

1 500 or more, but less than 5,000, waste tires are or will be stored, stockpiled, accumulated, or
2 discarded.”

3 This site is legally allowed to store up to 3,000 waste tires in accordance with your
4 existing minor Waste Tire Facility permit issued by CalRecycle.

5 To date, you have not acquired a minor Waste Tire Facility permit that permits you to
6 legally store more than 3,000 waste tires.

7 The Yolo County Tire Enforcement Agency (TEA) and CalRecycle inspected this site on
8 May 22, 2014, as documented in Inspection Report IW-1011404, which is attached hereto and
9 incorporated herein by reference as Appendix A-2, and determined that approximately 3,696
10 waste tires were being stored on site. Included in this waste tire count were approximately
11 1,628 waste tires that were stored inside the main warehouse in violation of your minor Waste
12 Tire Facility Permit.

13 The Yolo County TEA issued a Notice of Violation to you as the Operator as
14 documented in the May 22, 2014 inspection report, requiring that you comply with all terms of
15 your permit and remove all waste tires in excess of your authorized limit of 3,000 by June 22,
16 2014.

17 The Yolo County TEA and CalRecycle re-inspected this site on June 27, 2014, as
18 documented in Inspection Report IW-1012231, which is attached hereto and incorporated
19 herein by reference as Appendix A-2, and determined that approximately 2,104 waste tires
20 remain on site including approximately 973 waste tires stored inside the main warehouse. The
21 Yolo County TEA issued an extension to the compliance date requiring that you comply with all
22 terms of your permit by August 11, 2014.

23 The Yolo County TEA and CalRecycle conducted a second re-inspection at this site on
24 August 12, 2014, as documented in Inspection Report IW-1013178, which is attached hereto
25 and incorporated herein by reference as Appendix A-2, and determined that approximately
26 3,219 waste tires remain on site including approximately 1,819 waste tires stored inside the
27 main warehouse.

1 You are currently in violation of California Waste Tire Laws as prescribed by PRC
2 section 42800 et seq. and Title 14 CCR section 18420 et seq.

3 Specifically, you are in violation of:

- 4 • PRC section 42834 for accepting and storing more than 3,000 waste tires in
5 violation of the terms of your minor Waste Tire Facility Permit.
- 6 • Condition "r" of your permit requiring that no waste tires be stored indoors.

7 CalRecycle is authorized to order Waste Tire Facility Operators who are in violation of
8 the aforementioned laws to clean up waste tire piles, abate the effects thereof, or otherwise
9 remedy a case of threatened pollution or nuisance, pursuant to PRC section 42845(a).

10 Where there is no identified "Operator", the Operator shall mean the "Owner", pursuant
11 to Title 14 of the CCR, section 17225.755.

12 CalRecycle is authorized to seek administrative penalties of not less than five hundred
13 dollars (\$500) and up to ten thousand dollars (\$10,000) for each violation of a separate
14 provision or, for continuing violations, for each day that the violation continues, against any
15 person who violates any provision of this Chapter, or any permit, rule, regulation, standard or
16 requirement issued or adopted pursuant to this Chapter as provided in PRC sections 42850
17 and 42850.1.

18 **THEREFORE, PURSUANT TO PRC SECTION 42845, YOU ARE ORDERED TO:**

19 Reduce and maintain the number of waste tires on this site to or below your permitted
20 limit of 3,000 waste tires, in accordance with the following:

- 21 1. Remove all waste tires in excess of 3,000 from this site within 15 days from the
22 date of service of this Cleanup and Abatement Order (hereafter, "CAO" or
23 "Order"), in accordance with the following:
 - 24 a. CalRecycle must approve the destination of all waste tires removed from this
25 site to ensure that a registered waste tire hauler legally transports them to an
26 approved facility. All waste tires removed from this site shall be transported
27 to this approved destination.

1 b. All waste tires (whole and/or passenger tire equivalents, pursuant to Title 14
2 of the CCR, section 17225.770) shall be removed by a registered waste tire
3 hauler, as prescribed by PRC section 42950 et seq. A completed
4 Comprehensive Trip Log (CTL), CalRecycle 203, form must accompany and
5 document each load of waste and used tires removed and a copy of each
6 completed CTL form must be submitted to CalRecycle within 30 days from
7 the date of service of this CAO. Failure to comply with this provision may
8 result in penalties, pursuant to PRC sections 42961.5 and 42962.

9 2. In accordance with condition "r" of your minor Waste Tire Facility Permit, number
10 57-TI-0042, no waste tires shall be stored indoors.

11 3. At no time may you accept additional waste tires at this site which causes you to
12 exceed your permitted limit of 3,000 waste tires.

13 4. You shall reimburse CalRecycle for the cost of all inspections conducted within a
14 year from the issuance of this CAO that are in addition to those inspections
15 required by statute or regulation. The cost shall include, but shall not be limited
16 to, expenses incurred for preparing for the inspection, traveling to and from the
17 inspection, and writing up the inspection reports, at the same amounts that are
18 determined annually and approved for enforcement agents to be charged by
19 CalRecycle.

20 **PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO PRC SECTIONS 42843,**
21 **42845, 42850 and 42850.1:**

22 If you do not complete or comply with the above actions ordered by this CAO by the
23 specified dates, CalRecycle may petition the superior court for injunctive relief to enforce this
24 CAO, and for civil penalties in the amount of not less than \$500 and up to \$10,000 for each
25 violation of a separate provision or, for continuing violations, for each day the violation
26 continues, pursuant to PRC sections 42845, 42850 and 42850.1. Civil penalties may be
27 imposed in a civil action or may be imposed administratively, pursuant to PRC section 42850
28 et seq.

California Department of Resources Recycling and Recovery v. B & B Tire and Rubber Company, Inc., CLEANUP AND

ABATEMENT ORDER

1 If you do not complete or comply with the above actions ordered by this CAO by the
2 specified dates, CalRecycle may revoke, suspend, or deny a waste tire facility permit for a
3 period of up to three years, pursuant to the requirements set forth in PRC section 42843.

4 If a decision is made in favor of CalRecycle in an administrative or civil hearing in
5 accordance with PRC section 42850 et seq., CalRecycle or its contractors may subsequently
6 enter your property for the purposes of abatement or remediation without your consent,
7 pursuant to PRC section 42846.5.

8 You have ten (10) days from the date of service of this order to file a petition with
9 CalRecycle raising any substantial issues that are appropriate for review. CalRecycle will
10 review the petition and respond within thirty (30) days from the date of receipt by CalRecycle.
11 Regardless of whether you file a petition, you must comply with this Order, as required by PRC
12 section 42845.

13 If you fail to remove the tires as required by this Order by the required date, CalRecycle
14 is authorized to expend available funds to perform any necessary cleanup, abatement or
15 remedial work, as set forth in PRC section 42845 et seq.

16 If CalRecycle expends funds to perform any cleanup, abatement or remedial work,
17 CalRecycle may seek cost reimbursement from you and any other responsible party acting as
18 the Operator or Property Owner, pursuant to PRC section 42847.

19 Moreover, funds so expended by CalRecycle constitute a lien upon the real property
20 owned by any responsible party that is subject to the remedial action, pursuant to PRC section
21 42847.5.

