

1 This site meets the definition of a major waste tire facility as that term is defined by PRC
2 section 42808(b). A major waste tire facility is "a waste tire facility where, at any time, 5,000 or
3 more waste tires are or will be stored, stockpiled, accumulated, or discarded."

4 This site is legally allowed to store up to 499 waste tires without first obtaining a waste
5 tire facility permit from CalRecycle.

6 To date, you have not acquired a major waste tire facility permit for this site.

7 CalRecycle inspected this site on September 23, 2015, as documented in Inspection
8 Report IW-1028518, which is attached hereto and incorporated herein by reference as
9 Appendix A-2, and determined that approximately 140,699 waste tires were being stored on
10 site.

11 CalRecycle issued a Notice of Violation to you as the Property Owner/Operator on
12 September 23, 2015, as documented in the above inspection report, requiring all waste tires in
13 excess of your authorized limit of 499 to be removed by November 06, 2015.

14 CalRecycle re-inspected this site on November 09, 2015, as documented in Inspection
15 Report IW-1030609, which is attached hereto and incorporated herein by reference as
16 Appendix A-2, and determined that approximately 96,013 waste tires remain on site.

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

19 Specifically, you are in violation of:

- 20 • PRC section 42823 for establishing a new major waste tire facility without first
21 obtaining a major waste tire facility permit.
- 22 • PRC section 42824 for accepting waste tires at a major waste tire facility (this
23 site) without first obtaining a major waste tire facility permit.
- 24 • Title 14 CCR section 18420(a), which requires every Operator of a major or
25 minor Waste Tire Facility that stores, stockpiles, accumulates or discards waste
26 tires to acquire a waste wire facility permit.
- 27 • Title 14 CCR section 18423, which requires every Operator of a major or minor
28 waste tire facility to submit a completed waste tire facility permit application.

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

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

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

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

13 Reduce and maintain the number of waste and used tires on this site to zero, in
14 accordance with the following:

- 15 1. Remove all waste and used tires from this site within 15 days from the date of
16 service of this Cleanup and Abatement Order (hereafter, "CAO" or "Order"), in
17 accordance with the following:
 - 18 a. CalRecycle must approve the destination of all waste and used tires removed
19 from this site to ensure that a registered waste tire hauler legally transports
20 them to an approved facility. All waste and used tires removed from this site
21 shall be transported to this approved destination.
 - 22 b. All waste tires (whole and/or passenger tire equivalents, pursuant to Title 14
23 of the CCR, section 17225.770) and used tires shall be removed by a
24 registered waste tire hauler, as prescribed by PRC section 42950 et seq. A
25 completed Comprehensive Trip Log (CTL), CalRecycle 203, form must
26 accompany and document each load of waste and used tires removed and a
27 copy of each completed CTL form must be submitted to CalRecycle within 30
28 days from the date of service of this CAO. Failure to comply with this

1 provision may result in penalties, pursuant to PRC sections 42961.5 and
2 42962.

- 3 2. At no time may you accept additional waste or used tires at this site for the next
4 45 days.
- 5 3. You shall reimburse CalRecycle for the cost of all inspections conducted within a
6 year from the issuance of this CAO that are in addition to those inspections
7 required by statute or regulation. The cost shall include, but shall not be limited
8 to, expenses incurred for preparing for the inspection, traveling to and from the
9 inspection, and writing up the inspection reports, at the same amounts that are
10 determined annually and approved for enforcement agents to be charged by
11 CalRecycle.

12 **PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO PRC SECTIONS 42843,**
13 **42845, 42850 and 42850.1:**

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

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

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

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

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

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

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

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

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

26 This CAO does not relieve you or any other responsible party acting as the Operator or
27 Property Owner from complying with all other local, state and federal requirements.
28

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

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

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

5 If you have any questions about this CAO, you may contact Jean Whalen of my staff at
6 (916) 341-6420.

7
8 Dated this 4th day of December, 2015
9 Day Month/Year

10
11 

12 _____
13 Georgianne Turner
14 Branch Chief
15 Waste Evaluation and Enforcement Branch
16 Department of Resources Recycling and Recovery
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**ATTACHMENTS
FOR
R & L RECYCLE
CLEAN-UP AND ABATEMENT ORDER
ORDER: NO. 2015-011051-CAO**

APPENDIX A – DRAFT CLEANUP AND ABATEMENT ORDER

APPENDIX A1 – PROPERTY PROFILE

APPENDIX A2 – INSPECTION REPORTS AND PHOTOS

- CALRECYCLE INSPECTION REPORT (IW-1028518) 9/23/2015
- CALRECYCLE INSPECTION REPORT (IW-1030609) 11/9/2015

APPENDIX B – APPLICABLE CALIFORNIA STATUTE AND REGULATIONS

APPENDIX C – MISCELLANEOUS DOCUMENTS

- SECRETARY OF STATE BUSINESS INFORMATION
- LIST OF WITNESSES
- SAN JOSE CITY FIRE INSPECTION REPORT (601822) 10/1/2015
- WASTE TIRE MANAGEMENT SYSTEM BUSINESS SUMMARY
- ASSESSOR'S PARCEL NUMBER (APN) MAP

APPENDIX A-1
PROPERTY PROFILE

1596 So. 7th Ave San Jose Property Assessment Report

Tuesday, November 10, 2015 3:01 PM

Property Assessment Report

Date: 11/10/15

Reference Code: R L

PROPERTY ASSESSMENT RECORDS

Name Owner : PESTANA IRENE (TRUSTEE)
Name Owner 2: KELLY MICHAEL J JR (TRUSTEE)
Property Address: [1596 S 7TH ST, SAN JOSE CA 95112-5929](#)
Owner Address: [360 KIELY BLVD STE 240, SAN JOSE CA 95129-1300](#)
County: SANTA CLARA
Data Source: B

SALES INFORMATION

Sale Price:
Sale Date:
Recording Date: 05/16/2011
Book:
Page:

TAX AND ASSESSMENT INFORMATION

Parcel Number: [477-09-018](#)
Document Number: 21179100
Brief Description:
Legal Description: CITY/MUNI/TWNSP: SAN JOSE;
Subdivision Name:
Land Usage: INDUSTRIAL (GENERAL)
Market Land Value:
Market Improvement Value:
Total Market Value:
Assessed Value:
Tax Year:
Tax Amount:
Homestead Exemption:

PROPERTY CHARACTERISTICS

Year Built: 1947
Land Size:
Living Size:
Number Bedrooms:
Number Full Baths:
Number Half Baths:
Number of Stories:
Building Area: 24360 TOTAL;
Acres: 1.24 AC

APPENDIX A-2

INSPECTION REPORTS AND PHOTOS



Part A - Survey

Inspection Form Number: IW-1028518

Inspected On: 9/23/2015 12:13PM - 2:15PM

TPID - Site Suffix: 1787089-01

Facility Address

R & L Recycle

1596 S 7th St, Ste C

San Jose, CA 95112-5929

Local Identifier:

