

Permitting and Assistance Branch Staff Report
New Major Waste Tire Facility Permit for Golden By-Products, Inc.
TPID No. 1003314
October 12, 2015

Background Information and Analysis:

This report was developed in response to an application for a new Major Waste Tire Facility Permit (WTFP) received from the owner and operator of Golden By-Products, Inc., located at 13000 Newport Blvd., in Ballico, CA (Merced County). Golden By-Products, Inc., operates on 24 acres in a rural, farming area. The site is surrounded on all four sides by almond orchards.

A Major WTFP for Golden By-Products (GBP) was issued on July 6, 2009, which expired on July 6, 2014.

Golden By-Products has been operating pursuant to the terms set forth in the Administrative Decision for Waste Tire Storage Administrative Penalties (2014-011166-ADC; Case #IH14-008-TIR) dated October 13, 2014.

An application for a new Major WTFP was received by Permitting and Assistance Branch (PAB) staff on January 2, 2015. This application was rejected on January 30, 2015. A revised application for a new Major WTFP was received by PAB staff on February 26, 2015, and accepted as complete and correct on March 15, 2015. 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 Major WTFP. CalRecycle was originally required to act by September 11, 2015. Due to a delay in obtaining a new Certificate, to replace one that had expired in August 2015, the operator submitted a letter dated September 10, 2015, requesting an extension to the 180 day limit shown above. CalRecycle granted the extension on September 11, 2015, extending the permit processing time to October 26, 2015.

Findings:

Staff recommends approval of the issuance of the proposed Major WTFP. All of the required submittals and findings required by 14 CCR, Section 18431 and 18423(b) 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 staff's findings relative to the permit application:

	Findings	
Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Staff of the Waste Enforcement and Evaluation Branch conducted an inspection of the facility on August 25, 2015. 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 PAB staff as complete on March 15, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<i>Local Vector Control:</i> The operation was inspected by the local vector control authority, Mr. Allan D. Inman of the Merced County Mosquito Abatement District, on February 24, 2015, and no issues were found. In the inspection letter, Mr. Inman expresses support for the issuance of the permit for the facility. <i>Local Fire Authority:</i> The Merced County Fire Department (Captain John Morgan) issued GBP a permit which expires on November 30, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
California Environmental Quality Act (CEQA)	An existing Initial Study/Negative Declaration, State Clearinghouse No. 2002121011, for the initial issuance of the Major WTFP for this facility is being utilized. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Financial Assurance Mechanisms & Operating Liability, 14 CCR Section 18431(g)	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Surety Bond for closure costs acceptable and the Certificate of Liability Insurance, including Environmental Liability meets state requirements as described in their memorandum dated October 9, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	October 8, 2015	
Waste Evaluation and Enforcement Branch	August 31, 2015	

Compliance History:

WEEB and PAB staff conducted an inspection on August 25, 2015, and found the facility in violation of:

Section 17354 (c) (Storage of Waste Tires Outdoors) - "Storage of waste tires shall be restricted to individual piles, which include stacks and racks of waste tires, that do not exceed 5,000 square feet of contiguous area. Pile width shall not exceed 50 feet. Any pile shall not exceed 50,000 cubic feet in volume or 10 feet in height." The inspection found the waste tire pile identified as C2a to be 63 feet in width and occupying over 6,300 square feet of contiguous area.

Section 17354 (e) - (Storage of Waste Tires Outdoors) - Tires stored on the southern boundary (groupings A1, B1 and C1) were stored in violation of state minimum standards outlined in section 17354 and must be relocated.

Section 17351 (e)(2) (Fire Prevention Measures) – “Open flame, cutting, welding, or heating devices, blow torches, or highly flammable materials, including, but not limited to, inner tubes, are prohibited within 40 feet of waste tires.”

- On the southern portion of the permitted area was a pile of inner tubes being stored less than 40 feet from the used tires identified as pile B1.
- In the portion of the facility being used for used oil recovery operations, the recovered used oil and crushed filters containing oily residue are considered flammable materials. A 40-foot setback is required to be maintained between the recycled oil and oil filters in containers and the altered waste tire material stored in the same area of the facility.

Tires were being stored in a trailer beyond the facility boundary on the northwest side. Additionally, there are other loose tires in this general area outside the facility boundary. These tires must be relocated to within the waste tire facility boundary.

An inspection conducted on September 8, 2015 found the above violations had been corrected, and that the facility was in compliance with applicable state minimum standards and the Administrative Decision for Waste Tire Storage Administrative Penalties (2014-011166-ADC; Case #IH14-008-TIR) dated October 13, 2014.

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 Major 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 WTFP is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

Golden By-Products, Inc., is an existing waste tire facility that has been in operation at the current location in an industrial zone since 1979. Golden By-Products, Inc. previously was permitted under a Major WTFP which was issued on July 6, 2009 and which expired on July 6, 2014. The previous WTFP allowed for the storage of up to 150,000 waste tires or passenger tire equivalents (1,500 tons) and 8,500 tons of altered waste tires larger than crumb rubber, but smaller than an average size of two inches in diameter and stored in boxes or bags. The applicant is seeking a new Major WTFP. The new application requests that Golden By-Products, Inc., be allowed to store up to 120,000 waste tires or passenger tire equivalents (1,200 tons) and 6,500 tons of altered waste tires larger than crumb rubber, but smaller than an average size of two inches in diameter to be stored in bags or bins.

Prior to the issuance of a Major WTFP for Golden By-Products in 2002, the then California Integrated Waste Management Board (CIWMB), now CalRecycle prepared a Negative Declaration, State Clearinghouse #2002121011, in compliance with the

California Environmental Quality Act (CEQA) and CEQA guidelines; CalRecycle adopted the 2002 Negative Declaration on February 11, 2003 prior to issuing the permit; a Notice of Determination was filed with the State Clearinghouse on February 18, 2003. The IS/ND indicated that the project would not have any significant impacts on the environment.

CalRecycle staff made the finding/determination that the existing IS/ND is appropriate for CalRecycle's issuance of this proposed Major WTFP in that it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment.

Staff recommends that CalRecycle, acting as a lead agency under CEQA, prepare a Notice of Determination, referencing the existing IS/ND to be filed with the State Clearinghouse after CalRecycle's issuance of the Major WTFP.

Staff further recommends the IS/ND 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 Major WTFP and all of its components and supporting documentation, this staff report, 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 CalRecycle's Monthly Public Meeting on April 21, 2015, May 19, 2015, June 16, 2015, July 21, 2015, August 18, 2015 and September 15, 2015. No public comments have been received by CalRecycle staff.

Attachments: Major WTFP
 Merced County Mosquito Abatement District Inspection Report
 Merced County Fire Department Permit