22 Nothing in this CAO shall constitute or be construed as a satisfaction or release from
23 liability for any conditions or claims arising as a result of yours or any other responsible party's
24 past, current or future operations acting as the Operator or Property Owner. Notwithstanding
25 compliance with the terms of this CAO, you may be required to take further actions as are
26 necessary to protect the public health, safety, or the environment.

27 CalRecycle shall not be liable for injuries or damages to persons or property resulting
28 from acts or omissions by you or any other responsible party acting as the Operator or

California Department of Resources Recycling and Recovery v. B & B Tire and Rubber Company, Inc., CLEANUP AND

1 Property Owner, or related parties in carrying out activities pursuant to this CAO; nor shall
2 CalRecycle be held as a party to any contract entered into by you or any other responsible
3 party acting as Operator or Property Owner or their agent(s) in carrying out activities pursuant
4 to this CAO.

5 This CAO does not relieve you or any other responsible party acting as the Operator or
6 Property Owner from complying with all other local, state and federal requirements.

7 This CAO may only be amended in writing by an authorized CalRecycle representative.

8 This CAO shall become effective as of the date signed below.

9 Each provision of this CAO shall remain effective and enforceable until stayed,
10 modified, or suspended by CalRecycle.

11 If you have any questions about this CAO, you may contact Dustin Schiavo of my staff
12 at (916) 341-6485.

13
14 Dated this 23 day of 10/2014
Day Month/Year



15
16
17 Mark de Bie
18 Deputy Director
19 Waste Permitting, Compliance & Mitigation Division
20 Department of Resources Recycling and Recovery
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APPENDIX A-1

PROPERTY PROFILE

4
RECORDING REQUESTED BY:

Old Republic Title Company

Order No.: 2124002436-TR
APN: 067-060-006-000

When Recorded Mail Document and Tax Statements to:

IG Holdings LLC
PO Box 980004
West Sacramento CA 95798



YOLO Recorder's Office
Freddie Oakley, County Recorder
DOC- 2014-0002212-00

Check Number 358402

REQD BY SPL

Friday, JAN 31, 2014 08:24:37

Ttl Pd \$33.00 Rcpt # 0001082503

FRT/X8/1-4

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Grant Deed

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is ~~\$0.00~~ R&T Code 11932 **refer to separate transfer tax disclosure

computed on full value of property conveyed, or

computed on full value less of liens and encumbrances remaining at time of sale.

Unincorporated area: City of West Sacramento

MONUMENT FEE \$10-

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Jose J Ramirez and and Elisa C Ramirez, husband and wife, as Joint Tenants

hereby GRANT(S) to

IG Holdings LLC, a California limited liability company

that property in City of West Sacramento, Yolo County, State of California, described as:
See "Exhibit A" attached hereto and made a part hereof.

Date: January 29, 2014

Jose J. Ramirez
Jose J Ramirez

Elisa C Ramirez
Elisa C Ramirez

State of California

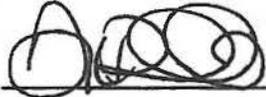
County of Placer

On January 30, 2014 before me, T.K. Robledo, a Notary Public, personally appeared Jose J. Ramirez and Elisa C. Ramirez, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



Name

T.K. Robledo
(typed or printed)



(Area reserved for official notarial seal)

EXHIBIT A

The land referred to is situated in the County of Yolo, City of West Sacramento, State of California, and is described as follows:

PARCEL 1

Beginning at a point in the Southerly line of the right of way of the California State Highway Route 6, Section C, in Yolo County, California, which said point is located North $0^{\circ} 44'$ West 686.24 feet; thence North $67^{\circ} 39'$ East 1590.70 feet along the Southerly line of said first mentioned right of way to a concrete monument; thence along a curve to the right having a radius of 2950.0 feet and a deflection angle of $18^{\circ} 21'$ a distance of 16.10 feet from the Northeasterly corner of Lot "A" of Glides West Sacramento Subdivision, as the same appears of record in the Office of the Recorder of Yolo County, in Map Book 3, at Page 29, and extending thence from said point of beginning Easterly along the above mentioned curve to the right a distance of 353.60 feet to a point marked by a $5/8"$ square iron bar; thence leaving the said right of way and extending South $15^{\circ} 14'$ East a distance of 216.69 feet to a point marked by a $2" \times 2" \times 30"$ pine stake; thence North $76^{\circ} 47'$ East, 200 feet to a point marked by a $2" \times 2" \times 30"$ pine stake; thence South $10^{\circ} 47'$ East, a distance of 1065.17 feet to a point marked by a $60" \times 3/4"$ pipe on the Northerly bank of Lake Washington, thence North $80^{\circ} 18'$ West along the Northerly bank of said Lake Washington; a distance of 213.30 feet to a point marked by a $5/8" \times 40"$ iron bar; thence continuing on and along same course North $44^{\circ} 2'$ West, a distance of 221.00 feet along the bank of a canal and to the center of a 110-foot reservation for drainage purposes, thence North $21^{\circ} 40'$ West along the said reservation for drainage purposes, a distance of 813.26 feet to the point of beginning.

The Tract as herein described is more particularly delineated on the map of "Sinderman Tract" as same appears of record in the Office of the Recorder of Yolo County in Maps and Surveys 5, at Page 37.

Excepting therefrom that portion thereof conveyed to the State of California by Deed dated March 26, 1951, recorded May 7, 1951, in Book 347, of Official Records, at Page 173.

Excepting therefrom all that part thereof lying Southerly from the line described as follows:

Beginning at a point on the West line of said tract of land from which the Southwest corner thereof bears S. $22^{\circ} 19' 15"$ E 35.32 feet; thence from said point of beginning from a tangent that bears North $85^{\circ} 05' 03"$ East along a curve to the right with a radius of 7000.00 feet, through an angle of $00^{\circ} 24' 52"$, an arc distance of 50.64 feet to a point that is 133.29 feet Northerly measured radially from the base line at Engineer's Station "C7"41+47.61 of the Department of Public Works Survey on Road 03-Yol-80 from Post Mile 8.9 to Post Mile 11.4; thence North $82^{\circ} 46' 40"$ East 453.14 feet to a point that is 173.18 feet Northerly, measured radially from said base line at Engineer's Station "C7"45+89.39.

PARCEL 2

Beginning at a point in the Southerly of the right of way of the California State Highway, Route 6, Section C., Yolo County California, which said point is located North 0° 44' West 686.24 feet; thence North 67° 39' East 1590.70 feet along the Southerly line of the said first-mentioned right of way to a concrete monument; thence Easterly along said Southerly line of said right of way along a curve to the right, having a radius of 2950 feet and a deflection angle of 18° 21' a distance of 369.70 feet from the Northeasterly corner of Lot A of Glides West Sacramento Subdivision as same appears of record in the Office of the Recorder of Yolo County, in Map Book 3, Page 29, and extending thence Easterly from said point of beginning and along the Southerly line of said California State Highway right of way a distance of 200.00 feet to a point marked by a 5/8" square iron bar; thence leaving said right of way and extending South 15° 14' East, a distance of 216.89 feet to a point marked by a 2" x 2" x 30" pine stake; thence South 76° 47' West a distance of 200.00 feet to a point marked by a 2" x 2" x 30" pine stake; thence North 15° 14' West, a distance of 216.69 feet to the point of beginning.