Business Rep: Lisa and Randy Vosters Title: Owner/Operator

Tire Count: 140699

Latitude: Longitude:

Inspection Type: Re-inspection

Referral Type:

Inspected By: 00-100 CalRecycle

Inspector: Randy Friedlander

Operational Status: Active

Tire Type: Passenger, Altered, Truck, OTR

Business Role: Generator, Hauler

Storage Type: Outdoor, Indoor

Business Type: Hauler, Other

Business Type Other: Bales waste tires

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

VA Hauling Manifest Requirements

V 14 CCR § 18459.2.1 - Submittal of Manifest Forms and Tire Trip Logs within 90 days

V 14 CCR § 18460.2 - Manifest System Requirements for Registered Waste Tire Haulers

V PRC § 42951 - Waste Tire Hauler Registration and Transport of Tires

Enforcement Status: Notice of Violation

Compliance Deadline: 11/6/2015

Comments:

NOTICE OF VIOLATION

Discussion of violations listed on Page 2 of Inspection Report.



State of California CalRecycle 182

Part C - Facility Information

SWIS Number:

Inspection Number: IW-1028518

Photos Taken: Yes

Property Owner Information

Name: Pestana Properties, Property Management

Phone Number: 408-642-1682

Mailing Address: 84 W. Santa Clara Street, Suite 580
 San Jose, CA 95113-1812

Facility Type: Major WTF (>= 5,000 Tires)

Permitted Status: Unpermitted

Exempt/Excluded Business Type

Part D - Inspection of Waste Tire Facility

V PRC § 42824 Major Waste Tire Facility Permit

V 14 CCR § 17351 Fire Prevention Measures

V 14 CCR § 17352 Site Security

V 14 CCR § 17354 Storage of Waste Tire Outdoors

V 14 CCR § 17356 Indoor Storage

Comments:

NOTICE OF VIOLATION

CalRecycle inspectors Randy Friedlander (Waste Tire Compliance Central Unit) and Jean Whalen (Tire Hauler Compliance Unit) arrived at the R & L Recycle facility at 12:13 p.m. and performed a re-inspection to follow up on violations noted during the last inspection of the facility by CalRecycle which occurred on April 16, 2015. R & L Recycle operators Randy and Lisa Vosters were present and gave their consent to inspect and take photographs of the facility.

At the time of the inspection, the tire program identification (TPID) certificate was adequately posted behind the R & L Recycle office counter.

MANIFEST REVIEW

Comprehensive Trip Logs (CTL) records were reviewed from the date of last inspection on

4/16/2015 to 9/23/2015. Violations were noted for failure to submit the completed CTLs to CalRecycle within 90 days (as required by Title 14, California Code of Regulations (14 CCR) section 18459.2.1) and not manifesting correctly (14CCR 18460.2). Inspectors noted that only one of the hauler's CTL records documented a delivery of waste or used tires, which included not showing deliveries of waste or used tires to their own site location. In addition, four CTLs (CTL 5445418, 5445251, 4995022, 5445464) had not been submitted to CalRecycle within the required 90-day time period. As a courtesy to the hauler, CalRecycle Inspectors accepted previously unsubmitted CTLs dated 5/2/2015 - 8/25/2015 and hand delivered them to CalRecycle for processing.

CTL Educational materials were provided to the facility operators during the 4/16/2015 inspection. During this inspection, Inspectors Friedlander and Whalen explained to the facility's operators (Vosters) the manifesting requirements per Public Resource Code (PRC) 42961.5, so that they understood what was required to correct the above violations and prevent their reoccurrence in the future. The inspectors provided copies of the following educational materials:

- A laminated Waste Tire Manifest System- Field Reference Guide for the CTLs
- The California Waste Tire Laws and Regulations for Transportation of Waste & Used Tires
- The California Waste Tire Laws and Regulations for Permit Requirements, and
- The California Waste Tire Laws and Regulations for Tire Storage & Disposal Standards.

Based on a review of their CTL records, R & L Recycle was also found to be in violation of PRC 42951.(b) for, as a hauler, transporting used or waste tires to an unauthorized location due to the facility being an unpermitted waste tire facility and exceeding its authorized storage limit by over 140,000 waste tires.

WASTE TIRE COUNT

The inspectors conducted a count of all waste tires at the facility. Used and waste tires were observed stored inside and outside of the facility's warehouse. Stacks of baled waste tires were observed outside the warehouse on the asphalt. Some stacks of baled waste tires were stored inside the warehouse adjacent to a pile of waste tires. (See Photo Log).

The total waste tire count for this unpermitted major waste tire facility is approximately 140,699 waste tires. This total includes:

- Indoor waste tire storage = 10,617 waste tires
- Outdoor waste tire storage = 130,082 waste tires

Indoor storage: The inspection began with waste tire counts inside the warehouse. Indoor storage included waste tires stored in loose piles and bales. The waste tire bales were counted directly and multiplied by the conversion factor of # waste tires/bale as provided by the operators to determine the total. The waste tires in piles were counted using CalRecycle's standard volumetric estimation techniques.

- At the south end of warehouse, some barrel-stacked used tires were observed, stored in rows of two with adequate aisle space between them. Those tires were not included in the tire count.
- A pile of passenger tires was adjacent to the barrel stacks. It measured L (86ft) x W (40ft) x H (6ft) = $20,640 \text{ ft}^3 / 27 = 764 \text{yd}^3 \times 10 = 7,640 \times 0.8$ which equaled 6,112 waste

tires.

- A baling machine was located inside the warehouse in the north corner. The operator stated that each bale contained 85 passenger tires and that the baling machine shows the tire count as the tires are being baled. Fifty-three (53) bales of waste tires were stored along the west side of the warehouse--53 bales x 85 (waste tires per bale) which equaled 4,505 waste tires.

The total waste tire count for waste tires stored indoors was 10,617 waste tires (this total reflects a 20% deduction from the calculated number of waste tires as a safety factor when using volumetric estimation).

Outdoor storage: Outdoor storage included waste tire piles, baled waste tires, and waste tires stored in a trailer. The waste tire bales were counted directly and multiplied by the conversion factor of # tires/bale as provided by the operators to determine the total. The waste tires in piles and in the trailer were counted using CalRecycle's standard volumetric estimation techniques.

