste tire processor, to a waste tire
385 monofill, or to a waste tire collection facility. This prohibition on disposal also applies to waste
386 tires that have been cut in half or otherwise modified but not processed into tire-derived product.
387

388 (B) If an individual not engaged in commercial waste tire activities is able to establish that due
389 diligence has been conducted and no option for disposing of a waste tire as specified by section
390 10.2.3(A) is available, then the individual may dispose of the waste tire in a solid waste disposal
391 site and facility or transfer station. To establish due diligence, an individual must (1) contact the
392 local governing authority to determine whether local recycling options are available, (2) contact
393 the Department to determine whether local recycling options are available, and (3) contact all
394 waste tire generators, waste tire haulers, waste tire monofills, waste tire processors and waste tire
395 collection facilities within fifty (50) miles to determine whether alternatives to final disposal exist.
396 The Department has discretion to determine whether this due diligence requirement has been
397 satisfied.
398

399 **10.2.4 EXEMPTION FROM ANNUAL FEES IN SECTION 1.7.3**

400
401 The annual fee requirement of section 1.7.3 does not apply to persons registered pursuant to sections
402 10.3, 10.4, 10.6, 10.7, 10.8, or 10.9 for their activities governed by these sections.
403

404 **10.2.5 ENFORCEMENT**

405
406 The Department may enforce this section 10 through its enforcement authorities, including those
407 specified in sections 30-20-113 and 30-20-114, C.R.S.
408

409
410 **SECTION 10.3 - STANDARDS FOR WASTE TIRE HAULERS**

411
412 **10.3.1 GENERAL**

413
414 (A) Unless transported out of state, a person may only transport waste tires to the following types of
415 facilities, sites and users in Colorado:

416 (1) A registered waste tire generator;

417 (2) A registered waste tire hauler;

418 (3) A registered waste tire collection facility;

419 (4) A registered waste tire monofill;

420 (5) An end user of whole waste tires in compliance with section 10.9 of these Regulations

421 (6) A registered waste tire processor;

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- 429 (7) A municipal or county-owned waste tire collection area;
430
431 (8) A municipal or privately owned solid waste landfill in compliance with this section 10.2.3 (B); or
432
433 (9) A beneficial user of whole waste tires that has been approved by the Department.
434
435 (B) A person registered as a Waste Tire Hauler pursuant to section 10.3.3 of these Regulations may pick
436 up waste tires from a person exempted from this section 10, who is not registered as a Waste Tire
437 Generator, Waste Tire Hauler, Waste Tire Collection Facility, Waste Tire Processor, Mobile Waste
438 Tire Processor, or Waste Tire Monofill, an illegal waste tire site or from a private property as long as
439 the Waste Tire Hauler creates a manifest for the load of waste tires pursuant to Section 10.3.5 of
440 these Regulations, and ensures delivery of the waste tires only to a facility listed in section 10.3.1(A)
441 above.
442
443 (C) Waste Tire Haulers must within twenty-four (24) hours of identification notify the Solid Waste Program
444 within the Colorado Department of Public Health and Environment in the event of a fire or other
445 emergency involving waste tires. Within two (2) weeks of this notification, the facility must submit a
446 written report describing the emergency to the Solid Waste Program. This report must describe the
447 origins of the emergency, the actions that have been taken, actions that are currently being taken or
448 are planned, results or anticipated results of these actions, and an approximate date of resolution of
449 the issues generated by the emergency.
450
451 (D) A Waste Tire Hauler that is not also registered as a Waste Tire Generator, Waste Tire Collection
452 Facility, Waste Tire Processor, or Waste Tire Monofill must not have on site:
453
454 (1) More than one thousand five hundred (1,500) waste tires at any one time; or
455
456 (2) A waste tire for more than three (3) days; or
457
458 (3) Waste tires outside the waste hauler's vehicle or trailer.
459

460 **10.3.2 REGISTRATION FOR WASTE TIRE HAULERS**

- 461
462 (A) No person shall transport a load of ten (10) or more waste tires at one time unless he/she has
463 registered with the Department by submitting an application for Certificate of Registration (Form WT-1
464 or WT-1H) to the Hazardous Materials and Waste Management Division of the Department and
465 received a Certificate of Registration from the Department.
466
467 (B) An application for a Certificate of Registration as a Waste Tire Hauler must be submitted on Form
468 WT-1 or WT-1H. The application must be delivered to the Department, electronically or by hard
469 copy, and must include, at a minimum, the following information:
470
471 (1) The business name of the Waste Tire Hauler and any other names under which the Waste Tire
472 Hauler may do business;
473
474 (2) The principal business address of the Waste Tire Hauler;
475
476 (3) A business telephone number(s);
477
478 (4) The name and address of the responsible officer of a corporate Waste Tire Hauler or the
479 owner(s) of a Waste Tire Hauler operating a proprietorship or partnership;
480
481 (5) The signature and date of signature of the Waste Tire Hauler applicant;
482
483 (6) The number of vehicles the Waste Tire Hauler uses to transport waste tires in Colorado; and

- 484
485 (7) A current vehicle registration for each vehicle the Waste Tire Hauler will use to haul waste tires
486 which includes the following information for each vehicle: the license plate number, the state in
487 which the vehicle is registered, the Vehicle Identification Number ("VIN"), the make/model and
488 year, and the registered owner.
489
- 490 (C) The Department will issue a Certificate of Registration and corresponding decal(s) to an applicant if
491 the applicant has submitted an application to the Department containing all information required in
492 section 10.3.2(B) and has submitted the annual report required by section 10.3.6.
493
- 494 (D) The Certificate of Registration for a Waste Tire Hauler is valid from the date of issuance to March 15
495 of the year indicated on the Certificate of Registration.
496
- 497 (E) A Waste Tire Hauler must submit an updated application for a Certificate of Registration within fifteen
498 (15) days after the Waste Tire Hauler purchases a new vehicle, rents or leases a vehicle, or operates
499 a facility at a new location.
500
- 501 (F) A Waste Tire Hauler is not authorized to haul waste tires after the March 15 expiration date unless
502 the Waste Tire Hauler has applied to renew the Waste Tire Hauler Certificate of Registration prior to
503 expiration and has received a new Certificate of Registration as a Waste Tire Hauler from the
504 Department and Waste Tire Hauler decals, pursuant to section 10.3.3 below.
505
- 506 (G) All Waste Tire Haulers who wish to continue hauling waste tires must submit application for renewal
507 no later than February 1.
508
- 509 (H) A legible copy of the Certificate of Registration must be maintained and made available for inspection
510 at the Waste Tire Hauler's principal place of business.
511
- 512 (I) A Waste Tire Hauler Certificate of Registration is not transferable by the Waste Tire Hauler to whom it
513 was issued to any other person or entity.
514
- 515 (J) A Waste Tire Hauler who has previously filed an application for a Certificate of Registration as a
516 Waste Tire Hauler (Form WT-1 or WT-1H) is required to notify the Department in writing whenever
517 changes occur to the following:
518
- 519 (1) Ownership;
 - 520
 - 521 (2) Mailing address;
 - 522
 - 523 (3) Business name;
 - 524
 - 525 (4) Type of registration;
 - 526
 - 527 (5) Contact name;
 - 528
 - 529 (6) Phone number; or
 - 530
 - 531 (7) The Waste Tire Hauler is no longer hauling waste tires.
532
- 533 (K) The Department may cancel a Certificate of Registration of a person who no longer hauls waste tires.
534

535 **10.3.3 WASTE TIRE HAULER DECALS**

536

- 537 (A) No person shall transport a load of ten (10) or more waste tires in Colorado without having received a
538 Waste Tire Hauler decal(s). An application for a Certificate of Registration submitted pursuant to

539 section 10.3.2 above shall also serve as the application for a Waste Tire Hauler decal(s). A Waste
540 Tire Hauler must submit an updated application for a Certificate of Registration within 15 days after
541 the Waste Tire Hauler purchases a new vehicle, or rents or leases a vehicle.

542
543 (B) Waste Tire Haulers will receive Waste Tire Hauler decal(s) and temporary decals (if needed) for each
544 vehicle from the Department with their Certificate of Registration. Each decal will have a unique
545 number.

546
547 (C) Each Waste Tire Hauler vehicle decal will be valid until March 15 of the year indicated on the vehicle
548 decal and will have a unique number. Prior to the expiration date, a Waste Tire Hauler must submit a
549 new application for a Certificate of Registration pursuant to section 10.3.2 above.

550
551 (D) A Waste Tire Hauler decal must be affixed to the lower left hand corner of the windshield of each
552 vehicle the Waste Tire Hauler owns, rents, leases and/or uses to transport waste tires or in some
553 other manner so the decal is visible on vehicles that do not have a windshield

554
555 (E) A Waste Tire Hauler decal is not transferable by the Waste Tire Hauler to whom it was issued to any
556 other person or entity and must not be used for any vehicle not listed by the Registered Waste Tire
557 Hauler on its application for a Certificate of Registration as a Waste Tire Hauler.

558
559 (F) Commercial freight carriers must obtain a temporary decal from the registered Waste Tire Hauler who
560 contracts with them. The temporary decals must be displayed on the lower left hand side of the
561 windshield or in some other manner so the decal is visible on vehicles that do not have a windshield
562 at all times when the vehicle is under contract for waste tire transportation. Upon termination of
563 contract, the temporary decal must be returned within twenty-four (24) hours to the registered Waste
564 Tire Hauler. Commercial freight carriers must comply with sections 10.3.1 and 10.3.4.

565
566 **10.3.4 MANIFEST REQUIREMENTS FOR WASTE TIRE HAULERS**

567
568 (A) No Waste Tire Hauler may accept waste tires for transportation without properly completing a paper
569 or electronic manifest pursuant to section 10.3.4 of these Regulations unless they comply with 10.1.3
570 (E).

571
572 (B) Paper or electronic copies of manifests for all transport of waste tires accepted by a Waste Tire
573 Hauler must be maintained on-site at the Waste Tire Hauler's principal business address as identified
574 on the Certificate of Registration and available for inspection for three (3) years from the date of
575 delivery.

576
577 (C) A Waste Tire Hauler must create a paper or electronic manifest for each load of waste tires. Such
578 persons must use the Uniform Waste Tire Manifest Form WT-2, available at the Department's
579 website. Each manifest will have a unique number. The completed Uniform Waste Tire Manifest
580 must contain the following information:

581
582 (1) The name, address, telephone number, and Certificate of Registration number, if applicable, of
583 the generator(s) or source(s) of the waste tires in the load;

584
585 (2) The quantity of waste tires picked up at each generator or source as measured by:

586
587 (a) The actual number of waste tires; or

588
589 (b) The weight of waste tires measured in tons;

590
591 (3) The name, address, telephone number and Certificate of Registration number of the Waste Tire
592 Hauler and the Waste Tire Hauler decal number of the vehicle used to transport the waste tires

- 593 and, if applicable, the name and United States Department of Transportation (USDOT) number of
594 the contracted commercial freight carrier;
595
596 (4) The date(s) of transport;
597
598 (5) The name, address, telephone number and Certificate of Registration number and decal number
599 of the destination facility to which the waste tires will be delivered;
600
601 (6) The signatures, under penalty of perjury, of each generator/source of the waste tires, the Waste
602 Tire Hauler, the secondary Waste Tire Hauler (if any), and the facility that is the destination of the
603 waste tires; and
604
605 (7) Whether the waste tires originated from an illegal waste tire site or from a private property.
606
607 (8) Whether the waste tires originated from an unregistered waste tire hauler and license plate
608 number of unregistered waste tire hauler.
609

610 (D) Waste Tire Haulers must:

- 611
612 (1) Carry the paper or electronic Uniform Waste Tire Manifest of each load in the vehicle while
613 hauling the waste tires described on the Manifest (the Manifest need not be displayed in the
614 vehicle);
615
616 (2) Provide a copy of the paper or electronic Uniform Waste Tire Manifest for each load to the
617 applicable waste tire generator/source of the waste tires within thirty (30) days of delivery to the
618 destination facility;
619
620 (3) Provide a paper or electronic completed copy of the Uniform Waste Tire Manifest for each load to
621 the destination facility when the hauler delivers the waste tires; and
622
623 (4) Make a copy of any paper or electronic Uniform Waste Tire Manifest available to the Department
624 upon request.
625

626 **10.3.5 ANNUAL REPORT**

627
628 A Waste Tire Hauler must submit an annual report to the Department on the Commercial Waste Tire
629 Hauler Annual Report Form (Form WT-4). This form may be obtained by contacting the Department or
630 available at the Department's website.
631

- 632 (A) The report must account for the number of waste tires transported by the person during the previous
633 calendar year (beginning January 1 and ending December 31). Waste tire quantities must be
634 reported by actual count or by actual weight in tons.
635
636 (B) The annual report must be delivered to the Department, via certified mail, regular mail, facsimile,
637 hand delivery, or electronically by April 1 of each year and must include the following:
638
639 (1) Quantity of waste tires collected by the Waste Tire Hauler from within Colorado for the applicable
640 reporting period;
641
642 (2) Quantity of waste tires that are brought to Colorado locations by the Waste Tire Hauler from out-
643 of-state sources during the applicable reporting period;
644
645 (3) Quantity of waste tires that are taken from Colorado locations by the Waste Tire Hauler to out-of-
646 state destinations during the applicable reporting period;
647

- 648 (4) Quantity of waste tires identified as used tires;
649
650 (5) Final disposition of all the waste tires collected during the applicable reporting period by listing
651 each waste tire collection facility, waste tire monofill, municipal or privately owned solid waste
652 landfill, or end user or processor facility, beneficial users of waste tires and the total quantities of
653 waste tires that the Waste Tire Hauler has delivered to each; and
654
655 (6) The total amount of waste tires accepted from a person exempted from section 10.
656

657 **10.3.6 WASTE TIRE HAULER SELF-CERTIFICATION**

- 659 (A) The Department may require Waste Tire Haulers to furnish additional information concerning
660 compliance with the regulatory requirements of 6 CCR 1007-2 using a self-certification process.
661
662 (B) Any Waste Tire Hauler who receives a Self-Certification Checklist from the Department must
663 complete and return the checklist within the time specified in the instructions provided by the
664 Department.
665
666 (C) The Department will provide Waste Tire Haulers a reasonable amount of time to complete and return
667 the checklist. At a minimum, the Waste Tire Hauler will have fourteen (14) days from the date of
668 receipt to return the checklist. A checklist is deemed returned on the date it is received by the
669 Department. The Department may provide an extension of time to complete and return the checklist
670 upon request.
671
672 (D) The self-certification checklist will contain a certification in substantially the following form, which must
673 be signed by an authorized representative of the Waste Tire Hauler:
674

675 "I, the undersigned facility representative, certify that:

- 676
677 i. I have personally examined and am familiar with the information contained in this submittal;
678 ii. The information contained in this submittal is to the best of my knowledge, true, accurate, and
679 complete in all respects; and
680 iii. I am fully authorized to make this certification on behalf of this facility.
681

682 I am aware that there are significant penalties, including, but not limited to, possible fines and
683 imprisonment for willfully submitting false, inaccurate, or incomplete information."
684

685 **10.4 - STANDARDS FOR GENERATORS OF MOTOR VEHICLE AND TRAILER WASTE TIRES**

686 **10.4.1 GENERAL**

687
688 This section 10.4 applies to all generators of motor vehicle or trailer waste tires, including but not limited
689 to, new tire retailers, used tire retailers, automobile dealers, automobile dismantlers, public and private
690 vehicle maintenance shops, garages, service stations, car care centers, automotive fleet centers, local
691 government fleet operators, salvage and scrap yards and rental fleet operators.
692
693

694 **10.4.2 GENERAL STANDARDS FOR GENERATORS OF MOTOR VEHICLE AND TRAILER WASTE TIRES**

- 695 (A) All Waste Tire Generators must maintain all weather access roads to those areas of their facilities
696 where waste tires are stored.
697
698
699
700

- 701 (B) All Waste Tire Generators must collect litter in and around any area used to store waste tires in order
702 to avoid a fire hazard or a nuisance condition and control the growth of vegetation to minimize
703 potential fuel sources.
- 704 (C) Waste Tire Generators must maintain a working telephone at their facilities.
- 705 (D) Waste Tire Generators must comply with the applicable local fire codes or, where no code exists or
706 the local code does not provide equivalent or greater level of fire protection, the fire code currently
707 adopted by the Colorado Division of Fire, Prevention and Control in the Department of Public Safety.
- 708 (E) Waste Tire Generators that are not also registered as a Waste Tire Collection Facility, Waste Tire
709 Processor, or Waste Tire Monofill must not:
710
- 711 (1) Have on site more than one thousand five hundred (1,500) waste tires at any one time; or
712
713 (2) Store more than five hundred (500) waste tires outdoors at their facility.
- 714 (F) Waste Tire Generators must immediately notify the Solid Waste and Materials Management Program
715 within the Colorado Department of Public Health and Environment in the event of a fire or other
716 emergency involving waste tires. Within two (2) weeks of this notification, the Waste Tire Generator
717 must submit a written report describing the emergency to the Solid Waste and Materials Management
718 Program. This report must describe the origins of the emergency, the actions that have been taken,
719 actions that are currently being taken or are planned, results or anticipated results of these actions,
720 and an approximate date of resolution of the issues generated by the emergency.
- 721 (G) Waste Tire Generators must arrange for the commercial hauling or mobile processing of waste tires
722 only with a waste tire hauler or mobile waste tire processor who is currently registered pursuant to
723 these Regulations.
- 724 (H) Waste Tire Generators may accept waste tires.
- 725 (I) Waste Tire Generators that sell replacement tires in Colorado must not refuse to accept from a
726 customer, at the point of transfer, motor vehicle or trailer waste tires of the same general type and in
727 a quantity at least equal to the number of new tires purchased.
- 728 (J) Waste Tire Generators must maintain records for three (3) years showing how many waste tires they
729 generated.
- 730 (K) Waste Tire Generators who accumulate at any one time more than hundred (100) waste tires must
731 maintain security measures to prevent unlawful access to waste tires.
- 732 (L) Waste tires must not create nuisance conditions that could attract vectors of disease.