The Tract as herein described is more particularly delineated on the map of the "Sinderman Tract" as same appears of record in the Office of the Recorder of Yolo County, in Maps and Surveys 5, at Page 37.

APN: 067-060-006

Assessor Inquiry - Main
Asmt: 800-027-987-000 Feeparcel: 067-060-006-000
Owner: BB TIRE AND RUBBER CO INC

Situs Address		4225 WEST CAPITOL AVE WEST SACRAMENTO		Values	
Name/Address		BBB TIRE AND RUBBER CO INC ATTN DANIEL BARBIERI P O BOX 980455 WEST SACRAMENTO CA 95798		Land	
Status	Date	ACTIVE		Structure	
Taxability Code	Descr	001	BUSINESS OWNERSHIP	Fixtures	840
TRA	Base Date	004-005		Growing	
Creating Doc#	Date			Total L&I	840
Current Doc#	Date			Fixture RP	
Terminating Doc#	Date			MH PP	
Neighborhood C...	Supl Cnt			PP	9,120
Asmt Description		EQUIP		Exemption	
Land Use 1	Land Use 2			Net	8,960
Zoning 1	Dwell 1			R/C #	
Acres	SqR	0		TR/Date	
SSN1	SSN2			Status	
Parcel Desc:				Description	ENROLLED
Section	TownShip	Range			
Description					
TPZ	Ag Pres	Eial	Bonds		
Multi ...	S10 MH	Flag 1	Flag 2		
Asmt PP	Tax PP	Appeal	Split		
Comments					
FOLDER 264119					

[Main](#)
[Notes](#)
[Ownership Detail](#)
[Ownership History](#)
[Exemptions](#)
[Mfg Homes](#)
[Attributes](#)
[Value History](#)
[Situs](#)
[Sales](#)

APPENDIX A-2

INSPECTION REPORTS AND PHOTOS



Survey & Inspection Report - Survey Form (Page 1)

B AND B TIRE AND RUBBER CO INC (TPID: 1002464)

State of California CalRecycle 181

Part A - Survey

Inspection Form Number: IW-1011404

Inspected On: 5/22/2014 01:30PM - 03:00PM

TPID - Site Suffix: 1002464-01

Facility Address

B AND B TIRE AND RUBBER CO INC

4225 W Capitol Ave

West Sacramento, CA 95691

Local Identifier: FA0003399

Business Rep: Mr. Daniel Barbieri

Title: Owner

Tire Count: 3696

Lattitude:

Longitude:

Inspection Type: Re-inspection

Referral Type:

Inspected By: 57-101 Yolo County

Inspector: Jenna Poitras

Operational Status: Active

Tire Type: Passenger, Altered, Truck, OTR

Business Role: Generator, End-Use

Storage Type: Outdoor, Indoor, Container

Business Type: New Tire Dealer, Used Tire Dealer

Business Type Other:

Part B - Inspection of Waste Tire Dealer, Generator, and End-Use Facility

Enforcement Status: Notice of Violation

Compliance Deadline: 6/22/2014

Comments:

A 2nd re-inspection of B & B Tire and Rubber was performed on May 22nd, 2014. The attendees included Jenna Poitras and Hoa Tan from Yolo County and Dustin Schiavo and Nikki from CalRecycle. Please refer to the inspection page for details.



State of California CalRecycle 182

Part C - Facility Information

SWIS Number:

Inspection Number: IW-1011404

Photos Taken: Yes

Name: IG Holdings

Phone Number: 6502742344

Mailing Address: P.O. Box 980004
 WestSacramento, CA 95691

Facility Type: Minor WTF (500 - 4,999 Tires)

Permitted Status: Permitted

Exempt/Excluded Business Type

Part D - Inspection of Waste Tire Facility

V PRC § 42850 (a) Complies with Terms of Permit

A 14 CCR § 17354 Storage of Waste Tire Outdoors

(b) Fire Lanes

(g) Rim Removal

Comments:

Outside:

Approximately 2,068 waste tires were stored outside of the facility, primarily south of the building.

There were 520 waste tires behind the southwest side of the building, which were scattered around a large storage shed, two trailers, a 26' white container (as well as inside), and several pieces of equipment. A 55 gallon drum labelled "Kerosene" (3/4 full) was found within 40 feet of a waste tire pile and was moved away from the tire pile during the inspection.

It is worth noting that a large, plastic container containing remnants of an unknown substance (potentially human waste) was found behind one of the trailers. There was also a shopping cart next to the other trailer containing paint, a helium tank, fire extinguishers, and coolant. Lastly, a chicken coup with live chickens was located between the main building and large storage shed.

Approximately 1,548 waste tires were located behind the southeast side of the building along the west and east sides of a 48' trailer filled with new bicycle tires and inside two Tri-C containers. A large tire filled with inner tubes was located within 40 feet of a waste tire pile.

Some of the waste tires outside still had rims attached.

Inside:

Approximately 1,628 waste tires were counted inside the facility. Although many of these tires were actually used tires, they were counted as waste tires because they were not racked, stacked, and spaced properly.

The north area of the building contained approximately 721 waste tires (inside the north loft, below the loft, and in front of the loft). Most tires located in this area were either stacked or racked, but not spaced properly. The south area of the building contained approximately 472 waste tires (on the ground level). Aside from the racked tires in this area, a majority of the tires were not organized in stacks or spaced apart. The east area contained approximately 435 waste tires (inside the east loft and below the loft). Most of the tires in the loft were not racked, stacked, or spaced apart.

Violations and Corrective Action Required:

PRC 42850(a) - Complies with Terms of Permit

1. The permit for this facility allows a maximum capacity of 3,000 whole waste tires/Passenger Tire Equivalents. The waste tires counted during the inspection totaled 3,696. The facility must reduce the number of waste tires stored.
2. The permit conditions state that waste tires shall not be stored indoors. The facility must remove all waste tires presently indoors. The facility must rack or stack, and space remaining used tires indoors by no more than 2 rows wide.
3. The permit states that waste tire storage should only occur in the areas indicated on the site map, which are to the south of the building (outside). The fire lane to the east of the building must be kept clear.
4. The tire storage conditions presented with the City of West Sacramento Fire Permit indicate that waste tires should be stored 50 feet away from the building. The tires stored outdoors must be moved 50 feet from the building. Tire piles must also be clear from piles of other stored product/salvage by at least 40 feet.

Areas of Concern and Corrective Action Required:

14 CCR 17354(b) - Storage of Waste Tires Outdoors: Fire Lanes

1. Waste tires shall be separated from vegetation and other potentially flammable materials by no less than 40 ft. Waste tires were found in close proximity to a drum of liquid labelled "Kerosene". The drum was moved, so this was corrected on site during inspection. Waste tires were also found next to a large tire filled with inner tubes. Inner tubes must be moved away from waste tire piles by at least 40 feet.

14 CCR 17354(g) - Storage of Waste Tires Outdoors: Rim Removal

1. Waste tires must be removed from rims.

Outdoor Inspection Photos, Report IW-1011404, TPID 1002464



Indoor Inspection Photos, Report IW-1011404, TPID 1002464





Survey & Inspection Report - Survey Form (Page 1)

B & B Tire and Rubber Company, Inc. (TPID: 1002464)

State of California CalRecycle 181

Part A - Survey

Inspection Form Number: IW-1012231

Inspected On: 6/27/2014 09:30AM - 11:30AM

TPID - Site Suffix: 1002464-01

Facility Address

B & B Tire and Rubber Company, Inc.

