

1 with all California Waste Tire Laws as prescribed by PRC section 42800 et seq. and Title 14
2 CCR section 17350 et seq., as well as all conditions delineated within its existing waste tire
3 facility permit No. 57-TI-0042.

4 CalRecycle and Yolo County inspected this site on April 08, 2015, as documented in
5 Inspection Report IW-1021660, which is attached hereto and incorporated herein by reference
6 as Appendix A-2.

7 As documented in the above inspection report, CalRecycle issued a Notice of Violation
8 to you as the Property Owner/Operator on April 08, 2015, providing mandates, including but
9 not limited to, compliance with the terms of your waste tire facility permit, the storage of waste
10 tires outdoors in accordance with CCR 17354, fire prevention measures in accordance with
11 CCR 17351, and the storage of waste tire indoors in accordance with CCR 17356

12 CalRecycle and Yolo County re-inspected this site on May 12, 2015, as documented in
13 Inspection Report IW-1023225, which is attached hereto and incorporated herein by reference
14 as Appendix A-2, and determined that you were not in compliance with the terms of your waste
15 tire facility permit, the storage of waste tires outdoors in accordance with CCR 17354, and fire
16 prevention measures in accordance with CCR 17351.

17 CalRecycle conducted a second re-inspection at this site on June 02, 2015, as
18 documented in Inspection Report IW-1023964, which is attached hereto and incorporated
19 herein by reference as Appendix A-2, and determined that you were not in compliance with the
20 terms of your waste tire facility permit, the storage of waste tires outdoors in accordance with
21 CCR 17354, fire prevention measures in accordance with CCR 17351, and the storage of
22 waste tire indoors in accordance with CCR 17356.

23 You are currently in violation of California Waste Tire Laws as prescribed by PRC
24 section 42800 et seq. and Title 14 CCR section 17350 et seq.

25 Specifically, you are in violation of:

- 26 • Title 14 CCR section 17354(i), which requires rims be removed from waste tires
27 immediately upon arrival at the facility.

- 1 • Title 14 CCR section 17351(e)(2), which requires waste tires not be stored within
- 2 40 feet of highly flammable materials including inner tubes.
- 3 • Title 14 CCR section 17354(f), which requires waste tires be stored at least 40
- 4 feet from combustible ground vegetation.
- 5 • Waste Tire Facility Permit 57-TI-0042 map, which requires waste tires stored
- 6 outdoors be stored at least 50 feet from buildings.
- 7 • Waste Tire Facility Permit 57-TI-0042 condition “r,” which requires that no waste
- 8 tires be stored indoors.

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

12 Where there is no identified “Operator”, the Operator shall mean the “Owner”, pursuant
13 to Title 14 of the CCR, section 17225.755.

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

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

21 Within 15 days from the date of service of this Cleanup and Abatement Order
22 (hereafter, “CAO” or “Order”), comply with the terms of your permit and all CCR sections
23 specified in the violations above as follows:

- 24 1. In accordance with Title 14 CCR section 17354(i), ensure no waste tires at the
- 25 facility are stored on rims.
- 26 2. In accordance with Title 14 CCR section 17351(e)(2), all waste tires must be
- 27 stored at least 40 feet from highly flammable materials including inner tubes.
- 28

3. In accordance with Title 14 CCR section 17354(f), all waste tires must be stored at least 40 feet from combustible ground vegetation.
4. In accordance with Waste Tire Facility Permit 57-TI-0042 condition "r," no waste tires shall be stored indoors, including used tires that are not stored in accordance with PRC section 42806.5.
5. In accordance with Waste Tire Facility Permit 57-TI-0042 map, all waste tires stored outdoors must be stored at least 50 feet from buildings and lot lines.
6. You shall reimburse CalRecycle for the cost of all inspections conducted within a year from the issuance of this CAO that are in addition to those inspections required by statute or regulation. The cost shall include, but shall not be limited to, expenses incurred for 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 CalRecycle.

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

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

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

If a decision is made in favor of CalRecycle in an administrative or civil hearing in accordance with PRC section 42850 et seq., CalRecycle or its contractors may subsequently

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

1 enter your property for the purposes of abatement or remediation without your consent,
2 pursuant to PRC section 42846.5.

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

8 If you fail to correct all violations as required by this Order by the required date,
9 CalRecycle is authorized to expend available funds to perform any necessary cleanup,
10 abatement or remedial work, as set forth in PRC section 42845 et seq.

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

14 Moreover, funds so expended by CalRecycle constitute a lien upon the real property
15 owned by any responsible party that is subject to the remedial action, pursuant to PRC section
16 42847.5.

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

22 CalRecycle shall not be liable for injuries or damages to persons or property resulting
23 from acts or omissions by you or any other responsible party acting as the Operator or
24 Property Owner, or related parties in carrying out activities pursuant to this CAO; nor shall
25 CalRecycle be held as a party to any contract entered into by you or any other responsible
26 party acting as Operator or Property Owner or their agent(s) in carrying out activities pursuant
27 to this CAO.

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

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

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

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

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

9
10 Dated this 27 day of July
11 Day Month/Year

12
13
14 
15 _____
16 Georgianne Turner
17 Branch Chief
18 Waste Evaluation and Enforcement Branch
19 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

(X) computed on full value of property conveyed, or

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

() Unincorporated area: (X) City of West Sacramento

MONUMENT FEE \$10-

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

Jose J Ramirez and and Elsa 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

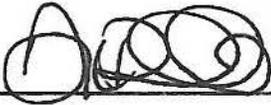
^{TR}
Ramirez

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.

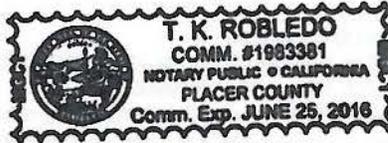
WITNESS my hand and official seal.

