

**Summary and Response to Comments: Revised Waste Tire Storage, Permit and Penalty Criteria Regulations**  
**Initial 45-Day Public Comment Period and Public Hearing**

<b>Comment Number</b>	<b>Commenter</b>	<b>Summary of Comment</b>	<b>Department Response</b>	<b>Revisions Needed</b>	<b>Section Number or Regulation Topic</b>
<p>An “L” comment number denotes a comment received in a letter or e-mail.                      An “S” comment number denotes the speaker comment at an October 16, 2013 public hearing.</p>					
L1-01	Nancy Strauss, San Diego County Fair	If considering revising waste tire (WT) facility permit requirements, storage areas smaller than a 40 yard bin or a 30’ x 10’ area should not need a permit.	Comment does not specifically address the proposed revised regulations. The waste tire storage requirements are determined by the number of waste tires or passenger tire equivalents stored onsite, not storage area dimensions.	No Change.	Section 18420
L1-02	Nancy Strauss, San Diego County Fair	Burning waste tires for energy should not be allowed.	Comment noted. Comment does not specifically address the proposed revised regulations.	No Change.	General
2-01	Randy E. Caldera, California Department of Parks & Recreation	Carnegie State Vehicle Recreation Area (CSVRA) removes from garbage bins old motorcycle tires disposed of by the public, stores them on pallets, and calls a recycling center for proper disposal.  What would the proposed regulations require of CSVRA?	In addition to the current permitting and storage standards, the only new requirement that would effect CSVRA is the proposed section 17357 that would require CSVRA to create and maintain records documenting the quantity of waste tires received, stored and shipped from the site on a quarterly basis.	No Change.	Section 17357
L3-01	Wade Magden, Faulkner Trucking, Inc.	How would the proposed regulations affect a 40-truck company with 20 waste tires on hand?	See L2-01.	No Change.	Section 17357
L4-01	Carl E. Atkinson, Jr., Carl, the Hubcap Kid	The commenter states that more information could be obtained via the CTL form.	The Department is not requiring additional information to be reported on the CTL form. Proposed sections 17357 and 18462. Recordkeeping will gain information from businesses not required to complete CTLs.	No Change.	Section 17357 and 18462

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L4-02	Carl E. Atkinson, Jr., Carl, the Hubcap Kid	Compliance with the new California Fire Code (CFC), such as setback requirements, is onerous for a small waste and/or used tire facility.	The CFC is the responsibility of the Office of the State Fire Marshal and PRC section 42820 requires that the Department promulgate and enforce waste tire regulations that contain fire prevention measures as adopted by the State Fire Marshal. The current and proposed regulations allow the local fire authority to approve other requirements if necessary and adequate.	No Change.	Sections 17350, 17351, and 17354
L4-03	Carl E. Atkinson, Jr., Carl, the Hubcap Kid	<p>The commenter states that the “waste tire” definition basically means anything stored outside and as such is unnecessary and unproductive.</p> <p>Some tire dealers rack and stack waste tires among the used tires in hopes that the waste tire inspector will not notice and not count them toward their storage limit.</p>	<p>The term “used tire” is defined in the Public Resources Code (PRC) section 42806.5 and PRC section 42807 is the “waste tire” definition. The applicable Department regulations clarify these two PRC sections. The Department regulations cannot be in conflict with the PRC so at this time the Department cannot consider modifying the waste tire definition or application.</p> <p>Racked and stacked used tires are regularly inspected to assure all tires stored in this manner meet the statutory definition.</p>	No Change.	Sections 18450 (a) (35) and 18450 (a)(37)

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L4-04	Carl E. Atkinson, Jr., Carl, the Hubcap Kid	The commenter wants to restrict access to waste tire piles to minimize unauthorized scavenging and undocumented waste tire removal.	<p>Proposed section 17351 incorporates by reference the current CFC Chapter 34, Section 3407.1 which specifies “where the bulk volume of stored material is more than 20,000 cubic feet (566 m<sup>3</sup>), a firmly anchored fence or other approved method of security that controls unauthorized access to the storage yard shall surround the storage yard.”</p> <p>Permitted waste tire facilities are required to comply with 14 CCR 17352(c) which requires (in part) that “Unauthorized access shall be strictly controlled” and must designate the means for achieving this in their Operation Plan required by 14 CCR 18432.</p> <p>For smaller storage areas at unpermitted waste tire facilities, the local jurisdictions have the authority to establish and enforce any local codes in this area.</p>	No Change.	Sections 17351, 17352, and 18432