733 **10.4.3 WASTE TIRE GENERATOR REGISTRATION REQUIREMENTS**

- 734 (A) No person shall commercially generate motor vehicle or trailer waste tires, including but not limited to,
735 as a new tire retailer, used tire retailer, automobile dealer, automobile dismantler, public or private
736 vehicle maintenance shop, garage, service station, car care center, automotive fleet center, local
737 government fleet operator, salvage and scrap yards or rental fleet operator in Colorado without
738 having received a Certificate of Registration from the Department.
- 739 (B) An application for a Certificate of Registration must be submitted on Form WT-1 to the Solid Waste
740 and Materials Management Program within the Hazardous Materials and Waste Management
741 Division of the Department.

- 756 (C) Certificate of Registration applications for the generation of waste tires must include, at a minimum:
757
758 (1) The business name of Waste Tire Generator and any other names under which the Waste Tire
759 Generator may do business;
760
761 (2) The principal business address of the Waste Tire Generator;
762
763 (3) A business telephone number(s);
764
765 (4) The name and address of the responsible officer of a corporate Waste Tire Generator, or the
766 owner(s) of a Waste Tire Generator operating a proprietorship or a partnership;
767
768 (5) Whether the Waste Tire Generator sells new motor vehicle tires or new trailer tires; and
769
770 (6) The signature and date of signature of the Waste Tire Generator applicant.
771
772 (D) The Department will issue a Certificate of Registration to the applicant after approval of the
773 application. Certificates of Registration must be maintained at the facility and made available for
774 inspection.
775
776 (E) A Certificate of Registration is not transferable by the Waste Tire Generator to whom it was issued to
777 any other person or entity.
778
779 (F) A Waste Tire Generator who has previously filed an application for a Certificate of Registration as a
780 Waste Tire Generator (Form WT-1) is required to notify the Department in writing whenever changes
781 occur to the following:
782
783 (1) Ownership;
784
785 (2) Mailing address;
786
787 (3) Business name;
788
789 (4) Type of registration;
790
791 (5) Contact name;
792
793 (6) Phone number;
794
795 (7) Waste tires are generated at a new location not registered with the Department; or
796
797 (8) The Waste Tire Generator is no longer generating waste tires at the location registered with the
798 Department.
799
800 (G) The Department may cancel a Certificate of Registration of a person who no longer generates waste
801 tires at their registered location.
802

803 **10.4.4 WASTE TIRE GENERATOR FACILITY DECAL**

804

- 805 (A) An application for a Certificate of Registration pursuant to section 10.4.3 above shall also serve as an
806 application for a Waste Tire Facility decal.
807
808 (B) Waste Tire Generators will receive a Waste Tire Facility decal from the Department with their
809 Certificate of Registration.
810

- 811 (C) Waste Tire Facility decals will have a unique number.
812
813 (D) Waste Tire Generators must post their Waste Tire Facility decal in a prominent location at the
814 address where the waste tires are generated and where the decal is visible to the Waste Tire Hauler.
815

816
817 **10.4.5 WASTE TIRE GENERATOR MANIFEST REQUIREMENTS**
818

- 819 (A) No Waste Tire Generator may accept a shipment of more than ten (10) motor vehicle or trailer waste
820 tires without an accompanying manifest properly completed pursuant to section 10.3.4 of these
821 Regulations unless they comply with 10.1.3 (E).
822
823 (B) No Waste Tire Generator may offer a shipment of motor vehicle or trailer waste tires without receiving
824 a manifest properly completed by the Waste Tire Hauler pursuant to section 10.3.4 of these
825 Regulations.
826
827 (C) No Waste Tire Generator may offer motor vehicle or trailer waste tires for mobile processing without
828 receiving a manifest properly completed by the Mobile Waste Tire Processor pursuant to section
829 10.7.5 of these Regulations.
830
831 (D) Manifests for all shipments of motor vehicle or trailer waste tires must be maintained on-site at the
832 Waste Tire Generator's facility and available for inspection for three (3) years from the date of pick-
833 up.
834

835 **10.4.6 WASTE TIRE GENERATOR SELF-CERTIFICATION**
836

- 837 (A) The Department may require Waste Tire Generators to furnish additional information concerning
838 compliance with the regulatory requirements of 6 CCR 1007-2 using a self-certification process.
839
840 (B) Any Waste Tire Generator who receives a Self-Certification Checklist from the Department must
841 complete and return the checklist within the time specified in the instructions provided by the
842 Department.
843
844 (C) The Department will provide Waste Tire Generators a reasonable amount of time to complete and
845 return a checklist. At a minimum, the Waste Tire Generator will have fourteen (14) days from the
846 date of receipt to return the checklist. A checklist is deemed returned on the date it is received by the
847 Department. The Department may provide an extension of time to complete and return the checklist
848 upon request.
849
850 (D) The self-certification checklist shall contain a certification in substantially the following form, which
851 must be signed by an authorized representative of the Waste Tire Generator:

852
853 "I, the undersigned facility representative, certify that:

- 854
855 i. I have personally examined and am familiar with the information contained in this submittal;
856 ii. The information contained in this submittal is to the best of my knowledge, true, accurate, and
857 complete in all respects; and
858 iii. I am fully authorized to make this certification on behalf of this facility.
859

860 I am aware that there are significant penalties, including, but not limited to, possible fines and
861 imprisonment for willfully submitting false, inaccurate, or incomplete information."

862 **10.5 - STANDARDS FOR WASTE TIRE MONOFILLS**

863

864 **10.5.1 GENERAL WASTE TIRE MONOFILL STANDARDS**

865

866 (A) Any person who owns or operates a Waste Tire Monofill must have and comply with a valid
867 Certificate of Designation issued pursuant to section 1.3 of these Regulations.

868

869 (B) A Certificate of Designation for a Waste Tire Monofill must include an Engineering Design and
870 Operations Plan (EDOP) which includes the requirements listed in section 10.5.8, a Waste Tire
871 Inventory Reduction Plan as required by 10.5.1 (J), the Financial Assurance requirements in section
872 10.5.6, and a Closure and Post-Closure Plan as required by section 10.5.9.

873

874 (C) Any person who owns or operates a Waste Tire Monofill must maintain all weather access roads to
875 those areas of active operation and as necessary to meet the Fire Prevention, Training and
876 Firefighting Plan required by subsection 10.5.8(A)(3) of these Regulations.

877

878 (D) Any person who owns or operates a Waste Tire Monofill must collect litter in order to avoid a fire
879 hazard or a nuisance condition and control the growth of vegetation to minimize potential fuel
880 sources.

881

882 (E) Any person who owns or operates a Waste Tire Monofill must implement security measures to
883 preclude unauthorized entry.

884

885 (F) Any person who owns or operates a Waste Tire Monofill must post signs in public view at the
886 entrance to the Waste Tire Monofill with the name of the facility, the hours which the facility is open
887 for public use, a listing of the wastes accepted at the facility, and a phone number for a 24 hour
888 emergency contact. The signs must be posted in English and any other language predominant in the
889 area surrounding the facility.

890

891 (G) Any person who owns or operates a Waste Tire Monofill must maintain a working telephone at each
892 Waste Tire Monofill facility.

893

894 (H) During all stages of operation of a Waste Tire Monofill, the owner or operator must have an attendant
895 who is responsible for site activities.

896

897 (I) A Waste Tire Monofill owner or operator must immediately notify the Solid Waste Program within the
898 Colorado Department of Public Health and Environment in the event of a fire or other emergency
899 involving waste tires. Within two (2) weeks of this notification, the owner or operator must submit a
900 written report describing the emergency to the Solid Waste Program. This report must describe the
901 origins of the emergency, the actions that have been taken, actions that are currently being taken or
902 are planned, results or anticipated results of these actions, and an approximate date of resolution of
903 the issues generated by the emergency.

904

905 (J) Waste Tire Inventory Reduction Plan: Owners/operators of a Waste Tire Monofill must on an annual
906 basis, for every one (1) waste tire received, end use at least two (2) waste tires or process at least
907 two (2) waste tires into tired-derived product. All owners or operators must submit for Department
908 approval a Waste Tire Inventory Reduction Plan that shows how they will comply with this section. All
909 owners or operators must comply with their Waste Tire Inventory Reduction Plan. An owner or
910 operator of a Waste Tire Monofill may claim that information or data submitted in the Waste Tire
911 Inventory Reduction Plan, should be withheld as Confidential Business Information ("CBI") or Trade
912 Secret. The Department will hold information contained in the Waste Tire Inventory Reduction Plan as
913 CBI/Trade Secret pursuant to section 7-74-102, C.R.S. and section 18-4-408(2), C.R.S. The burden
914 of proving that the information or data is protected as CBI or Trade Secret shall be upon the party
915 asserting the claim.

916

- 917 (K) Any person who owns or operates a Waste Tire Monofill must arrange for the commercial hauling or
918 mobile processing of waste tires only with a waste tire hauler or mobile waste tire processor who is
919 currently registered pursuant to these Regulations.
920
- 921 (L) Any person who owns or operates a Waste Tire Monofill must ensure that all waste tires collected at
922 its facility are delivered to a waste tire monofill, a waste tire processor or to a waste tire collection
923 facility operating in compliance with the Act and the Regulations or mobile processed. An
924 owner/operator of a Waste Tire Monofill may ship whole waste tires to an End User who end uses
925 whole waste tires for fuel or energy recovery.
926
- 927 (M) Any person who owns or operates a Waste Tire Monofill must not place any waste tires into monofill
928 storage after January 1, 2018. All Waste Tire Monofills must close by July 1, 2024.
929
- 930 (N) Any person who owns or operates a Waste Tire Monofill must comply with the applicable local fire
931 codes or, where no code exists or the local code does not provide equivalent or greater level of fire
932 protection, the fire code currently adopted by the Colorado Division of Fire Prevention and Control in
933 the Department of Public Safety.
934
- 935 (O) Any person who owns or operates a Waste Tire Monofill must comply with their facility's Engineering
936 Design and Operations Plan (EDOP).
937

938 **10.5.2 WASTE TIRE MONOFILL REGISTRATION REQUIREMENTS**

939

- 940 (A) No person shall operate a Waste Tire Monofill without having received a Certificate of Registration
941 from the Department.
942
- 943 (B) Applications for Certificates of Registration must be submitted on Form WT-1 to the Solid Waste and
944 Materials Management Program within the Hazardous Materials and Waste Management Division of
945 the Department.
946
- 947 (C) Certificate of Registration applications for operation of a Waste Tire Monofill must include:
948
- 949 (1) The business name of the Waste Tire Monofill and any other names under which the Waste Tire
950 Monofill may do business;
 - 951 (2) The principal business address of the Waste Tire Monofill;
 - 952 (3) A business telephone number(s);
 - 953 (4) The name and address of the responsible officer of a corporate Waste Tire Monofill, or the
954 owner(s) of a Waste Tire Monofill operating a proprietorship or a partnership; and
955
 - 956 (5) The signature and date of signature of the Waste Tire Monofill applicant.
957
- 958
- 959 (D) The Department will issue a Certificate of Registration to the applicant after approval of the
960 application. Certificates of Registration must be maintained at the facility and made available for
961 inspection.
962
- 963 (E) A Certificate of Registration is not transferable by the owner or operator of a Waste Tire Monofill to
964 whom it was issued to any other person or entity, without the Department's prior approval based on
965 information described in section 10.5.2(F) below.
966
- 967 (F) An owner or operator of a Waste Tire Monofill who has previously filed an application for a Certificate
968 of Registration as a Waste Tire Monofill (Form WT-1) is required to notify the Department in writing
969 whenever changes occur to the following:
970
971

- 972
973 (1) Ownership;
974
975 (2) Mailing address;
976
977 (3) Business name;
978
979 (4) Type of registration;
980
981 (5) Contact name;
982
983 (6) Phone number; or
984
985 (7) The owner or operator is no longer operating a Waste Tire Monofill at the location registered with
986 the Department.
987
988 (G) The Department may cancel a Certificate of Registration of an owner or operator who no longer
989 operates a Waste Tire Monofill at their registered location.
990

991 **10.5.3 WASTE TIRE MONOFILL FACILITY DECAL**
992

- 993 (A) An application for a Certificate of Registration pursuant to section 10.5.2 above, shall also serve as
994 an application for a Waste Tire Facility decal.
995
996 (B) An owners or operator of a Waste Tire Monofill will receive a Waste Tire Facility decal from the
997 Department with its Certificate of Registration. Waste Tire decals will have a unique number.
998
999 (C) An owner or operator of a Waste Tire Monofill must post their Waste Tire Facility decal in a prominent
1000 location at the address used to store/accumulate waste tires and where the decal is visible to the
1001 Waste Tire Hauler.
1002

1003 **10.5.4 WASTE TIRE MONOFILL MANIFEST REQUIREMENTS**
1004

- 1005 (A) No owner or operator of a Waste Tire Monofill may accept a shipment of more than ten (10) waste
1006 tires from a Waste Tire Hauler or Mobile Waste Tire Processor without an accompanying manifest
1007 properly completed pursuant to sections 10.3.4 or 10.7.5 of these Regulations unless they comply
1008 with 10.1.3 (E).
1009
1010 (B) Manifests for all shipments of waste tires accepted by an owner or operator of a Waste Tire Monofill
1011 must be maintained on-site at that facility and available for inspection for three (3) years from the date
1012 of delivery.
1013
1014 (C) No owner or operator of a Waste Tire Monofill may offer a shipment of more than ten (10) waste tires
1015 without an accompanying manifest properly completed by the Waste Tire Hauler pursuant to section
1016 10.3.4 of these Regulations.
1017
1018 (D) No owner or operator of a Waste Tire Monofill may offer waste tires for processing without receiving a
1019 manifest properly completed by the Mobile Waste Tire Processor pursuant to section 10.7.5 of these
1020 Regulations.
1021
1022 (E) Manifests for all shipments of waste tires offered by the owner or operator of a Waste Tire Monofill
1023 must be maintained on-site at that facility and available for inspection for three (3) years from the date
1024 of pick-up.
1025
1026

1027 **10.5.5 WASTE TIRE MONOFILL FINANCIAL ASSURANCE**

1028
1029 Any person who owns or operates a Waste Tire Monofill must maintain financial assurance for any
1030 required reclamation and for closure and post-closure care of the Facility pursuant to section 1.8 of these
1031 Regulations.