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° 44' West 686.24 feet; thence North 67° 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° 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° 14' East a distance of 216.69 feet to a point marked by a 2" x 2" x 30" pine stake; thence North 76° 47' East, 200 feet to a point marked by a 2" x 2" x 30" pine stake; thence South 10° 47' East, a distance of 1065.17 feet to a point marked by a 60" x 3/4" pipe on the Northerly bank of Lake Washington, thence North 80° 18' West along the Northerly bank of said Lake Washington; a distance of 213.30 feet to a point marked by a 5/8 x 40" iron bar; thence continuing on and along same course North 44° 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° 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° 19' 15" E 35.32 feet; thence from said point of beginning from a tangent that bears North 85° 05' 03" East along a curve to the right with a radius of 7000.00 feet, through an angle of 00° 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° 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 Gildes 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	
NameAddress		B&B TIRE AND RUBBER CO INC ATTN DANIEL BARBIERI P O BOX 900455 WEST SACRAMENTO CA 95798	
Status	Date	ACTIVE	
Taxability Code	Descr	001	BUSINESS OWNERSHIP
TRA	Base Date	004-005	
Creating Doc#	Date	01/01/1999	
Current Doc#	Date	05/19/2008	
Terminating Doc#	Date		
Neighborhood C...	Supl Cnt		
Asmt Description		EQUIP	
Land Use 1	Land Use 2		
Zoning 1	Dwell 1		
Acres	SqFt	0	0
SSN1	SSN2		

Values	
Land	
Structure	
Fixtures	840
Growing	
Total L&I	840
Fixture RP	
MH PP	
PP	8,120
Exemption	
Net	8,960
R/C #	
TR/Date	
Status	
Description	ENROLLED

Parcel Desc:			
Section	TownShip	Range	
Description			
TPZ	Ag Pres	Elal	Bonds
Multi ...	910 MH	Flag 1	Flag 2
Asmt PP	Tax PP	Appeal	Split
Comments			
EQI DER 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 & B Tire and Rubber Company, Inc. (TPID: 1002464)

State of California CalRecycle 181

Part A - Survey

Inspection Form Number: IW-1021660

Inspected On: 4/8/2015 9:35AM - 11:20AM

TPID - Site Suffix: 1002464-01

Facility Address

B & B Tire and Rubber Company, Inc.

4225 W Capitol Ave

West Sacramento, CA 95691-2118

Local Identifier:

Business Rep: Daniel Barbieri

Title: Owner

Tire Count: 1613

Latitude:

Longitude:

Inspection Type: Routine

Referral Type:

Inspected By: 00-100 CalRecycle

Inspector: Dustin Schiavo

Operational Status: Active

Tire Type: Passenger, Altered, Truck, OTR

Business Role: Generator

Storage Type: Outdoor, Indoor

Business Type: New Tire Dealer, Used Tire Dealer

Business Type Other:

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

VA Hauling Manifest Requirements

V 14 CCR § 18459 - Responsible for Entities Complying with Manifesting Requirements

V 14 CCR § 18462 - Manifest System Requirements for Tire Dealers or Waste Tire Generators

V PRC § 42953 - Contracts with Registered Waste Tire Haulers

Enforcement Status: Notice of Violation

Compliance Deadline: 5/8/2015

Comments:



State of California CalRecycle 182

Part C - Facility Information

SWIS Number:

Inspection Number: IW-1021660

Photos Taken: Yes

Name: IG Holdings

Phone Number:

Mailing Address: P.O. Box 980004

WestSacramento, CA 95798

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

V 14 CCR § 17353 (a) Vector Control

(a) Impermeable Barrier

V 14 CCR § 17354 Storage of Waste Tire Outdoors

V 14 CCR § 17356 Indoor Storage

Comments:

Inspection notes for inspection of B & B Tire and Rubber

Company conducted on April 8, 2015.

As the result of receiving a request for permit renewal letter from B & B Tire and Rubber Company on March 25, 2015 a routine inspection was conducted at the facility on April 8, 2015. The inspection was led by myself, Dustin Schiavo, from the CalRecycle Tire Enforcement Section. Also on the inspection were Jenna Poitras from the Yolo County Environmental Health Department and Marcus Santillano from the CalRecycle Permitting and Assistance Branch. The inspection lasted from 9:35 AM until 11:20 AM, however Jenna Poitras departed from the facility at 10:50 so she could meet another appointment.

At approximately 9:35 AM the inspection group entered the facility and received permission from the business owner, Daniel Barbieri, to begin the inspection. We started with the outdoor waste tire storage located on the south side of the main warehouse. We observed waste tires scattered throughout the yard. The total count for outdoor waste tire storage was 429 waste tires. Multiple violations were observed during this part of the inspection including, setbacks of waste tire piles from buildings (photo 1 of the photo log), waste tires still on rims (photo 2), and rainwater accumulation in most waste tires (photos 3, 4, & 5).

During the inspection of the indoor tire storage it was readily apparent that the storage condition had severely deteriorated since the last inspection on December 12, 2014. During the December inspection we asked that Mr. Barbieri continue to make progress toward full compliance on his indoor storage standards as noted on the comments form of inspection number II-1239922. During the inspection on April 8, 2015 there were a total of 1,114 waste tires counted inside the main warehouse. Most or all of these tires may have been used tires that Mr. Barbieri intended to sell but were not stored in accordance with Public Resources Code (PRC) 42806.5 as required by condition r of Waste Tire Facility Permit 57-TI-0042 (photos 6-13). In addition to this violation of condition r of the permit there is another smaller warehouse on the south side of the main warehouse that had 70 waste tires stored inside, also in direct violation of condition r of the permit (photo 14). Other violations noted were potential fire hazards and include inner tubes witnessed to be mixed in with a pile of waste tires, and several cigarette butts were seen throughout the facility on wood and carpet surfaces (photos 8, 15-18).