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L4-05	Carl E. Atkinson, Jr., Carl, the Hubcap Kid	The Department is encouraged to reconcile State Board of Equalization (BOE) records for the number of new tires sold versus the CTL receipts for tires removed over a 3 to 12 month period.	<p>Comment does not specifically address the proposed revised regulations.</p> <p>Periodically the BOE does waste tire business audits that result in cross-checking their records with 3-5 years-worth of our CTL records.</p> <p>Also, proposed section 17357 Recordkeeping will assist in gaining information from businesses, therefore providing additional information to the Department.</p>	No Change.	General: BOE Records and CTL reconciling
L5-01	Michael R. Flannigan, Les Schwab Tire Centers	<p>The proposed regulations do not appear to distinguish between the requirement to complete a CTL or manifest for commercial trucks versus passenger vehicles and light-weight trucks.</p> <p>When is a CTL or manifest required when a roadside assistance business provides a single tire change to a stranded vehicle?</p>	<p>The type or size of vehicle serviced does not determine when manifesting is required.</p> <p>Current and proposed section 18460.2, Waste Tire Manifest System Requirements for Registered Waste Tire Haulers, requires a registered waste tire hauler to complete a new CTL for each pick-up or delivery of any number of waste or used tires.</p> <p>As a roadside assistance business, one option is to maintain one vehicle in your fleet that is not listed as part of your waste tire hauler registration. This vehicle would not be required to complete CTLs for each pick up or delivery as long as the vehicle only hauls 9 or less tires at any one time.</p>	No Change.	Section 18460.2

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L5-02	Michael R. Flannigan, Les Schwab Tire Centers	<p>Should the term “log entry” in proposed section 17357, Recordkeeping, be defined in proposed section 18450, Definitions?</p> <p>As proposed, it is unclear:</p> <p>(1) If a “log entry” is in lieu of a CTL or is in addition to a CTL, and</p> <p>(2) Under what circumstances a “log entry” is required.</p>	<p>Proposed section 17357 specifies what the records include and then describes the variety of information that would be considered a “Log entry.” For this reason we do not believe it is necessary to further define this term in section 18450.</p> <p>Proposed section 17357(a) states that created and maintained records may include the log entries and Manifest Forms.</p> <p>A “log entry” would record delivery or pickup of a waste tire that is not required to be documented on a CTL.</p>	No Change.	Sections 17357 and 18450
L5-03	Michael R. Flannigan, Les Schwab Tire Centers	<p>Regarding proposed section 18431.2, Permit Exclusion, would one (1) notification of exclusion from waste tire facility permit requirements be sufficient for all 79 Les Schwab Tire Centers?</p>	<p>Each of the 79 Les Schwab Tire Centers have a unique Tire Program Identification Number and are required to supply the local information that is described in 18431.2 and is specific to each Center.</p> <p>While implementation procedures have not been finalized, it is planned that multi-site businesses will be able to submit one notice that provides the required information for all of the business sites.</p>	No Change.	Section 18431.2

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L5-04	Michael R. Flannigan, Les Schwab Tire Centers	Will exemption from the requirements of Assembly Bill No. 501, Chapter 392, Statutes of 2013, regarding “tire brokers” be addressed at some future date in the form of a proposed regulation?	Comment does not specifically address regulations revision.  Sign up for the <a href="#">Waste Tire Rulemaking Listserv</a> to get timely information on future waste tire rulemaking projects.	No Change.	“Tire Brokers” Regulations
L6-01	Grace Robinson Chan, County Sanitation Districts of Los Angeles County	Proposed section 17225.850, Waste Tire Facility, conflicts with PRC 42808, Waste tire facility, and should not apply to a permitted solid waste facility which receives less than 150 tires per day averaged on an annual basis.  The commenter requests that section 17225.850 be revised by: (a) Deleting “...a waste tire facility as that term is defined by PRC section 42808 and includes exempt or excluded facilities...” and (b) Adding after “discarded”: “...but excludes permitted solid waste facilities that receive for transfer or disposal less than 150 tires per day averaged on an annual basis.”	Section 17225.850 has been revised to reflect the commenter’s concerns.  To further clarify the intent of “on an annual basis,” that term is proposed to be revised to read “over a 365-day period” throughout the proposed revised regulations.	Revised section 17225.850 to add language from PRC 42808 to clarify when a solid waste facility is not included in the waste tire facility definition.	Section 17225.850

