

CHAPTER 116
REGISTRATION OF WASTE TIRE HAULERS

[Prior to 7/10/02, see 721—Chapter 44]

567—116.1(455B,455D) Purpose. The purpose of this chapter is to establish guidelines for the registration of waste tire haulers that provide waste tire collection and hauling services for a fee. The registration process shall ensure the proper management of waste tires collected by a waste tire hauler. This chapter shall not exempt a waste tire hauler from compliance with other applicable statutes or requirements regarding waste tires that are hauled to or from other states.

567—116.2(455B,455D) Definitions. As used in this chapter:

“Passenger tire equivalent” means a conversion measurement that is used to estimate waste tire weights and volume amounts and in which one passenger car tire with a rim diameter of 17 inches or less is equal to 20 pounds. One cubic yard of volume shall contain 15 passenger tire equivalents. Tires larger than a passenger car tire shall be evaluated for volume using this conversion measurement.

“Permit” means a permit issued by the department to establish, construct, modify, own, or operate a waste tire storage or processing site.

“Processing” means producing or manufacturing usable materials from waste tires.

“Processing site” means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

“Tire collector” means a permitted person or business that owns or operates a site used for the storage, collection, or deposit of more than 500 waste tires or an authorized vehicle recycler who is licensed by the department of transportation pursuant to Iowa Code section 321H.4 and who owns or operates a site used for the storage, collection, or deposit of more than 3,500 waste tires.

“Tire processor” means a permitted individual or business that processes tires through grinding, shredding, or other means, thereby producing a material that is readily suitable for marketing into product manufacturing, energy recovery, or other beneficial reuse markets. “Tire processor” does not mean a person who retreads tire casings or who collects and stores tires.

“Waste tire,” as defined in Iowa Code section 455D.11, means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. This definition shall include a tire mounted on a rim, but not on a vehicle. “Waste tire” does not include a nonpneumatic tire.

“Waste tire hauler” means a person who transports for hire more than 40 waste tires in a single load. This definition includes persons and businesses that collect fees to provide hauling and pick-up services for the disposal or removal of tires from other persons or businesses.

“Waste tire stockpile” means a permitted site that is used for the storage, collection, or deposit of waste tires or tire bales, including indoor, outdoor, and underground storage.

567—116.3(455B,455D) Registration requirement. A waste tire hauler shall register with and obtain a certificate of registration from the department in accordance with this chapter before hauling waste tires in Iowa. Waste tire haulers that pick up tires within Iowa or that bring waste tires to Iowa for disposal, storage, or processing shall be required to register.

116.3(1) Registration exemption. A waste tire hauler shall not be required to register under the following circumstances:

a. The waste tire hauler only travels through the state with waste tires as a part of interstate commerce and does not pick up, deposit, transfer, store, or dispose of any waste tires in Iowa.

b. The waste tire hauler is a municipal, county, state, or other public agency, and the vehicles used for transport of the waste tires are owned and licensed by the public agency. The agency may only haul up to 10,000 waste tires within a 12-month period without obtaining a waste tire hauler’s registration.

116.3(2) Annual registration.

a. A waste tire hauler registration shall be valid for one year, and the waste tire hauler must annually renew the waste tire hauler registration in order to continue to provide waste tire hauling services within the state.

b. Initial registration of a waste tire hauler shall be valid upon the date of issuance by the department and shall be effective for a minimum 12-month period thereafter, with expiration of the initial registration to occur on either January 1 or July 1, whichever date occurs most closely after the initial 12-month registration period.

c. Subsequent annual renewals of the waste tire hauler's registration shall then occur on either January 1 or July 1, subject to the date of the original expiration as referenced in 116.3(2)"*b.*"

567—116.4(455B,455D) Registration form. A waste tire hauler shall submit the following information on a form prescribed by the department for application for or renewal of registration as a waste tire hauler.

1. The name of the waste tire hauler and any other names under which the waste tire hauler may do business.

2. The principal address of the waste tire hauler and any other address at which the waste tire hauler may do business.

3. A business telephone number.

4. The name and address of the principal officer of a corporate waste tire hauler or the principal owner or owners of a waste tire hauler operating a proprietorship or partnership.

5. The following information for each motor vehicle used by the waste tire hauler for hauling tires:

- The name and address of the owner of the vehicle.
- The vehicle identification number of the vehicle.
- The year, make, and model of the vehicle.
- The license plate number of the vehicle.
- The name of the state in which the vehicle is registered.

6. A statement that the waste tire hauler agrees to comply with the vehicle identification requirements contained in this chapter.

7. The name of the permitted facility for waste tire disposal, storage or processing, or of another site of end use where the waste tires will be transported.