1032
1033 **10.5.6 ANNUAL REPORT**

1034
1035 (A) Any person who owns or operates a Waste Tire Monofill must submit an annual report to the
1036 Department and local governing body having jurisdiction by April 1 of each year on the Waste Tire
1037 Facility Annual Reporting Form (Form WT-5). The annual report must include the amount, by actual
1038 count or by actual weight in tons, of waste tires received at the facility, how many waste tires were
1039 processed or end used at the facility, how many waste tires were shipped off-site from the facility for
1040 the preceding calendar year, and the total amount of waste tires accepted from unregistered waste
1041 tire haulers.

1042
1043 (B) The annual report must include, in addition to the information in section 10.5.6(A) above, information
1044 concerning compliance with the Waste Tire Inventory Reduction Plan in section 10.5.1 (J). An owner
1045 or operator of a Waste Tire Monofill may claim that information or data submitted in the annual report,
1046 including the report on the Waste Tire Inventory Reduction Plan, should be withheld as Confidential
1047 Business Information (“CBI”) or Trade Secret. The Department will hold information contained in the
1048 Waste Tire Inventory Reduction Plan as CBI/Trade Secret pursuant to section 7-74-102, C.R.S. and
1049 section 18-4-408(2), C.R.S. The burden of proving that the information or data is protected as CBI or
1050 Trade Secret shall be upon the party asserting the claim.

1051
1052 **10.5.7 WASTE TIRE MONOFILL SELF-CERTIFICATION**

1053
1054 (A) The Department may require an owner or operator of a Waste Tire Monofill to furnish additional
1055 information concerning compliance with the regulatory requirements of 6 CCR 1007-2 using a self-
1056 certification process.

1057
1058 (B) An owner or operator of a Waste Tire Monofill who receives a Self-Certification Checklist from the
1059 Department must complete and return the checklist within the time specified in the instructions
1060 provided by the Department.

1061
1062 (C) The Department will provide the owner or operator of a Waste Tire Monofill a reasonable amount of
1063 time to complete and return a checklist. At a minimum, the owner or operator of a Waste Tire Monofill
1064 will have fourteen (14) days from the date of receipt to return the checklist. A checklist is deemed
1065 returned on the date it is received by the Department. The Department may provide an extension of
1066 time to complete and return the checklist upon request.

1067
1068 (D) The self-certification checklist will contain a certification in substantially the following form, which must
1069 be signed by an authorized representative of the Waste Tire Monofill:

1070
1071 “I, the undersigned facility representative, certify that:

- 1072
1073 i. I have personally examined and am familiar with the information contained in this submittal;
1074 ii. The information contained in this submittal is to the best of my knowledge, true, accurate, and
1075 complete in all respects; and
1076 iii. I am fully authorized to make this certification on behalf of this facility.

1077
1078 I am aware that there are significant penalties, including, but not limited to, possible fines and
1079 imprisonment for willfully submitting false, inaccurate, or incomplete information.”

1082 **10.5.8 WASTE TIRE MONOFILL FACILITY ENGINEERING DESIGN AND OPERATIONS PLAN**

1083
1084 (A) Any person who owns or operates a Waste Tire Monofill must have an Engineering Design and
1085 Operations Plan (EDOP), approved by the Department, which must, at a minimum, include all of the
1086 following:

1087
1088 (1) General:

- 1089
1090 (a) Nature of the activity conducted at the facility;
1091 (b) The capacity and type of equipment to be used at the facility;
1092 (c) All methods of waste tire processing and storage;
1093 (d) Means used to track inventory on a volume or weight basis;
1094 (e) Security measures;
1095 (f) How the facility intends to implement the requirements listed in section 10.5.1 above; and
1096 (g) Annual training requirements for all employees on all approved facility plans described in this
1097 section 10.5.8, and how that training will be documented and verified.

1098
1099 (2) Emergency Response Plan which includes:

- 1100
1101 (a) General facility information including:
1102 (i) The facility name, mailing address and telephone number;
1103 (ii) The facility operator's name, mailing address and telephone number; and
1104 (iii) The property owner's name, mailing address and telephone number;
1105
1106 (b) An emergency contact list including the names and telephone numbers of the persons and
1107 appropriate agencies to be contacted in case of emergency, including:
1108 (i) The Emergency Coordinator;
1109 (ii) The Facility Owner;
1110 (iii) The Facility Operator;
1111 (iv) The Local Fire Authority; and
1112 (v) Any additional numbers that may be needed.
1113
1114 (c) Emergency Equipment available on site, including specific capabilities and uses;
1115
1116 (d) A map showing the location of fire lanes, tire pile configurations, fire hydrants, power supply,
1117 and emergency response equipment; and
1118
1119 (e) A description of emergency response procedures to be followed in the event of a fire or other
1120 emergency.

1121
1122 (3) Fire Prevention, Training and Firefighting Plan which:

- 1123
1124 (a) Includes specification of the Facility's fire lane locations and widths;
1125
1126 (b) Includes means that are assumed to be used to extinguish fires;
1127
1128 (c) Designates a Facility Emergency Coordinator;
1129
1130 (d) Is written by a qualified professional in accordance with local fire codes or, where no code
1131 exists or the local code does not provide equivalent or greater level of fire protection, the fire
1132 code currently adopted by the Colorado Division of Fire Prevention and Control in the
1133 Department of Public Safety.
1134
1135 (e) Ensures the owner or operator complies with the applicable local fire codes or, where no
1136 code exists or the local code does not provide equivalent or greater level of fire protection,

1137 the fire code currently adopted by the Colorado Division of Fire Prevention and Control in the
1138 Department of Public Safety.

1139
1140 (f) Includes specification for adequate water supply available for use by the local fire authority
1141 for firefighting. Owners and operators may demonstrate compliance with this requirement
1142 through alternative methods approved by the local fire authority;

1143
1144 (4) Vector Control Plan which includes:

1145
1146 (a) Provisions for storage of tires in a manner which prevents the breeding and harborage of
1147 mosquitoes, rodents, and other vectors by any of the following means: (i) cover with
1148 impermeable barriers, other than soil, to prevent entry or accumulation of precipitation, or (ii)
1149 use of treatments or methods, such as pesticides, to prevent or eliminate vector breeding as
1150 necessary.

1151
1152 (b) If pesticides are used in vector control efforts, they must be used in accordance with the
1153 Pesticide Applicators Act, section 35-10-101, C.R.S.

1154

1155 **10.5.9 CLOSURE AND POST-CLOSURE CARE OF WASTE TIRE MONOFILLS**

1156

1157 (A) Any person who owns or operates a Waste Tire Monofill must close and maintain the Waste Tire
1158 Monofill in accordance with sections 2.5, 2.6, and 10.5 of these Regulations.

1159

1160 (B) Any person who owns or operates a Waste Tire Monofill must prepare a Closure Plan as part of the
1161 Engineering Design and Operations Plan. The Closure Plan must describe the steps necessary to
1162 close the Waste Tire Monofill at any point during its active life and at the end of the facility's active
1163 life. The facility may either: 1) close the waste in place as a solid waste landfill in accordance with
1164 these Solid Waste Regulations, or 2) remove all solid waste and residual contamination to meet
1165 unrestricted use concentrations. Option 2, also known as "clean closure," eliminates the need for
1166 post closure care. Both Option 1 and Option 2 require the owner or operator of a Waste Tire Monofill
1167 to develop a closure plan.

1168

1169 (1) The closure plan, at a minimum, must include the following information:

1170 (a) Provisions for removal of all solid waste at those facilities choosing partial or facility-wide
1171 clean closure;

1172 i. Proposed plans and procedures for sampling and testing soil based on visual
1173 identification of staining or other indications of residual contamination;
1174 ii. Provisions for sampling and analyses of soil for potential hazardous characteristics and
1175 provisions for final disposal. Soils will need to meet unrestricted use concentrations or
1176 background levels whichever is greater.

1177 (b) Provision for the consolidation and placement of residual wastes remaining on site;

1178 (c) Procedures for placement of final cover materials and final cover configurations.

1179

1180 (2) General description of the site post-closure, including:

1181 (a) The final property contours, material and procedures to be used to cover the waste tires;

1182 (b) A description of final soil placement and establishment of plant life;

1183 (c) A description of anticipated post disposal land use;

1184 (d) A schedule for completing all activities necessary to satisfy the closure criteria of this section;
1185 and

1186 (e) An analysis of whether C.R.S. § 25-15-320 will require an environmental covenant following
1187 closure.

1188

1189 (3) Owners or operators of all Waste Tire Monofills must submit a Closure Report to the Department
1190 at the time of final closure. The report must summarize the number or volume of tires disposed of
1191 in each pit, and phone number of person(s) responsible for post closure control of the facility.

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- (4) At least sixty (60) days in advance of the proposed closure date, the owner or operator must notify the Department and the local governing authority of the proposed closure date.
 - (5) The owner or operator must notify the general public at least sixty (60) days in advance of the proposed closure by placing signs of suitable size at the entrance to the site and facility.
 - (6) The owner or operator of the facility must complete closure activities of the facility in accordance with the closure plan and within one hundred eighty (180) calendar days following the final receipt of waste. Extensions of the closure period may be granted by the Department if the owner or operator demonstrates that closure will take longer than one hundred eighty (180) calendar days and the owner/operator has taken and will continue to take all steps to prevent threats to human health and the environment.
 - (7) Following closure of an Waste Tire Monofill, the owner or operator shall comply with C.R.S. § 25-15-320 unless the site is remediated to a condition that is suitable for unrestricted use, and if waste is left in place as part of the closure, record a notation in the chain of title specifying that the land has been used as a Waste Tire Monofill. A copy of the notation must be provided to the Department prior to recording for review and approval.
 - (8) Closure Certification: A closure certification report is required to be submitted within sixty (60) calendar days of completion of closure activities which documents all the requirements and conditions of the closure plan have been achieved. The Report must be signed and sealed by a Colorado registered professional engineer and is subject to review and approval by the Department.

1218 (C) POST-CLOSURE CARE AND MAINTENANCE REQUIREMENTS FOR WASTE TIRE MONOFILLS
1219

1220 Post-Closure Activities: Following closure of the Waste Tire Monofill the owner or operator shall submit a
1221 Post-Closure Care Plan within sixty (60) calendar days of determining that the waste tire facility was
1222 closed as a landfill that will include at least the following:

- 1223
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1231
- (1) Provisions to prevent nuisance conditions;
 - (2) Maintaining the integrity and effectiveness of the final cover, should waste be closed in place, including making repairs to the cover and replanting vegetation as necessary; and
 - (3) Name, address, and telephone number of the person or office to contact about the facility during the post-closure period.

1232
1233 **10.6 - STANDARDS FOR WASTE TIRE PROCESSORS**

1234
1235 **10.6.1 GENERAL**

1236
1237 Waste tire processing is not subject to the Recycling requirements of section 8 or the annual fee
1238 requirements of section 1.7.3.

1239
1240 **10.6.2 GENERAL STANDARDS FOR WASTE TIRE PROCESSORS**

- 1241
1242 (A) All Waste Tire Processors must maintain all weather access roads to those areas of active operation
1243 and as necessary to meet the Fire Prevention, Training and Firefighting Plan required by subsection
1244 10.6.9(A)(3) of these Regulations.
1245

- 1246 (B) All Waste Tire Processors must collect litter in order to avoid a fire hazard or a nuisance condition
1247 and control the growth of vegetation to minimize potential fuel sources.
1248
- 1249 (C) All Waste Tire Processors must implement security measures to preclude unauthorized entry.
1250
- 1251 (D) Prominent signs in English and any other language predominant in the area surrounding the facility
1252 must be posted in public view at the entrance to each Waste Tire Processing facility with the name of
1253 the facility, the hours which the facility is open for public use, a listing of the wastes accepted at the
1254 facility, and a phone number for a 24 hour emergency contact.
1255
- 1256 (E) The Waste Tire Processor must maintain a working telephone at each Waste Tire Processor facility.
1257
- 1258 (F) During all stages of operation of a Waste Tire Processor, the facility must have an attendant who is
1259 responsible for site activities.
1260
- 1261 (G) A Waste Tire Processor operator must immediately notify the Solid Waste Program within the
1262 Colorado Department of Public Health and Environment in the event of a fire or other emergency
1263 involving waste tires. Within two (2) weeks of this notification, the facility must submit a written report
1264 describing the emergency to the Solid Waste Program. This report must describe the origins of the
1265 emergency, the actions that have been taken, actions that are currently being taken or are planned,
1266 results or anticipated results of these actions, and an approximate date of resolution of the issues
1267 generated by the emergency.
1268
- 1269 (H) Following a one-year accumulation period, the weight or volume of waste tires that are processed
1270 must be at least 75% of the total weight or volume of waste tires received and currently in storage
1271 over a three year rolling average. A Waste Tire Processor that is also registered as a Waste Tire
1272 Monofill is exempt from this requirement and must comply with the requirement in section 10.5.1(J).
1273
- 1274 (I) A Waste Tire Processor that is not also registered as a Waste Tire Monofill must not have at the
1275 processing facility at any one time more than the lesser of:
1276
- 1277 (1) One hundred thousand (100,000) waste tires;
1278
- 1279 (2) The amount of waste tires allowed under local requirements; or
1280
- 1281 (3) The amount of waste tires anticipated in the Waste Tire Processor's financial assurance
1282 instrument.
1283
- 1284 (J) Waste Tire Processors must arrange for the commercial hauling of waste tires only with a waste tire
1285 hauler who is currently registered pursuant to section 10.3.2 of these Regulations.
1286
- 1287 (K) Waste Tire Processors must ensure that any waste tires shipped off-site from their facilities are
1288 delivered either out of state or to a registered Waste Tire Generator, Waste Tire Hauler, Waste Tire
1289 Collection Facility, Waste Tire Monofill, or another Waste Tire Processor operating in compliance with
1290 the Act and the Regulations. Waste Tire Processors may ship whole waste tires to an End User who
1291 end uses whole waste tires for fuel or energy recovery.
1292
- 1293 (L) Waste Tire Processors must comply with the applicable local fire codes or, where no code exists or
1294 the local code does not provide equivalent or greater level of fire protection, the fire code currently
1295 adopted by the Colorado Division of Fire Prevention and Control in the Department of Public Safety.
1296
- 1297 (M) Waste Tire Processors must comply with the facility's Engineering Design and Operations Plan
1298 (EDOP).
1299
1300