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L6-02	Grace Robinson Chan, County Sanitation Districts of Los Angeles County	<p>Commenter requested that a permitted solid waste facility that receives or transfers less than 150 tires per day average on an annual basis not be required to notify the Department that it is excluded from waste tire facility permitting requirements.</p> <p>The commenter suggests that permitted solid waste facilities be removed from 18420(a)(1) and that 18431.2(a)(1), 18431.2(a)(2) and 18431.2(a)(3) be deleted.</p>	<p>Proposed section 18431.2 applies to a wide range of waste tire facilities that by statute or current regulations are excluded from waste tire permitting requirements.</p> <p>However, revisions to regulations have eliminated the requirement for permitted solid waste disposal facilities and permitted transfer stations which receive less than 150 waste tires per day averages over a 365-day period to have to notify the Department.</p> <p>Proposed section 18431.2 would clarify that solid waste facilities that are not required to have a waste tire facility permit would not have to notify the Department since the Department already has been notified through the solid waste facility permit application and permit concurrence process.</p>	<p>Revised proposed section 18431.2(a) to narrow and clarify the types of facilities that fall under the requirements set forth in this section. The reference to section 18420(a) was revised to exclude subsections 18420(a)(1) and 18420(a)(3).</p> <p>Revised the proposed section 18420(a)(1) to clarify that a solid waste facility permit is required to reflect the storage of waste tires within the permitted boundaries.</p>	Sections 18431.2(a)(1) and 18420(a)(1)

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L6-03	Grace Robinson Chan, County Sanitation Districts of Los Angeles County	<p>Solid waste landfills are already permitted to accept shredded tires for disposal. Additional approval is unnecessary and redundant.</p> <p>The commenter requested that 18431.3(a) be deleted.</p>	<p>Proposed section 18431.3 basically relocates and clarifies the current beneficial reuse requirements that are located in existing section 17346(f). It is not the intent of the proposed revised regulations to establish additional beneficial reuse approval processes for permitted solid waste facilities.</p> <p>Proposed section 18431.3 ensures that waste or used tires used in beneficial reuse projects not located at a landfill are properly used and maintained in a manner that protects public health, safety and the environment.</p>	Section 18431.3(f) is added to specifically eliminate the permit exemption application requirement for the beneficial reuse of whole or altered waste tires as solid waste at a solid waste landfill as described in Division 2, Chapter 3, Article 2, section 20686 of Title 27 of the California Code of Regulations.	Section 18431.3
L7-01	Bryce Perkins, Tuff Boy Sales, Inc.	<p>The businesses that handle tires for heavy-duty trailer operations are concerned that the current definition for a “used tire” characterize a maintenance ready, wheel mounted, responsibly inventoried, vector immune used tire as a waste tire. The commenter states that this adds burdensome management and unnecessary costs to the businesses affected.</p> <p>The commenter would like the Department to consider addressing and modifying the waste tire definition and application so that the above type of used tire can be handled outside of the solid waste handling and disposal regulations.</p>	The term “used tire” is defined in the Public Resources Code (PRC) section 42806.5 and PRC 42807 is the “waste tire” definition. The applicable Department regulations clarify these two PRC sections. The Department regulations cannot be in conflict with the PRC so at this time the Department cannot consider modifying the waste or used tire definition or application.	No Change.	Sections 18450(a)(35) and 18450(a)(37)

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L8-01	Joyce Dillard	The commenter is concerned that there is no consideration for Total Maximum Daily Loads (pollutants) released that may contribute to violations of the Clean Water Act as regulated by the Regional and State Water Boards.	<p>The revisions to these regulations are minor administrative, procedural, and clarifying changes that do not trigger or mandate any physical actions by the regulated community or others that may have a significant effect on the environment.</p> <p>The regulations do not require any additional use of equipment or additional truck trips and do protect the public health, safety, and the environment, including surface water and air quality by reducing the potential of a tire fire.</p>	No Change.	CEQA
L8-02	Joyce Dillard	Tires are a nonpoint source of water and air pollution. State agencies should work together as one State government.	Comment noted. The Department of Resources Recovery and Recycling, the State Water Resources Control Board, and the State Air Resources Board report to and are coordinated by the California Environmental Protection Agency.	No Change.	General

