

Waste Compliance and Mitigation Program Staff Report
Renewal Minor Waste Tire Facilities Permit for Larry's Tire Mart
 TPID No. 1000662
 August 5, 2010

Background Information, Analysis, and Findings:

This report was developed in response to an application received from the operator of Larry's Tire Mart, located at 1453 South 7th Street in the City of Modesto in Stanislaus County; for a Renewal Minor Waste Tire Facilities Permit (WTFP). Larry's Tire Mart is a retail tire business that stores approximately 2500 waste tires. The incoming waste tires are accumulated when the facility purchases surplus tires, such as from government agencies. All waste tires are stored outdoors on the east side of the facility until hauled away by a registered hauler (Scrap Tire Co-Op).

Staff of the Waste Compliance and Mitigation Program, Permitting and Local Enforcement Agency Support Division (PLEAS) originally received an application for a Minor WTFP on October 7, 2009. The operator indicated in a letter dated October 9, 2010 and received by PLEAS staff on October 15, 2010 that he had reduced the number of tires on site to 874 and would have less than 500 tires by the time his permit expired on July 10, 2010, thereby requiring no permit.

However, in May 2010, the operator notified CalRecycle staff that he was unable to achieve this goal and would need a Minor Waste Tire Facilities Permit. He re-submitted another application for renewal on May 11, 2010. On May 27, 2010, PLEAS staff accepted the application as complete and correct pursuant to Title 14, Section 18425. The Department has 180 calendar days from the date the application is accepted as complete to either issue or deny the issuance of a WTFP. The Department is required to act by November 7, 2010. **Note: The current WTFP expired on July 10, 2010.**

Findings:

Staff recommends approval of the issuance of the proposed permit. All of the required submittals and findings required by Title 14, Section 18431 have been provided and made. Staff has determined that CEQA requirements have been met to support concurrence. The findings that are required to be made by The Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based are permanently maintained in the facility files maintained by the Waste Compliance and Mitigation Program.

CCR Title 14 Sections	Findings	
California Environmental Quality Act (CEQA)	Staff of PLEAS finds the issuance of the Renewal Minor WTFP does not require new CEQA documentation (see below for details).	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Compliance History	Staff determined that there is no ongoing enforcement issue, and there has been no history of compliance issues.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

17350-17356 Pre-Permit Inspection Tire Storage Standards	The Stanislaus County grantee conducted a Pre-Permit Inspection on April 28, 2010. No violations were observed.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
18431(a)(b)(c)(d) Application Forms 500-503	All application forms were accepted by PLEAS staff as complete on May 27, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
18431(h) Local Requirements	<p><i>Local Vector Control:</i> On May 4, 2009, Jerry Davis and Roger Jorge, staff from the Turlock Mosquito Abatement District, performed an inspection and found no mosquitoes present, and determined that the operator was following Section 17353 Vector Control Measures.</p> <p><i>Local Fire Authority:</i> The local fire approval form dated June 16, 2009 and July 22, 2009, from Randy Cook, Inspector, with the Stanislaus County Fire Prevention Bureau, documents the department's approval of the facility's waste tire storage plans and the emergency response equipment to be maintained at the facility.</p>	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: Legal Office	Reviewed and approved on August 13, 2010.	
Compliance Evaluation and Enforcement Division (CEED)	Reviewed and approved on June 2, 2010.	

Compliance History:

The facility was inspected by the Stanislaus County grantee on April 28, 2010. No violations were observed and the facility was determined to be in compliance. CalRecycle's Waste Tire Enforcement staff find the grantee's finding to be acceptable.

The grantee has observed no violations of State Minimum Standards during the past five years.

However, since the permit has expired, CEED staff issued the following:

This is to set forth a chronology of recent events and enforcement history and status relative to this site and to support our determination that the site is in non compliance based on facility owner/operator having an expired minor waste tire permit and self certifying to having more than 500 waste tires onsite.

- Larry's Tire Mart was a minor WTF. They submitted their renewal application on Oct 9, 2009, and stated they planned to have less than 500 tires before the permit expired on July 10, 2010.
- Larry's Tire Mart was last inspected on 4/28/10 by CalRecycle's Stanislaus Co grantee inspector, Phil Irons. There were approx 2,500 waste tires on-site at the time of

inspection and they were found to be "In Compliance" with their minor permit which was still in effect as of that date.

- In May 2010, the facility owner/operator re-submitted a waste tire permit application because they were unable to reduce their number of waste tires to less than 500.
- Larry's Tire Mart Permit expired on July 10th

Environmental Analysis:

This is a renewal of an existing Minor WTFP. There are no changes in design or operations. WCMP staff have determined through record review and inspections that there are no new significant environmental effects or an increase in the severity of previously identified less than significant environmental effects. No new CEQA documentation is required to support the issuance of the permit. The existing Minor WTFP is also consistent with zoning and the Stanislaus county General Plan.

Local Issues:

A review of the public process indicates that environmental justice issues were not identified by the surrounding community (Census tract 23.01). Census information indicates that the surrounding population is approximately 50.4% White, 3.6% Black or African American, 2.0% American Indian and Alaskan Native, 4.2% Asian, 0.2% Native Hawaiian and other Pacific Islander, 32.7% some other race, and 6.9% two or more races, and 61.2% of the population identify themselves as Hispanic or Latino. Median household income was \$28,851 and 24.7% of the families were below the poverty level.

A review of the public process indicates that environmental justice issues were not identified by the surrounding community consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

No public comments have been received by Department or Grantee staff. The Department will provide an opportunity for public comment during the WCMP workshop on August 9, 2010.

Attachment: Minor Waste Tire Facility Permit