- Outside the main warehouse door, a pile of waste tires labeled "E" on the attached site map (loose passenger tires) was observed having the following dimensions: L (10ft) x W (10ft) x H (4ft) = $400 \text{ ft}^3 / 27 = 14.8 \text{ yd}^3$ x 10 = 148 x 0.8 which equaled 118 waste tires.
- A small open trailer full of waste tires (loose) was parked in front of the warehouse. It measured L (10ft) x W (6ft) x H (6ft) = $600 \text{ ft}^3 / 27 = 22.2 \text{ yd}^3$ x 10 = 222 x 0.8 totaling 177 waste tires.
- Three separate sections of baled tires were located on the asphalt east of the facility office. The sections were separated by empty 28' trailers. The sections are labeled A, B, and C (see site map).
 - Section "A" contained 47,600 waste tires (14 Rows x 5 bales high x 8 bales long = 560 bales x 85 waste tires per bale)
 - Section "B" contained 26,087 waste tires (299 bales x 85 waste tires per bale = 25,415 plus 672 truck tires that were directly counted.)
 - Section "C" contained 56,100 waste tires (11 Rows x 5 bales high x 12 bales long = 660 bales x 85 waste tires per bale)

The total waste tire count for waste tires stored outdoors was 130,082 waste tires (this total reflects a 20% deduction from the calculated number of waste tires as a safety factor when using volumetric estimation).

The operator submitted a Waste Tire Facility Permit Exclusion Notification form (CalRecycle 811) to CalRecycle claiming a waste tire facility permit exclusion based on operating as a Tire Dealer which would entitle R & L Recycle to store up to 1,500 waste tires (*PRC section 42808 (c) and 14 CCR, section 17225.820*). However, section 17225.820 states that a Used Tire Dealer means:

- a business, operating under the terms and conditions of a local use permit, business license or other required local approval,
- which is storing used tires in accordance with PRC section 42806.5, and
- for which its primary purpose is to sell used tires for profit.

The operator was not able to present a local sellers permit or any other local approvals at the time of inspection and based on the volume of baled waste tires the facility generates, the facility does not qualify for the requested permit exclusion.

Therefore, R & L Recycle is an unpermitted waste tire facility and as such is only allowed to store a maximum of 499 waste tires. R & L Recycle is in violation PRC 42824 for transporting waste tires to, and accepting waste tires at, a major waste tire facility without having obtained a major waste tire facility permit. R & L Recycle is hereby directed to reduce their waste tire count to 499 or below and maintain it so until they obtain authorization for a higher waste tire storage amount.

WASTE TIRE STORAGE

During the inspection, the inspectors observed that R & L Recycle is in violation of the following waste tire storage standards (Title 14 California Code of Regulations):

- 14 CCR 17351(a), (b), (c), (2), (3), (d), (3), (f)
- 14 CCR 17352 Facility Access and Security (all)
- 14 CCR 17353 Vector Control Measures (all)
- 14 CCR 17354 Storage of Waste Tires Outdoors, (a), (b), (c), (d), (e), (f), (h), (j)
- 14 CCR 17356 Storage of Waste Tires Indoors, (a), (1), (2), (3), (7)(A)(D), (8), (9), (10), b), (c)

R & L Recycle is hereby directed to correct the above waste tire storage violations. For specific details regarding the above storage violations, refer to handout: California Waste Tire Laws & Regulations for Tire Storage & Disposal Standards. A copy of this handout was provided to the operator during the inspection and also is included as an attachment to this report.

CONCLUSION

Following the inspection, CalRecycle Inspectors contacted the San Jose Fire Department, Fire Inspector Lawrence Mitchell and informed him that this site location is not in compliance with state fire prevention standards.

During the inspection, the operators admitted they knew they were out of compliance and were cooperative with stating they would get into compliance. Randy and Lisa Vosters were handed a copy of the Rights and Responsibilities handout related to this Notice of Violation. CalRecycle Inspectors explained that the inspection report would be drafted back at the office and submitted electronically. Randy and Lisa Vosters verified email address in order to receive the electronic inspection report via email to lisavosters@gmail.com and randlrecycle@gmail.com.

The inspectors explained that the inspection report and Notice of Violation would contain a compliance deadline date by which all of the above violations would need to be corrected. They explained that failure to comply with the above requirements before the compliance deadline would lead to escalated enforcement actions by CalRecycle. R & L Recycle is hereby directed to correct all waste tire violations noted in this inspection report not later than November 6, 2015.

The inspectors concluded the inspection at 2:15 p.m. and departed the facility.

Attachments:

- Photo Log
- Site Map

- California Waste Tire Laws & Regulations for Tire Storage & Disposal Standards

R & L Recycle

TPID # 1787089

Photo Log for Inspection Report # IW-1028518

September 23, 2015 Re-Inspection



Photo 1 of 9

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Randy Friedlander on September 23, 2015, at approximately 12:15 PM.

Description: Outside the R & L Recycle warehouse. Photo taken facing west.