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L9-01	Jody Snyder Waste Connections, Inc.	<p>Does a facility that stores less than 500 tires need to obtain a waste tire facility permit or notify the Department pursuant to 18431.2?</p> <p>The current regulations do not read as though it is the Department’s intent to exclude all those with less than 500 tires on their property from needing a waste tire facility permit or file for an exemption. As a result the commenter has suggested there be a lower threshold established (150 tires) where no waste tire facility permit is needed or a permit exclusion need be applied for. This would be for those businesses that do not collect, sell or haul tires/waste tires as their primary means of businesses. It would apply to businesses that drive trucks and need to change their own tires routinely for maintenance and repair. There is not a need to permit, manifest or track such small quantities of tires from such businesses where tires/used tires are not their primary means of business.”</p>	<p>Pursuant to PRC section 42808 and current and proposed regulations, the Department does not require a waste tire facility with 499 tires or less to obtain a waste tire facility permit.</p> <p>There was some confusion regarding the applicability of proposed section 18431.2 which applies to a wide range of waste tire facilities that by statute or current regulations are excluded from waste tire permitting requirements.</p> <p>Proposed section 18431.2 would ensure the Department is aware of these excluded waste tire facilities and that these excluded waste tire facilities would be maintained in a manner that meets waste tire storage and disposal standards in 14 CCR, Division 7, Chapter 3, Article 5.5.</p> <p>If your operation stores 499 or less waste tires they are not required to apply for a waste tire facility permit or notify the Department of any applicable exclusion.</p>	<p>Revised proposed section 18431.2(a) to narrow and clarify the types of facilities that fall under the requirements set forth in this section and are considered excluded by statute or regulation and are required to notify the Department. The reference to section 18420(a) was revised to exclude subsections 18420(a)(1) and 18420(a)(3), but not 18420(a)(2), thereby not requiring waste tire facilities that store 499 or less waste tires to notify the Department that they are an excluded facility.</p>	Sections 18431.2

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L9-02	Jody Snyder Waste Connections, Inc.	If a facility already has a solid waste facility permit they should not also need a waste tire facility permit.	<p>Disposal facilities and transfer stations with a solid waste facility permit that receives for transfer or disposal less than 150 tires per day average on an annual basis do not need a waste tire facility permit as defined in PRC 42808. PRC section 42830 further requires that permitted solid waste disposal facilities not be subject to both a solid waste facility permit and a waste tire facility permit. However, the statute does not set forth a similar requirement to exclude other solid waste facilities such as compost facilities, CDI processing, or any solid waste operation from permitting. The regulations further clarify the statute, but do not expand their scope by excluding or exempting other solid waste facilities/operations from the permitting requirements.</p> <p>However, if a solid waste facility stores 500 or more tires at the facility it must maintain a Report of Facility Information (RFI) that reflects how State Minimum Standards are maintained. The proposed revised regulations clarify this further for tires managed at a solid waste facility.</p> <p>All waste tires must be stored inside the solid waste facility permitted boundaries.</p>	Revised the proposed section 18420(a)(1) to clarify that a solid waste facility permit is required to reflect the storage of waste tires within the permitted boundaries.	Section 18420(a)(1)

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L10-01	Larry Sweetser Rural Counties’ Environmental Services Joint Powers Authority	Proposed section 17225.850, Waste Tire Facility, should be revised to include facilities where <u>more than</u> (not less than) 500 waste tires are or will be stored, stockpiled, accumulated, or discarded.	<p>Proposed section 17225.850 is added to clarify the PRC Section 42808 definition of “waste tire facility;” that definition includes facilities that store 500 or more waste tires as well as less than 500 waste tires. However, the permitting and state minimum standards sections of the current and proposed regulations only apply to waste tire facilities that store 500 or more waste tires.</p> <p>Proposed section 17225.850 is necessary to specify that a location that stores, stockpiles, or accumulates waste tires is a “waste tire facility.” “Waste tire facility” is used throughout the proposed revised regulations to clarify that all locations that store, stockpile, or accumulate waste tires are required to meet specific standards because waste tires pose a threat to public health, safety and the environment.</p>	No Change.	Section 17225.850
L10-02	Larry Sweetser Rural Counties’ Environmental Services Joint Powers Authority	Proposed section 17350 appears to require that any waste tire facility accepting any amount of tires comply with the technical and operational standards.	Proposed sections 17350(a), 17350 (a)(1), and 17350 (a)(2) require that any waste tire facility or any solid waste facility that store a <u>combined</u> total of 500 or more waste tires indoors and outdoors, comply with the technical and operational standards specified.	Revised section 17350 (a), (a)(1), and (a)(2) to clarify the intent of this proposed regulation.	Section 17350(a), (a)(1), and (a)(2)