1301 **10.6.3 WASTE TIRE PROCESSORS REGISTRATION REQUIREMENTS**

- 1302
- 1303 (A) No person shall process waste tires without having received a Certificate of Registration from the
- 1304 Department.
- 1305
- 1306 (B) Applications for Certificates of Registration must be submitted on Form WT-to the Solid Waste and
- 1307 Materials Management Program within the Hazardous Materials and Waste Management Division of
- 1308 the Department.
- 1309
- 1310 (C) Certificate of Registration applications for operation of a Waste Tire Processor must include:
- 1311
- 1312 (1) The business name of the Waste Tire Processor and any other names under which the Waste
- 1313 Tire Processor may do business;
- 1314
- 1315 (2) The principal business address of the Waste Tire Processor;
- 1316
- 1317 (3) A business telephone number(s);
- 1318
- 1319 (4) The name and address of the responsible officer of a corporate Waste Tire Processor, or the
- 1320 owner(s) of a Waste Tire Processor operating a proprietorship or a partnership; and
- 1321
- 1322 (5) The signature and date of signature of the Waste Tire Processor applicant.
- 1323
- 1324 (D) The Department will issue a Certificate of Registration to the applicant after approval of the
- 1325 application. Certificates of Registration must be maintained at the facility and made available for
- 1326 inspection
- 1327
- 1328 (E) A Certificate of Registration is not transferable by the Waste Tire Processor to whom it was issued to
- 1329 any other person or entity.
- 1330
- 1331 (F) A Waste Tire Processor who has previously filed an application for a Certificate of Registration as a
- 1332 Waste Tire Processor (Form WT-1) is required to notify the Department in writing whenever changes
- 1333 to the following occur:
- 1334
- 1335 (1) Ownership;
- 1336
- 1337 (2) Mailing address;
- 1338
- 1339 (3) Business name;
- 1340
- 1341 (4) Type of registration;
- 1342
- 1343 (5) Contact name;
- 1344
- 1345 (6) Phone number;
- 1346
- 1347 (7) Waste tires are processed at a new location not registered with the Department; or
- 1348
- 1349 (8) The owner/operator is no longer operating as a Waste Tire Processor at the location registered
- 1350 with the Department.
- 1351
- 1352 (G) The Department may cancel a Certificate of Registration of a person who no longer processes waste
- 1353 tires.
- 1354
- 1355

1356 **10.6.4 WASTE TIRE PROCESSOR FACILITY DECAL**

- 1357
- 1358 (A) An application for a Certificate of Registration pursuant to section 10.6.3 above, will also serve as an
- 1359 application for a Waste Tire Facility decal.
- 1360
- 1361 (B) Waste Tire Processors will receive a Waste Tire Facility decal from the Department with their
- 1362 Certificate of Registration. Waste tire decals will have a unique number.
- 1363
- 1364 (C) Waste Tire Processors must post their Waste Tire Facility decal in a prominent location at the
- 1365 address used to process tires and where the decal is visible to the Waste Tire Hauler.
- 1366

1367 **10.6.5 WASTE TIRE PROCESSOR MANIFEST REQUIREMENTS**

- 1368
- 1369 (A) No Waste Tire Processor may accept a shipment of ten (10) or more waste tires from a Waste Tire
- 1370 Hauler without an accompanying manifest properly completed pursuant to section 10.3.4 of these
- 1371 Regulations unless they comply with 10.1.3 (E).
- 1372
- 1373 (B) Waste Tire Processors must maintain on-site at their facility manifests for all shipments of waste tires
- 1374 accepted and make the manifests available for inspection for three (3) years from the date of delivery.
- 1375
- 1376 (C) No Tire Waste Tire Processor may offer a shipment of ten (10) or more waste tires without an
- 1377 accompanying manifest properly completed by the Waste Tire Hauler pursuant to section 10.3.4 of
- 1378 these Regulations.
- 1379
- 1380 (D) Waste Tire Processors must maintain on-site at their facility manifests for all shipments of waste tires
- 1381 offered and make the manifests available for inspection for three (3) years from the date of pick-up.
- 1382

1383

1384 **10.6.6 WASTE TIRE PROCESSOR FINANCIAL ASSURANCE**

1385

1386 All Waste Tire Processors must maintain financial assurance for any required reclamation and for closure

1387 and post-closure care of the Facility pursuant to section 1.8 of these Regulations.

1388

1389 **10.6.7 ANNUAL REPORT**

- 1390
- 1391 (A) All Waste Tire Processors must submit an annual report to the Department and local governing body
- 1392 having jurisdiction by April 1 of each year on the Waste Tire Facility Annual Reporting Form (Form
- 1393 WT-5). The annual report must include the amount, by actual count or by actual weight in tons, of
- 1394 waste tires received at the facility, how many waste tires were processed at the facility, how many
- 1395 waste tires were shipped off-site from the facility for the preceding year, and the total amount of waste
- 1396 tires accepted from unregistered waste tire haulers.
- 1397
- 1398 (B) The annual report must include, in addition to the information in section 10.6.7(A) above, information
- 1399 concerning compliance with Section 10.6.2(H) that the Waste Tire Processor processed into tire-
- 1400 derived product at least 75% of the three year rolling average annual amount, by weight or number, of
- 1401 waste tires that the Waste Tire Processor accepted during the previous three (3) calendar years.
- 1402
- 1403 (C) A Waste Tire Processor may claim that information or data submitted in the Waste Tire Annual
- 1404 Report should be withheld as Confidential Business Information (“CBI”) or Trade Secret. The
- 1405 Department will hold information contained in the Waste Tire Inventory Reduction Plan as CBI/Trade
- 1406 Secret pursuant to section 7-74-102, C.R.S. and section 18-4-408(2), C.R.S. The burden of proving
- 1407 that the information or data is protected as CBI or Trade Secret shall be upon the party asserting the
- 1408 claim.
- 1409

1411 **10.6.8 WASTE TIRE PROCESSOR SELF-CERTIFICATION**

- 1412
- 1413 (A) The Department may require Waste Tire Processors to furnish additional information concerning
- 1414 compliance with the regulatory requirements of 6 CCR 1007-2 using a self-certification process.
- 1415
- 1416 (B) Any Waste Tire Processor who receives a Self-Certification Checklist from the Department must
- 1417 complete and return the checklist within the time specified in the instructions provided by the
- 1418 Department.
- 1419
- 1420 (C) The Department will provide Waste Tire Processors a reasonable amount of time to complete and
- 1421 return a checklist. At a minimum, the Waste Tire Processor will have fourteen (14) days from the
- 1422 date of receipt to return the checklist. A checklist is deemed returned on the date it is received by the
- 1423 Department. The Department may provide an extension of time to complete and return the checklist
- 1424 upon request.
- 1425
- 1426 (D) The self-certification checklist shall contain a certification in substantially the following form, which
- 1427 must be signed by an authorized representative of the Waste Tire Processor:

1428 "I, the undersigned facility representative, certify that:

- 1430
- 1431 i. I have personally examined and am familiar with the information contained in this submittal;
 - 1432 ii. The information contained in this submittal is to the best of my knowledge, true, accurate, and
 - 1433 complete in all respects; and
 - 1434 iii. I am fully authorized to make this certification on behalf of this facility.
- 1435

1436 I am aware that there are significant penalties, including, but not limited to, possible fines and

1437 imprisonment for willfully submitting false, inaccurate, or incomplete information."

1438

1439 **10.6.9 WASTE TIRE PROCESSOR ENGINEERING DESIGN AND OPERATIONS PLAN**

- 1440
- 1441 (A) Each Waste Tire Processor must have an Engineering Design and Operations Plan, approved by the
- 1442 Department, which must, at a minimum, include all of the following:
- 1443
- 1444 (1) General:
 - 1445
 - 1446 (a) Nature of the activity conducted at the facility;
 - 1447 (b) The capacity and type of equipment to be used at the facility;
 - 1448 (c) All methods of processing and storage;
 - 1449 (d) Means used to track inventory on a volume or weight basis;
 - 1450 (e) Security measures;
 - 1451 (f) How the facility intends to implement the requirements listed in section 10.6.2 above; and
 - 1452 (g) Annual training requirements for all employees on all approved facility plans described in
 - 1453 section 10.6.9, and how that training will be documented and verified.
 - 1454
 - 1455 (2) Emergency Response Plan which includes:
 - 1456
 - 1457 (a) General facility information including:
 - 1458
 - 1459 (i) The facility name, mailing address and telephone number;
 - 1460 (ii) The facility operator's name, mailing address and telephone number; and
 - 1461 (iii) The property owner's name, mailing address and telephone number.
 - 1462
 - 1463 (b) An emergency contact list including the names and telephone numbers of the persons and
 - 1464 appropriate agencies to be contacted in case of emergency, including:
 - 1465

- 1466 (i) The Emergency Coordinator;
1467 (ii) The Facility Owner;
1468 (iii) The Facility Operator;
1469 (iv) The Local Fire Authority; and
1470 (v) Any additional numbers that may be needed.
1471
1472 (c) Emergency Equipment available on site, including specific capabilities and uses.
1473
1474 (d) A map showing the location of fire lanes, tire pile configurations, fire hydrants, power supply,
1475 and emergency response equipment.
1476
1477 (e) A description of emergency response procedures to be followed in the event of a fire or other
1478 emergency.
1479
1480 (3) Fire Prevention, Training and Firefighting Plan which:
1481
1482 (a) Includes specification of the Facility's fire lane locations and widths;
1483
1484 (b) Includes means that are assumed to be used to extinguish fires;
1485
1486 (c) Designates a Facility Emergency Coordinator;
1487
1488 (d) Is written by a qualified professional in accordance with local fire codes or, where no code
1489 exists or the local code does not provide equivalent or greater level of fire protection, the fire
1490 code currently adopted by the Colorado Division of Fire Prevention and Control in the
1491 Department of Public Safety; and
1492
1493 (e) Ensures the Waste Tire Processor complies with the applicable local fire codes or, where no
1494 code exists or the local code does not provide equivalent or greater level of fire protection,
1495 the fire code currently adopted by the Colorado Division of Fire Prevention and Control in the
1496 Department of Public Safety.
1497
1498 (4) Vector Control Plan which includes:
1499
1500 (a) Provisions for storage of tires in a manner which prevents the breeding and harborage of
1501 mosquitoes, rodents, and other vectors by any of the following means: (i) cover with
1502 impermeable barriers, other than soil, to prevent entry or accumulation of precipitation, or (ii)
1503 use of treatments or methods, such as pesticides, to prevent or eliminate vector breeding as
1504 necessary; and
1505
1506 (b) Provisions ensuring that if pesticides are used in vector control efforts, they must be used in
1507 accordance with the Pesticide Applicators Act, section 35-10-101, C.R.S.
1508

1509 **10.6.10 CLOSURE AND POST-CLOSURE CARE OF WASTE TIRE PROCESSOR FACILITIES**

- 1510
1511 (A) Waste Tire Processors must close and maintain their facilities in accordance with sections 2.5, 2.6,
1512 and 10.6 of these Regulations.
1513
1514 (B) Closure Plan Requirements for Waste Tire Processors: The closure plan must be prepared as part of
1515 an Engineering Design and Operations Plan and must describe the steps necessary to close the
1516 Waste Tire Processor's facility at any point during its active life and at the end of the facility's active
1517 life. The Waste Tire Processor must remove all solid waste and residual contamination to meet
1518 unrestricted use concentrations. The closure plan, at a minimum, must include the following
1519 information:
1520

- 1521 (1) Provisions for removal of all solid waste at the site, including:
1522
1523 (a) Proposed plans and procedures for sampling and testing soil based on visual identification of
1524 staining or other indications of residual contamination;
1525
1526 (b) Provisions for sampling and analyses of soil for potential hazardous characteristics and
1527 provisions for final disposal. Soils will need to meet unrestricted use concentrations or
1528 background levels whichever is greater; and
1529
1530 (c) A schedule for completing all activities necessary to satisfy the closure criteria of this section.
1531
1532 (2) Waste Tire Processors must submit a Closure Certification Report to the Department at the time
1533 of final closure. The report must summarize and document the closure activities, including any
1534 analytical results, needed to support the unrestricted use condition of the facility.
1535
1536 (3) At least sixty (60) days in advance of the proposed closure date, the Waste Tire Processor must
1537 notify the Department and the local governing authority of the proposed closure date.
1538
1539 (4) The owner or operator must notify the general public at least sixty (60) days in advance of the
1540 proposed closure by placing signs of suitable size at the entrance to the site and facility.
1541
1542 (5) Waste Tire Processors must complete closure activities of their facility in accordance with the
1543 closure plan and within one hundred eighty (180) calendar days following the final receipt of
1544 waste tires. Extensions of the closure period may be granted by the Department if the Waste Tire
1545 Processor demonstrates that closure will take longer than one hundred eighty (180) calendar
1546 days and the owner/operator has taken and will continue to take all steps to prevent threats to
1547 human health and the environment.
1548
1549 (6) Closure Certification: Waste Tire Processors must submit a closure certification report within sixty
1550 (60) calendar days of completion of closure activities which documents all the requirements and
1551 conditions of the closure plan have been achieved. The Report must be signed and sealed by a
1552 Colorado registered professional engineer and is subject to review and approval by the
1553 Department.
1554
1555

1556 **10.7 - STANDARDS FOR MOBILE WASTE TIRE PROCESSORS**

1557 **10.7.1 GENERAL**

1558 Mobile waste tire processing is not subject to the Recycling requirements of section 8 or the annual fee
1559 requirements of section 1.7.3.
1560
1561
1562

1563 **10.7.2 GENERAL STANDARDS FOR MOBILE WASTE TIRE PROCESSORS**

- 1564
1565 (A) All Mobile Waste Tire Processors must collect litter around their mobile processing operation in order
1566 to avoid a fire hazard or a nuisance and control the growth of vegetation to minimize potential fuel
1567 sources.
1568
1569 (B) The operator must ensure access to a working telephone at each Mobile Waste Tire Processor site.
1570
1571 (C) During all stages of operation at a mobile processing site, a Mobile Waste Tire Processor must
1572 ensure that an attendant who is responsible for mobile processing site activities is present.
1573
1574 (D) A Mobile Waste Tire Processor operator must immediately notify the Solid Waste and Materials
1575 Management Program within the Colorado Department of Public Health and Environment in the event

1576 of a fire or other emergency involving waste tires. Within two weeks of this notification, the facility
1577 must submit a written report describing the emergency to the Solid Waste and Materials Management
1578 Program. This report must describe the origins of the emergency, the actions that have been taken,
1579 actions that are currently being taken or are planned, results or anticipated results of these actions,
1580 and an approximate date of resolution of the problems generated by the emergency.

1581
1582 (E) A Mobile Waste Tire Processor must not lease or own the property on which the processing occurs.
1583 Persons who own or lease the property on which they process waste tires are Waste Tire Processors
1584 and are not Mobile Waste Tire Processors.

1585
1586 (F) A Mobile Waste Tire Processor must not accept or accumulate waste tires unless also registered as a
1587 Waste Tire Processor at the property on which the processing occurs.

1588
1589 (G) A Mobile Waste Tire Processor must receive permission from the local governing authority prior to
1590 beginning to process waste tires at the location for any period of time.

1591
1592 (H) A Mobile Waste Tire Processor must notify the Department fourteen (14) days prior to beginning
1593 processing, the location where mobile processing will occur, the dates of processing, and the number
1594 of days processing at the site.

1595
1596 (I) A Mobile Waste Tire Processor must not process waste tires at a location for more than thirty (30)
1597 consecutive days unless the Mobile Waste Tire Processor:

- 1598
- 1599 (1) Is registered as a Waste Tire Processor at that location; or
 - 1600 (2) Receives Departmental approval to process for more than thirty (30) consecutive days at the
1601 location and remains in compliance with all state and local environmental requirements at the
1602 location of mobile processing.

1603
1604 (J) Mobile Waste Tire Processors must comply with their Engineering Design and Operations Plan
1605 (EDOP).

1606
1607 **10.7.3 MOBILE WASTE TIRE PROCESSORS REGISTRATION REQUIREMENTS**

1608
1609 (A) No person shall operate as a Mobile Waste Tire Processor without having received a Certificate of
1610 Registration from the Department.

1611
1612 (B) Applications for Certificates of Registration must be submitted on Form WT-1 or WT-1M to the Solid
1613 Waste and Materials Management Program within the Hazardous Materials and Waste Management
1614 Division of the Department.