At the beginning of the inspection Mr. Barbieri was asked where he received his used tires from and how they are delivered. He responded that he gets the majority of them from Tri-C and mainly transports them to his facility himself 9 tires at a time. He also said that occasionally he received larger loads that are delivered by Tri-C when they bring a new disposal container. He also stated that 3 flatbed truck deliveries were received from the tire dealer in Roseville that went out of business. There is no indication or evidence that any of these deliveries, Tri-C or the flatbed, were properly manifested as required by PRC 42953, California Code of Regulations (CCR) Section 18459, and 18461. Additionally Mr. Barbieri was made aware of the new recordkeeping requirements of CCR Section 17357 that took effect January 1, 2015 and agreed to start keeping a log of all waste and used tires that are received at or taken away from the facility that do not require a manifest. At the end of the inspection Mr. Barbieri was also provided a CalRecycle Rights and Responsibilities Related to your Notice of Violation handout, a CalRecycle California Waste Tire Laws & Regulations – Permit Requirements handout, and a CalRecycle California Waste Tire Laws & Regulations – Tire Storage & Disposal Standards handout, all with most sections applicable to the current violations highlighted.

Mr. Barbieri, if you have any questions at all please call me at (916) 341-6485 or e-mail me at dustin.schiavo@calrecycle.ca.gov

List of Violations.

1. Violation of the Storage of Waste Tires Outdoors in accordance with the Waste Tire Facility Permit 57-TI-0042 map and local fire authority requirements.

All waste tire storage piles must be a minimum of 50 feet from buildings.

Corrective action: Maintain a minimum distance of 50 feet from any building for all waste tire piles.

2. Violation of CCR Section 17354. Storage of Waste Tires Outdoors.

(i) Tires must be removed from rims immediately upon arrival at the waste tire facility or solid waste facility. Tires temporarily attached to rims awaiting removal shall be stored separate from other waste tires.

Corrective action: Remove rims from all waste tires within 72 hours of them arriving onsite.

3. Violation of CCR 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

and the approved vector control plan.

Corrective action: Remove from the property, or drain the water from, all tires outdoors within 5 days or contact the Sacramento Yolo Mosquito & Vector Control District in accordance with condition 2(b) of the approved vector control plan. To avoid having to do this in the future cover outdoor tires with impermeable barriers such as tarps during times of rain.

4. Violation of waste tire facility permit number 57-TI-0042 condition r.

No waste tires shall be stored indoors. Tires stored indoors shall be resale tires and will meet the requirements of PRC 42806.5(c)(i)(2), which require that tires stored indoors must be ready for resale, stored by size in a rack or a stack not more than two rows wide, but not in a pile, and stored in accordance with local fire and vector control requirements and with state minimum standards.

Corrective action: Do not store waste tires indoors. Ensure that all used tires are stored in accordance with PRC 42806.5. All used tires that are not stored in accordance with PRC 42806.5 are considered waste tires. This requirement includes both the main warehouse and the smaller warehouse on the south side of the main warehouse.

5. Violation of CCR Section 17351. Fire Prevention Measures.

(e) The following precautions against fire shall be maintained at the waste tire facility or solid waste facility at all times:

(2) Open flame, cutting, welding, or heating devices, blow torches, or highly flammable materials, including, but not limited to, inner tubes, are prohibited within 40 feet of waste tires.

Corrective action: ensure that inner tubes and any other flammable substances are maintained away from tires separated by a distance of at least 40 feet.

6. Violation of CCR Section 17351. Fire Prevention Measures.

(e) The following precautions against fire shall be maintained at the waste tire facility or solid waste facility at all times

(3) No smoking, except in designated areas.

Corrective action: Designate a smoking area away from tires, wood, inter tubes, and other flammable substances and only allow smoking in that area.

7. Violation of waste tire facility permit number 57-TI-0042 condition j.

The permittee must report to CalRecycle the receipt of 10 or more waste or used tires from unregistered haulers in a manner that is consistent with Title 14 CCR Section 18461.

Corrective action: Require any load of 10 or more waste or used tires, and loads of less than 10 tires from a registered hauler, to be manifested by the waste tire hauler, or if a manifest is not provided report the hauler to CalRecycle using a CalRecycle 204 form.

8. Violation of CCR Section 17356. Storage of Waste Tires Indoors.

(a) Waste tires stored indoors shall be stored in the manner prescribed in the subsections below, and pursuant to the California Fire Code, Title 24 of the California Code of Regulations, sections 3201.1 through 3210.1, 3403.1 through 3403.4 and 3409.1, which are hereby incorporated by reference:

(7) Waste tire facilities and solid waste facilities with an indoor storage area exceeding 2,500 square feet shall maintain aisles with access to exits and fire access doors in accordance with the following requirements:

(A) In nonsprinklered buildings aisles shall be a minimum of 96 inches wide.

And,

(9) For waste tire facilities or solid waste facilities with a storage area greater than 500 square feet the dimensions of the waste tire piles shall not exceed 50 feet in any direction, 30 feet in height, and 75,000 cubic feet in volume.

And,

(11) Waste tire facilities and solid waste facilities with an indoor storage area greater than 500 square feet shall be equipped with an automatic fire extinguishing system that has been described by the operator in the fire safety plan required by section 17351(a).

And,

(12) Waste tire facilities and solid waste facilities with an indoor storage area greater than 2,500 square feet shall be equipped with smoke and heat vents that have been described by the operator in the fire safety plan required by section 17351(a).

Corrective action: As required by condition r of the permit do not store waste tires indoors.