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L10-03	Larry Sweetser Rural Counties’ Environmental Services Joint Powers Authority	Proposed section 17351, Fire Prevention Measures, should limit the minimum water suppression to facilities where the sum of altered plus whole tires exceeds 10,000.	The water suppression requirement has not been revised from the current regulations. Additionally, the proposed regulations are consistent with the California Fire Code that has specific regulations that address indoor and outdoor waste tire storage. That includes fire protection and prevention, fire suppression systems, equipment or alarm regulations.	No Change.	Section 17351
L10-04	Larry Sweetser Rural Counties’ Environmental Services Joint Powers Authority	Proposed section 17352(b), Facility Access and Security, should not apply to a limited volume rural transfer station.  Also, proposed section 17352(c), Facility Access and Security, should not apply to a limited volume rural transfer station when the station is seasonally closed for business.	Proposed section 17352(b) has not changed, except for the clarification that the requirement applies to solid waste facilities that store 500 or more waste tires. Staff are unaware of any small rural transfer stations that would ever store 500 or more waste tires on site. Furthermore, most of these operations operate under a Notification or Registration authorization which have limited capacity.  Current 14CCR section 17408.6, Maintenance Program, and section 17409.1, Roads, require reasonable all-weather access to a limited volume transfer station.	No Change.	Section 17352(b)  Section 17352(c)
L10-05	Larry Sweetser Rural Counties’ Environmental Services Joint Powers Authority	Proposed section 17353, Vector Control Measures, should be revised to indicate no control measures are required if no vector issues exist.	The requirements set forth in current Section 17353 are not being revised as part of this rulemaking. This regulation is to prevent vector issues that could lead to a public health threats.	No Change.	Section 17353

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L10-06	Larry Sweetser Rural Counties' Environmental Services Joint Powers Authority	The CFC sections referenced in proposed section 17354, Storage of Waste Tires Outdoors, appear to only be applicable to larger tire facilities and are excessive for smaller amounts of tire storage.	<p>Proposed section 17354 only applies to facilities that store a <u>combined total</u> of 500 or more waste tires.</p> <p>Proposed subsection 17354(d) is taken directly from Title 24 CCR section 3405.4 to conform with 2013 CFC outdoor tire storage requirements where a tire <u>pile</u> contains less than 500 waste tires.</p> <p>Subsection 17354(d) would not apply under Title 14 unless the facility was storing a combined total of 500 or more waste tires.</p> <p>The CFC is the responsibility of the Office of the State Fire Marshal and statute requires that the Department promulgate and enforce waste tire regulations that contain fire prevention measures as adopted by the State Fire Marshal.</p>	No Change.	Section 17354
L10-07	Larry Sweetser Rural Counties' Environmental Services Joint Powers Authority	Proposed section 17357, Recordkeeping, should allow record storage "on-site or at a location where records can be provided upon request."	The Department requires that manifests and other related recordkeeping be made available at the facility on the day of the inspection. However, the Department understands there are circumstances that prevent some waste tire facilities from maintaining records at the facility. Changes to the revised proposed regulations were made to address this.	Revised section 17357(b) to allow a facility described in section 18103 or section 18420.1 of 14 CCR to retain waste tire records offsite if it notifies the Department of the location where all the records are maintained.	Section 17357

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L10-8	Larry Sweetser Rural Counties' Environmental Services Joint Powers Authority	Current CFC Section 2504.5, Fire Safety Plan, should require submittal of a fire safety plan to the fire code official, but not require fire code official approval unless the fire agency has a process for fire safety plan approval.	Comment noted. Proposed revised regulations now reflect comment.	Section 17351 has been revised. Proposed section 17351(a) requires an operator demonstrate that they have only prepared and submitted a plan for fire code official review and approval. The plan and any approvals shall be available at the time of facility inspection.	Section 17351
L10-9	Larry Sweetser Rural Counties' Environmental Services Joint Powers Authority	Current CFC Section 2505, Outdoor Storage, should limit CFC sections 2501 through 2508 to facilities with 500 or more tires. The Department should present and discuss with stakeholders any information they may have regarding needed lower thresholds.	See L10-06 above.	No Change.	Section 17354