R & L Recycle

TPID # 1787089

Photo Log for Inspection Report # IW-1028518

September 23, 2015 Re-Inspection

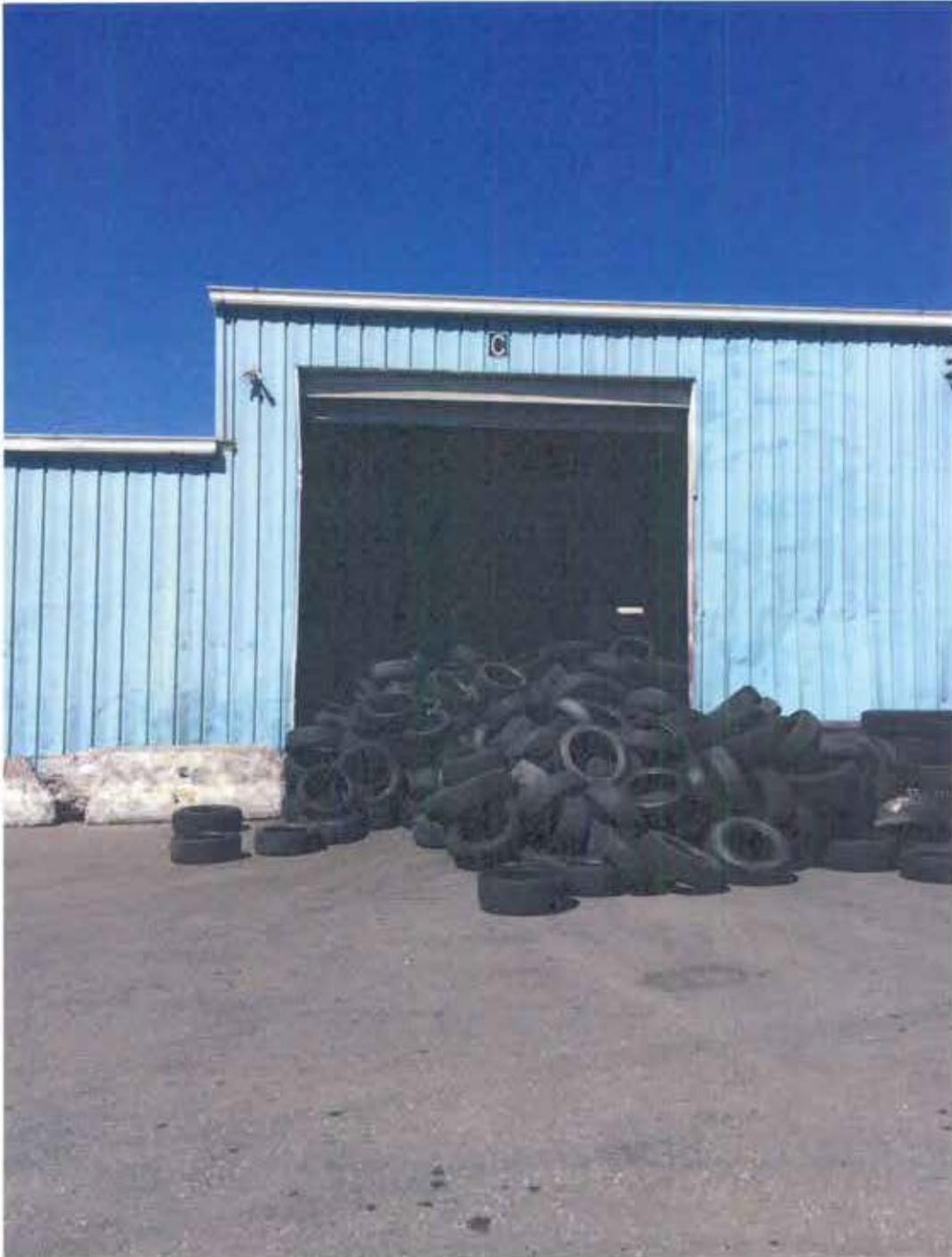


Photo 2 of 9

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Randy Friedlander on September 23, 2015, at approximately 12:16 PM

Description: Outside the R & L Recycle warehouse.

R & L Recycle

TPID # 1787089

Photo Log for Inspection Report # IW-1028518

September 23, 2015 Re-Inspection



Photo 3 of 9

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Randy Friedlander on September 23, 2015 at approximately 12:16 PM

Description: Inside the R & L Recycle warehouse.

R & L Recycle

TPID # 1787089

Photo Log for Inspection Report # IW-1028518

September 23, 2015 Re-Inspection



Photo 4 of 9

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Randy Friedlander on September 23, 2015 at approximately 12:16 PM

Description: Inside the R & L Recycle warehouse.

R & L Recycle
TPID # 1787089
Photo Log for Inspection Report # IW-1028518
September 23, 2015 Re-Inspection



Photo 8 of 9

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Randy Friedlander on September 23, 2015 at approximately 12:26 PM

Description: Photo taken outside facing stacked baled tires. There were three observed stacks located east of the R & L office trailer with empty 28' hauling trailers between the stacks. For reference, these stacks are labeled A, B, and C on the attached site map.

R & L Recycle

TPID # 1787089

Photo Log for Inspection Report # IW-1028518
September 23, 2015 Re-Inspection



Photo 7 of 9

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Randy Friedlander on September 23, 2015 at approximately 12:25 PM

Description: Photo taken outside facing stacked baled tires. This stack is one of three observed stacks located east of the R & L office trailer. For reference, this stack is labeled "A" on the attached site map.

R & L Recycle
TPID # 1787089
Photo Log for Inspection Report # IW-1028518
September 23, 2015 Re-Inspection



Photo 6 of 9

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Randy Friedlander on September 23, 2015 at approximately 12:25 PM

Description: Photo taken outside facing North West

R & L Recycle

TPID # 1787089

Photo Log for Inspection Report # IW-1028518

September 23, 2015 Re-Inspection



Photo 5 of 9

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Randy Friedlander on September 23, 2015 at approximately 12:17 PM

Description: Waste tires stored in a trailer, located in front of the R & L Recycle warehouse.

R & L Recycle

TPID # 1787089

Photo Log for Inspection Report # IW-1028518

September 23, 2015 Re-Inspection



Photo 9 of 9

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Randy Friedlander on September 23, 2015 at approximately 12:27 PM

Description: Photo taken outside facing north. This photo shows the edge of stacked baled tires (stack "C" on site map) along the facility's east fence.



CALIFORNIA WASTE TIRE LAWS & REGULATIONS
Tire Storage & Disposal Standards

□ **Title 14 California Code of Regulations (14 CCR) section 17350 – Applicability**

- (a) A waste tire facility, including a permitted facility and a facility excluded or exempt from permitting requirements, that stores a total of 500 or more waste tires, or a solid waste facility that stores a total of 500 or more waste tires, shall comply with the technical and operational requirements of Division 7, Chapter 3, Article 5.5 of Title 14 of the California Code of Regulations. Any tire in a pile or tires that cannot be verified by the Department or a representative of the Department, at the time of inspection, as meeting the requirements of Public Resources Code section 42806.5 shall be counted as waste tires.
 - (1) Waste tires stored outdoors shall comply with the technical and operational standards set forth in sections 17351 through 17354, and sections 17357 through 17359 of this Article.
 - (2) Waste tires stored indoors shall comply with the technical and operational standards set forth in sections 17351, 17352, 17353, and sections 17356 through 17359 of this Article.
- (b) Waste tires that are disposed of by burying at a solid waste disposal facility are addressed in section 17355 of this Article.
- (c) For purposes of determining the applicability of this Chapter, altered waste tires shall be counted as passenger tire equivalents as that term is defined in section 17225.770 of this Chapter.
- (d) The Department and/or the authorized representative of the Department for a jurisdiction in which a waste tire facility or solid waste facility is located may inspect any waste tire facility that is permitted, excluded, exempt, or otherwise authorized by the Department, statute or regulation. This inspection may be for compliance with applicable technical, operational and/or disposal standards, and waste tire facility permit terms and conditions.
- (e) Nothing in this Article shall be construed as relieving any owner or operator from obtaining and operating under the terms and conditions of the California Fire Code, all use permits, business licenses, and other approvals required by applicable local fire code authorities and local governments.
- (f) All waste tire facilities shall comply with recordkeeping requirements in sections 17357 and 17358 of this Article.

□ **14 CCR 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;

CALIFORNIA WASTE TIRE LAWS & REGULATIONS

Tire Storage & Disposal Standards

- (2) One (1) pike pole or comparable pole at least 10 feet in length to separate burning from non-burning tires;
 - (3) One (1) round point and one (1) square point shovel; and
 - (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 alternative requirements approved by the local fire authority shall be subject to Department concurrence at the time of issuance or review of the permit.
- 14 CCR 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.
- 14 CCR 17353(a)-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.

CALIFORNIA WASTE TIRE LAWS & REGULATIONS

Tire Storage & Disposal Standards

□ **14 CCR 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 alternative 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.
- (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.