Area(s) of Concern.

1. Area of Concern for Section 17357. Recordkeeping.

(a) A waste tire facility shall create and maintain records documenting the quantity of waste tires received, stored and shipped from the site on a quarterly basis. The records may include log entries describing the methods of receipt and removal of the waste tires, the number of waste tires received and removed, the name of the person employed to deliver or remove the waste tires, and Manifest Forms.

(b) A waste tire facility shall retain waste tire records as set forth in subsection (a) for three (3) years at the facility location. A facility described in section 18103 or section 18420.1 of Title 14 of the California Code of Regulations may retain waste tire records offsite if it notifies the Department of the location where all the records are maintained. On request, a waste tire facility shall provide the records to an authorized Department representative.

Corrective action: Begin keeping a log of all waste and used tires hauled to and from this facility that are not accompanied by a CalRecycle approved manifest. Attached to this inspection report you will find a sample log. You may use this log or you may use a log of your own design as long as it contains all of the same pertinent information.

Photo Log for Inspection of B & B Tire and Rubber Company

TPID 1002464, Inspection Date April 8, 2015.

Photo 1 of 18



Caption: Waste tire storage near the southern wall in the south east corner of the main warehouse with many waste tires within 10 feet of the building and as close as leaning against the building.

Photo Log for Inspection of B & B Tire and Rubber Company

TPID 1002464, Inspection Date April 8, 2015.

Photo 3 of 18



Caption: Waste tire storage on the south side of the building. Most tires in this area contain a significant amount of water from a rain storm on April 7, 2015. The white container on the left side of the picture is a Tri-C container used for waste tire disposal that was approximately half full of barrel stacked truck tires.

Photo Log for Inspection of B & B Tire and Rubber Company

TPID 1002464, Inspection Date April 8, 2015.

Photo 9 of 18



Caption: Overview of the east side of the main warehouse.



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-1023225

Inspected On: 5/12/2015 1:15PM - 2:25PM

TPID - Site Suffix: 1002464-01

Facility Address

B & B Tire and Rubber Company, Inc.
4225 W Capitol Ave
West Sacramento, CA 95691-2118

Local Identifier:

Business Rep: Daniel Barbieri

Title: Owner

Tire Count: 1111

Latitude:

Longitude:

Inspection Type: Re-inspection

Referral Type:

Inspected By: 00-100 CalRecycle

Inspector: Dustin Schiavo

Operational Status: Active

Tire Type: Passenger, Altered, Truck, OTR

Business Role: Generator

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: 5/29/2015

Comments:

Inspection notes for inspection of B & B Tire and Rubber

Company conducted on May 12, 2015.

A re-inspection was conducted on May 12, 2015 at B & B Tire and Rubber Co. Inc. as a result of violations that were issued resultant to the April 8, 2015 inspection. This re-inspection was led by Dustin Schiavo of CalRecycle who was assisted by Nai Teurn of CalRecycle, Jenna Poitras of Yolo County, and Jeff Sutopo of Yolo County. The inspectors arrived on site at approximately 1:15 PM and immediately made contact with Daniel Barbieri who gave consent to begin the inspection.

The inspection began on the south side of the facility where the waste tires are stored. Directly on the south side of the building and scattered around toward the west side there were 386 waste tires counted. All tires appeared to be free of water, abating any mosquito vector issues. During this inspection there were no tires stored in the smaller warehouse south of the main warehouse. Violations noted that continue from the previous inspection include 50 foot setbacks of waste tires from buildings and waste tires that remain on rims. All waste tires on the south side of the building must be 50 feet from the building and waste tires must have the rims removed in a timely manner. A pile of inner tubes and a significant amount of vegetative material was also noted in and around the area where waste tires are stored on the south side of the building. Waste tires must be stored at least 40 feet from flammable materials including inner tubes and vegetative material.

Inspection of the indoor storage area revealed significant improvement in the organization and storage of used tires. There were still a total of 725 tires counted as waste from several locations throughout the warehouse. Some of the main problem areas remain to be the east loft, the east side of the north loft, either side of the southern roll up door, and underneath the north loft. It was also noted that there were approximately 65 tires stored under the platform on the west side of the warehouse. Do not store tires in enclosed areas under this platform. An open electrical box with wires hanging out of it was also noted at the top of the stairs leading up to the east loft. Please properly cover all wires and enclose them in the electrical box. Immediately prior to the end of this inspection at 2:25 PM I walked through the facility with Mr. Barbieri and pointed out most of the problem areas indoors that still need attention and answered any questions he had..

New or Continuing Violations.

1. Violation of the Storage of Waste Tires Outdoors in accordance with the Waste Tire Facility Permit 57-TI-0042 map and local fire authority requirements.

All waste tire storage piles must be a minimum of 50 feet from buildings.

Corrective action: Maintain a minimum distance of 50 feet from any building for all waste tire piles.

2. Violation of CCR Section 17354. Storage of Waste Tires Outdoors.

(i) Tires must be removed from rims immediately upon arrival at the waste tire facility or solid waste facility. Tires temporarily attached to rims awaiting removal shall be stored separate from other waste tires.

Corrective action: Remove rims from all waste tires within 72 hours of them arriving onsite.

3. Violation of waste tire facility permit number 57-TI-0042 condition r.

No waste tires shall be stored indoors. Tires stored indoors shall be resale tires and will meet the requirements of PRC 42806.5(c)(i)(2), which require that tires stored indoors must be ready for resale, stored by size in a rack or a stack not more than two rows wide, but not in a pile, and stored in accordance with local fire and vector control requirements and with state minimum standards.

Corrective action: Do not store waste tires indoors. Ensure that all used tires are stored in accordance with PRC 42806.5. All used tires that are not stored in accordance with PRC 42806.5 are considered waste tires.