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L10-10	Larry Sweetser Rural Counties' Environmental Services Joint Powers Authority	<p>Proposed section 18420(a)(1), appears to imply that a solid waste facility that receives tires should revise their permit to continue accepting tires. Permit revisions can be a lengthy process and could result in facilities not accepting tires.</p> <p>Proposed section 18420(a)(1), also seems to imply that only a facility receiving less than 150 tires is required to revise their solid waste facility permit.</p>	A permitted solid waste facility that stores 500 or more waste tires at a given time typically has this activity documented in its Report of Facility Information (RFI). If that is not the case, the RFI is required to be updated to reflect the storage of waste tires and waste tire material within the boundaries of the permitted solid waste facility.	Revised proposed section 18420(a)(1) to remove the requirement that the solid waste facility permit be revised. Thus, the solid waste facility must conform to PRC section 44004 and Division 7, Chapter 3, Article 5.5 of Title 14 of the CCR, but a revision may not be necessary if waste tire activity is already reflected in the solid waste facility permit.	Section 18420(a)(1).
L10-11	Larry Sweetser Rural Counties' Environmental Services Joint Powers Authority	Proposed section 18462(b), Manifest System Requirements for Waste Tire Generators, should allow for offsite storage of manifests and other recordkeeping.	Section 18462 is specific to waste tire generators only and is being revised to allow for manifests that would normally be left at the port to be retained by the generator. To allow a generator's manifests and other recordkeeping to be maintained offsite would be complicated and expensive for the enforcement agencies who are responsible to check the manifests and other records during the facility inspections.	No Change.	Section 18462(b)
S1-01	Bryce Perkins, Tuff Boy Sales, Inc.	Commenter attended the public hearing and read the letter that had been submitted to the Department prior to the hearing date, which is highlighted in L7-01.	See L7-01.	No Change.	18450(a)(35) and 18450(a)(37)

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**30-Day Formal Public Comment Period: December 20, 2013 through January 20, 2014.**

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<i>An "L" comment number denotes a comment received in a letter or e-mail.</i>					
L1-1	Jerry Weir, representing City of Los Angeles Department of Public Works/Waste Tire Enforcement Section	<p>In proposed regulations sections 17354 and 17356, various sections of the California Fire Code (CFC) are referenced. Effective January 1, 2014, the chapter/section numbers of the CFC will change. Chapter 25 of Title 24 in the CCR will become Chapter 34; and I believe that Chapter 23 will become Chapter 32.</p> <p>If another 30 day public comment period will be required, I would like to see the above changes implemented.</p>	<p>In response to a comment during the informal rulemaking process the Department attempted to streamline this portion of the regulations by just referring to the applicable CFC Chapter and Section numbers to avoid duplicating regulations. In response to your comment we have become aware that the CFC Chapter/section numbers have the potential to change every three years.</p> <p>To address the potential for this to occur again in three years, the Department revised proposed sections 17350, 17351, 17354, and 17356.</p> <p>The Department restated the applicable CFC requirements and refer to the current 2013 CFC chapter numbers. This revision was released for the first 15-day public comment period on April 4, 2014.</p> <p>The Department will monitor and address future CFC changes.</p>	<p>Proposed sections 17350, 17351, 17354, and 17356 have been revised to reflect the applicable regulations text that is located within the 'High-Piled Combustible Storage' and 'Tire Rebuilding and Tire Storage' sections of the 2013 CFC.</p> <p>Proposed sections 17351, 17354 and 17356 cite the applicable 2013 CFC sections along with the applicable regulation text.</p>	Sections 17350, 17351, 17354, and 17356.

**Summary and Response to Comments: Revised Waste Tire Storage, Permit and Penalty Criteria Regulations**  
**First 15-Day Formal Public Comment Period: April 4 through 18, 2014**

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An "L" comment number denotes a comment received in a letter or e-mail.					
L1-1	Marjorie Terrell, representing San Mateo County Environmental Health	Do subsections 17350(a) (1) and (2) apply to all facilities storing waste tires, regardless of number? Reference to "500 or more" has been removed from these subsections, but they are grouped under 17350(a) which specifically calls out "500 or more". Subsection 17350(a)(3) then references "all waste tire facilities."	Subsections 17350(a) (1) and (2) apply to a waste tire (WT) facility whose waste tire count accrues to a combined indoor/outdoor total of 500 or more waste tires. Subsection 17350(a) (1) applies to outdoor WT storage and subsection 17350(a) (2) applies to indoor WT storage.  In response to your comment subsection 17350(a)(3) has been deleted and the language was moved to become the new subsection 17350(f) since this regulation applies to all WT facilities covered by section 17225.850.	Proposed subsection 17350(a) (3) deleted and the language was moved to proposed subsection 17350(f) without amendments.	Section 17350(a)(1), 17350(a)(2), and 17350(a)(3)
L1-2	Marjorie Terrell, representing San Mateo County Environmental Health	If subsection 17350(a)(1) is intended for all waste tire facilities, references to section 17351 should be removed, as this section specifically says it only applies to facilities of 500 or more waste tires.	Subsection 17350(a) (1) applies to outdoor storage of a WT facility whose total indoor/outdoor WT count equals 500 or more waste tires. Although it is repetitive, reference to section 17351 in this subsection is necessary for clarity.	No change.	Sections 17350 and 17351
L1-3	Marjorie Terrell, representing San Mateo County Environmental Health	Section 17351 should be able to stand as its own requirement and does not need the reference in section 17350(a) (1) to be a requirement.	Section 17351 applies to waste tires facilities meeting the proposed Section 17225.850. Referencing section 17351 within 17350 is necessary to make clear the requirements set forth in 17351 only apply to waste tire facilities and solid waste facilities storing a total of 500 or more waste tires, regardless of whether those waste tires are stored indoors or outdoors.	No change.	Sections 17350 and 17351