1615
1616 (C) Certificate of Registration applications for operating as a Mobile Waste Tire Processor must include:
1617

1618 (1) The business name of the Mobile Waste Tire Processor and any other names under which the
1619 Mobile Waste Tire Processor may do business;

1620
1621 (2) The permanent business address of the Mobile Waste Tire Processor;

1622
1623 (3) A business telephone number(s);

1624
1625 (4) The name and address of the responsible officer of a corporate Mobile Waste Tire Processor, or
1626 the owner(s) of a Mobile Waste Tire Processor operating a proprietorship or a partnership;

1627
1628 (5) The signature and date of signature of the Mobile Waste Tire Processor applicant; and
1629

- 1630 (6) The types of mobile processing equipment the Mobile Waste Tire Processor uses to process
1631 waste tires in Colorado.
1632
- 1633 (D) The Department will issue a Certificate of Registration to the applicant after approval of the
1634 application. Certificates of Registration must be maintained at the permanent address of the Mobile
1635 Waste Tire Processor and made available for inspection.
1636
- 1637 (E) A Certificate of Registration is not transferable by the Mobile Waste Tire Processor to whom it was
1638 issued to any other person or entity.
1639
- 1640 (F) The Certificate of Registration for a Mobile Waste Tire Processor is valid from the date of issuance to
1641 March 15 of the year indicated on the Certificate of Registration.
1642
- 1643 (G) A Mobile Waste Tire Processor is not authorized to mobile process waste tires after the March 15
1644 expiration date unless the Mobile Waste Tire Processor has applied to renew the Certificate of
1645 Registration prior to expiration and has received a new Certificate of Registration as a Mobile Waste
1646 Tire Processor from the Department and Mobile Waste Tire Processor decals, pursuant to section
1647 10.7.4 below.
1648
- 1649 (H) All Mobile Waste Tire Processors who wish to continue mobile processing waste tires must submit
1650 application for renewal no later than February 1.
1651
- 1652 (I) A Waste Tire Mobile Processor who has previously filed an application for a Certificate of Registration
1653 as a Waste Tire Mobile Processor (Form WT-1 or WT-1M) is required to notify the Department in
1654 writing whenever changes occur to the following:
1655
- 1656 (1) Ownership;
1657
- 1658 (2) Mailing address;
1659
- 1660 (3) Business name;
1661
- 1662 (4) Type of registration;
1663
- 1664 (5) Contact name;
1665
- 1666 (6) Phone number; or
1667
- 1668 (7) The Waste Tire Mobile Processor is no longer mobile processing waste tires.
1669
- 1670 (J) The Department may cancel a Certificate of Registration of a person who no longer mobile processes
1671 waste tires.
1672

1673 **10.7.4 MOBILE WASTE TIRE PROCESSOR DECAL** 1674

- 1675 (A) No person shall mobile process waste tires in Colorado without having received a Mobile Waste Tire
1676 Processor decal. An application for a Certificate of Registration pursuant to section 10.7.3 above,
1677 shall also serve as an application for a Mobile Waste Tire Processor decal(s). A Mobile Waste Tire
1678 Processor must submit an updated application for a Certificate of Registration within fifteen (15) days
1679 after the Mobile Waste Tire Processor purchases new mobile processing equipment or rents or
1680 leases mobile processing equipment.
1681
- 1682 (B) Mobile Waste Tire Processors will receive from the Department Mobile Waste Tire Processor decal(s)
1683 for each type of mobile processing equipment with their Certificate of Registration. Each decal will
1684 have a unique number.

- 1685
1686 (C) Each Mobile Waste Tire Processor decal will be valid until March 15 of the year indicated on the
1687 vehicle decal and will have a unique number. Prior to the expiration date, a Mobile Waste Tire
1688 Processor must submit a new application for a Certificate of Registration pursuant to section 10.7.3
1689 above.
1690
1691 (D) A Mobile Waste Tire Processor decal must be affixed to the mobile processing equipment. If the
1692 decal cannot be affixed to the mobile processing the equipment, the operator must have the decal
1693 available at all times for inspection.
1694
1695 (F) A Mobile Waste Tire Processor decal is not transferable by the Mobile Waste Tire Processor to whom
1696 it was issued to any other person or entity and must not be used for any vehicle not listed by the
1697 Registered Mobile Waste Tire Processor on its application for a Certificate of Registration as a Mobile
1698 Waste Tire Processor.
1699

1700 **10.7.5 MOBILE WASTE TIRE PROCESSOR MANIFEST REQUIREMENTS**

- 1701
1702 (A) No person may accept waste tires for mobile processing without completing a paper or electronic
1703 manifest to section 10.7.5 of these Regulations.
1704
1705 (B) Paper or electronic manifests for all waste tires shipped, accepted and/or processed by a Mobile
1706 Waste Tire Processor must be maintained on-site at the principal business address as identified on
1707 the Certificate of Registration and available for inspection for three (3) years from the date of delivery.
1708
1709 (C) At the conclusion of the mobile processing at the location, the Mobile Waste Tire Processor must
1710 create a paper or electronic manifest for waste tires that are processed. Such persons must use the
1711 Uniform Mobile Waste Tire Processor Manifest Form (Form WT-7), available at the Department's
1712 website. Each manifest will have a unique number. The completed Uniform Mobile Waste Tire
1713 Processor Manifest must contain the following information:
1714
1715 (1) The name, address, telephone number, and Certificate of Registration number and decal number,
1716 if applicable, of the location where waste tires were processed;
1717
1718 (2) The quantity of waste tires processed at each location as measured by:
1719
1720 (a) The actual number of waste tires by category (e.g. passenger car/light duty truck tires, semi-
1721 truck tires, etc); or
1722
1723 (b) The weight of waste tires measured in tons;
1724
1725 (3) The name, address, telephone number and Certificate of Registration number of the Mobile
1726 Waste Tire Processor and the Mobile Waste Tire Processor decal number of the equipment used
1727 to process the waste tires;
1728
1729 (4) The date(s) of processing;
1730
1731 (5) The signatures, under penalty of perjury, of the responsible party at the location where waste tires
1732 were processed and the mobile processor; and
1733
1734 (6) If the waste tires originated from an illegal waste tire site or from a private property.
1735
1736 D) Mobile Waste Tire Processors must:
1737
1738 (1) Make a copy of any paper or electronic Uniform Waste Tire Manifest available to the Department
1739 upon request.

- 1740
1741 (2) Maintain all manifests at the permanent business address of the Mobile Waste Tire Processor
1742 and available for inspection for three (3) years from the date of processing.
1743
1744 (3) Provide a copy of the paper or electronic Uniform Mobile Waste Tire Processor Manifest Form to
1745 the Waste Tire Generator/source of waste tires processed within thirty (30) days of completion of
1746 mobile processing.
1747

1748 **10.7.6 MOBILE WASTE TIRE PROCESSOR FINANCIAL ASSURANCE**
1749

1750 All Mobile Waste Tire Processors must establish and maintain financial assurance in the amount of ten
1751 thousand dollars (\$10,000.00), unless they maintain financial assurance as a Waste Tire Processor,
1752 Waste Tire Collection Facility or a Waste Tire Monofill.
1753

1754 **10.7.7 ANNUAL REPORT**
1755

1756 (A) All Mobile Waste Tire Processors must submit an annual report to the Department and local
1757 governing body having jurisdiction by April 1st of each year on the Mobile Waste Tire Processor
1758 Annual Reporting Form (Form WT-8). The annual report must include the amount, by actual count or
1759 by actual weight in tons, of waste tires processed at each mobile processing location during the
1760 previous year.
1761

1762 (B) A Mobile Waste Tire Processor may claim that information or data submitted in the Waste Tire Annual
1763 Report should be withheld as Confidential Business Information (“CBI”) or Trade Secret. The burden
1764 of proving that the information or data is protected as CBI or Trade Secret shall be upon the party
1765 asserting the claim.
1766

1767 **10.7.8 MOBILE WASTE TIRE PROCESSOR SELF-CERTIFICATION**
1768

1769 (A) The Department may require Mobile Waste Tire Processors to furnish additional information
1770 concerning compliance with the regulatory requirements of 6 CCR 1007-2 using a self-certification
1771 process.
1772

1773 (B) Any Mobile Waste Tire Processor who receives a Self-Certification Checklist from the Department
1774 must complete and return the checklist within the time specified in the instructions provided by the
1775 Department.
1776

1777 (C) The Department will provide Mobile Waste Tire Processors a reasonable amount of time to complete
1778 and return a checklist. At a minimum, the Mobile Waste Tire Processor will have fourteen (14) days
1779 from the date of receipt to return the checklist. A checklist is deemed returned on the date it is
1780 received by the Department. The Department may provide an extension of time to complete and
1781 return the checklist upon request.
1782

1783 (D) The self-certification checklist shall contain a certification in substantially the following form, which
1784 must be signed by an authorized representative of the Mobile Waste Tire Processor:
1785

1786 “I, the undersigned facility representative, certify that:

- 1787
1788 i. I have personally examined and am familiar with the information contained in this submittal;
1789 ii. The information contained in this submittal is to the best of my knowledge, true, accurate, and
1790 complete in all respects; and
1791 iii. I am fully authorized to make this certification on behalf of this facility.
1792

1793 I am aware that there are significant penalties, including, but not limited to, possible fines and
1794 imprisonment for willfully submitting false, inaccurate, or incomplete information.”

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10.7.9 MOBILE WASTE TIRE PROCESSOR ENGINEERING DESIGN AND OPERATIONS PLAN

- (A) Each Mobile Waste Tire Processor must have an Engineering Design and Operations Plan, approved by the Department, which must, at a minimum, include all of the following:
 - (1) General:
 - (a) Nature of the activity conducted at each mobile processor site;
 - (b) The capacity and type of equipment to be used at each site;
 - (c) All methods of processing and storage;
 - (d) Means used to track inventory on a volume or weight basis;
 - (e) Security measures;
 - (f) How the Mobile Waste Tire Processor intends to implement the requirements listed in section 10.7.2 above; and
 - (g) Annual training requirements for all employees on all approved facility plans described in section 10.7.9, and how that training will be documented and verified.
 - (2) Emergency Response Plan which includes:
 - (a) General information including:
 - (i) The Mobile Processor's name, mailing address and telephone number; and
 - (ii) Potential emergencies and how the Mobile Processor will respond to these.
 - (b) An emergency contact list including the names and telephone numbers of the persons and appropriate agencies to be contacted in case of emergency, including:
 - (i) The Emergency Coordinator; and
 - (ii) Any additional numbers that may be needed.
 - (c) A description of emergency response procedures to be followed in the event of a fire or other emergency.
 - (3) Fire Prevention, Training and Firefighting Plan which:
 - (a) Includes means that are assumed to be used to extinguish fires;
 - (b) Designates an onsite Emergency Coordinator;
 - (c) States how the Mobile Waste Tire Processor will comply with the applicable local fire codes or, where no code exists or the local code does not provide equivalent or greater level of fire protection, the fire code currently adopted by the Colorado Division of Fire Prevention and Control in the Department of Public Safety.

1846 **10.8 - STANDARDS FOR WASTE TIRE COLLECTION FACILITIES**

1847
1848 **10.8.1 GENERAL**

1849
1850 The requirements of this section 10.8 apply to facilities where ten (10) or more waste tires are stored
1851 awaiting pickup by a Registered Waste Tire Hauler or processed by a Mobile Waste Tire Processor.

1852
1853 **10.8.2 GENERAL STANDARDS FOR WASTE TIRE COLLECTION FACILITIES**

- 1854
1855 (A) Any person who owns or operates a Waste Tire Collection Facility must maintain all weather access
1856 roads to those areas of active operation and as necessary to meet the Fire Protection, Training and
1857 Firefighting Plan required by subsection 10.8.9(A)(3) of these Regulations.
1858
1859 (B) Any person who owns or operates a Waste Tire Collection Facility must collect litter in order to avoid
1860 a fire hazard or a nuisance condition and control the growth of vegetation to minimize potential fuel
1861 sources.
1862
1863 (C) Any person who owns or operates a Waste Tire Collection Facility must implement security measures
1864 to preclude unauthorized entry.
1865
1866 (D) Any person who owns or operates a Waste Tire Facility Collection Facility must place prominent signs
1867 in English and any other language predominant in the area surrounding the facility must be posted in
1868 public view at the entrance to each Waste Tire Collection Facility with the name of the facility, the
1869 hours which the facility is open for public use, a listing of the wastes accepted at the facility, and a
1870 phone number for a 24 hour emergency contact.
1871
1872 (E) Any person who owns or operates a Waste Tire Facility Collection Facility must maintain a working
1873 telephone at each Waste Tire Collection Facility.
1874
1875 (F) During all stages of operation of a Waste Tire Collection Facility, the facility must have an attendant
1876 who is responsible for site activities.
1877
1878 (G) A Waste Tire Collection Facility owner or operator must immediately notify the Solid Waste and
1879 Materials Management Program within the Colorado Department of Public Health and Environment in
1880 the event of a fire or other emergency involving waste tires. Within two (2) weeks of this notification,
1881 the owner or operator must submit a written report describing the emergency to the Solid Waste and
1882 Materials Management Program. This report must describe the origins of the emergency, the actions
1883 that have been taken, actions that are currently being taken or are planned, results or anticipated
1884 results of these actions, and an approximate date of resolution of the issues generated by the
1885 emergency.
1886
1887 (H) Any person who owns or operates a Waste Tire Collection Facility must arrange for the commercial
1888 hauling or mobile processing of waste tires only with a waste tire hauler or mobile processor who is
1889 currently registered pursuant to these Regulations.
1890
1891 (I) Any person who owns or operates a Waste Tire Collection Facility must ensure that all waste tires
1892 collected at its facility are delivered to a registered waste tire generator, waste tire hauler, another
1893 waste tire collection facility, waste tire monofill, waste tire processor, an approved beneficial user of
1894 whole waste tires, a municipal or county owned waste tire collection area, or to a municipal or
1895 privately owned solid waste landfill operating in compliance with the Act and the Regulations or
1896 processed by a mobile processing. An owner/operator of a Waste Tire Monofill may ship whole
1897 waste tires to an End User who end uses whole waste tires for fuel or energy recovery.
1898

- 1899 (J) Any person who owns or operates a Waste Tire Collection Facility that is not also registered as a
1900 Waste Tire Processor or Waste Tire Monofill must not have onsite at any one time more than seven
1901 thousand five hundred (7,500) waste tires.
1902
1903 (K) Any person who owns or operates a Waste Tire Collection Facility must comply with the applicable
1904 local fire codes or, where no code exists or the local code does not provide equivalent or greater level
1905 of fire protection, the fire code currently adopted by the Colorado Division of Fire Prevention and
1906 Control in the Department of Public Safety.
1907
1908 (L) Any person who owns or operates a Waste Tire Collection Facility must comply with the facility's
1909 Engineering Design and Operations Plan (EDOP).
1910

10.8.3 WASTE TIRE COLLECTION FACILITY REGISTRATION REQUIREMENTS

- 1911 (A) No person shall operate a Waste Tire Collection Facility without having received a Certificate of
1912 Registration from the Department.
1913
1914 (B) Applications for Certificates of Registration must be submitted on Form WT-1 to the Solid Waste and
1915 Materials Management Program within the Hazardous Materials and Waste Management Division of
1916 the Department.
1917
1918 (C) Certificate of Registration applications for operation of a Waste Tire Collection Facility must include:
1919
1920 1) The business name of the Waste Tire Collection Facility and any other names under which the
1921 Waste Tire Collection Facility may do business;
1922
1923 2) The principal business address of the Waste Tire Collection Facility;
1924
1925 3) A business telephone number(s);
1926
1927 4) The name and address of the responsible officer of a corporate Waste Tire Collection Facility, or
1928 the owner(s) of a Waste Tire Collection Facility operating a proprietorship or a partnership; and
1929
1930 5) The signature and date of signature of the Waste Tire Collection Facility applicant.
1931
1932 (D) The Department will issue a Certificate of Registration to the applicant after approval of the
1933 application. Certificates of Registration must be maintained at the facility and made available for
1934 inspection.
1935
1936 (E) A Certificate of Registration is not transferable by the owner or operator of a Waste Tire Collection
1937 Facility to whom it was issued to any other person or entity.
1938
1939 (F) An owner or operator of a Waste Tire Collection Facility who has previously filed an application for a
1940 Certificate of Registration as a Waste Tire Collection Facility (Form WT-1) is required to notify the
1941 Department in writing whenever changes occur to the following:
1942
1943 (1) Ownership;
1944
1945 (2) Mailing address;
1946
1947 (3) Business name;
1948
1949 (4) Type of registration;
1950
1951 (5) Contact name;
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- (6) Phone number;
 - (7) The owner or operator of a Waste Tire Collection Facility will be operating at a new location not registered with the Department; or
 - (8) The owner or operator is no longer operating a Waste Tire Collection Facility at the location registered with the Department.
- (G)The Department may cancel a Certificate of Registration of an owner or operator who no longer operates a Waste Tire Collection Facility at their registered location.