CALIFORNIA WASTE TIRE LAWS & REGULATIONS

Tire Storage & Disposal Standards

- (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.
- **14 CCR 17355-Disposal of Waste Tires at Solid Waste Disposal Facilities**
- (a) Waste tires may not be landfilled in a solid waste disposal facility which is permitted pursuant to Chapter 3 of Part 4 of the Public Resources Code, commencing with section 44001, unless they are permanently reduced in volume prior to disposal by shredding, or other methods subject to solid waste Enforcement Agency approval and Department approval.
 - (b) The requirement of subsection (a) shall not apply to waste tires received which are commingled with municipal solid waste that arrive in loads, where the waste tires comprise less than one-half of one (0.5) percent by weight of the total load, or where the waste tires inadvertently arrive in homeowner delivered household loads of mixed waste and are not readily removable from the waste stream.
 - (c) All waste tires stored at a solid waste disposal facility shall meet the requirements of this Article.
- **14 CCR 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:
 - (1) Waste tires stored adjacent to or along one wall shall not extend more than 25 feet from such wall.
 - (2) Waste tire piles shall not exceed 50 feet in width in any one direction. Where waste tires are stored on-tread, standing side by side in rows, the dimension of the pile in the direction of the wheel hole shall not be more than 50 feet.
 - (3) Waste tires shall not be stored in exits or enclosures for stairways or ramps, or in boiler rooms, mechanical rooms, or electrical equipment rooms.
 - (4) Waste tires shall not be stored within 2 feet or less from the ceiling in nonsprinklered areas of a building.
 - (5) Waste tires shall not be stored within 18 inches or less below sprinkler head deflectors in sprinklered areas of a building.
 - (6) Waste tire facilities and solid waste facilities with an indoor storage area between 500 square feet and 2,500 square feet shall maintain aisles with access to exits and fire access doors in accordance with the following requirements:
 - (A) In sprinklered buildings aisles shall be a minimum of 44 inches wide.
 - (B) In nonsprinklered buildings aisles shall be a minimum of 96 inches wide.
 - (C) The required aisle width shall extend from floor to ceiling.
 - (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.
 - (B) In sprinklered buildings where the waste tire piles are accessible to the public aisles shall be a minimum of 96 inches wide.
 - (C) In sprinklered buildings where the waste tire piles are not accessible to the public aisles shall be a minimum of 44 inches wide.
 - (D) The required aisle width shall extend from floor to ceiling.

CALIFORNIA WASTE TIRE LAWS & REGULATIONS

Tire Storage & Disposal Standards

- (8) For waste tire facilities or solid waste facilities with a storage area of 500 square feet or less, the dimensions of the waste tire piles shall not exceed 50 feet in any direction.
 - (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.
 - (10) No waste tire facility or solid waste facility shall store waste tires in an area greater than 500,000 square feet.
 - (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).
 - (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).
- (b) For purposes of determining the square footage of storage space described in subsection (a) above, the aggregate of all waste tire storage areas within a building shall be used, unless such areas are separated from each other by 1-hour fire barriers that have been approved by the local fire code official. Openings in 1-hour fire barriers shall be protected by opening protectives having a 1-hour fire protection rating.
- (c) The requirements in subsections (a) and (b) 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. 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.

14 CCR 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.

14 CCR 17358 - Waste Tire Transportation

A waste tire facility or solid waste facility shall not give, contract, or arrange with another person for transportation of waste or used tires unless that person is a registered waste tire hauler or is exempt from the registration requirement pursuant to Public Resources Code section 42954.

CALIFORNIA WASTE TIRE LAWS & REGULATIONS

Tire Storage & Disposal Standards

□ **14 CCR 17359 - Tire Derived Product Handling**

- (a) A person asserting that material meets the definition of tire derived product as set forth in Public Resources Code section 42805.7 shall provide, on request of a Department representative, documentation that:
 - (1) The material was acquired through a purchase from a separate and distinct waste tire facility, and
 - (2) The material has been accumulated for the purpose of a larger project and does not require further reduction in size. This documentation may include contracts or bids for projects requiring the use of tire derived product.
- (b) Waste tire material shall not be considered tire derived product if the material is located on property owned or operated by the processing facility at which it was generated.
- (c) Material not meeting the requirements in subsection (a) and (b) shall be considered waste tires.

□ **14 CCR 18462 – Manifest System Requirements for Waste Tire Generators**

- (a) A waste tire generator shall not give, contract, or arrange with another person to transport waste or used tires unless that person is a registered waste tire hauler or is exempt under Public Resources Code Section 42954.
- (b) As provided in Section 18459.3(a), a waste tire generator shall retain a Department approved EDT form, completed CTL Form, or freight transport documentation provided by the waste or used tire hauler at their place of business for 3 years. For shipments to the port, the waste tire generator shall also retain the confirming freight transport documents at their place of business for three years.
- (c) If waste or used tires are removed from the generator's location by a registered waste tire hauler and a completed Manifest Form is not provided, the generator shall complete a CalRecycle 204 (New 8/05) within 48 hours of the tire removal and submit the CalRecycle 204 (New 8/05) to the Department within 90 days.
- (d) If waste or used tires are removed from a generator location in a manner not requiring manifesting as described in this Article, for each separate or commingled load of waste or used tires removed, the generator shall document the removal method, number of tires removed, and person employed to remove the waste or used tires from the generator location.
 - (1) The documentation described in subsection (d) shall include, but not be limited to:
 - (A) Bills of lading, receipts, and monthly billing statements between the generator and the person employed to remove the waste or used tires, and the contact information for that person, and
 - (B) Daily log entries prepared by the generator detailing the accumulation and removal of waste or used tires, the types of tires, and dates of removal.
 - (2) The documentation described in subsection (d) shall be retained for three (3) years and shall be made available to an authorized representative of the Department upon request.



Survey & Inspection Report - Survey Form (Page 1)

R & L Recycle (TPID: 1787089)

State of California CalRecycle 181

Part A - Survey

Inspection Form Number: IW-1030609

Inspected On: 11/9/2015 11:10AM - 12:57PM

TPID - Site Suffix: 1787089-01

Facility Address

R & L Recycle

1596 S 7th St, Ste C

San Jose, CA 95112-5929

Local Identifier:

Business Rep: Lisa and Randy Vosters **Title:** Owner/Operator

Tire Count: 96013

Latitude: **Longitude:**

Inspection Type: Re-inspection

Referral Type:

Inspected By: 00-100 CalRecycle

Inspector: Rob Baumann

Operational Status: Active

Tire Type: Passenger, Altered, Truck, OTR

Business Role: Generator, Hauler

Storage Type: Outdoor, Indoor

Business Type: Hauler, Other

Business Type Other: Bales waste tires

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

VA Hauling Manifest Requirements

A 14 CCR § 18460.2 - Manifest System Requirements for Registered Waste Tire Haulers

V PRC § 42951 - Waste Tire Hauler Registration and Transport of Tires

Enforcement Status: Referred / CalRecycle Enforcement

Compliance Deadline:

Comments:

NOTICE OF VIOLATION

Discussion of violations listed on Page 2, Inspection Report.



