

Permitting & Assistance Branch Staff Report

New Minor Waste Tire Storage Facility Permit for Global Waste Management, Inc.

TPID No. 1613306

December 13, 2012

Background Information, Analysis, and Findings:

This report was developed in response to an application received from the operator of Global Waste Management, Inc., located in the city of South San Francisco, in San Mateo County for a Minor Waste Tire Storage Facility Permit. Loose waste tires are stored in a pile in an enclosed building until baled. The baled waste tires are stored in cargo containers on trucks, loading docks or the parking lot surrounding the site until they are transported offsite by registered waste tire haulers. Used truck tires are also stored onsite until they are sold.

Staff of the Permitting & Assistance Branch received an application for a Minor Waste Tire Facility Permit (WTFP) on September 22, 2011. The application package was accepted as complete and correct on October 5, 2011.

A letter of denial of the permit was sent to the operator by CalRecycle staff on April 2, 2012. The operator appealed the finding to the Office of Administrative Hearings. A hearing was conducted in Oakland, Alameda County on November 1-2, 2012. On November 15, 2012 the judge ruled CalRecycle shall issue a minor WTFP to the operator within 30 days of the ruling (December 14, 2012).

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 met to support concurrence. The findings 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 Permitting, Compliance and Mitigation Division.

The following table summarizes the staff's findings relative to the permit application:

| | Findings | |
|---|--|---|
| California Environmental Quality Act (CEQA) | Staff of the Permitting and Assistance Branch found that the issuance of the Minor Waste Tire Storage Facility Permit is categorically exempt from the requirements of CEQA. See additional CEQA comments below. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Compliance with Tire Storage Standards, 14 CCR, § 17350-17356 | See compliance information below. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Application Forms (500-504) - 14 CCR, § 18431(a) (b) (c) (d) | All application forms were accepted by Permitting and Assistance Branch staff as complete on October 5, 2011. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

| | | |
|---|---|---|
| Local Requirements 14 CCR, § 18431(h) | <p><i>Vector Control District:</i> There is no outdoor tire storage; therefore, the facility does not require approval by the local vector control authority.</p> <p><i>Local Fire Authority:</i> The facility was inspected on March 21, 2011 and found to be in compliance by the South San Francisco Fire Department. In emails and phone conversations on February 3, 2012, February 13, 2012 and December 3, 2012, Michele Evans of the San Francisco Fire Department verified that the facility is in compliance with no issues, and will be receiving a permit from the Fire Department.</p> | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Reviewed by: CalRecycle Legal Office Waste Evaluation and Enforcement Branch | December 11, 2012 December 6, 2012 | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

Compliance History:

On October 25, 2011, CalRecycle Waste Evaluation and Enforcement Branch (WEEB) staff and the Tire Grantee from San Mateo County conducted an inspection of Global Waste Management, Inc., and found them in violation for storing greater than 499 waste tires onsite. The operator was given a notice of violation for the 3,479 waste tires onsite. WEEB staff returned to do a re-inspection on November 29, 2011 and found the operator had 5,849 waste tires onsite. As a result of these inspections, the operator was issued a Clean-Up and Abatement Order (CAO). The CAO was issued on January 10, 2012, directing the operator to apply for a WTFP and remove all tires from the site within 30 days. No other violations were noted.

On March 6, 2012, WEEB staff inspected the site and found 915 tires at the facility, greater than the 499 waste tires allowed.

On April 2, 2012, CalRecycle issued a Statement of Issues requesting the applicant’s minor WTFP for this site be denied for a period of three year, based on alleged material misrepresentation and failure to disclose relevant factual information by the operator during the application process. The operator requested a hearing which as conducted at the State Office of Administrative Hearings in Oakland on November 1-2, 2012. The Administrative Law Judge (ALJ) ruled on November 15, 2012, that although the operator did fail to disclose relevant factual information, there was no intent to misrepresent or deceive. The ALJ ordered that CalRecycle issue the minor WTFP to the operator within 30 days of the decision, subject to the conditions that address the presence of B.A.Y. Tires, Inc., within Unit 9 or 214 Shaw Road.

Environmental Analysis:

Under CEQA, CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is a lead agency under CEQA and must make a

determination as to whether this proposed permit is categorically or statutorily exempt or if additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The proposed WTFP is considered to be a project under CEQA (CEQA Guidelines §15378(a)(3)) and the facility is required to obtain a permit pursuant to 14 CCR §18420 for the indoor storage of up to 4,999 waste tires.

Global Waste Management, Inc., is located within a Mixed Industrial Zone and operates within the applicable zoning designation of the San Mateo County Municipal Code. Staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for CalRecycle's approval of this Minor WTFP. The Preliminary Review indicates that the proposed project:

- Involves the continued operation of an existing facility within the permitted land use;
- Involves no expansion of use beyond that existing at the time of permit issuance;
- Does not allow relaxation of standards leading to environmental degradation;
- Would have no significant environmental impacts; and
- There are no additional cumulative environmental impacts.

CalRecycle staff made the determination that a Categorical Exemption is adequate for CalRecycle's approval of this Minor WTFP according to Section 15301 Existing Facilities, which allows for the permitting of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. It is determined the application contains no expansion of an existing use.

Staff recommends that CalRecycle, acting as a Lead Agency under CEQA, prepare a Notice of Exemption, based on the Exemption cited above, to be filed with the State Clearinghouse after CalRecycle's issuance of the Minor WTFP, in that the activity is not subject to further CEQA review. Furthermore, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the cited Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report, the Notice of Exemption and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments

The Department has provided an opportunity for public comment on this permit action during the Department of Resources Recycling and Recovery Monthly Public Meetings on December 11, 2012.

Attachment: Minor Waste Tire Facility Permit