4225 W Capitol Ave

West Sacramento, CA 95691

Local Identifier: FA0003399

Business Rep: Mr. Daniel Barbieri

Title: Owner

Tire Count: 2104

Latitude:

Longitude:

Inspection Type: Re-inspection

Referral Type:

Inspected By: 57-101 Yolo County

Inspector: Jenna Poitras

Operational Status: Active

Tire Type: Passenger, Altered, Truck, OTR

Business Role: Generator, End-Use

Storage Type: Outdoor, Indoor, Container

Business Type: New Tire Dealer, Used Tire Dealer

Business Type Other:

Part B - Inspection of Waste Tire Dealer, Generator, and End-Use Facility

Enforcement Status: Extension

Compliance Deadline: 8/11/2014

Comments:

An additional re-inspection of B & B Tire and Rubber was performed on June 27th, 2014. The attendees included Jenna Poitras from Yolo County and Dustin Schiavo and Nikki from CalRecycle. Please refer to the inspection page for details.



Survey & Inspection Report - Inspection Form (Page 2)

B & B Tire and Rubber Company, Inc. (TPID:1002464)

State of California CalRecycle 182

Part C - Facility Information

SWIS Number:

Inspection Number: IW-1012231

Photos Taken: Yes

Name: IG Holdings

Phone Number: 650-274-2344

Mailing Address: P.O. Box 980004

WestSacramento, CA 95691

Facility Type: Minor WTF (500 - 4,999 Tires)

Permitted Status: Permitted

Exempt/Excluded Business Type

Part D - Inspection of Waste Tire Facility

V PRC § 42850 (a) Complies with Terms of Permit

--

Comments:

Comments:

Outdoor Observations:

Approximately 1,131 waste tires were stored outside of the facility, primarily south of the building.

There were 186 waste tires behind the southwest corner of the building, 108 waste tires behind the south side of the building, 418 waste tires next to and inside of a Tri-C container, 50 waste tires behind the southeast corner of the building, and 369 waste tires inside a large truck at the back of the property. The fire lane to the west of the building is now clear, waste tires have been moved at least 50 feet away from the building, and waste tires are no longer within 40 feet of other stored product or potentially flammable materials.

Indoor Observations:

Approximately 973 waste tires were stored indoors.

There were 364 waste tires inside and underneath the east loft, 203 waste tires in the middle of the facility, and 406 waste tires inside and underneath the north loft. Although the tires indoors are considered used tires, they were counted as waste tires because they were not stored properly. Many of the waste tires were stacked, while some were stored in piles. Many of the tire stacks were not spaced by 2 or less rows wide.

Inspection Summary:

The total number of waste tires counted during inspection was 2,104. The tire count no longer exceeds the maximum permitted quantity and most of the previous violations have been corrected, with the exception of storing waste tires indoors.

Violations and Corrective Action Required:

PRC 42850(a) - Complies with Terms of Permit:

Waste tires shall not be stored indoors. Used tires must be racked or stacked and spaced apart by no more than 2 rows wide. If used tires are not stored in this manner, they are counted as waste tires. The facility must space apart used tires so that each "pair" of rows is separated from the next "pair" of rows.

Indoor Inspection Photos, Report IW-1012005, TPID 1002464-01



Inside east loft (facing north)



Inside east loft (facing south)



Below east loft



Southeast corner of facility



Southeast corner of facility



Aerial view of facility from east loft



Aerial view of middle of facility



Aerial view of facility from north loft



Aerial view of southwest corner of facility



Inside north loft (facing west)



Inside north loft (facing east)



Below north loft (facing east)



Below north loft (facing west)

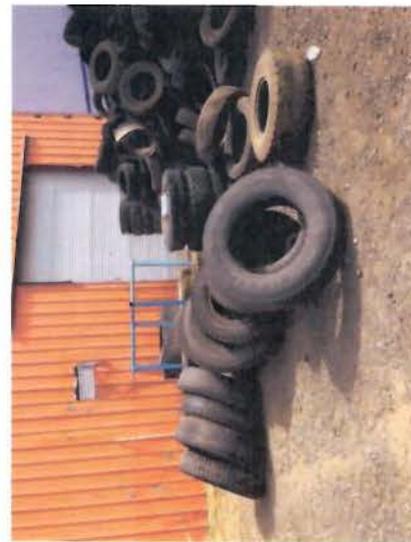


Northwest corner of facility



Below stairs leading to north loft

Outdoor Inspection Photos, Report IW-1012005, TPID 1002464-01





Survey & Inspection Report - Survey Form (Page 1)

B & B Tire and Rubber Company, Inc. (TPID: 1002464)

State of California CalRecycle 181

Part A - Survey

Inspection Form Number: IW-1013178

Inspected On: 8/12/2014 10:00AM - 11:50AM

TPID - Site Suffix: 1002464-01

Facility Address

B & B Tire and Rubber Company, Inc.

4225 W Capitol Ave

West Sacramento, CA 95691

Local Identifier: FA0003399

Business Rep: Mr. Daniel Barbieri

Title: Owner

Tire Count: 3219

Latitude:

Longitude:

Inspection Type: Re-inspection

Referral Type:

Inspected By: 57-101 Yolo County

Inspector: Jenna Poitras

Operational Status: Active

Tire Type: Passenger, Altered, Truck, OTR

Business Role: Generator, End-Use

Storage Type: Outdoor, Indoor, Container

Business Type: New Tire Dealer, Used Tire Dealer

Business Type Other:

Part B - Inspection of Waste Tire Dealer, Generator, and End-Use Facility

Enforcement Status: Referred / CalRecycle Enforcement

Compliance Deadline:

Comments:

A re-inspection of B & B Tire and Rubber was performed on August 12th, 2014. The attendees included Jenna Poitras from Yolo County and Dustin Schiavo from CalRecycle. Please refer to the inspection page for details.

This inspection followed a series of inspections performed beginning in February of 2014. The first inspection was performed on February 20th, 2014 and a NOV was issued. The first re-inspection was performed on April 11th, 2014 and an Extension was issued. The second re-inspection was performed on May 22nd, 2014 and a NOV was issued. An additional re-inspection was performed on June 27th, 2014 and an Extension was issued.



Survey & Inspection Report - Inspection Form (Page 2)

B & B Tire and Rubber Company, Inc. (TPID:1002464)

State of California CalRecycle 182

Part C - Facility Information

SWIS Number:

Inspection Number: IW-1013178

Photos Taken: Yes

Name: IG Holdings

Phone Number: 650-274-2344

Mailing Address: P.O. Box 980004

WestSacramento, CA 95691

Facility Type: Minor WTF (500 - 4,999 Tires)

Permitted Status: Permitted

Exempt/Excluded Business Type

Part D - Inspection of Waste Tire Facility

V PRC § 42850 (a) Complies with Terms of Permit

Comments:

Outdoor Observations:

Approximately 1,400 waste tires were stored outside of the facility, primarily south of the building.

There were 120 waste tires inside a Tri-C container and 42 waste tires south and west of the container. Three large trucks, in addition to a demolition truck, were parked outside of the southeast corner of the facility and surrounded by 340 waste tires. A large pile of about 450 laced waste tires was located along the west side of a large white container. There were 214 waste tires south of the building between the large trucks and a trailer. Lastly, there were 234 waste tires surrounding and inside of a structure of corrugated sheet metal.