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L2-1	Carl E. Atkinson, Jr., Wheels Etc., Inc.	<p>The commenter would like the department to create a list of approved methods to permanently reduce a waste tire in volume prior to landfill disposal. The commenter feels that Subsection 17355(a) does not give adequate guidance to the solid waste Enforcement Agency or Department to approve a method other than shredding.</p> <p>In addition the commenter felt this would be a good place to address the issue of “solid tires”</p>	<p>Comment does not specifically address the proposed revised Regulations.</p> <p>Permanently reduced in volume could include many different alternatives. Subsection 17355(a) is not intended to spell out all the conditions or requirements applicable to waste tires whose final disposition is a solid waste disposal facility.</p> <p>The issue of landfilling “solid tires” is determined on a case by case basis. The Department has already approved solid forklift tires for disposal at a landfill.</p>	No change.	Section 17355(a)

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L2-2	Carl E. Atkinson, Jr., Wheels Etc., Inc.	<p>The commenter believes that most used tire dealers fall into the category of “dealer without a waste tire facility permit” but is concerned that current subsection 18420(e) does not describe the number of tires they can accept or the Department manifesting requirements.</p> <p>The commenter is concerned that very few used tire dealers are familiar with the Departments regulations and that they should be advised of the applicable regulations.</p>	<p>Current section 17225.820, subsection 18420(a)(7), and the PRC 42806.5 outline the conditions a business must meet prior to qualifying as a used tire dealer. Once the business is determined to be a used tire dealer, PRC 42806.5 and section 18420(a)(7) specify that it can only take in a load of tires if it is below the 1,500 waste tires total unless the facility possesses WT facility permit.</p> <p>The requirements applicable to persons and entities subject to CTL Form requirements (including tire dealers) are specified in 14 CCR Section 18459.</p> <p>Proposed section 18431.2 is specifically for businesses such as tire dealers that are excluded from the WT facility permit requirements. Our goal with the Notification process outlined in proposed section 18431.2 is to ensure that the information obtained is sufficient to provide the Department a complete overview of the operations on-site and to ensure it is consistent for excluded WT facilities. As a result of the business providing the notification required, the Department will be better able to provide that business with the appropriate regulatory information.</p>	No change.	Section 18420(e)

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L3-1	Mark Janofsky, representing Marin County LEA/TEA	<p>As a result of the proposed section 17350(a)(1), it appears that the technical and operational standards in sections 17351 through 17354 and 17357 through 17359 apply to a facility that stores any number of tires outside.</p> <p>The current regulation requires compliance with some of these standards when 500 or more tires are stored outside.</p> <p>The commenter believes this proposed change is excessive.</p>	<p>Proposed section 17350(a), (a)(1), and (a)(2) requires a <u>combined</u> total of 500 or more waste tires stored indoors and outdoors to comply with the technical and operations standards. The proposed revised regulations are consistent with the California Fire Code that has specific regulations that address indoor and outdoor waste tire storage.</p> <p>The proposed sections 17351 through 17354 and 17356 through 17359 apply to any WT facility or solid waste facility storing 500 or more waste tires, regardless of whether or not the waste tires are stored indoors or outdoors. Proposed section 17350(f) clarifies that all waste tire facilities shall comply with the recordkeeping requirements in sections 17357 and 17358.</p> <p>Proposed section 17358 is necessary to clarify and make specific PRC section 42953. Proposed section 17359 is added to clarify PRC section 42805.7.</p>	No change.	Proposed sections 17350(a)(1), 17351 through 17354, 17357, 17358, and 17359
L3-2	Mark Janofsky, representing Marin County LEA/TEA	Section 17351, which pertains to fire safety plans, apparently only applies to the storage of 500 or more waste tires, not used tires. Since used tires also present fire and other safety/environmental problems, it is unclear why this regulation only applies to waste tires.	The fire prevention measures specified in proposed section 17351 should not be confused with the contents of a fire safety plan described in proposed subsection 17351(a). The Department agrees with the commenter regarding the fact that potential safety and environmental threats arising from mishandled waste or used tire are similar. However, the Department's enforcement authority, as given to us by the California Legislature, is limited to the storage of waste tires.	No change.	Section 17351