4. Violation of CCR Section 17351. Fire Prevention Measures.

(e) The following precautions against fire shall be maintained at the waste tire facility or solid waste facility at all times:

(2) Open flame, cutting, welding, or heating devices, blow torches, or highly flammable materials, including, but not limited to, inner tubes, are prohibited within 40 feet of waste tires.

Corrective action: ensure that inner tubes, vegetative material, and any other flammable substances are maintained away from tires separated by a distance of at least 40 feet. Also properly cover any electrical wires and/or boxes.

Violations Corrected Since Last Inspection.

1. Violation of CCR 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
and the approved vector control plan.

2. Violation of CCR Section 17351. Fire Prevention Measures.

(e) The following precautions against fire shall be maintained at the waste tire facility or solid waste facility at all times

(3) No smoking, except in designated areas.

3. Violation of CCR Section 17356. Storage of Waste Tires Indoors.

(a) Waste tires stored indoors shall be stored in the manner prescribed in the subsections below, and pursuant to the California Fire Code, Title 24 of the California Code of Regulations, sections 3201.1 through 3210.1, 3403.1 through 3403.4 and 3409.1, which are hereby incorporated by reference:

(7) Waste tire facilities and solid waste facilities with an indoor storage area exceeding 2,500 square feet shall maintain aisles with access to exits and fire access doors in accordance with the following requirements:

(A) In nonsprinklered buildings aisles shall be a minimum of 96 inches wide.

And,

(9) For waste tire facilities or solid waste facilities with a storage area greater than 500 square feet the dimensions of the waste tire piles shall not exceed 50 feet in any direction, 30 feet in height, and 75,000 cubic feet in volume.



State of California CalRecycle 182

Part C - Facility Information

SWIS Number:

Inspection Number: IW-1023225

Photos Taken: Yes

Name:

Phone Number:

Mailing Address:

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

V 14 CCR § 17354 Storage of Waste Tire Outdoors

- (a) Storage Units
- (c) Fire District Requirements
- (g) Rim Removal

Comments:

Photo Log for Inspection of B & B Tire and Rubber Company

TPID 1002464, Inspection Date May 12, 2015.

Photo 7 of 7



Caption: Pile consisting mostly of used forklift tires all improperly stored.



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-1023964

Inspected On: 6/2/2015 10:35AM - 12:00PM

TPID - Site Suffix: 1002464-01

Facility Address

B & B Tire and Rubber Company, Inc.

4225 W Capitol Ave

West Sacramento, CA 95691-2118

Local Identifier:

Business Rep: Daniel Barbieri

Title: Owner

Tire Count: 1112

Latitude:

Longitude:

Inspection Type: Re-inspection

Referral Type:

Inspected By: 00-100 CalRecycle

Inspector: Dustin Schiavo

Operational Status: Active

Tire Type: Passenger, Altered, Truck, OTR

Business Role: Generator

Storage Type: Outdoor, Indoor

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:

Inspection notes for B & B Tire and Rubber

Company inspection conducted on June 2, 2015.

A second re-inspection of B & B tire and Rubber Company was conducted on June 2, 2015. This compliance inspections was a result of violations noted during inspections on April 2, 2015 and May 12, 2015. This second re-inspection was led by Dustin Schiavo of CalRecycle, and assisted by Jenna Poitras of Yolo County Environmental Health. The inspection began at approximately 10:35 AM after meeting Daniel Barbieri at the entrance to the facility and receiving permission to inspect.

The inspection began with the outdoor storage on the south side of the facility. Very little to no improvement had been made with regards to the outdoor storage of waste tires. Violations noted that continue from the previous inspection include 50 foot setbacks of waste tires from buildings and waste tires that remain

on rims. All waste tires on the south side of the building must be 50 feet from the building and waste tires must have the rims removed in a timely manner. Inner tubes were found stuffed inside tires in the Tri-C container on site, and a significant amount of vegetative material was also noted in and around the area where waste tires are stored on the south side of the building. Waste tires must be stored at least 40 feet from flammable materials including inner tubes and vegetative material. There were a total of 518 waste tires counted outdoors.

Inspection of the indoor storage in the main warehouse revealed very little change since the last inspection. With the exception of the semi-truck tires stored on the west side of the southeast rollup door all of the same problem areas remain as noted in the previous inspection reports. These include the east loft which was in a deteriorated, messier condition since the last inspection. The east side of the north loft which appeared largely unchanged. The east side of the southeastern rollup door which also appeared unchanged. Lastly underneath the north loft which was mostly unchanged as well. All of the noted areas contain unorganized piles or improperly spaced stacks of tires that do not meet the storage requirements for used tires. There were a total of 594 waste tires counted indoors.

During the exit interview at the end of the inspection I reviewed with Mr. Barbieri the current state of his facility as documented in this inspection report and informed him I will most likely be completing a Cleanup and Abatement Order (CAO) upon completion of this inspection report. I also advised Mr. Barbieri that continued non-compliance after a CAO has been issued will result in financial penalties. Mr. Barbieri was given a CalRecycle handout of the 'Tire Storage & Disposal Standards' with 14 CCR Section 17356 (a)(11), (a)(12) and (c) highlighted. I advised Mr. Barbieri to contact the local fire authority to obtain a letter of approval for the current condition of his warehouse with regards to the lack of a sprinkler system and other fire requirements (see number five on the list of violations) prior to my next inspection. Mr. Barbieri stated "that's not a problem". The inspection and exit interview was completed and the inspectors left the facility at approximately 12 noon.

New or Continuing Violations.

- 1. Violation of the Storage of Waste Tires Outdoors in accordance with the Waste Tire Facility Permit 57-TI-0042 map and local fire authority requirements.**

All waste tire storage piles must be a minimum of 50 feet from buildings.