10.8.4 WASTE TIRE COLLECTION FACILITY DECAL

- (A) An application for a Certificate of Registration pursuant to section 10.8.3 above, shall also serve as an application for a Waste Tire Collection Facility decal.
- (B) An owner or operator of a Waste Tire Collection Facility will receive a Waste Tire Collection Facility decal from the Department with its Certificate of Registration.
- (C) Waste Tire decals will have a unique number.
- (D) An owner or operator of a Waste Tire Collection Facility must post their Waste Tire Facility decal in a prominent location at the address used to store/accumulate tires and where the decal is visible to the Waste Tire Hauler or Mobile Waste Tire Processor.

10.8.5 WASTE TIRE COLLECTION FACILITY MANIFEST REQUIREMENTS

- (A) No owner or operator of a Waste Tire Collection Facility may accept a shipment of ten (10) or more waste tires from a Waste Tire Hauler without an accompanying manifest properly completed pursuant to section 10.3.4 of these Regulations unless they comply with 10.1.3 (E).
- (B) Manifests for all shipments of waste tires accepted by an owner or operator of a Waste Tire Collection Facility must be maintained on-site at that facility and available for inspection for three (3) years from the date of delivery.
- (C) No owner or operator of a Waste Tire Collection Facility may offer a shipment of ten (10) or more waste tires without an accompanying manifest properly completed by the Waste Tire Hauler pursuant to section 10.3.4 of these Regulations.
- (D) No owner or operator of a Waste Tire Collection Facility may offer waste tires for mobile processing without receiving a manifest properly completed by the Mobile Waste Tire Processor pursuant to section 10.7.5 of these Regulations.
- (E) Manifests for all shipments of waste tires shipped off-site and accepted on-site by the owner or operator of a Waste Tire Collection Facility must be maintained on-site at that facility and available for inspection for three (3) years from the date of delivery.

10.8.6 WASTE TIRE COLLECTION FACILITY FINANCIAL ASSURANCE

All owners or operators of Waste Tire Collection Facilities must maintain financial assurance for any required reclamation and for closure and post-closure care of the Facility pursuant to section 1.8 of these Regulations.

2009 **10.8.7 ANNUAL REPORT**

2010

2011 Any person who owns or operates a Waste Tire Collection Facility must submit an annual report to the
2012 Department and local governing body having jurisdiction by April 1 of each year on the Waste Tire Facility
2013 Annual Reporting Form (Form WT-5). The annual report must include, by actual count or by actual weight
2014 in tons, the amount of waste tires received at the facility, how many waste tires were shipped off-site from
2015 the facility for the preceding calendar year, and the total amount of waste tires accepted from
2016 unregistered waste tire haulers.

2017

2018 **10.8.8 WASTE TIRE COLLECTION FACILITY SELF-CERTIFICATION**

2019

2020 (A) The Department may require an owner or operator of a Waste Tire Collection Facility to furnish
2021 additional information concerning compliance with the regulatory requirements of 6 CCR 1007-2
2022 using a self-certification process.

2023

2024 (B) An owner or operator of a Waste Tire Collection Facility who receives a Self-Certification Checklist
2025 from the Department must complete and return the checklist within the time specified in the
2026 instructions provided by the Department.

2027

2028 (C) The Department will provide the owner or operator of a Waste Tire Collection Facility a reasonable
2029 amount of time to complete and return a checklist. At a minimum, the owner or operator of a Waste
2030 Tire Collection Facility will have fourteen (14) days from the date of receipt to return the checklist. A
2031 checklist is deemed returned on the date it is received by the Department. The Department may
2032 provide an extension of time to complete and return the checklist upon request.

2033

2034 (D) The self-certification checklist shall contain a certification in substantially the following form, which
2035 must be signed by an authorized representative of the Waste Tire Collection Facility:

2036

2037 "I, the undersigned facility representative, certify that:

2038

- 2039 i. I have personally examined and am familiar with the information contained in this submittal;
- 2040 ii. The information contained in this submittal is to the best of my knowledge, true, accurate, and
- 2041 complete in all respects; and
- 2042 iii. I am fully authorized to make this certification on behalf of this facility.

2043

2044 I am aware that there are significant penalties, including, but not limited to, possible fines and
2045 imprisonment for willfully submitting false, inaccurate, or incomplete information."

2046

2047 **10.8.9 WASTE TIRE COLLECTION FACILITY ENGINEERING DESIGN AND OPERATIONS PLAN**

2048

2049 (A) Any person who owns or operates a Waste Tire Collection Facility must have and comply with an
2050 Engineering Design and Operations Plan approved by the Department, which must, at a minimum,
2051 include all of the following:

2052

2053 (1) General:

2054

- 2055 (a) Nature of the activity conducted at the facility;
- 2056 (b) The capacity and type of equipment to be used at the facility;
- 2057 (c) All methods of storage;
- 2058 (d) Means used to track inventory on a volume or weight basis;
- 2059 (e) Security measures;

2060

2061

2062

2063

- 2064
2065 (f) How the facility intends to implement the requirements listed in section 10.8.2 above; and
2066
2067 (g) Annual training requirements for all employees on all approved facility plans described in this
2068 section 10.8.9, and how that training will be documented and verified.
2069
2070 (2) Emergency Response Plan which includes:
2071
2072 (a) General facility information including:
2073
2074 (i)The facility name, mailing address and telephone number;
2075
2076 (ii)The facility operator's name, mailing address and telephone number; and
2077
2078 (iii)The property owner's name, mailing address and telephone number.
2079
2080 (b) An emergency contact list including the names and telephone numbers of the persons and
2081 appropriate agencies to be contacted in case of emergency, including:
2082
2083 (i) The Emergency Coordinator;
2084
2085 (ii) The Facility Owner;
2086
2087 (iii) The Facility Operator;
2088
2089 (iv) The Local Fire Authority; and
2090
2091 (v) Any additional numbers that may be needed.
2092
2093 (c) Emergency Equipment available on site, including specific capabilities and uses.
2094
2095 (d) A map showing the location of fire lanes, tire pile configurations, fire hydrants, power supply,
2096 and emergency response equipment.
2097
2098 (e) A description of emergency response procedures to be followed in the event of a fire or other
2099 emergency.
2100
2101 (3) Fire Prevention, Training and Firefighting Plan which:
2102
2103 (a) Includes specification of the Facility's fire lane locations and widths;
2104
2105 (b) Includes means that are assumed to be used to extinguish fires;
2106
2107 (c) Designates a Facility Emergency Coordinator;
2108
2109 (d) Is written by a qualified professional in accordance with local fire codes or, where no code
2110 exists or the local code does not provide equivalent or greater level of fire protection, the fire
2111 code currently adopted by the Colorado Division of Fire Prevention and Control in the
2112 Department of Public Safety.
2113
2114 (e) Ensures the owner or operator of a Waste Tire Collection Facility complies with the applicable
2115 local fire codes or, where no code exists or the local code does not provide equivalent or
2116 greater level of fire protection, the fire code currently adopted by the Colorado Division of Fire
2117 Prevention and Control in the Department of Public Safety.
2118

- 2119 (4) Vector Control Plan which includes:
2120
2121 (a) Provisions for storage of tires in a manner which prevents the breeding and harborage of
2122 mosquitoes, rodents, and other vectors by any of the following means: (i) cover with
2123 impermeable barriers, other than soil, to prevent entry or accumulation of precipitation, or (ii)
2124 use of treatments or methods, such as pesticides, to prevent or eliminate vector breeding as
2125 necessary.
2126
2127 (b) Provisions ensuring that if pesticides are used in vector control efforts, they are used in
2128 accordance with the Pesticide Applicators Act, 35-10-101, C.R.S.
2129

2130 **10.8.10 CLOSURE AND POST-CLOSURE CARE OF WASTE TIRE COLLECTION FACILITIES**

- 2131
2132 (A) Any person who owns or operates a Waste Tire Collection Facility must close and maintain the
2133 closed facility in accordance with sections 2.5, 2.6, and 10.8 of these Regulations.
2134
2135 (B) Any person who owns or operates a Waste Tire Collection Facility must prepare a closure plan as
2136 part of an Engineering Design and Operations Plan and must describe the steps necessary to close
2137 the Waste Tire Collection Facility at any point during its active life and at the end of the facility's active
2138 life. The owner or operator of a Waste Tire Collections Facility must remove all solid waste and
2139 residual contamination to meet unrestricted use concentrations. The closure plan, at a minimum,
2140 must include the following information:
2141
2142 (1) Provisions for removal of all solid waste at the site, including:
2143
2144 (a) Proposed plans and procedures for sampling and testing soil based on visual identification of
2145 staining or other indications of residual contamination;
2146
2147 (b) Provisions for sampling and analyses of soil for potential hazardous characteristics and
2148 provisions for final disposal. Soils will need to meet unrestricted use concentrations or
2149 background levels whichever is greater; and
2150
2151 (c) A schedule for completing all activities necessary to satisfy the closure criteria of this section.
2152
2153 (2) The owner or operator of all Waste Tire Collection Facilities must submit a Closure Certification
2154 Report to the Department at the time of final closure. The report must summarize the document
2155 the closure activities, including any analytical results, needed to support the unrestricted use
2156 condition of the facility.
2157
2158 (3) At least sixty (60) days in advance of the proposed closure date, the owner or operator must
2159 notify the Department and the local governing authority of the proposed closure date.
2160
2161 (4) The owner or operator must notify the general public at least sixty (60) days in advance of the
2162 proposed closure by placing signs of suitable size at the entrance to the site and facility.
2163
2164 (5) The owner or operator of the facility must complete closure activities of the facility in accordance
2165 with the closure plan and within one hundred eighty (180) calendar days following the final receipt
2166 of waste tires. Extensions of the closure period may be granted by the Department if the owner or
2167 operator demonstrates that closure will take longer than one hundred eighty (180) calendar days
2168 and the owner/operator has taken and will continue to take all steps to prevent threats to human
2169 health and the environment.
2170
2171 (6) Closure Certification: Any person who owns or operates a Waste Tire Collection Facility must
2172 submit a closure certification report within sixty (60) calendar days of completion of closure
2173 activities which documents all the requirements and conditions of the closure plan have been

2174 achieved. The Report must be signed and sealed by a Colorado registered professional engineer
2175 and is subject to review and approval by the Department.
2176

2177

2178 **10.9 - STANDARDS FOR END USERS**

2179

2180 **10.9.1 GENERAL**

2181

2182 The requirements of this section 10.9 apply to End Users who end use more than ten (10) tons of tire-
2183 derived product or who end use more than ten (10) tons of whole waste tires for energy or fuel in any one
2184 calendar year.

2185

2186 **10.9.2 GENERAL STANDARDS FOR END USERS**

2187

2188 (A) End Users must arrange for the commercial hauling or mobile processing of waste tires only with a
2189 Waste Tire Hauler or Mobile Waste Tire Processor who is currently registered pursuant to these
2190 Regulations.

2191

2192 (B) An End User that is not also registered as a Waste Tire Processor, Waste Tire Collection Facility or
2193 Waste Tire Monofill must not have onsite at any one time ten (10) or more whole waste tires.

2194

2195 **10.9.3 END USER REGISTRATION REQUIREMENTS**

2196

2197 (A) End Users described in 10.9.1 must register with and receive a Certificate of Registration from the
2198 Department.

2199

2200 (B) Applications for Certificates of Registration must be submitted on Form WT-1 to the Solid Waste and
2201 Materials Management Program within the Hazardous Materials and Waste Management Division of
2202 the Department.

2203

2204 (C) Certificate of Registration applications for operation as an End User must include:

2205

2206 1) The business name of the End User and any other names under which the End User may do
2207 business;

2208

2209 2) The principal business address of the End User;

2210

2211 3) A business telephone number(s);

2212

2213 4) The name and address of the responsible officer of a corporate End User, or the End User
2214 operating a proprietorship or a partnership; and

2215

2216 5) The signature and date of signature of the End User applicant.

2217

2218 (D) The Department will issue a Certificate of Registration to the applicant after approval of the
2219 application. Certificates of Registration must be maintained at the facility and made available for
2220 inspection

2221

2222 (E) A Certificate of Registration is not transferable by the End User to whom it was issued to any other
2223 person or entity.

2224

2225 (F) An End User who has previously filed an application for a Certificate of Registration as an End User
2226 (Form WT-1) is required to notify the Department in writing whenever changes to the following occur:

2227

2228 (1) Ownership;

- 2229
2230 (2) Mailing address;
2231
2232 (3) Business name;
2233
2234 (4) Type of registration;
2235
2236 (5) Contact name;
2237
2238 (6) Phone number;
2239
2240 (7) End use is occurring at a new location not registered with the Department; or
2241
2242 (8) End use is no longer occurring at the location registered with the Department.
2243
2244 (G) The Department may cancel a Certificate of Registration of a person who is no longer an end user.
2245
2246 **10.9.4 ANNUAL REPORT**
2247
2248 (A) No End User may accept a shipment of waste tires from a Waste Tire Hauler without an
2249 accompanying manifest properly completed pursuant to section 10.3.4 of these Regulations.
2250
2251 (B) Manifests for all shipments of waste tires accepted by an End User must be maintained on-site at that
2252 facility and available for inspection for three (3) years from the date of delivery.
2253
2254 (C) No End User may offer a shipment of waste tires without an accompanying manifest properly
2255 completed by the Waste Tire Hauler pursuant to section 10.3.4 of these Regulations.
2256
2257 (D) No End User may offer more waste tires for processing without receiving a manifest properly
2258 completed by the Mobile Waste Tire Processor pursuant to section 10.7.5 of these Regulations.
2259
2260 (E) Manifests for all shipments of waste tires shipped off-site and accepted on-site by an End User must
2261 be maintained on-site at that facility and available for inspection for three (3) years from the date of
2262 delivery.
2263
2264 **10.9.5 END USER REPORTING REQUIREMENTS**
2265
2266 (A) End Users described in section 10.9.1 must submit an annual report to the Department and local
2267 governing body having jurisdiction by April 1st of each year on the Waste Tire Facility Annual
2268 Reporting Form (Form WT-5). The annual report must include the amount, by actual count or by
2269 actual weight in tons, of waste tires and tire derived product received at the End User's facility during
2270 the previous year, and how many waste tires were used to generate energy or fuel during the
2271 previous year.
2272
2273 (B) An End User may claim that information or data submitted in the Waste Tire Annual Report should be
2274 withheld as Confidential Business Information ("CBI") or Trade Secret. The burden of proving that the
2275 information or data is protected as CBI or Trade Secret shall be upon the party asserting the claim.
2276

2277 **10.10 - STANDARDS FOR THE MANAGEMENT OF USED TIRES**

2278
2279 **10.10.1 GENERAL**

2280
2281 The requirements of this section 10.10 apply to any person who commercially accumulates, stores,
2282 transports, or dispenses used tires.

2283
2284 (A) All persons who accumulate, store, transport, or dispense used tires must develop and maintain on
2285 site and in the vehicle used for transport written criteria for distinguishing waste tires from used tires.
2286 Such criteria must be made available for inspection.

2287
2288 (B) All persons who accumulate, store, transport, or dispense used tires must clearly identify waste tires
2289 and used tires using the criteria developed pursuant paragraph (A) above.

2290
2291 (C) All persons who accumulate, store, transport, or dispense used tires must develop and maintain on
2292 site and in the vehicle used for transport written criteria for distinguishing used tires being held for
2293 sale in Colorado from used tires being held for sale outside Colorado. Such criteria must be made
2294 available for inspection.