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L3-3	Mark Janofsky, representing Marin County LEA/TEA	The commenter is concerned that proposed sections 17357 and 17358 would place significant additional requirements on waste tire generators.	<p>Pursuant to Five-Year Plan for the Waste Tire Recycling Management Program requirements provided in PRC section 42885.5, the Department is tasked with regulating and overseeing the movement and storage of waste tires in California. Currently, the Department is authorized to inspect waste tire facilities. However, an inspection is just a snapshot in time of waste tire movement and storage. The proposed section 17357 would provide the Department with more complete information about storage and movement of waste tires not otherwise available from CTL/manifests submitted by registered waste tire haulers. This information would assist the Department in complying with the Five-Year Plan requirements, and assist the Department in implementing enforcement actions against waste tire generators, haulers, and end-use facilities in California that do not comply with the waste tire laws and regulations. This proposed section is necessary to capture data about tire flow through waste tire facilities storing less than 500 waste tires at any one time, but contribute to the overall waste tire stream in California. The Department does not believe this section imposes a significant additional requirement.</p> <p>The recordkeeping requirement set forth in proposed section 17357 mirrors the recordkeeping requirements already required in the permits of permitted waste tire facilities. The economic analysis of the proposed</p>	No change.	Sections 17357 and 17358, and Economic Analysis

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L3-3 (cont.)			<p>regulations contemplated the burden to the regulated community.</p> <p>Proposed section 17358 clarifies PRC section 42953 and does not add any new requirements to those set forth in the statute. Currently PRC section 42953 resides in Chapter 19 “Tire Hauler Registration”. It is necessary to include this language in Chapter 16 “Waste Tires” to ensure that WT facilities and solid waste facilities have notice that they are required to comply with PRC section 42953. This is not a new requirement.</p>		

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L3-4	Mark Janofsky, representing Marin County LEA/TEA	Section 18431.2 would require excluded waste tire facilities, such as automobile dismantlers and tire dealers, to notify CalRecycle with extensive paperwork. Would this require existing facilities of this type to file the paperwork? If so, this seems entirely excessive. Also, until now, use of registered haulers by waste tire generators to transport 9 or fewer waste or used tires was not required, so in fact, it is possible that some facilities might not have TPIDs.	<p>Proposed section 18431.2 would ensure the Department is aware of the wide range of waste tire facilities that by statute or current regulations are excluded from waste tire permitting requirements and that these excluded waste tire facilities are maintained in a manner that meets waste tire storage and disposal standards in 14 CCR, Division 7, Chapter 3, Article 5.5</p> <p>Our goal with the Notification process outlined in proposed section 18431.2 is to ensure that the information obtained is sufficient to provide the Department a complete overview of the operations on-site and to ensure it is consistent for excluded waste tire facilities. As a result of the business notifying the Department we will be better able to provide that business with the appropriate regulatory information.</p> <p>The documentation may be a Department generated form where the operator only need fill in the blanks. The Department does not consider the notification process to include extensive paperwork. Documentation will be mailed to all existing excluded businesses that we are aware of. It will be important for our waste tire inspectors to assist in disseminating the documentation as they conduct their regularly scheduled inspections of these type of facilities. After a short time it is expected that only new excluded facilities will need to notify the Department.</p>	No change.	Proposed section 18431.2

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L3-5	Mark Janofsky, representing Marin County LEA/TEA	<p>The commenter is concerned that the workload for Tire Enforcement Agency (grantee) waste tire inspectors will increase significantly as a result of the proposed regulation revisions.</p> <p>In addition, the commenter feels this “increased regulatory burden” will cause friction when an inspector interacts with waste tire facility operators and haulers.</p>	<p>As part of the economic analysis that was conducted as part of the proposed rulemaking process, consideration was given to the impact the proposed regulations would have on waste tire facilities and haulers. The result of that analysis determined that there would be some additional work regarding the recordkeeping requirements, but it was not considered significant.</p> <p>With regards to the Tire Enforcement Agency (grantee) workload concerns. This year the Department began delivering a work plan to the grantee that addresses priority sites to be inspected. The department also analyzed all waste tire facilities within the state and determined that any facility that only generates less than 50 tires every three years should not be inspected on an annual basis. These changes will offset any additional work the proposed regulations may cause the waste tire inspectors.</p>	No change.	General