

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
June 17, 1997

AGENDA ITEM 6

ITEM: CONSIDERATION OF MAJOR WASTE TIRE FACILITY PERMIT
LANGUAGE FOR OXFORD TIRE RECYCLING, STANISLAUS COUNTY

PREVIOUS BOARD ACTION:

At the April 1997, California Integrated Waste Management Board (CIWMB) Meeting, the Board directed staff to both issue Oxford Tire Recycling a Clean Up and Abatement Order for its Major Waste Tire Facility (WTF) in Westley and to return to the Committee and Board in June with language clarification for Oxford's Major WTF Permit No. 50-TI-0010. The language clarification was necessitated by the Clean Up and Abatement Order.

REVISED PERMIT CONDITIONS:

Based on the discussion at the April Board Meeting, staff proposes to clarify eight permit conditions and adding one new condition. The following are proposed changes (redline/strikeout) recommended by staff:

Condition 3. Upon presentation of proper credentials, the Local Enforcement Agency, Board staff, or an authorized agent of the Board, shall be allowed to enter the permitted facility during normal operating hours to use photographic equipment and to examine and copy books, papers, records, or memorandum and to conduct inspections and investigations pertaining to the facility.

Condition 11. The permittee shall at a minimum reduce the quantity of waste tires in accordance with the following schedule:

April 1, 1996 to March 31, 1997	7,500 tons
April 1, 1997 to March 31, 1998	1042 tons per month resulting in a one year total of 12,500 tons
April 1, 1998 to March 31, 1999	1667 tons per month resulting in a one year total of 20,000 tons
April 1, 1999 to March 31, 2000	2708 tons per month minimum with the elimination of the stockpile by March 31, 2000

The permittee shall report this reduction of the waste tires to the Board's Permits Branch in writing ~~on a quarterly~~ monthly

~~basis by the 7th of the following month that coincides with the above schedule for daily withdrawals from and additions to the stockpile. Waste tires removed from the stockpile to the Delivery Area (as identified in the October 7, 1993, Tire Supply, Delivery and ~~Sage~~ Storage Agreement as amended March 28, 1996), shall not count towards the specified reduction until they have been either burned by MELP or they have been removed from the facility and disposed of properly. The report shall include a summary of the quantity of waste tires received at the facility during the reporting period in tons, with weight receipts from a scale that is inspected annually by either the Bureau of Weights and Measures of the Department of Food and Agriculture or a County Sealer of Weights and Measures. The report shall also contain copies of the manifests with the number of tons delivered on each manifest and reporting information from Modesto Energy Limited Partnership (MELP) regarding the number of tons burned during the same period. Manifests must accurately specify the generating and destination sites for withdrawals and additions to the permittee's facility. The operator shall log in daily the license numbers of trucks entering the facility carrying waste tires.~~

Condition 13. In the event that the permittee becomes responsible for ~~these~~ any waste tires that are ~~seath~~ outside of the PD-91 leasehold as of September 1, 1995, the Board shall be notified within 10 working days of this change of responsibility, and in no event shall any of the waste tires ~~seath~~ outside of the PD-91 leasehold be moved into the PD-91 area without the permittee first notifying the Board. PD-91 is an approximately 40 acre area near Westley, California designated by the County of Stanislaus as PD-91.

Condition 14. The permittee shall notify the Board in writing by certified mail within 24 hours in the event that MELP is shut down for more than a two week period of time. ~~The permittee shall also cease delivering waste tires to the facility at the end of the second week of the shutdown, and deliveries to the facility shall not commence until MELP is operating at least 75 percent capacity. The permittee may continue delivering waste tires to the facility during the shutdown if the permittee can demonstrate to the Board that an amount of waste tires greater than the annual reduction in Condition 11 by "X" amount has been achieved and that the quantity to be deposited at the facility during the shutdown will not exceed "X."~~

Condition 15a. The permittee shall submit a complete plan to the Board no later than 180 days prior to September 1, 1997, describing how the total size of the stockpile shall be reduced in accordance with Permit Condition 11.

Condition 15b. ~~As part of the plan,~~ Due to the contractual relationship between the permittee and MELP, and MELP's relationship with PG&E and MELP's associated cost structure with PG&E and the related cost structure between the permittee and MELP, ~~the~~ permittee shall adjust the financial assurance demonstration to account for the portion of the waste tire stockpile that will remain on September 1, 1997. The adjusted cost shall be adequate to close the facility utilizing a method acceptable to the Board under Title 14, California Code of Regulations, Division 7, Chapter 6, Article 6, section 18441. The adjusted cost shall be approved by the Board. ~~If the~~ The permittee ~~does not~~ shall present a complete plan, which is acceptable to the Board at least 180 days prior to September 1, 1997, with a financial assurance demonstration for the waste tire stockpile that will remain on September 1, 1997, ~~this permit shall become null and void.~~

Condition 17. The permittee shall remove from the facility and properly dispose of at a Board approved location all waste tires delivered to the permitted facility which cannot be burned whole by MELP within 10 days of delivery.

Condition 18. The permittee shall remove waste tires of all sizes for processing and/or offsite disposal ~~as they are~~ within 10 days of being encountered in the stockpile, including waste tires which must be reduced in volume prior to burning.

Condition 22. The permittee shall clearly delineate permit boundaries for the purpose of inspections within 30 days of the date this permit is revised.

Condition 22. 23. Violation of any of the above conditions shall constitute a basis for consideration of ~~the~~ revocation of this permit.

In addition to the above changes there are a number of minor changes that have not been presented here, but which are identified in the proposed permit changes.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency unless the project is for the permitting of an existing waste tire facility which complies with Public Resources Code Section 42812.

There has been no substantial change in the design or operation of the facility between January 1, 1990 and the date of this proposed clarification of the permit language. Therefore,

Division 13 of the Public Resources Code commencing with section 21000 does not apply to clarification of language in the Major Waste Tire Facility Permit for the subject facility, pursuant to PRC section 42812.

STAFF RECOMMENDATION:

Staff recommends that the Committee forward the recommended clarification of the permit language to the Board for consideration.

ATTACHMENTS:

1. Permit Decision No. 97-245
2. Proposed Clarification of Language, Permit No. 50-TI-0010
(available at a later date)

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