Indoor Observations:

Approximately 1,819 waste tires were stored on the inside of the facility.

The east loft contained 530 waste tires and the north loft contained 715 waste tires. There were about 150 waste tires below the north loft, 228 waste tires south of the north loft, and 196 waste tires behind the new tire rack in the southeast corner of the facility.

Inspection Summary:

The total number of waste tires counted during inspection was 3,219. The tire count exceeds the maximum permitted quantity of 3,000 waste tires. Many of the waste tires counted were used tires that were stored indoors incorrectly, and thus counted as waste tires. The facility had been instructed how to properly store used tires indoors during previous inspections and had been instructed that the permit issued for the facility does not allow waste tire storage indoors.

Violations:

PRC 42850(a) - Complies with Terms of Permit:

The quantity of waste tires stored shall not exceed the maximum permitted capacity of 3,000 waste tires. Waste tires shall not be stored indoors. Used tires stored indoors must be racked or stacked and spaced apart by no more than two rows wide. If used tires are not stored in this manner, they are counted as waste tires.

Indoor Inspection Photos, Report IW-1013178, TPID 1002464-01



Inside east loft (facing north)



Inside east loft (facing south)



Aerial view of facility (facing east)



Aerial view of facility (facing south)



Inside north loft (facing east)



Inside north loft (facing west)



Underneath north loft



Underneath north loft



Behind new tire rack



Behind new tire rack

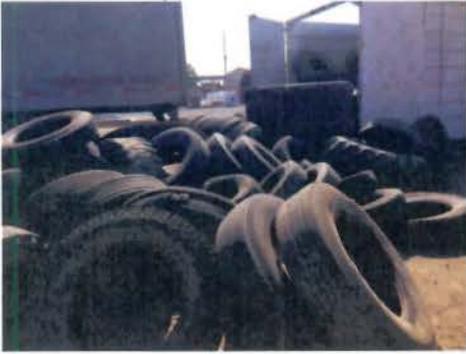


Behind new tire rack



Underneath east loft

Outdoor Inspection Photos, Report IW-1013178, TPID 1002464-01



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APPLICABLE CALIFORNIA STATUTE AND REGULATIONS

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CALIFORNIA PUBLIC RESOURCES CODE, DIVISION 30, PART 1, CHAPTER 3, ARTICLE 1. General Provisions

Section 40401. Department of Resources Recycling and Recovery; succession to duties and powers of California Integrated Waste Management Board; transfer of employees; regulations; control of resources

- (a) (1) Except as otherwise specified by statute, the Department of Resources Recycling and Recovery succeeds to and is vested with all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the former California Integrated Waste Management Board.
- (2) There shall be a Division of Recycling in the Department of Resources Recycling and Recovery. Except as otherwise specified by statute, the Division of Recycling in the Department of Resources Recycling and Recovery succeeds to and is vested with all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the Department of Conservation in the performance of a function carrying out Division 12.1 (commencing with Section 14500).
- (b) (1) All employees of the former California Integrated Waste Management Board who, on January 1, 2010, are serving in the state civil service, other than as temporary employees, are transferred to the Department of Resources Recycling and Recovery.
- (2) The status, position, and rights of those persons transferred pursuant to this subdivision shall not be affected and shall be retained by them as employees of the department to which they are transferred pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code), except as to positions exempt from civil service.
- (c) (1) All officers and employees of the Department of Conservation who, on January 1, 2010, are serving in the state civil service, other than as temporary employees, and are engaged in the performance of a function carrying out Division 12.1 (commencing with Section 14500), shall be transferred to the Division of Recycling in the Department of Resources Recycling and Recovery.
- (2) The status, position, and rights of those persons transferred pursuant to this subdivision shall not be affected and shall be retained by them as officers and employees of the department to which they are transferred pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code), except as to positions exempt from civil service.
- (d) Any regulations adopted before January 1, 2010, by the former California Integrated Waste Management Board and the Department of Conservation relating to carrying out the duties and responsibilities transferred pursuant to subdivision (a), that are in effect on January 1, 2010, shall

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remain in effect on and after January 1, 2010, and are enforceable until readopted, amended, or repealed.

(e) The Department of Resources Recycling and Recovery shall have possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other real or personal property, held for the benefit or use of all bodies, offices, and officers whose duties, powers, and functions have been transferred pursuant to subdivision (a).

CALIFORNIA PUBLIC RESOURCES CODE, DIVISION 30, PART 3, CHAPTER 16, ARTICLE 1. Definitions

Section 42804. Operator

"Operator" means the person responsible for the overall operation of a waste tire facility.

Section 42805. Owner

"Owner" means a person who owns, in whole or in part, a waste tire facility, the waste tires located at a facility, or the land on which a waste tire facility is located.

Section 42808. Waste Tire Facility

"Waste tire facility" means a location, other than a solid waste facility permitted pursuant to this division that receives for transfer or disposal less than 150 tires per day averaged on an annual basis, where, at any time, waste tires are stored, stockpiled, accumulated, or discarded. "Waste tire facility" includes all of the following:

(a) "Existing waste tire facility" means a waste tire facility which is receiving, storing, or accumulating waste tires, or upon which waste tires are discarded, on January 1, 1990.

(b) "Major waste tire facility" means a waste tire facility where, at any time, 5,000 or more waste tires are or will be stored, stockpiled, accumulated, or discarded.

(c) "Minor waste tire facility" means a waste tire facility where, at any time, 500 or more, but less than 5,000, waste tires are or will be stored, stockpiled, accumulated, or discarded. However, a "minor waste tire facility" does not include a tire dealer or an automobile dismantler, as defined in Sections 220 and 221 of the Vehicle Code, who stores waste tires on the dealer's or dismantler's premises for less than 90 days if not more than 1,500 total used or waste tires are ever accumulated on the dealer's or dismantler's premises.

CALIFORNIA PUBLIC RESOURCES CODE, DIVISION 30, PART 3, CHAPTER 16, ARTICLE 3. Major Waste Tire Facility Permits

Section 42824. Direction or transportation to, or acceptance of, waste tires at unpermitted major facility unlawful

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On and after September 1, 1994, it is unlawful to direct or transport waste tires to a major waste tire facility or to accept waste tires at a major waste tire facility unless the operator has obtained a major waste tire facility permit.

CALIFORNIA PUBLIC RESOURCES CODE, DIVISION 30, PART 3, CHAPTER 16, ARTICLE 4. Minor Waste Tire Facility Permits

Section 42834. Direction or transportation to, or acceptance of, waste tires at unpermitted minor facility

On and after July 1, 1994, it is unlawful to direct or transport waste tires to a minor waste tire facility or to accept waste tires at a minor waste tire facility unless the operator has obtained a minor waste tire facility permit.

