

Permitting and Assistance Branch Staff Report
 Minor Waste Tire Facility Permit Renewal BJ Used Tire & Rubber Recycling, Inc.
 TPID No. 1001094
 August 8, 2012

Background Information, Analysis, and Findings:

This report was developed in response to a Minor Waste Tire Facility Permit (WTFP) renewal application received from the operator of BJ Used Tire & Rubber Recycling, Inc. located at 14212 Santa Ana Avenue, in the City of Fontana. The property site is 2.5 acres, and located within a Community Industrial (IC) zone.

WTFPs expire every five years after the date of issuance unless the permit is renewed prior to the expiration date. BJ Used Tire & Rubber Recycling, Inc. has been permitted as a minor waste tire facility since August 14, 2007. The operator is permitted to store up to 4,999 whole waste tires and/or waste tire equivalents on-site. The operator proposes to change the current site design so that waste tires are only stored within the local fire authority approved tire storage areas.

An application for a Minor WTFP was received by Permitting and Assistance Branch staff on April 20, 2012, which was accepted as complete on May 18, 2012. Pursuant to Title 14, California Code of Regulations (CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete and correct to either issue or deny the issuance of a minor WTFP. CalRecycle is required to act by October 14, 2012. However, the existing minor WTFP expires on August 14, 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 concurrence. 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 | |
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| 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 July 15, 2012. The facility was found in compliance with the applicable waste tire storage design requirements. See compliance history below for details. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Application Forms (500-504) - 14 CCR, Sections 18431(a) (b) (c) (d) | All application forms were accepted by Permitting and Assistance Branch staff as complete on May 18, 2012. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |

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| Local Requirements 14 CCR, Section 18431(h) | <p><i>Local Vector Control:</i> The San Bernardino County Environmental Services-Vector Control’s acceptance letter regarding vector control practices was issued by Wakoli Wekesa, PhD., Vector Ecologist, on March 13, 2012.</p> <p><i>Local Fire Authority:</i> The County of San Bernardino Fire Department staff completed the CalRecycle’s outdoor “Local Fire Approval Form” signed by Ms. Catherine Igiesias, Fire Prevention Officer, on March 11, 2012.</p> | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| California Environmental Quality Act (CEQA) | Acting as Lead Agency, the California Integrated Waste Management Board (CIWMB) (now CalRecycle) prepared a Negative Declaration, State Clearinghouse No. 2007051119, for the initial issuance of the minor waste tire facility permit for this facility. See additional CEQA information below. | <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable |
| Reviewed by: CalRecycle Legal Office Waste Evaluation and Enforcement Branch | Approved on August 8, 2012 Approved on August 8, 2012 | |

Compliance History:

On June 15, 2011, staff of WEEB issued a Cleanup and Abatement Order to BJ Used Tire & Rubber Recycling, and ordered the operator to cease and desist from storing in excess of 4,999 waste tires on site without first obtaining a major Waste Tire Facility Permit. Staff of WEEB conducted a pre-inspection on July 15, 2012, and found the site in compliance with the applicable Waste Tire Storage Standards.

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 CIWMB (now CalRecycle), acting as Lead Agency for CEQA, prepared a Negative Declaration (ND), State Clearinghouse No. 2007051119, for the initial issuance of the Minor WTFP to BJ Used Tire & Rubber Recycling, Inc. in San Bernardino County. The ND considered potential impacts associated with the storage of waste tires at the facility. The ND was approved by the CIWMB on August 14, 2007 and a Notice of Determination was filed with the State Clearinghouse on August 15, 2007.

Staff has determination that the existing Negative Declaration (ND), State Clearinghouse No. 2007051119 is appropriate for CalRecycle's re-issuance of this proposed Minor WTFP.

Staff recommends that CalRecycle, acting as a lead agency under CEQA, prepare a Notice of Determination, to be filed with the State Clearinghouse after CalRecycle's issuance of the Minor WTFP, in that the proposed permit is to be issued to an existing facility that will not significantly change its operations from what currently exist. Further, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the 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 Minor WTFP and all of its components and supporting documentation, this staff report, the Categorical 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

This proposed Minor WTFP was noticed on CalRecycle's Public Notices webpage. No public comments have been received by CalRecycle staff.

Attachment: Minor WTFP