State of California CalRecycle 182

Part C - Facility Information

SWIS Number:

Inspection Number: IW-1030609

Photos Taken: Yes

Property Owner Information

Name: Irene Pestana & Michael J. Kelley, Jr.

Phone Number: 408-642-1682

Mailing Address: 360 Kiely Blvd., Suite 240
 San Jose, CA 95129-1300

Facility Type: Major WTF (>= 5,000 Tires)

Permitted Status: Unpermitted

Exempt/Excluded Business Type

Part D - Inspection of Waste Tire Facility

V PRC § 42824 Major Waste Tire Facility Permit

V 14 CCR § 17351 Fire Prevention Measures

V 14 CCR § 17353 (a) Vector Control

V 14 CCR § 17354 Storage of Waste Tire Outdoors

Comments:

NOTICE OF VIOLATION

CalRecycle inspectors Rob Baumann (Waste Tire Compliance Central Unit) and Jean Whalen (Tire Hauler Compliance Unit) arrived at the R & L Recycle facility at 11:10 a.m. and performed a re-inspection to follow up on violations noted during the last inspection of the facility by CalRecycle which occurred on September 23, 2015. R & L Recycle operators Randy and Lisa Vosters were present and Randy Vosters gave consent to inspect and take photographs of the facility.

At the time of the inspection, the tire program identification (TPID) certificate was posted behind the R & L Recycle office counter.

MANIFEST REVIEW

Comprehensive Trip Logs (CTL) records were reviewed from the date of last inspection, 9/23/2015 through 11/9/2015. The manifests forms, however, for this time period have not yet been received by CalRecycle as they are still within the allowable 90-day timeframe for submittal.

Based on a review of their CTL records, R & L Recycle was found to be in violation of PRC 42951.(b) for, as a hauler, transporting used or waste tires to an unauthorized location (R & L Recycle) due to the facility being an unpermitted major waste tire facility by exceeding its authorized storage limit (see Waste Tire Count later in this report).

During the inspection, Inspectors Whalen and Baumann explained to the facility's operators the manifesting requirements per Public Resource Code (PRC) 42961.5.

Area of Concern: R & L utilizes a registered waste tire hauler, Mulugeta Asgedom Trucking (TPID #1824001), to take shipments of baled tires to the Port of Oakland. R & L is required to obtain a manifest receipt and confirming freight transport documentation from Mulugeta for all shipments to the Port, per CCR Section 18460.2 (1) which states,

"If the final destination is a port terminal, the registered waste tire hauler shall leave the waste tire generator with a completed Manifest Form and confirming freight transport documentation, which includes, but is not limited to, bills of lading, sales receipts, and shipping invoices. For purposes of this section, the waste tire generator shall be the person who originates shipment of waste or used tires to the port terminal. The completed Manifest Form shall show the port terminal operator as the final destination."

Therefore, for all shipments to the port, R & L Recycle is required to receive and maintain both the pickup and delivery manifest receipts as well as the confirming freight transport documentation. Compliance with this requirement will be checked at the next inspection of the facility.

WASTE TIRE COUNT

The inspectors conducted a count of all waste tires at the facility. Used and waste tires were observed stored inside and outside of the facility's warehouse. Stacks of baled waste tires were observed outside the warehouse on the asphalt. (See Photo Log).

The total waste tire count for this unpermitted major waste tire facility is approximately 96,013 waste tires. This total includes:

- Indoor waste tire storage = 500 waste tires
- Outdoor waste tire storage = 95,513 waste tires

Indoor storage: The inspection began with waste tire counts inside the warehouse. Indoor storage included waste tires stored in loose piles. There were no baled tires inside the warehouse.

- At the south end of warehouse, some barrel-stacked used tires were observed, stored in rows of two with adequate aisle space between them. Those tires were not included in the waste tire count.
- A pile of waste passenger tires was situated adjacent to the barrel stacks. A direct tire count was performed on these waste tires.
- Two baling machines were located inside the warehouse, one on the center back wall, the other in the north corner. The operator stated that each bale the machines put out contains approximately 85 waste tires.

The total count for indoor storage was 500 waste tires.

Outdoor storage: Outdoor storage included baled waste tires and some stacks of waste truck tires. The waste tire bales were counted directly and multiplied by the conversion factor of 85 waste tires per bale as (provided by the operator) to determine the total. The waste tires in

stacks were calculated using a direct count.

- Sections of baled tires were located on the asphalt east of the facility office. The sections were separated by empty 28' trailers. The sections are labeled A, A1, A2, B, and C (see Site Map).

- Section A contained 9,775 waste tires (115 bales x 85 waste tires per bale).
- Section A1 consisted of 87 stacked waste truck tires.
- Section A2 contained 4,136 waste tires (48 bales x 85 waste tires per bale, plus 56 stacked waste truck tires).
- Section B contained 25,415 waste tires (299 bales x 85 waste tires per bale).
- Section C contained 56,100 waste tires (660 bales x 85 waste tires per bale).

The total count for outdoor storage was 95,513 waste tires.

Operator Randy Vosters informed the inspectors that since the previous inspection on 9/23/15 (when the waste tire count was 140,699), he had removed approximately 47,000 waste tires from his property. This information is consistent with today's waste tire count and also considering deliveries of waste tires to the facility since the 9/23/15 inspection.

WASTE TIRE STORAGE

During the inspection, the inspectors observed that R & L Recycle is in violation of the following waste tire storage standards (Title 14 California Code of Regulations):

- 14 CCR 17351(a), (b), (c)(2), (c)(3), (d)(3), (f)
- 14 CCR 17353 Vector Control Measures (all)
- 14 CCR 17354 Storage of Waste Tires Outdoors, (a), (b), (c), (d), (e), (j)

The previous inspection documented a violation of 14 CCR Section 17352 for lack of signage at the facility entrance stating the name of the operator and operating hours. This violation has been corrected (see first photo in Photo Log for R & L signage).

R & L Recycle is hereby directed to correct the above waste tire storage violations. For specific details regarding the above storage violations, refer to the *California Waste Tire Laws & Regulations for Tire Storage & Disposal Standards*. A copy of this handout was provided to the operator during the previous inspection and also was attached to the inspection report dated 9/23/2015.

CONCLUSION

During the previous inspection on September 23, 2015, CalRecycle inspectors explained that failure to correct the violations by the compliance deadline of November 6, 2015 would lead to escalated enforcement action by CalRecycle.