CALIFORNIA PUBLIC RESOURCES CODE, DIVISION 30, PART 3, CHAPTER 16, ARTICLE 5. Renewal, Suspension, or Revocation

Section 42845. Cleanup or abatement of site in violation of chapter or permit; inspection; injunctions

- (a) (1) A person who stores, stockpiles, or accumulates waste tires at a location for which a waste tire facility permit is required pursuant to this chapter, or in violation of the terms and conditions of the permit, the provisions of this chapter, or the regulations adopted under this chapter, shall, upon order of the department, clean up those waste tires or abate the effects of the waste tires, or, in the case of threatened pollution or nuisance, take other necessary remedial action.
- (2) If the order issued by the department pursuant to this subdivision is issued to a person operating a waste tire facility that has not been issued a waste tire facility permit, the department shall require the person operating the facility to remove all waste and used tires from the site and prohibit the person operating the facility from accepting any additional waste or used tires at the site for a specified time period.
- (b) The department shall include in an order issued pursuant to subdivision (a), a condition that the department shall perform inspections at the location of the violation that are in addition to those inspections otherwise required by this chapter or by any regulations adopted pursuant to this chapter, for a period of up to one year following the date of the issuance of the order, at a frequency determined by the department. The person who is the subject of the order shall reimburse the department for the cost of the additional inspections conducted pursuant to this subdivision, including the cost of preparing for the inspection, traveling to and from the inspection, and writing up the inspection reports, at the same amounts that are determined annually and approved for enforcement agents to be charged by the department for purposes of the enforcement of this chapter.

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(c) If a person operating a waste tire facility pursuant to a waste tire facility permit fails to comply with a cleanup or abatement order issued pursuant to subdivision (a), the Attorney General, at the request of the department, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with that order. In a suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

(d) If a person operating an unpermitted waste tire facility fails to comply with a notice of violation issued for a violation of this chapter or any regulations adopted pursuant to this chapter, the Attorney General, at the request of the department, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with that order. In any suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

(e) If the Attorney General declines, or is unable, to petition the appropriate superior court for issuance of an injunction within 30 days from the department's request, pursuant to subdivision (c) or (d), the district attorney or county counsel of that county may, at the department's request, petition the superior court for issuance of the injunction specified in subdivision (c) or (d).

Section 42846.5. Access to property

If the owner of property upon which waste tires are unlawfully stored, stockpiled, or accumulated refuses to allow the board or its contractors access to enter onto the property and perform all necessary cleanup, abatement, or remedial work as authorized under Section 42846, the board or its contractors shall be permitted reasonable access to the property to perform that activity if an order setting civil liability has been issued or obtained pursuant to Article 6 (commencing with Section 42850) by the board, or by its designee pursuant to subdivision (c) of Section 42850, against the property owner, and the board finds that there is a significant threat to public health or the environment.

Section 42847. Liability for costs

If waste tires are cleaned up, the effects of the tires are abated, or, in the case of threatened pollution or nuisance, other necessary remedial action is taken by any governmental agency, the person or persons who unlawfully stored, stockpiled, or accumulated the waste tires or who unlawfully permitted the storage, stockpile, or accumulation of waste tires or who threatened to cause or permit the unlawful storage, stockpile, or accumulation of waste tires shall be liable to that governmental agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects thereof, or taking other remedial actions. The amount of those costs shall be recoverable in a civil action by, and paid to, the governmental agency and the board to the extent of the latter's contribution to the cleanup costs from available funds. The board shall seek recovery of its costs if that recovery is feasible.

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Section 42847.5. Lien upon real property; costs or damages incurred by department; notice and hearing procedures; department not considered responsible party; duration of lien; effect of recording; deposit of funds

- (a) Any costs or damages incurred by the department under this article constitute a lien upon the real property owned by any responsible party that is subject to the remedial action. The lien shall attach regardless of whether the responsible party is insolvent. A lien imposed under this section shall arise at the time costs are first incurred by the department with respect to a remedial action at the site.
- (b) A lien established under this section shall be subject to the notice and hearing procedures required by due process of the law. Prior to imposing the lien, the department shall send the property owner via certified mail a "Notice of Intent to Place a Lien" letter. This letter shall provide that the owner, within 14 calendar days from the date of receipt of the letter, may object to the imposition of the lien either in writing or through an informal proceeding before a neutral official. This neutral official shall be the director or his or her designee, who may not have had any prior involvement with the site. The issue before the neutral official shall be whether the department has a reasonable basis for its determination that the statutory elements for lien placement under this section are satisfied. During this proceeding the property owner may present information or submit documents, or both, to establish that the department should not place a lien as proposed. The neutral official shall ensure that a record of the proceeding is made, and shall issue a written decision. The decision shall state whether the property owner has established any issue of fact or law to alter the department's intention to file a lien, and the basis for the decision.
- (c) The department may not be considered a responsible party for a remediated site merely because a lien is imposed under this section.
- (d) A lien imposed under this section shall continue until the liability for the costs or damages incurred under this article, or a judgment against the responsible party, is satisfied. However, if it is determined by a court that the judgment against the responsible party will not be satisfied, the department may exercise its rights under the lien.
- (e) A lien imposed under this section shall have the force and effect of, and the priority of, a judgment lien upon its recordation in the county in which the property subject to the lien is located. The lien shall contain a legal description of the real property that is subject to, or affected by, the remedial action, the assessor's parcel number, and the name of the owner of record, as shown on the latest equalized assessment roll.
- (f) All funds recovered under this section on behalf of the department's waste tire stabilization and abatement program shall be deposited in the California Tire Recycling Management Fund established under Section 42885.

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CALIFORNIA PUBLIC RESOURCES CODE, DIVISION 30, PART 3, CHAPTER 16, ARTICLE 6. Administrative Enforcement

Section 42850. Violations; civil penalty; board delegation of enforcement authority

(a) Any person who negligently violates any provision of this chapter, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter, is liable for civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000), for each violation of a separate provision or, for continuing violations, for each day that the violation continues.

(b) Liability under this section may be imposed in a civil action or liability may be imposed administratively pursuant to this article.

(c) Upon request of a city, county, or city and county, that city, county, or city and county may be designated, in writing, by the board, to exercise the enforcement authority granted to the board under this chapter. Any city, county, or city and county so designated shall follow the same procedures set forth for the board under this article. This designation shall not limit the authority of the board to take action it deems necessary or proper to ensure to enforcement of this chapter.

Section 42850.1. Criminal and civil penalties

(a) Any person who intentionally violates any provision of this chapter, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter, shall, upon conviction, be punished by a fine not to exceed ten thousand dollars (\$10,000) for each day of violation, by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

(b) (1) Any person who intentionally violates any provision of this chapter, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter, is liable for a civil penalty not to exceed ten thousand dollars (\$10,000), for each violation of a separate provision or, for continuing violations, for each day that the violation continues.

(2) Liability under this subdivision may be imposed in a civil action or may be imposed administratively pursuant to this article.

CALIFORNIA PUBLIC RESOURCES CODE, DIVISION 30, PART 3, CHAPTER 19, ARTICLE 2. Registration and General Provisions

Section 42953. Arrangements to transport waste or used tires; hauler registration requirement

Any person who gives, contracts, or arranges with another person to transport waste or used tires shall utilize only a person holding a valid waste and used tire hauler registration from the board, unless the hauler is exempt as specific in Section 42954.

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CALIFORNIA PUBLIC RESOURCES CODE, DIVISION 30, PART 3, CHAPTER 19, ARTICLE 3. Renewal, Suspension, and Revocation

Section 42961.5. California Uniform Waste and Used Tire Manifest system

(a) For purposes of this chapter, the following definitions shall apply:

(1) "California Uniform Waste and Used Tire Manifest" means a shipping document signed by a generator of waste or used tires, a waste and used tire hauler, or the operator of a waste or used tire facility or other destination that contains all of the information required by the board, including, but not limited to, an accurate measurement of the number of tires being shipped, the type or types of the tires, the date the shipment originated, and the origin and intended final destination of the shipment.