2295
2296 (D) All persons who accumulate, store, transport, or dispense used tires must clearly identify used tires
2297 being held for sale in Colorado and used tires being held for sale outside Colorado according to the
2298 criteria developed pursuant to paragraph (C) above.

2299
2300 (E) All persons who accumulate, store, transport, or dispense used tires must organize used tires for sale
2301 in a manner that allows the inspection of each individual tire.

2302
2303 (F) Any person may claim that information or data contained in their written criteria described in this
2304 section 10.10.1 should be withheld as Confidential Business Information (“CBI”) or Trade Secret. The
2305 Department will hold such information contained as CBI/Trade Secret pursuant to section 7-74-102,
2306 C.R.S. and section 18-4-408(2), C.R.S. The burden of proving that the information or data is
2307 protected as CBI or Trade Secret shall be upon the party asserting the claim.
2308
2309

2310 **10.11 WASTE TIRE FEE ADMINISTRATION**

2311
2312 10.11.1 Any person who sells new motor vehicle or new trailer tires must collect and remit to the
2313 Department monthly the Waste Tire Fee pursuant to section 1.7.6. This Waste Tire Fee applies to all
2314 new automobile, trailer, truck, motor home and motorcycle tires sold in Colorado.
2315

2316 10.11.2 Any person who has sold a new motor vehicle or new trailer tire in the previous twelve (12)
2317 months must submit to the Department monthly the applicable New Tire Fee Return Form available
2318 on the Department’s website. The New Tire Fee Return Form must include, at a minimum, the
2319 following information:

- 2320
2321 (1) The account number;
2322
2323 (2) The time period (month/year) new tires were sold;
2324
2325 (3) The business name;
2326
2327 (4) The business mailing address;
2328
2329 (5) The business telephone number;
2330
2331 (6) The name of the business contact;

- 2332
 2333 (7) The number of stores included in the New Tire Fee Return Form;
 2334
 2335 (8) If the New Tire Fee Return Form was amended;
 2336
 2337 (9) The number of tires sold (if applicable);
 2338
 2339 (10) The amount owed; and
 2340
 2341 (11) An authorized signature, title and date.
 2342
 2343 10.11.3 The payment of the Waste Tire Fee (if applicable) and the New Tire Fee Return Form must be
 2344 delivered to the Department electronically or by hard copy and must be postmarked or submitted
 2345 electronically by the 20th of each month for tires sold the previous month. Payments and forms
 2346 received after the 20th of the month may be assessed a late fee of ten (10) percent in addition to the
 2347 Waste Tire Fee.
 2348
 2349 10.11.4 Online payment of the Waste Tire Fee must be made by electronic check or credit card.
 2350 Payments by mail must be by money order, cashier check or personal check. All other payment
 2351 types, including cash payments or in-person payments will not be accepted.
 2352
 2353 10.11.5 The Department may deny a submittal made pursuant to this Section 10.11 if the Department
 2354 determines a person has submitted an incorrect payment amount. In such cases, the Department will
 2355 reimburse the incorrect payment and the person must resubmit the New Tire Fee Return Form with
 2356 the correct payment within thirty (30) days.
 2357
 2358 10.11.6 Any person who aggregates monthly fees during a twelve (12) month period from multiple stores
 2359 must annually submit to the Department the Annual New Tire Self Certification Form (Form WT-9)
 2360 available on the Department's website. At a minimum, the person who sells new motor vehicle or
 2361 new trailer tires will have fourteen (14) days from the date of receipt to return the checklist.
 2362
 2363 10.11.7 Any person who sells new motor vehicle or new trailer tires must retain and make available any
 2364 documentation, including the receipt provided to customers, to ensure compliance with section 30-20-
 2365 1403 (1)(a) C.R.S., of the sale of these tires for the Department to review. Documentation must be
 2366 retained for three (3) years from the date of sale.
 2367

2368
 2369 **10.12 WASTE TIRE END USERS FUND**

2370
 2371 **10.12.1 GENERAL RULES**

2372
 2373 A. General Rules of Eligibility:

- 2374
 2375 1. The following are eligible to apply for the rebate from the End Users Fund (the "Fund"):
 2376
 2377 (a) Colorado End Users of Colorado-generated tire-derived products or Colorado waste tires who
 2378 end use in Colorado;
 2379
 2380 (b) Colorado Retailers who sell certain Colorado-generated tire-derived products made in
 2381 Colorado from Colorado waste tires; and
 2382
 2383 (c) Colorado Waste Tire Processors of Colorado waste tires who generate tire-derived products in
 2384 Colorado and sell their tire-derived products to out-of-state End Users.
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2. By February 1 of each year, all applicants who applied for a rebate in the previous calendar year must provide an estimated monthly forecast of the amount of waste tires they will process, tire-derived product they will sell and/or end use in the following calendar year. Such applicants who do not provide estimates will not be eligible to participate in the Fund in the following calendar year. All estimates shall be considered confidential business information.
 3. A business or person who is required to be registered with the Secretary of State's office to conduct business in the State of Colorado must be in "Good Standing" to be eligible for the rebate.
 4. Once the Department has paid a rebate or denied a rebate on a particular quantity of tire-derived product or whole waste tires used for energy or fuel, every part of that particular quantity of tire-derived product or whole waste tires is no longer eligible for payment of the rebate. This includes payments made before the adoption of these Rules.
 5. When waste tires are processed at the location of an illegal disposal with funds from the Waste Tire Administration, Enforcement, and Cleanup Fund, neither the processing of those waste tires, the retail sale of the tire-derived product generated, or the end use of the tire-derived product created is eligible for a rebate from the End Users Fund. When waste tires are removed from the location of an illegal disposal with funds from the Waste Tire Administration, Enforcement, and Cleanup Fund and processed at a separate location not using funds from the Waste Tire Administration, Enforcement, and Cleanup Fund, the processing of those waste tires, the retail sale of the generated tire-derived product, and the end use of the tire-derived product created is eligible to receive a rebate from the End Users Fund so long as all the other eligibility requirements are met.

2412 B. General Rules for End Users

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1. To be eligible to receive a rebate for end using tire-derived product or whole waste tires to generate energy or fuel, a person must be currently registered with the Department as an End User.
 2. The Department will pay the rebate to an End User only if the end use complies with all local requirements in the jurisdiction end use occurs.
 3. Eligible and Ineligible End Uses. Table 10-12.01 states which end uses are eligible for which category of rebate and some potential uses that are ineligible.
 4. Only waste tire bales end used in Colorado in an engineered, permanent structure that has been stamped and sealed by a Colorado Certified Professional Engineer are eligible for a rebate. To receive the End User rebate for the end use of tire bales, the applicant must submit the End Users Tire Bale Approval Form, available on the Department's website.

2429 C. General Rules for Retailers

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1. To be eligible to apply for a rebate, a Retailer must have a current Colorado retail sales tax license pursuant to section 39-26-103, C.R.S.
 2. To be eligible for a retailer rebate, the retail sale must be to the ultimate consumer and the retailer must collect sales tax unless the customer is otherwise exempt from paying sales tax.
 3. Eligible and Ineligible Retailers. Table 10-12.01 states which sales are eligible to receive the retailer rebate and some potential sales that are ineligible.

2440 D. General Rules for Processors

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1. Processors are eligible for a rebate for processing waste tires into tire-derived product only when they sell to an out of state End User and move the tire-derived product out of state.
 2. To be eligible to receive a rebate for processing waste tires, a person must be currently registered with the Department as a Waste Tire Processor at the address at which that person claims processing of waste tires or as a Mobile Processor of waste tires pursuant to this Section 10.
 3. Processors who process waste tires into tire-derived product in one (1) month and sell the tire-derived product in a subsequent month to an out-of-state End User are eligible for the processor rebate only after the tire-derived product is sold out of state and moved out of state. Such applicants must provide documentation to the Department that demonstrates the tire-derived product was sold out of state and moved out of state.
 4. The Department will pay a Processor only if the end use complies with all local requirements in the jurisdiction in which it will be used.
 5. Eligible Processes. Table 10-12.01 states when a Processor is eligible for a rebate and some instances when a Processor is not eligible for a rebate.

Table 10-12.01 Eligible End Uses, Processing and Retailing for the End Users Fund*

This table describes potential scenarios for waste tire processing, retailing and end use. This Table does not create new rights or eligibilities, but explains the rights and eligibilities established in statute.

Column breakdown explanation:

End User only (4A)- An End User who "uses a tire-derived product for a commercial or industrial purpose"

End User only (4B)- An End User who "uses a whole waste tire to generate energy or fuel"

End User only (4C)- An End User who "consumes tire-derived product or uses tire-derived product in its final application or in making new materials with a demonstrated sale to a third-party customer."

Retailer Only- Sells a tire-derived product for its intended final use.

Processor Only- Processes waste tires into a tire-derived product.

Not eligible for a rebate- Scenario does not qualify for a rebate under the current statute or regulations

Scenario; If you...	...then you may apply as a/an:					
	End User only (4A)	End User only (4B)	End User only (4C)	Retailer only	Processor Only	Not eligible for a rebate
Use tire-derived product (alternative daily cover) at a landfill permitted by the state and approved for use of tire shreds for alternative cover for municipal solid waste.	X					
Install tire-derived product for use as a cover material, as approved by the department prior to use.	X					
Construct walls, fences and/or barriers made from tire-derived product as aggregate on residential, commercial or public property. This does not apply to walls, fences or barriers made from tire bales.	X					
Install tire-derived products (tire chips or crumb rubber) for sport fields, such as football, baseball or soccer fields on residential, commercial or public property.	X					
Install tire-derived product (tire chips, rubber mulch, crumb rubber) for playground surfacing or base material for a playground surface on residential, commercial or public property.	X					
Use tire-derived product for energy recovery or a fuel substitute in cement kilns, biofuel plants, electric arc furnaces, or power plants.	X					
Install tire-derived product as landscape mulch or other type of landscape material on a residential, commercial or public property.	X					
Install tire-derived products (tire chips) on the installation of septic systems on residential, commercial or public property.	X					
Install tire-derived products (ground rubber) incorporated/blended into asphalt or concrete for highway or paving applications.	X					
Install tire-derived product in civil engineering projects (highway embankments, leachate cells at landfills, base material for roads, etc.).	X					
Install tire bales for a permanent engineered structure, stamped and sealed by a Colorado Certified Professional Engineer, that is allowed by state laws and regulations and local ordinances. This does not include fencing, windbreakers, or corrals.	X					
Install tire-derived product for highway safety products (crash barrels, guard rails, crash walls).	X					
Install tire-derived product as silage covers for a commercial or industrial purpose.	X					
End use steel derived from a processed waste tire. This does not include steel produced through pyrolysis.	X					
Use whole waste tires for energy recovery or a fuel substitute in cement kilns, biofuel plants, electric arc furnaces, or power plants.		X				
Use whole waste tires through the process of pyrolysis to create fuel to be used by a third party customer.		X				

Column breakdown explanation:

End User only (4A)- An End User who "uses a tire-derived product for a commercial or industrial purpose"

End User only (4B)- An End User who "uses a whole waste tire to generate energy or fuel"

End User only (4C)- An End User who "consumes tire-derived product or uses tire-derived product in its final application or in making new materials with a demonstrated sale to a third-party customer."

Retailer Only- Sells a tire-derived product for its intended final use.

Processor Only- Processes waste tires into a tire-derived product.

Not eligible for a rebate- Scenario does not qualify for a rebate under the current statute or regulations

Scenario; If you...	...then you may apply as a/an:					
	End User only (4A)	End User only (4B)	End User only (4C)	Retailer only	Processor Only	Not eligible for a rebate
Use whole waste tires through the process of pyrolysis to create syngas to be used in the industrial process of the pyrolysis facility. The percent of the weight of the waste tire used to produce syngas, not the total weight of the whole waste tires consumed, determines the rebate amount.		X				
Use whole waste tires through the process of pyrolysis to create syngas which is condensed into the liquid petroleum products derived from that same pyrolysis process. This final end liquid petroleum product is to be used by a third party customer.		X				
Use tire-derived product through the process of pyrolysis to create syngas to be used in the industrial process of the pyrolysis facility. The percent of the weight of the tire-derived product used to produce syngas, not the total weight of the tire-derived product consumed, determines the rebate amount.			X			
Use tire-derived product through the process of pyrolysis to create syngas which is condensed into the liquid petroleum products derived from that same pyrolysis process with a demonstrated sale to a third party customer.			X			
Perform pyrolysis on whole waste tires to make tire-derived products (recovered carbon steel) with a demonstrated sale to a third-party customer.			X			
Perform pyrolysis on tires shreds to make tire-derived products (recovered carbon steel) with a demonstrated sale to a third-party customer.			X			
Use tire-derived product (tire chips) that makes molded products (lawn furniture, deck boards, erosion control products, etc.) with a demonstrated sale to an in-state or out-of-state customer.			X			
Sell tire-derived products to a final in-state customer who will use the tire-derived product for its final intended use. Applicant charges sales tax for this transaction, or does not charge sales tax for this transaction because the consumer is an exempt organization (charity, government agency, or another tax-exempt entity).				X		
Sell tire-derived products to an out-of-state customer. Sales tax is charged for this transaction or sales tax is not charged for this transaction because the customer is an exempt organization (charity, government agency, or another tax-exempt entity).				X		
Sell tire-derived products to a commercial business, where sales tax is charged, or sales tax is not charged for this transaction because the customer is an exempt organization (charity, government agency, or another tax-exempt entity), and the commercial business will use the tire-derived product for its intended final use (e.g. landscape mulch installed on commercial property) and the tire-derived material will not be resold.				X		
Process whole waste tires into tire-derived products that are sold to an out-of-state End User.					X	

Column breakdown explanation:

End User only (4A)- An End User who "uses a tire-derived product for a commercial or industrial purpose"

End User only (4B)- An End User who "uses a whole waste tire to generate energy or fuel"

End User only (4C)- An End User who "consumes tire-derived product or uses tire-derived product in its final application or in making new materials with a demonstrated sale to a third-party customer."

Retailer Only- Sells a tire-derived product for its intended final use.

Processor Only- Processes waste tires into a tire-derived product.

Not eligible for a rebate- Scenario does not qualify for a rebate under the current statute or regulations

Scenario; If you...	...then you may apply as a/an:					
	End User only (4A)	End User only (4B)	End User only (4C)	Retailer only	Processor Only	Not eligible for a rebate
Process a whole waste tire, removing the steel, and then sell the steel to an out of state End User.					X	
Process a whole waste tire, removing the steel, and then sell the steel to an in state End User.						X
Sell tire-derived products to either an in state or out-of-state wholesaler or retailer who will then sell the tire-derived products directly to a final customer.						X
Use pyrolysis-created tire-derived products (recovered carbon, biofuel, steel) in state for a commercial or industrial purpose.						X
Process whole waste tires into a tire-derived product that is sold to a national distributor.						X
Sell whole waste tires.						X
Sell tire bales.						X
Bale waste tires.						X
Reuse any used or whole waste tire as a vehicle tire or trailer tire.						X
Burn a whole waste tire or tire-derived product without recovering the energy.						X
Use buffings generated from the recapping or retreading process.						X
Dispose of waste tires or tire-derived product.						X
Recap or retread a tire for use on a vehicle or trailer.						X
Create buffings from the recapping or retreading of a tire.						X
Use whole waste tires, upon CDPHE beneficial use approval, for erosion control, stormwater management, sound damping, grade fill, corals, fencing, home construction, and other approved uses.						X
Use any whole waste tire or tire-derived product out-of-state.						X

*An activity not covered by this Table may still be eligible for a rebate at the Department's discretion pursuant to these regulations and section 30-20-1401, C.R.S., *et seq.*

2466 **10.12.2 APPLICATION PROCEDURES**

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2468 A. A person applying for a rebate must comply with all the provisions of this Section 10.12.2.

2469

2470 B. An applicant for a rebate must file a complete application on Department Form WT-07, providing at a
2471 minimum:

2472

2473 1. Applicant's name and address.