During this inspection, owner/operator Randy Vosters stated that he knew R & L was out of compliance and estimated he was currently storing "93,000 to 94,000 tires." Randy Vosters was given a copy of the *Rights and Responsibilities Related to your Notice of Violation*. The inspectors explained that the next step in the enforcement process is typically the drafting of a Cleanup and Abatement Order, and stated they would confer with CalRecycle's Waste Tire Enforcement management in this matter. Inspector Whalen specifically referred to the portion of the above-referenced handout which states, "If an unpermitted waste tire facility fails to correct violations noted in an NOV (Notice of Violation) and a Cleanup and Abatement Order

is issued, under the law - PRC 42845(a)(2) - you will be required to remove all waste and used tires for a specified period of time.”

Regarding R & L's previous claim that it is a used tire dealer, which would entitle R & L to store up to 1,500 waste tires, Lisa Vosters stated she had emailed CalRecycle a copy of R & L's Sellers Permit but was unable to provide a copy of the Sellers Permit to the inspectors at the time of the inspection. She explained that she did not have it on site as R & L was in the process of changing its name. No further detail was given on the potential name change. However, CalRecycle has already determined that based on R & L Recycle's business operations they do not meet the definition of a “used tire dealer” as described in 14 CCR, section 17225.820 and therefore do not qualify for the used tire dealer exclusion and higher (1,500) waste tire storage limit.

As of this inspection, R & L Recycle is continuing to operate as an unpermitted major waste tire facility and as such is only allowed to store a maximum of 499 waste tires. R & L Recycle is in violation of:

- PRC section 42823 for establishing a new major waste tire facility without having obtained a major waste tire facility permit issued pursuant to Section 42822, and
- PRC section 42824 for transporting waste tires to, and accepting waste tires at, a major waste tire facility without having obtained a major waste tire facility permit.

Since the violations outlined above have not been corrected by the compliance deadline of November 6, 2015, CalRecycle will proceed to issue a Clean-up and Abatement Order.

CalRecycle inspectors explained that the inspection report would be drafted back at the office and submitted electronically and sent to the operators via email at the following email addresses: randlrecycle@gmail.com, and lisavosters@gmail.com.

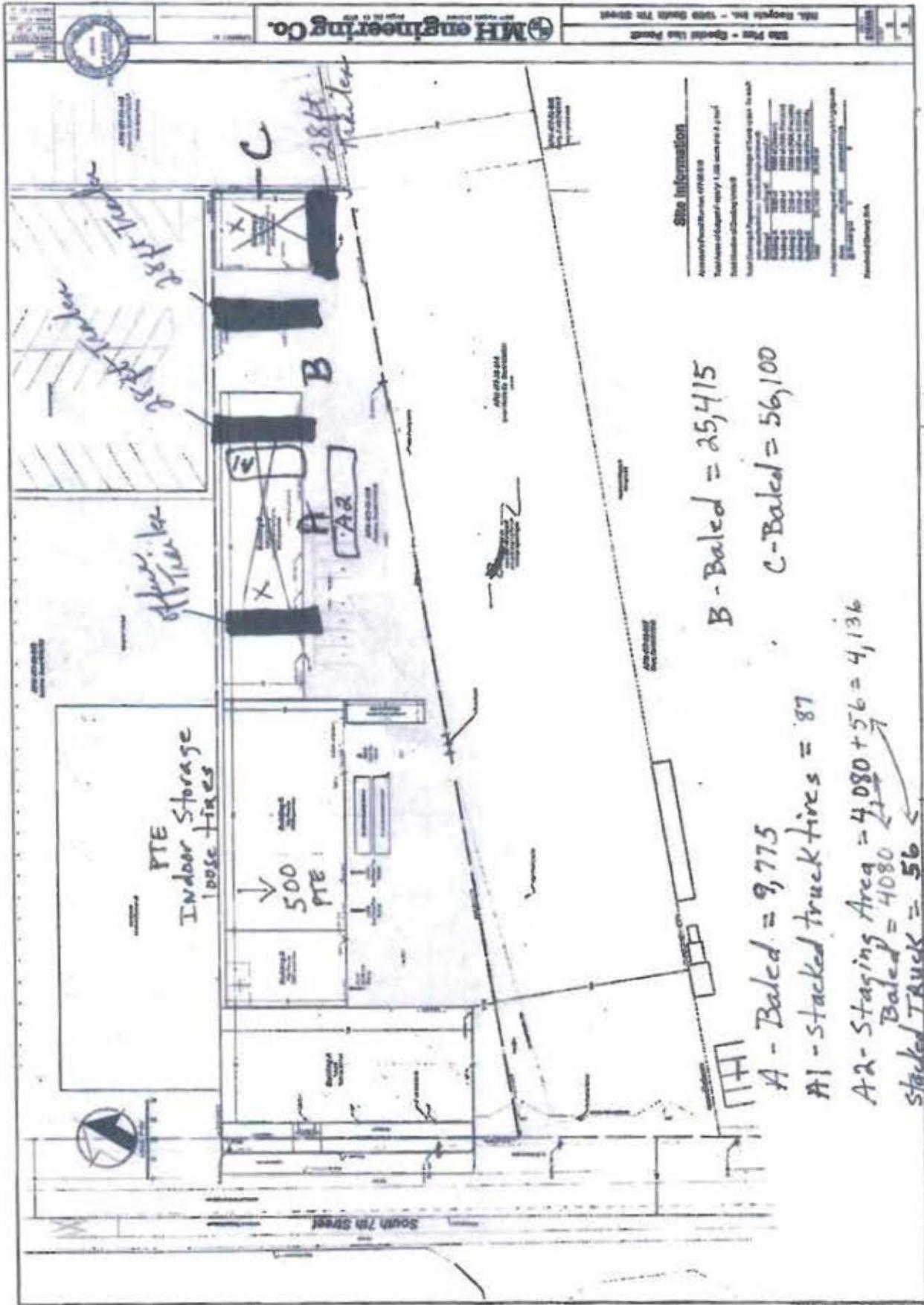
The inspectors concluded the inspection at 12:57 p.m. and departed the facility.

Attachments:

Photo Log, Site Map

R&L RECYCLE SITE MAP

TPID # 178/089



B - Baled = 25,415

C - Baled = 56,100

A - Baled = 9,775

A1 - Stacked truck fires = 87

A2 - Staging Area = 4,080 + 56 = 4,136

Baled = 4080

Stacked Trucks = 56

85 PTE per bale

11-9-2015

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015



Photo 1 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Entrance to R & L Recycle front gate.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015



Photo 2 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Outside the R & L Recycle warehouse.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015



Photo 3 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Inside the R & L Recycle warehouse.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015



Photo 4 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Inside the R & L Recycle warehouse, two balling machines.