(2) "Waste and used tire hauler" means any person required to be registered with the board pursuant to subdivision (a) of Section 42951.

(b) Any person generating waste or used tires that are transported or submitted for transportation, for offsite handling, altering, storage, disposal, or for any combination thereof, shall complete a California Uniform Waste and Used Tire Manifest, as required by the board. The generator shall provide the manifest to the waste and used tire hauler at the time of transfer of the tires. Each generator shall submit to the board, on a quarterly schedule, a legible copy of each manifest. The copy submitted to the board shall contain the signatures of the generator and the waste and used tire hauler.

(c) (1) Any waste and used tire hauler shall have the California Uniform Waste and Used Tire Manifest in his or her possession while transporting waste or used tires. The manifest shall be shown upon demand to any representative of the board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the Penal Code, or any local public officer designated by the board.

(2) Any waste and used tire hauler hauling waste or used tires for offsite handling, altering, storage, disposal, or any combination thereof, shall complete the California Uniform Waste and Used Tire Manifest as required by the board. The waste and used tire hauler shall provide the manifest to the waste or used tire facility operator who receives the waste or used tires for handling, altering, storage, disposal, or any combination thereof. Each waste and used tire hauler shall submit to the board, on a quarterly schedule, a legible copy of each manifest. The copy submitted to the board shall contain the signatures of the generator and the facility operator.

(d) Each waste or used tire facility operator that receives waste or used tires for handling, altering, storage, disposal, or any combination thereof, that was transported with a manifest pursuant to this section, shall submit copies of each manifest provided by the waste and used tire hauler to the board and the generator on a quarterly schedule. The copy submitted to the board shall contain the signatures of each generator, each transporter, and the facility operator. If approved by the board,

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in lieu of submitting a copy of each manifest used, a facility operator may submit an electronic report to the board meeting the requirements of Section 42814.

(e) The board shall develop and implement a system for auditing manifests submitted to the board pursuant to this section, for the purpose of enforcing this section. The board or its agent shall continuously conduct random sampling and matching of manifests submitted by any person generating waste or used tires, hauling waste or used tires, or operating waste or used tire facilities, to assure compliance with this section.

(f) (1) If approved by the board, any waste and used tire generator, waste and used tire hauler, or operator of a waste tire facility that is subject to the manifest requirements of this section, may submit an electronic report to the board, in lieu of submitting the copy of the manifest required. The electronic report shall include all information required to be on the California Uniform Waste and Used Tire Manifest, and any other information required by the board.

(2) A waste and used tire generator, waste and used tire hauler, or operator of a waste tire facility that is subject to paragraph (1) may submit the electronic reports to the board on a quarterly schedule.

CALIFORNIA PUBLIC RESOURCES CODE, DIVISION 30, PART 3, CHAPTER 19, ARTICLE 4. Enforcement

Section 42962. Violations; civil penalties

(a) Any person who does any of the following shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each violation of a separate provision or for continuing violations for each day that violation continues:

(1) Intentionally or negligently violates any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter.

(2) Knowingly, or with reckless disregard, makes any false statement or representation in any application, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this chapter.

(b) Liability under subdivision (a) may be imposed in a civil action.

(c) In addition to the civil penalty that may be imposed pursuant to subdivision (a), the board may impose civil penalties administratively in an amount not to exceed five thousand dollars (\$5,000) for each violation of a separate provision or for continuing violations for each day that violation continues, on any person who intentionally or negligently violates any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter. The board shall adopt regulations that specify the procedures and amounts for the imposition of administrative civil penalties pursuant to this subdivision.

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CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 3, ARTICLE 4.1. Waste Tire Program Definitions

Section 17225.755. Operator.

"Operator" means the person legally responsible for the operation of a waste tire facility or the owner if there is no operator.

Section 17225.770. Passenger Tire Equivalents (PTE).

"Passenger Tire Equivalents" means the total weight of altered waste tires, in pounds, divided by 20 pounds. This definition replaces the previous definition of "Tire Equivalents."

CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 3, ARTICLE 5.5. Waste Tire Storage and Disposal Standards

Section 17351. Fire Prevention Measures.

(a) Communication equipment shall be maintained at all facilities, if they are staffed by an attendant, to ensure that the site operator can contact local fire protection authorities in the event of fire.

(b) Adequate equipment to aid in the control of fires must be provided and maintained at the facility at all times. At a minimum the following items shall be maintained on site and in working order at all times:

- (1) One (1) dry chemical fire extinguisher;
- (2) One (1) two and one-half gallon water extinguisher;
- (3) One (1) pike pole or comparable pole at least 10 feet in length to separate burning from nonburning tires; and
- (4) One (1) round point and one (1) square point shovel.
- (5) One (1) dry chemical fire extinguisher with a minimum rating of 4A:40BC shall be carried on each piece of fuel-powered equipment used to handle waste tires;

(c) An adequate water supply shall be available for use by the local fire authority. The water supply shall be capable of delivering at least 1,000 gallons per minute for a duration of at least three hours and at least 2,000 gallons per minute for a duration of at least three hours if the sum of altered plus whole waste tires exceeds 10,000.

(d) All of the requirements of subsections (b) and (c) shall apply unless the local fire authority having jurisdiction over a particular facility determines that a different requirement is necessary or adequate to meet the intent of these regulations for fire control and the protection of life and property. This may include the availability of earth moving equipment or other approved means to control the tire fire. Any change in, or any new, local fire authority requirements that affect the requirements in this Article shall be reported to the Board by the operator within 30 days after their

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effective date. Any requirements approved by the local fire authority shall be subject to Board concurrence at the time of issuance or renewal of the permit.

Section 17352. Facility Access and Security.

(a) Signs - for facilities open to the public a sign shall be posted at the facility entrance stating the name of the operator, operating hours, and site rules.

(b) Attendant - An attendant shall be present when the facility is open for business if the facility receives tires from persons other than the operator of the facility.

(c) Access - An access road to the facility must be maintained passable for emergency equipment and vector control vehicles at all times. Unauthorized access must be strictly controlled.

Section 17353. Vector Control Measures.

(a) All waste tires shall be stored in a manner which prevents the breeding and harborage of mosquitoes, rodents, and other vectors by any of the following means:

(1) Cover with impermeable barriers other than soil to prevent entry or accumulation of precipitation; or

(2) Use of treatments or methods to prevent or eliminate vector breeding as necessary, provided the control program is approved as appropriate and effective by the local vector control authority, if such authority exists. If no local vector control authority exists, the local Environmental Health Department or other local agency with authority over vector control shall approve the vector control plan. Any control program approved by the local vector control authority shall be subject to Board concurrence at the time of issuance or renewal of the waste tire facility permit.

Section 17354. Storage of Waste Tires Outdoors.

(a) Except as provided in subsection (c) waste tires shall be restricted to individual piles, which include stacks and racks of tires that do not exceed 5,000 square feet of contiguous area. Any pile shall not exceed 50,000 cubic feet in volume nor 10 feet in height. Piles shall not exceed 6 feet in height when within 20 feet of any property line or perimeter fencing. Waste tires shall not be located within 10 feet of any property line or perimeter fencing. The minimum distance between waste tire piles and between waste tire piles and structures that are located either on-site or off-site shall be as specified in Table I.