Corrective action: Maintain a minimum distance of 50 feet from any building for all waste tire piles.

- 2. Violation of CCR Section 17354. Storage of Waste Tires Outdoors.**

(i) Tires must be removed from rims immediately upon arrival at the waste tire facility or solid waste facility. Tires temporarily attached to rims awaiting removal shall be stored separate from other waste tires.

Corrective action: Remove rims from all waste tires within 72 hours of them arriving onsite.

- 3. Violation of waste tire facility permit number 57-TI-0042 condition r.**

No waste tires shall be stored indoors. Tires stored indoors shall be resale tires and will meet the requirements of PRC 42806.5(c)(i)(2), which require that tires stored indoors must be ready for resale,

stored by size in a rack or a stack not more than two rows wide, but not in a pile, and stored in accordance with local fire and vector control requirements and with state minimum standards.

Corrective action: Do not store waste tires indoors. Ensure that all used tires are stored in accordance with PRC 42806.5. All used tires that are not stored in accordance with PRC 42806.5 are considered waste tires.

4. Violation of CCR Section 17351. Fire Prevention Measures.

(e) The following precautions against fire shall be maintained at the waste tire facility or solid waste facility at all times:

(2) Open flame, cutting, welding, or heating devices, blow torches, or highly flammable materials, including, but not limited to, inner tubes, are prohibited within 40 feet of waste tires.

Corrective action: ensure that inner tubes, vegetative material, and any other flammable substances are maintained away from tires separated by a distance of at least 40 feet. Also properly cover any electrical wires and/or boxes.

5. Violation of CCR Section 17356. Storage of Waste Tires Indoors.

(a) Waste tires stored indoors shall be stored in the manner prescribed in the subsections below, and pursuant to the California Fire Code, Title 24 of the California Code of Regulations, sections 3201.1 through 3210.1, 3403.1 through 3403.4 and 3409.1, which are hereby incorporated by reference:

(11) Waste tire facilities and solid waste facilities with an indoor storage area greater than 500 square feet shall be equipped with an automatic fire extinguishing system that has been described by the operator in the fire safety plan required by section 17351(a).

And,

(12) Waste tire facilities and solid waste facilities with an indoor storage area greater than 2,500 square feet shall be equipped with smoke and heat vents that have been described by the operator in the fire safety plan required by section 17351(a).

Corrective action: In accordance with CCR Section 17356(c) obtain permission in the form of a letter from the local fire authority indicating that "a different requirement is necessary or adequate to meet the intent of these regulations". If a letter of exemption or approval is obtained from the local fire authority please forward it to me at my e-mail (dustin.schiavo@calrecycle.ca.gov) or fax (916) 319-7255.



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-1023964

Photos Taken: Yes

Name: IG Holdings LLC

Phone Number:

Mailing Address: P.O. Box 980004

WestSacramento, CA 95798

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

V 14 CCR § 17354 Storage of Waste Tire Outdoors

(a) Storage Units

(c) Fire District Requirements

(g) Rim Removal

Comments:

Photo Log for Inspection of B & B Tire and Rubber Company

TPID 1002464, Inspection Date June 2, 2015.

Photo 2 of 11

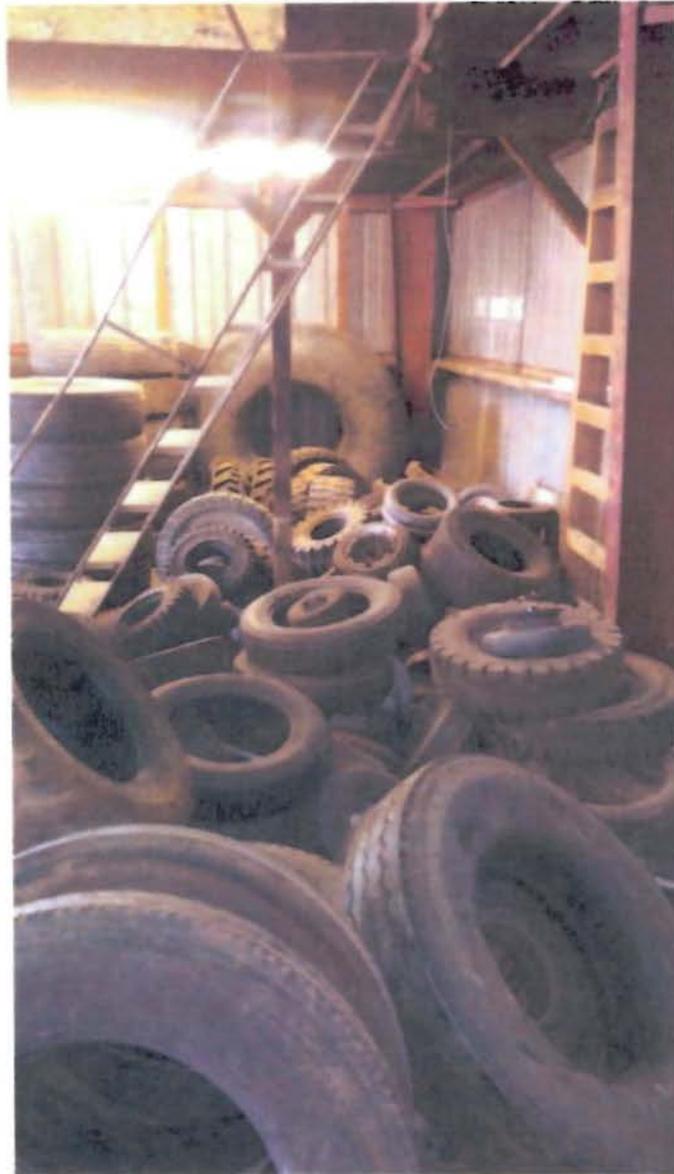


Caption: An overview of waste tire storage on the south side of the main warehouse showing how many tires are stored within 50 feet of the building. The Tri-C container is just over 50 feet from the building.

