

**Permitting and Assistance Branch Staff Report**  
 New Minor Waste Tire Facility Permit for Alberto's Used Tires  
 TPID No. 1609501  
 November 26, 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 Alberto's Used Tires, located at 916 North Broadway Avenue, in the City of Stockton. Alberto's Used Tires operates on 3.69 acres with a 5,000 square foot building located within an Industrial (I) zone. Tires would also be stored outdoors under a 10,000 square foot metal storage shed and in trailers onsite.

An application for a Minor WTFP was received by Permitting and Assistance Branch staff on September 12, 2012 and was accepted as complete on September 27, 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 March 26, 2013.

**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	Mr. Alfonso Arumbula, of the San Joaquin County Environmental Health Department, Tire Enforcement Agency (TEA) conducted an inspection of the facility on August 27, 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 September 27, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<i>Local Vector Control:</i> The operator obtained vector control authority approval from Mr. Bob Durham of the San Joaquin County Mosquito & Vector Control District on July 23, 2012.  <i>Local Fire Authority:</i> The facility was approved by Mr. Phil Casher, with the City of Stockton Fire Department, on July 10, 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 statutorily exempt from the requirements of CEQA. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	December 11, 2012	
Waste Evaluation and Enforcement Branch	November 26, 2012	

**Compliance History:**

Mr. Alfonso Arumbula with the San Joaquin County Tire Enforcement Agency (TEA) conducted an inspection of the facility on August 27, 2012 and found the facility to be in compliance with applicable state minimum standards. Staff of the Permitting and Assistance Branch went on a pre-permit site visit on November 20, 2012 and found the facility layout to be consistent with the application.

**Environmental Analysis:**

Under the California Environmental Quality Act (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 4,900 waste tires.

San Joaquin County issued a Business License on February 3, 2012. The Business License allows for Alberto's Used Tires to receive and distribute tires. The facility is consistent with the City of Stockton's zoning designation and General Plan.

Staff prepared a Preliminary Review to determine whether a Categorical or Statutory Exemption is adequate for CalRecycle's approval of this Minor WTFP. The Preliminary Review indicates that the proposed project:

- Involves the 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 Statutory Exemption: General Rule Exemption, 14 CCR Section 15061 (b)(3), is appropriate for CalRecycle's issuance of this proposed Minor WTFP.

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, in that the activity is not subject to further CEQA review. 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's Monthly Public Meeting on October 16, 2012, November 19, 2012 and December 11, 2012. No public comments have been received by CalRecycle staff.

Attachment: Minor WTFP