

Permitting and Assistance Branch Staff Report
 New Minor Waste Tire Facility Permit for
 Magallanes Tire Recycling, TPID No. 1674534
 October 19, 2012

Background Information, Analysis, and Findings:

This report was developed in response to a New Minor Waste Tire Facility Permit (WTFP) application received from the operator of Magallanes Tire Recycling, located at 1151 East Lanzit Avenue, in the City of Los Angeles. Magallanes Tire Recycling operates in an 8,000 square foot building located within a Limited Manufacturing (M-1) zone. No outside storage of tires will occur.

An application for a Minor WTFP was received by Permitting and Assistance Branch staff on May 1, 2012, which was accepted as complete on May 31, 2012. Pursuant to Title 14, California Code of Regulations (14 CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete to either issue or deny the issuance of a Minor WTFP. CalRecycle is required to act by November 27, 2012.

Findings

Staff recommends approval of the issuance of the proposed permit. All of the required submittals and findings required by 14 CCR, Section 18431, have been met to support issuance. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

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

	Findings	
Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Staff of the Waste Evaluation and Enforcement Branch (WEEB) conducted an inspection of the facility on June 13, 2012, and on July 2, 2012. See additional compliance information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR, Sections 18431(a) through (f)	All application forms were accepted by Permitting and Assistance Branch staff as complete on May 31, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<i>Local Vector Control:</i> The operator does not store waste tires outdoor, and is not required to obtain local vector control authority approval. <i>Local Fire Authority:</i> The CalRecycle Indoor Local Fire Approval Form was signed by Mr. Michael Dreiling, Fire Inspector I, with the Los Angeles Fire Department, on April 26, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
California Environmental Quality Act (CEQA)	Staff of the Permitting and Assistance Branch found that the issuance of the Minor Waste Tire Facility Permit is exempt by general rule from the requirements of CEQA. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Reviewed by: CalRecycle Legal Office	October 19, 2012	
Waste Evaluation and Enforcement Branch	July 5, 2012	

Compliance History:

Staff of WEEB and of Permitting and Assistance Branch conducted a pre-permit inspection on June 13, 2012, and found the facility was not in compliance with applicable state minimum standards as they were storing 1,480 waste tires on-site without a permit. The facility is allowed to store up to 499 waste tires on-site at any one time.

On July 2, 2012, WEEB and Permitting and Assistance Branch staff conducted a re-inspection of the facility and found it to be in compliance with applicable state minimum standards. The facility was storing 375 waste tires on-site.

On December 9, 2011, a Clean and Abatement Order (CAO) was issued to Charlie’s Tire Recycling, TPID No. 1527952, who also operated at 1151 East Lanzit Avenue, in Los Angeles. Charlie’s Tire Recycling ceased operations and the facility is now leased by Magallanes Tire Recycling. The CAO was also issued to property owner, Raul Moreno; therefore, the CAO will remain active until the Minor WTFP is issued to Magallanes Tire Recycling.

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 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 Section 18420 for the storage of up to 4,999 waste tires.

The City of Los Angeles, Department of Building and Safety, issued a Certificate of Occupancy on March 30, 2012. The Certificate of Occupancy allows for Magallanes Tire Recycling to operate a tire recycling sorting facility on a portion of the manufacturing warehouse within an M-1 zone. The facility is consistent with the City of Los Angeles’s zoning designation and General Plan.

Staff prepared a Preliminary Review to determine whether a general rule 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 finding/determination that a General Rule Exemption, 14 CCR Section 15061 (b)(3), is appropriate for CalRecycle's issuance of this proposed Minor WTFP in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Staff recommends that CalRecycle, acting as a lead agency under CEQA, prepare a Notice of Exemption, based on the General Rule Exemption, to be filed with the State Clearinghouse after CalRecycle's issuance of the Minor WTFP. Further, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the General Rule 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 Comment

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on September 18, 2012.

Attachment: Minor WTFP