Photo Log for Inspection of B & B Tire and Rubber Company

TPID 1002464, Inspection Date June 2, 2015.

Photo 9 of 11



Caption: Forklift and other miscellaneous tire storage on the east side of the southeast rollup door. This pile of tires has no organization and remains virtually unchanged since the last inspection. All of these tires were counted as waste.

APPENDIX B

APPLICABLE CALIFORNIA STATUTE AND REGULATIONS

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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.

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.

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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 42843. Revocation, suspension, or denial of waste tire facility permits; grounds; duration; notice and hearing; decision.

(a) The department may revoke, suspend, or deny a waste tire facility permit for a period of up to three years, by serving a statement of issues, by personal service or certified mail, in accordance with Section 42852, if the applicant for, or holder of, the permit, does any of the following:

- (1) The applicant misrepresents or fails to disclose material factual information in its application.
- (2) The operator of the waste tire facility, at any time during the previous three years, fails to comply with an order regarding compliance subsequent to receiving a notice of violation, for any of the following:
 - (A) A violation of this chapter or the regulations adopted pursuant to this chapter.
 - (B) A violation of Chapter 19 (commencing with Section 42950) or the regulations adopted pursuant to that chapter.
 - (C) The terms or conditions of the operator's waste tire facility permit.

(b) If the department determines that a violation specified in paragraph (2) of subdivision (a) demonstrates a chronic, recurring pattern of noncompliance that poses, or may pose, a significant risk to public health and safety or the environment, or if the violation has not been corrected or reasonable progress toward correction has not been achieved, the department may suspend, revoke, or deny a waste tire facility permit, in accordance with the procedure specified in subdivision (a), for a period of not more than five years.

(c) If the department determines that a violation specified in paragraph (2) of subdivision (a) has resulted in significant harm to human health or the environment, the department may suspend, revoke, or deny a waste tire facility permit, in accordance with the procedure specified in subdivision (a), for a period of five years or longer.

(d) The department shall notify the applicant for, or the holder of, the permit of the revocation, suspension, or denial of the permit and the effective date of the revocation, suspension, or denial. A revocation or suspension issued pursuant to this section shall remain in effect until the hearing is completed and the director issues a decision.

(e) Upon receipt by the department of a notice of defense to the statement of issues from the applicant for, or the holder of, the permit, the department shall, within 15 days, schedule a hearing before the director. The hearing shall be held within 90 days of the scheduling date, unless a later date is agreed to by both the department and the applicant for, or the holder of, the permit.

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(f) After conducting the hearing, the director shall, within 60 days after the case is submitted, issue a decision, including an order setting forth the issuance, suspension, revocation, or denial of the permit. If the decision is not issued within this period, the revocation or suspension shall be of no further effect.

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.
- (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).

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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.

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

APPENDIX B

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.

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

APPENDIX B

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.

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

APPENDIX B

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, 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

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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.

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.

Pursuant to the California Fire Code, Title 24 of the California Code of Regulations, sections 3201.1 through 3210.1, 3404.1 through 3408.2, which are hereby incorporated by reference, any person storing 500 or more waste tires shall meet the following requirements:

- (a) The operator of the waste tire facility or solid waste facility shall demonstrate that they have prepared and submitted a fire safety plan to the fire code official having jurisdiction over a particular facility for review and approval. The fire safety plan shall include provisions for fire department vehicle access. At least one copy of the most recent, up-to-date fire safety plan and, if applicable, any approvals shall be made available at the time of inspection and at the time of application for a new permit, permit review or permit revision.
- (b) Communication equipment shall be maintained at all waste tire facilities and solid waste facilities, if they are staffed by an attendant, to ensure that the site operator can contact local fire authority in the event of fire. The telephone number of the local fire authority and location of the nearest telephone shall be posted conspicuously in attended locations.
- (c) Adequate equipment to aid in the control of fires shall be provided and maintained at the waste tire facility or solid waste facility at all times. At a minimum the following items shall be maintained on site and in working order at all times:
 - (1) Buildings or structures shall be equipped with portable fire extinguishers in accordance with Section 906 of the California Fire Code;
 - (2) One (1) pike pole or comparable pole at least 10 feet in length to separate burning from nonburning tires;

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- (3) One (1) round point and one (1) square point shovel;
- (4) One (1) portable fire extinguisher with a minimum rating of A:40-B:C shall be carried on each piece of fuel-powered equipment used to handle waste tires;
- (d) 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. The water supply shall be arranged such that any part of the storage yard can be reached by using not more than 500 feet of hose.
- (e) The following precautions against fire shall be maintained at the waste tire facility or solid waste facility at all times:
 - (1) No open burning.
 - (2) Open flame, cutting, welding, or heating devices, blow torches, or highly flammable materials, including, but not limited to, inner tubes, are prohibited within 40 feet of waste tires.
 - (3) No smoking, except in designated areas.
 - (4) Tire storage piles shall not be located beneath electrical power lines having a voltage in excess of 750 volts or that supply power to fire emergency systems.
- (f) All of the requirements of subsections (a) through (e) above 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 Department by the operator within 30 days after their effective date. Any requirements approved by the local fire authority shall be subject to Department concurrence at the time of issuance or review of the permit.

Section 17352. Facility Access and Security.

- (a) Signs - For waste tire facilities and solid waste 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 waste tire facility or solid waste 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 waste tire facility or solid waste facility shall be maintained passable for emergency equipment, fire apparatus, and vector control vehicles at all times. Unauthorized access shall 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

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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 Department concurrence at the time of issuance or review of the waste tire facility permit.