2474

2475 2. Name and location where end use, retail sale or processing occurred.

2476

2477 3. A description of the end use, retail sale or processing.

2478

2479 4. Certification the waste tires were Colorado-generated.

2480

2481 5. For End Users:

2482 (a) the source of waste tires or tire-derived product; and

2483 (b) the End User's Waste Tire Certificate of Registration number.

2484

2485 6. For Retailers:

2486 (a) a list of consumers the Retailer sold the tire-derived product to; and

2487 (b) proof the Retailer collected sales tax on the retail sale or that the retail sale was exempt from
2488 sales tax.

2489

2490 7. For Processors and Mobile Processors selling tire-derived product to out of state End Users:

2491 (a) a list of out of state End Users that purchased the tire-derived product; and

2492 (b) the Processor or Mobile Processor's Waste Tire Certificate of Registration number.

2493

2494 8. The amount of waste tires or tire-derived product processed, sold by a retailer, or end used, by
2495 weight in tons.

2496

2497 9. The time period in which the waste tires or tire-derived product were processed, sold by a retailer
2498 or end used.

2499

2500 10. Other supporting documentation required by the Department.

2501

2502 11. An authorized signature.

2503

2504 C. Timing of Rebate Applications:

2505

2506 1. Applications for rebates will be accepted no later than the stated due date on the application
2507 and/or Department's website.

2508

2509 2. Unless applying pursuant to 10.12.2 (D), applications will only be accepted for activities that
2510 occurred in the previous calendar month.

2511

2512 3. Applications received after the due date will be denied.

2513

2514 4. The Department will not accept adjustments for processed applications from prior calendar
2515 months.

2516

2517 5. An applicant can only receive a rebate for activities occurring in the current fiscal year.

2518

2519 D. An applicant's initial application in any state fiscal year (July 1 through June 30) must be for a
2520 minimum of ten (10) tons. Notwithstanding section 10.12.2(C)(2) of these Rules, to achieve this ten

2521 (10) ton minimum, an applicant can consolidate several calendar months of tonnage to meet this
2522 minimum amount. After submitting an initial application for a minimum of ten (10) tons, an applicant
2523 is eligible to apply for any ton amount in subsequent months in that fiscal year.
2524

- 2525 E. The Department may deny a rebate to an applicant who has received funding from the Market
2526 Development Fund if paying from both funds will result in double paying for the same activity.
2527
- 2528 F. Applicants must provide weight tickets from a scale that meets the requirements of the Colorado
2529 Measurement Standards Act, section 35-14-101 – 35-14-134, C.R.S. to document weights of waste
2530 tires or tire-derived product end used, tire-derived product processed and sold out of state, or tire-
2531 derived product sold in a retail sale. Other forms of documentation may be acceptable on a case by
2532 case basis.
2533

2534 10.12.3 PROCESSING OF APPLICATIONS 2535

2536 The Department will review applications according to a four-step process: (1) review for completeness, (2)
2537 review for compliance with applicable laws and regulations, (3) review for eligible processes, retail sales
2538 and end uses, and (4) determination of a rebate amount.
2539

- 2540 A. **Completeness:** If an application is not complete or if supporting documentation is insufficient, then
2541 the Department will notify the applicant and grant the applicant a five (5) business day grace period to
2542 submit the missing information. The Department may defer paying rebates to all applicants until
2543 adequate information is received. If the applicant does not submit adequate information in the
2544 prescribed time period, then the Department may deny a rebate for that month.
2545
- 2546 B. **Compliance:** After the Department has determined all applications submitted in a given month are
2547 complete, it will conduct a compliance verification to ensure each applicant is in compliance with all
2548 applicable laws and regulations and was in compliance with all applicable laws and regulations during
2549 the time period for which they are seeking a rebate.
2550
- 2551 C. **Eligibility:** After compliance verification, the Department determines which applicants are eligible for
2552 rebates.
2553
- 2554 D. **Rebate amount:** The Department will calculate the amount of rebate per section 10.12.5 of these
2555 Regulations and notify each applicant of its determination.
2556

2557 10.12.4 APPEALS PROCESS 2558

- 2559 A. For approved applications, if an applicant believes the Department has made a calculation error in the
2560 response to an approved application, the applicant must notify the Department in writing within five
2561 (5) business days of receiving the Department's response. The notice must contain a copy of the
2562 application and the Department's response, a brief statement describing the believed error, and
2563 copies of any documents supporting the statement. The Department will review the notice and
2564 attached documents and may further investigate the matter.
2565
- 2566 1. If the Department concludes an error has been made and the Department has not yet paid the
2567 rebate that month, then the Department will reinstate the application and recalculate the payment
2568 before paying any rebates that month.
2569
 - 2570 2. If the Department concludes an error has been made and the Department has already paid the
2571 rebate that month, then the Department will notify the applicant and reimburse the applicant from
2572 the next month's rebate money, as available, according to the following method: (1) The
2573 Department will determine what the applicant should have been paid had the Department not
2574 erred; (2) The Department will pay the applicant that amount from the next month's money; and
2575 (3) The next month's money will be reduced accordingly.

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3. If the Department concludes no calculation error was made, then it will notify the applicant that its previous determination was not in error and is final. This determination is subject to appeal pursuant to section 24-4-106, C.R.S.
- B. For denied applications: If an applicant believes his or her application was wrongly denied, then the applicant must, within five (5) business days of denial, submit the following to the Department: (1) a copy of the denied application and supporting documents, (2) the denial letter, (3) a statement explaining why the applicant believes the Department erred, and (4) all other information the applicant believes relevant.
1. If the Department concludes it erred in denying the application, and the Department has not yet paid the rebate that month, then the Department will reinstate the application and recalculate the payment before paying the rebate that month.
 2. If the Department concludes it erred in denying the application and the Department has already paid the rebate that month, then the Department will notify the applicant and reimburse the applicant from the next month's money, as available, according to the following method: (1) The Department will determine what the applicant should have been paid had the Department not erred; (2) The Department will pay the applicant that amount from the next month's money; and (3) The next month's money will be reduced accordingly.
 3. If the Department concludes no error was made, then it will notify the applicant that its previous determination was not in error and is final. This determination is subject to appeal pursuant to section 24-4-106, C.R.S.

2602 **10.12.5 REBATE AMOUNT**

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- A. The Department will pay the rebate amount on a per-ton basis.
 - B. Beginning January 1, 2015, the amount of the rebate is forty-two dollars (\$42) per ton.
 - C. If the tons approved for the rebate in any one month multiplied by the amount of the rebate in section 10.12.5(B) exceeds the balance of the Fund, then the Department shall reduce the per ton amount of the rebate that month to a rate that will not cause a deficit in the Fund.

2612 **10.12.6 ENFORCEMENT**

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- A. A person who applies for a rebate is subject to a review by the Department at any time. Applicants must allow access to all records related to waste tire management activities during normal business hours for the purpose of determining compliance with these rules for five (5) years from the date of receiving a rebate.
 - B. If an applicant provides information that constitutes a trade secret, confidential personnel information, or proprietary commercial or financial information, in accord with section 24-72-204(3), C.R.S., then the applicant may request the Department withhold such documents from disclosure in the event the Department receives a request for records in accord with the Colorado Open Records Act, section 24-72-101 et seq. All such documents must be clearly marked with the term "Proprietary Information" on each appropriate page. Records marked as containing trade secret, confidential, personnel, or proprietary information that do not actually contain such information may be released pursuant to an Open Records Act request.
 - C. In addition to any other penalty imposed by law, any applicant who knowingly or intentionally provides false information to the Department when applying for a rebate shall be ineligible to receive any future rebates under these rules.

2631
2632 D. The Department may deny the rebate to any person who is out of compliance with any State or
2633 Federal environmental laws, rules or regulations.
2634
2635

2636 **5) Section 16.1.1 is being amended to read as follows:**

2637
2638 **SECTION 16**

2639
2640 **MATERIALS PROHIBITED FROM DISPOSAL**

2641
2642 **16.1 SCOPE AND APPLICABILITY**

2643
2644 **16.1.1 Purpose.** These regulations apply to the management and disposal of materials prohibited from
2645 land disposal in a solid waste site and facility under authority of CRS Title 30, Article 20, Part 1 and Part
2646 10 and CRS Title 25, Article 17, Part 3. These Section 16 regulations are classified into the following sub-
2647 categories:

2648
2649 16.2 Management of Residentially Generated Used Lead-acid Batteries

2650
2651 16.3 Management of Residentially Generated Used Oil

2652
2653 16.4 ~~Management and Disposal of Residentially Generated Waste Tires [Reserved]~~

2654
2655 16.5 Management of Residentially Generated Waste Electronic Devices.
2656
2657

2658 **6) Section 16.1.2 is being amended by revising paragraph (A) to read as follows:**

2659
2660 **16.1.2 General Provisions**

2661
2662 (A) Land disposal of residentially generated waste electronic devices, used lead-acid
2663 batteries, ~~and~~ used oil ~~and waste tires~~ is prohibited. Land disposal includes, but is not
2664 limited to, placing, discarding, or otherwise disposing of these wastes:

2665
2666 *****
2667

2668 **7) Section 16.1.3 is being amended by revising paragraph (A) to read as follows:**

2669
2670 **16.1.3 Due Diligence Exemption**

2671
2672 (A) **Individuals**

2673 Individuals residing in areas without recycling facilities or collection facilities are given the
2674 opportunity to demonstrate a lack of reasonable recycling options. In order to exercise
2675 this option, the individual must conduct due diligence to establish that reasonable options
2676 are not available. A finding of due diligence shall be based, at a minimum, on an
2677 individual's inquiry into local recycling options accomplished by querying the local
2678 telephone directory and contacting the county or municipality of residence regarding the
2679 availability of local recycling facilities, collection centers, or collection events. In the event
2680 that due diligence is exercised and no reasonable recycling option is identified, an
2681 individual may dispose of used lead-acid batteries, ~~and/or~~ used oil ~~and/or waste tires~~ in a
2682 solid waste disposal site and facility or transfer station. The individual must contact the
2683 intended recipient solid waste disposal site and facility or transfer station to make sure

2684 that the facility will accept the used lead-acid batteries, ~~and/or~~ used oil, ~~and/or waste~~
2685 ~~tires~~. Nothing in this Section precludes any solid waste disposal site and facility or
2686 transfer station from refusing to accept these items on a site-specific basis.
2687

2688 *****

2689 **8) Section 16.4 is being deleted and reserved as follows:**

2690 **16.4 ~~MANAGEMENT AND DISPOSAL OF RESIDENTIALLY GENERATED WASTE TIRES~~**
2691 **~~[RESERVED]~~**

2692 ~~For purposes of this Section, waste tire shall refer to a whole tire, as defined in Section 1.2 of~~
2693 ~~these Regulations and in CRS Title 30, Article 20, Part 10.~~

2694 **16.4.1 Waste Tire Disposal**

2695 ~~(A) — Land disposal of residentially generated waste tires is prohibited.~~

2696 ~~(B) — A person or commercial tire hauler shall dispose of residentially generated waste tires by~~
2697 ~~delivery to one of the following entities:~~

2698 ~~(1) — A retailer engaged in waste tire collection or recycling;~~

2699 ~~(2) — A wholesaler engaged in waste tire collection or recycling;~~

2700 ~~(3) — A waste tire monofill that has a certificate of designation;~~

2701 ~~(4) — A collection facility engaged in waste tire collection; or~~

2702 ~~(5) — A recycling facility engaged in waste tire recycling.~~

2703 **16.4.2 Retail Disposal System**

2704 ~~A retailer selling replacement tires in the State may not refuse to accept from customers, at the~~
2705 ~~point of transfer, waste tires of the same general type and in a quantity at least equal to the~~
2706 ~~number of new tires purchased. A retailer shall dispose of waste tires by delivery to one of the~~
2707 ~~following:~~

2708 ~~(A) — The agent of a tire wholesaler;~~

2709 ~~(B) — A collection facility engaged in waste tire collection;~~

2710 ~~(C) — A recycling facility engaged in waste tire recycling; or~~

2711 ~~(D) — A waste tire monofill that has a certificate of designation.~~

2712 **16.4.3 Wholesale Disposal System**

2713 ~~A wholesaler selling tires in the State may accept from customers, at the point of transfer, waste~~
2714 ~~tires of the same general type and in a quantity at least equal to the number of new tires~~
2715 ~~purchased, if offered by customers. A wholesaler shall dispose of waste tires by delivery of waste~~
2716 ~~tires to:~~

2717 ~~(A) — A waste tire monofill that has a certificate of designation;~~

2738
2739 (B) ~~—A collection facility engaged in waste tire collection; or~~

2740
2741 (C) ~~—A recycling facility engaged in waste tire recycling.~~

2742
2743 **16.4.4 Collection Facility Disposal System**

2744
2745 ~~A collection facility shall dispose of waste tires by delivery to a waste tire monofill having a~~
2746 ~~certificate of designation or to a recycling facility engaged in waste tire recycling.~~

2747
2748 **16.4.5 Waste Tire Management Standards**

2749
2750 [RESERVED]

2751
2752 **16.4.6 Household Hazardous Waste Collection Event Exemption**

2753
2754 ~~Tires that are collected during any periodic household hazardous waste collection event (where~~
2755 ~~such wastes are not accepted on a continuous basis) shall be exempt from the standards in~~
2756 ~~16.4.5 provided that the waste tires are transferred from the site within thirty (30) calendar days~~
2757 ~~following each collection event.~~

2758
2759 **16.4.7 Waste Hauler Requirements**

2760
2761 ~~Waste haulers must provide notice to their existing customers on or before July 1, 2007, as well~~
2762 ~~as new customers thereafter, that the land disposal of residentially generated used lead-acid~~
2763 ~~batteries, used oil and waste tires is prohibited beginning on July 1, 2007. The notice shall explain~~
2764 ~~the disposal options available under Sections 16.2, 16.3 and 16.4 of these Regulations for these~~
2765 ~~three waste types.~~

2766
2767 **16.4.8 Recordkeeping**

2768
2769 ~~Retailers, wholesalers and collection facilities must keep records to demonstrate compliance with~~
2770 ~~this Section. At a minimum, such records shall include documentation of waste types and~~
2771 ~~volumes, annual reports if applicable, and shipping manifests or records of shipment. Records~~
2772 ~~shall be maintained onsite for a minimum of 3 years, or as long as the material remains onsite,~~
2773 ~~whichever is greater.~~

2774
2775 **16.4.9 Inspections**

2776
2777 ~~The Department may inspect, in accordance with the provisions of § 30-20-113, C.R.S., retailers,~~
2778 ~~wholesalers, collection facilities and recycling facilities to verify compliance with this Section of~~
2779 ~~the Regulations. As an alternative to physically inspecting the above facilities, the Department~~
2780 ~~may require the above facilities to complete and return a self-certification checklist.~~

2781
2782
2783 **9) Section 16.6 is being amended to read as follows:**

2784
2785 **16.6 Waste Characterization Plans**

2786
2787 Each solid waste site and disposal facility shall amend its waste characterization plan to include waste
2788 acceptance procedures designed to minimize the disposal of residentially generated waste electronic
2789 devices, used lead-acid batteries, and used oil, ~~and waste tires~~. Such procedures shall be implemented
2790 no later than July 1, 2013. Solid waste sites and disposal facilities shall include these waste screening

2791 procedures in the waste characterization and disposal plan required by Section 2.1.2(C). The prohibition
2792 on disposal of these waste types shall be incorporated into employee training required by Section
2793 2.1.2(B)(3). Any solid waste disposal site and facility in substantial compliance with its waste
2794 characterization plan developed pursuant to section 30-20-110 (1) (g), and Section 2.1.2 of the
2795 Regulations, shall be deemed to be in compliance with this Section, so long as such waste
2796 characterization plan contains waste acceptance procedures to minimize the disposal of waste electronic
2797 | devices, lead-acid batteries, and used oil, ~~and waste tires~~ consistent with the requirements of this
2798 Section.

2799