(b) Except as provided in subsection (c) waste tires shall be separated from vegetation and other potentially flammable materials by no less than 40 feet. Accessible fire lanes with a minimum width as specified in Table I shall be provided between tire storage units. Fire lanes shall be kept free of flammable or combustible material and vegetation. Access to fire lane(s) for emergency vehicles must be unobstructed at all times. Open flames, blow torches, or highly flammable materials, including but not limited to, tire inner tubes, are prohibited within 40 feet of a waste tire pile.

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Table I Minimum Separation Distances (Ft.)			
Length of Exposed Face (Ft.)	Tire Storage Pile Height (Ft.)		
	6	8	10
25	50	56	62
50	66	75	84
100	84	100	116
150	99	117	135
200	111	130	149
250	118	140	162

(c) All of the requirements in subsections (a) and (b) shall apply to the storage of waste tires unless, for any particular requirement, the local fire authority having jurisdiction over a particular facility determines that a different requirement is necessary or adequate to meet the intent of these regulations for the prevention of fire and the protection of life and property. Any change in, or any new, local fire authority requirements that affect the requirements in this Article shall be reported to the Board by the operator within 30 days after their effective date. Any requirements approved by the local fire authority shall be subject to Board concurrence at the time of issuance or renewal of the permit.

(d) Surface water drainage shall be directed around and away from the waste tire storage area.

(e) Waste tires at existing waste tire facilities shall not be stored on surfaces with grades that will interfere with firefighting equipment or personnel unless mitigation measures have been approved in writing by the local fire authority, or a fire safety engineer registered by the State of California. Measures established by a fire safety engineer shall be subject to approval by the local fire authority.

(f) New waste tire facilities shall not:

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(1) Be sited in any area where they may be subjected to immersion in water during a 100-year storm unless the operator demonstrates to the Board that the facility will be designed and operated so as to prevent waste tires from migrating off-site; or

(2) Be located on sites with grades or other physical features that will interfere with firefighting equipment or personnel.

(g) Tires must be removed from rims immediately upon arrival at the facility.

(h) The site shall be designed and constructed to provide protection to bodies of water from runoff of pyrolytic oil resulting from a potential tire fire.

CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 6, ARTICLE 1. General

Section 18420. Applicability.

(a) The operator of a waste tire facility shall acquire a waste tire facility permit in accordance with the requirements of this Chapter and PRC section 42808, unless any of the following conditions exist:

(1) The waste tires are stored or disposed at a permitted solid waste disposal facility. The permit of the solid waste facility shall be revised pursuant to Public Resources Code (PRC) section 44014 and shall conform to the requirements of Division 7, Chapter 3, Article 5.5.

(2) The facility is using fewer than 5,000 waste tires for agricultural purposes and the waste tires have been rendered incapable of holding accumulations of water.

(3) The facility is storing fewer than 500 waste tires.

(4) The facility is a tire treading business and not more than 3,000 waste tires are kept on the premises.

(5) (Reserved)

(6) The facility is an automobile dismantler, as defined in Sections 220 and 221 of the Vehicle Code, who stores waste tires on the premises of the auto dismantler for less than 90 days if not more than 1,500 waste tires are ever accumulated on the dismantler's premises.

(7) The facility is a tire dealer who stores waste tires on the dealer's premises for less than 90 days if not more than 1,500 waste tires are ever accumulated on the dealer's premises.

(b) For purposes of determining the applicability of this chapter 6, altered waste tires shall be counted as passenger tire equivalents (PTE).

(c) (Reserved)

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(d) For the purposes of Chapter 6, Articles 2 through 7 and Articles 9, 10 and 11 apply to operators and/or businesses described under Chapter 6, Article 1.

(e) A "used tire dealer" is only authorized to lawfully accept used or waste tires without a waste tire facility permit if the used tire dealer is in compliance with Section 17225.820, Article 4.1, Chapter 3 and has fewer than 1500 waste tires in accordance with Section 42808(c).

CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 6, ARTICLE 2. Review of Permit Applications

Section 18423. Filing of Application

(a) Every operator of a new or existing major or minor waste tire facility shall submit to the Board a completed original and two (2) copies of the waste tire facility permit application, as specified in Article 4 of this Chapter.

(b) Upon receipt of the application, the Board shall mark the application package with the date of receipt. Within 30 days of receipt, the Board shall examine the application package to determine whether it meets the requirements contained in this chapter and either accept the application as complete or reject the application. If the Board finds the application meets the requirements, the application shall be accepted as complete. If the Board determines that the application does not conform to the applicable requirements, it shall notify the applicant in writing enumerating the grounds for rejection.

CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 6, ARTICLE 4. Permit Application

Section 18432. Operation Plan.

(a) The Operation Plan, as required by 18431(b) shall demonstrate conformance with the technical standards contained in 14 CCR, Division 7, Chapter 3, Article 5.5.

(b) The operator shall file amendments to the Operation Plan whenever necessary to keep the information contained in it current.

Section 18433. Emergency Response Plan.

(a) The operator of the waste tire facility shall maintain a copy of the Emergency Response Plan at the facility. At the time of permit issuance the approved Emergency Response Plan shall be forwarded to the local fire authority by the permittee. The plan shall be revised as necessary to reflect any changes in the operations of the waste tire facility or requirements of the local fire authority. The local fire authority and the Board shall be notified of any changes to the plan within 30 days of the revision.

(b) The operator of the facility shall immediately notify the Board in the event of a fire or other emergency if that emergency has potential significant off-site effects. Within 30 days of any such

APPENDIX B

emergency, the operator shall submit to the Board a written report describing the cause(s) of the emergency, the results of actions taken, and an analysis of the success or failure of these actions.

CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 6, ARTICLE 7. Records

Section 18447. Retention of Records

Copies of all records required to be kept under this Chapter shall be retained by the operator for three (3) years at the place of business and shall be made available at the site during normal business hours for inspection and photocopy by any representative of the Board or any individual authorized by the Board.

CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 6, ARTICLE 8.5. Waste Tire Hauler Registration and Manifesting Requirements for used and waste tire Haulers, Retreaders, used and waste tire Generators, and used and waste tire End-Use Facilities

Article 8.5, Section 18459.2.1. Submittal of the Manifest Form to the Department

As provided in this section, the Manifest Form as defined in Section 18450 of this Article shall be submitted to the Department by the waste tire hauler.

(a) The waste tire hauler shall submit the completed original CTL Form to the Department within ninety (90) days of the load shipment. The Manifest Form shall be in the waste tire hauler's possession while transporting used or waste tires and shall be shown upon demand to any representative of the Department, any officer of the California Highway Patrol, any peace officer, as defined in Sections 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Department.

(b) If approved by the Department pursuant to Public Resources Code Section 42961.5, any person that is subject to the requirements set forth in above (a) may substitute their own functionally equivalent EDT form, once approved by the Department, in lieu of the Department required form and submit an electronic report within ninety (90) days of the load shipment to the Department, in lieu of submitting the required paper form pursuant to Section 18459.1.2. The electronic report shall include all information required to be on the CTL Form.