Section 17354. Storage of Waste Tires Outdoors.

(a) Waste tires stored outdoors shall be stored as prescribed in the subsections below, and pursuant to the California Fire Code, Title 24 of the California Code of Regulations, sections 3405.1 through 3405.9, which are hereby incorporated by reference.

(b) All of the requirements in subsections (c) through (j) below 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 Department by the operator within 30 days after their effective date. Any requirements approved by the local fire authority shall be subject to Department concurrence at the time of issuance or review of the permit.

(c) Storage of waste tires shall be restricted to individual piles, which include stacks and racks of waste tires, that do not exceed 5,000 square feet of contiguous area. Pile width shall not exceed 50 feet. Any pile shall not exceed 50,000 cubic feet in volume or 10 feet in height.

(d) Tire storage piles containing less than 500 waste tires shall be located no closer than 10 feet from lot lines or buildings; however, tire piles containing less than 500 waste tires may be stored within 10 feet of lot lines or buildings after the operator has obtained approval from the fire code official. Waste tire piles containing less than 500 waste tires shall not exceed 6 feet in height when within 20 feet of any property line, building, or perimeter fencing. Side slopes shall not exceed 60 degrees.

(e) Tire storage piles containing 500 or more waste tires shall be located at least 50 feet from lot lines and buildings, unless the facility is a waste tire facility described in subsections (1) through (4) below.

(1) Where the waste tire facility has obtained approval from the fire code official and the waste tires are stored at an exempt or excluded site defined in 14 CCR section 17225.822, tire storage piles may be located within 50 feet but no closer than 10 feet from lot lines or from buildings.

(2) Where the waste tire facility has obtained approval from the fire code official and the waste tires are stored at a permitted minor waste tire facility, tire storage piles may be located closer than 50 feet but no closer than 10 feet from lot lines and 50 feet from buildings.

(3) Where waste tires are stored at a minor waste tire facility that was issued a minor waste tire facility permit prior to January 1, 2011, tire storage piles may be located closer than 50 feet but no closer than 10 feet from lot lines and 50 feet from buildings.

(4) In no case shall the waste tire storage piles exceed 6 feet in height when within 20 feet of any lot line or perimeter fencing, and side slopes shall not exceed 60 degrees.

(f) Any individual waste tire pile shall be separated from any other waste tire pile, combustible ground vegetation, stored used tires, waste tire material, or products made from tires, by a distance of at least 40 feet.

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(g) Waste tire piles shall not be located under bridges, elevated trestles, elevated roadways, or stored in an area where they may be subjected to immersion in water during a 100-year storm unless the owner or operator demonstrates that the waste tire facility or solid waste facility will be designed and operated so as to prevent waste tires from migrating off-site.

(h) At a waste tire facility or solid waste facility storing more than 150,000 cubic feet of waste tires, adjacent individual waste tire piles shall be considered a group, and the aggregate volume of storage piles in a group shall not exceed 150,000 cubic feet. Each group shall be separated from any other group by a distance of at least 75 feet.

(i) Tires must be removed from rims immediately upon arrival at the waste tire facility or solid waste facility. Tires temporarily attached to rims awaiting removal shall be stored separate from other waste tires.

(j) The waste tire facility or solid waste facility 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 Public Resources Code section 42808, unless any of the following conditions exist:

(1) The waste tires are stored within the boundaries of, or disposed at, a permitted solid waste disposal facility or stored within the boundaries of a permitted transfer station which receives less than 150 waste tires per day averaged over a 365-day period. If waste tires are stored within the boundaries of a solid waste facility, the permit of the solid waste facility shall conform to the requirements of Public Resources Code section 44004 and Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations, to reflect the storage of waste tires.

(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.

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- (b) For the purposes of determining the applicability of this Chapter 6, altered waste tires shall be counted as passenger tire equivalents as that term is defined in section 17225.770 of Title 14 of the California Code of Regulations. .
- (c) Operations authorized to use the enforcement agency notification tier as prescribed by sections 18103 and 18103.1 of Title 14 of the California Code of Regulations, that stores, stockpiles, accumulates or discards 500 or more waste tires shall comply with the waste tire facility permitting requirements set forth in Division 30, Part 3, Chapter 16 of the Public Resources Code, and Division 7, Chapters 3 and 6 of Title 14 of the California Code of Regulations.
- (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 waste or used 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 1,500 waste tires in accordance with Public Resources Code section 42808(c).

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

Section 18423. Permit Application Filing.

- (a) Every operator of a new major or minor waste tire facility shall submit to the Department a complete and correct waste tire facility permit application, as specified in Article 4 of this Chapter.
- (b) Upon receipt of the application, the Department shall mark the application package with the date of receipt. Within 30 days of receipt, the Department shall examine the application package to determine whether it meets the requirements contained in this chapter and either accept the application as complete and correct or reject the application. If the Department finds the application meets the requirements, the application shall be accepted as complete and correct. If the Department determines that the application does not conform to the applicable requirements, it shall notify the applicant in writing enumerating the grounds for rejection.
- (c) The operator of a waste tire facility may, at any time, withdraw a certification or permit revision application by submitting a written request to the Department. An applicant may not withdraw an application for revision if the Department requests the permit be revised pursuant to section 18427(b) or (f) of this Chapter.
- (d) For purposes of this Chapter, "Complete and Correct" means all information provided by the applicant regarding the waste tire facility is accurate, exact, and fully describes all parameters of the waste tire facility.

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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 Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations.

(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 Department 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 Department in the event of a fire or other emergency if that emergency has potential significant off-site effects. Within 30 days of any such emergency, the operator shall submit to the Department 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

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

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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.