8. A statement that the waste tire hauler shall pay all amounts due to any individual or group of individuals when due for damages caused by improper disposal of waste tires by the waste tire hauler or the waste tire hauler's employee while acting within the scope of employment.

9. A statement that the waste tire hauler agrees to notify the department within 30 days of any change in the information contained in the registration form.

10. The signature of the waste tire hauler.

567—116.5(455B,455D) Registration fee. An application for initial registration or renewal shall be accompanied by a fee of \$50.

567—116.6(455B,455D) Bond form.

116.6(1) An application for registration or renewal shall not be approved by the department until the waste tire hauler has provided a bond in the sum of a minimum of \$10,000 on a form prescribed by the commissioner of insurance.

116.6(2) Bond requirements.

a. The bond shall be executed by a surety company authorized by the commissioner of insurance to do business in Iowa. The bond provided to the department shall be an original, or copy thereof. Facsimiles of the bond will not be accepted.

b. The surety shall name the state of Iowa as the obligee for the bond.

c. The bond shall be continuous in nature until canceled by the surety. The surety shall provide at least 30 days' notice in writing to the waste tire hauler and the department in the event of any intent to cancel the bond.

d. The waste tire hauler shall provide the department with a statement from the surety with each waste tire hauler registration renewal application, noting that the bond is paid and current for the annual period for which the waste tire hauler has applied for registration renewal.

567—116.7(455B,455D) Marking of equipment. The following information shall be displayed on each side of equipment used for the hauling of waste tires, in letters and figures large enough to be read easily at a distance of 50 feet and in a color in contrast to the background.

1. The name of the registered waste tire hauler under whose authority the equipment is being operated.
2. The address of the registered waste tire hauler (city and state).
3. The registration number of the waste tire hauler, as assigned by the department. The hauler shall apply the following letters and symbol “IA TH#” preceding the assigned registration number.

567—116.8(455B,455D) Disposition of waste tires collected.

116.8(1) All tires collected by a waste tire hauler for which a fee has been collected or is to be charged shall be defined as a solid waste and shall be regulated as such.

116.8(2) Upon receipt of waste tires from a person or business, the waste tire hauler shall handle the waste tires as follows:

- a. The waste tires shall be directly transported to a tire collector, tire processor, or waste tire stockpile site, as permitted and approved by the department or applicable local or state agencies.
- b. The waste tires must be transported to a permitted site within 72 hours of initial pickup from the generator of the waste tires.
- c. The waste tire hauler may not establish or operate any intermediate storage, waste sorting, transfer, or processing activities regarding the waste tires collected, unless such activities occur at a facility or site for which a waste tire stockpile permit or processing permit has been issued in accordance with 567—Chapter 117.

567—116.9(455B,455D) Reporting requirements. A registered waste tire hauler shall make a semiannual report to the department on a form provided or approved by the department. The report shall provide the department with appropriate information to ensure that waste tires recovered by the waste tire hauler have been handled properly for disposal or processing. Failure of the waste tire hauler to submit a timely report will result in denial of the waste tire hauler’s renewal of registration.

116.9(1) Reporting period. The waste tire hauler shall submit semiannual reports to the department according to the following schedule:

- a. For waste tires collected during the six-month period beginning January 1 through June 30, the hauler shall submit a report by the following September 1.
- b. For waste tires collected during the six-month period beginning July 1 through December 31, the hauler shall submit a report by March 1 of the following year.

116.9(2) Information required. The semiannual report shall include the following information. All waste tire quantities determined by count or weight shall be reported in passenger tire equivalents.

- a. Quantity of waste tires collected by the waste tire hauler from within Iowa for the reporting period.
- b. Quantity of waste tires that are brought to Iowa by the waste tire hauler from out-of-state sources during the reporting period.
- c. Final disposition of all the waste tires collected during the reporting period by listing each tire collector, tire processor, waste tire stockpile site, or other beneficial site of end use, as approved by the department, and the total quantities of waste tires that the hauler has delivered to each.

116.9(3) Documentation and record keeping. The waste tire hauler shall keep appropriate records, including but not limited to receipts, invoices, or manifests, to document all quantities of waste tires hauled and disposed of by the waste tire hauler for the reporting period. These records shall be kept by the waste tire hauler for a minimum of three years, and shall be available for audit or inspection at the request of the department.

These rules are intended to implement Iowa Code sections 455B.301 to 455B.307 and 455D.11I.

[Filed without Notice 6/18/02—published 7/10/02, effective 8/14/02]

[Filed 3/27/03, Notice 1/8/03—published 4/16/03, effective 5/21/03]