R & L Recycle
TPID # 1787089
Photo Log for Re-Inspection IW- 1030609
Conducted on November 9, 2015



Photo 5 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Photo taken outside facing North West

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015



Photo 6 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015. Description: Photo taken outside facing stacked baled tires. This stack is one of three observed stacks located east of the R & L office trailer. For reference, these stacks are labeled "A" and "A2" on the attached site map.

R & L Recycle
TPID # 1787089
Photo Log for Re-Inspection IW- 1030609
Conducted on November 9, 2015



Photo 7 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Photo taken outside facing stacked baled tires. There were three observed stacks located east of the R & L office trailer with empty 28' hauling trailers between the stacks. For reference, these stacks are labeled A, A2, B, and C on the attached site map.

R & L Recycle
TPID # 1787089
Photo Log for Re-Inspection IW- 1030609
Conducted on November 9, 2015



Photo 8 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Photo taken outside facing stacked baled tires. For reference, these stacks are labeled B, on the attached site map.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015



Photo 9 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Photo taken outside facing north. This photo shows the edge of stacked baled tires (stack "C" on site map) along the facility's east fence.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015

DRIVER	ASSISTANT	Address	Phone	Size	Qty	Weight	Quantity	Comments
X		Floods Tires 3041 Mainway Rd San Jose Ca 95131	(408) 771-2258				110	1759167-01 1527699-01 1627440-01
X		KAZIMIER Tires 5045 L. Wilson Ave San Jose Ca 95127	(408) 449-0027				120	1661887-01
X		Big Joe's Tire 1100 N. 1st St San Jose Ca 95127	(408) 267-5741				100	1319012-01
X		Milligan Valley Tires 2800 Hillway Rd San Jose Ca 95128	(408) 932-2300				60	1033659-01
X		Tire Outlet 901 E. 2nd Street San Jose Ca 95112	(408) 271-8771				75	1046936-01
X		Tire Outlet 599 N. 1st Street San Jose Ca 95112	(408) 292-1339				130	1322236-01
X		Berglund Tires & Auto 467 Commercial St #1 San Jose Ca 95112	(408) 426-8663				120	1543361-01
X		Auto Automotive Tire 2000 Alameda Ave San Jose Ca 95126	(408) 272-5112				100	1544491-01
X		Trinity Auto 1103 N. 1st Street San Jose Ca 95112	(408) 271-8777				75	1659278-01
X		Carl's Tires & Tires 242 Lincoln Ave San Jose Ca 95126	(408) 294-0786				75	1431817-01
X		Michael's Auto 380 Lincoln Ave San Jose Ca 95126	(408) 213-2380				110	1720101-01
X		Auto Automotive 4099 Mainway Rd San Jose Ca 95128	(408) 348-0511				70	1243515-01
X		Auto Automotive Tires 2500 San Jose Ave San Jose Ca 95128	(408) 271-4502				70	1518131-01
X		Auto Automotive 483 Commercial St San Jose Ca 95112	(408) 225-8781				1105	183425

Photo 10 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Daily list of customers for driver to pick up tires.

R & L Recycle
 TPID # 1787089
 Photo Log for Re-Inspection IW- 1030609
 Conducted on November 9, 2015

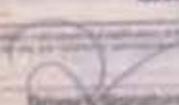
Driver's Name (Print) CANDY VOSTERS		Driver's Signature 		Date 9-24-15	
Comprehensive Trip Log Number 5675085 -- C		Load Information <input checked="" type="checkbox"/> Pick Up <input type="checkbox"/> Delivery		Facility Tire Program ID 16975511-	
Hauler Tire Program ID / Site Suffix 1787089 - 01		DATE 09 24 15		Facility Telephone Number 408-8162	
Hauler Name R & L Recycle Inc.		TYPE <input checked="" type="checkbox"/> Whole Tire Count <input type="checkbox"/> Weight in Lbs. <input type="checkbox"/> Volume Cubic Yds. <input type="checkbox"/> Weight in Tons		AV Tires 7505 - Rail Road Oil ROY CA 9:	
Hauler Telephone Number (408) 612-1695		AMT 100 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		(Check for Whole Tires)	
Comprehensive Trip Log Number 5675085 -- B		Load Information <input checked="" type="checkbox"/> Pick Up <input type="checkbox"/> Delivery		Facility Tire Program ID 180227	
Hauler Tire Program ID / Site Suffix 1787089 - 01		DATE 09 24 15		Facility Telephone Number 408-8162	
Hauler Name R & L Recycle Inc.		TYPE <input checked="" type="checkbox"/> Whole Tire Count <input type="checkbox"/> Weight in Lbs. <input type="checkbox"/> Volume Cubic Yds. <input type="checkbox"/> Weight in Tons		SIC COSTO 798 - MOUNT 5 - RAY CA	
Hauler Telephone Number (408) 612-1695		AMT 120 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		(Check for Whole Tires)	
Comprehensive Trip Log Number 5675085 -- A		Load Information <input checked="" type="checkbox"/> Pick Up <input type="checkbox"/> Delivery		Facility Tire Program ID 1844	
Hauler Tire Program ID / Site Suffix 1787089 - 01		DATE 09 23 15		Facility Telephone Number 408-8162	
Hauler Name R & L Recycle Inc.		TYPE <input checked="" type="checkbox"/> Whole Tire Count <input type="checkbox"/> Weight in Lbs. <input type="checkbox"/> Volume Cubic Yds. <input type="checkbox"/> Weight in Tons		148 2915 15011	
Hauler Telephone Number (408) 612-1695		AMT 94 <input type="checkbox"/> <input type="checkbox"/>		(Check for Whole Tires)	

Photo 11 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show pick up of waste tires after the inspection on September 23, 2015. R & L did not have CTL's available showing deliveries until 10/27/2015.

R & L Recycle
 TPID # 1787089
 Photo Log for Re-Inspection IW- 1030609
 Conducted on November 9, 2015

The image shows three stacked Comprehensive Trip Log (CTL) forms. Each form is for a different date and trip type:

- Top Form (C):** Trip Log Number 5675093 -- C. Date 07/23/15. Load Information: Pick Up, Delivery. Facility Tire Program ID: 11344444. Amount: 93 XX.
- Middle Form (B):** Trip Log Number 5675093 -- B. Date 07/20/15. Load Information: Pick Up, Delivery. Facility Tire Program ID: 11634444. Amount: 150 XX.
- Bottom Form (A):** Trip Log Number 5675093 -- A. Date 09/23/15. Load Information: Pick Up, Delivery. Facility Tire Program ID: 11734444. Amount: 60 XX.

Each form also includes a 'Header Tire Program ID / Site Suffix' field with the value 1787089 -- 01, and a 'Manufacturer Name' field with the value R & L Recycle Tax. The forms are dated 9-28-15.

Photo 12 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show pick up of waste tires after the inspection on September 23, 2015. R & L did not have CTL's available showing deliveries until 10/27/2015.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015

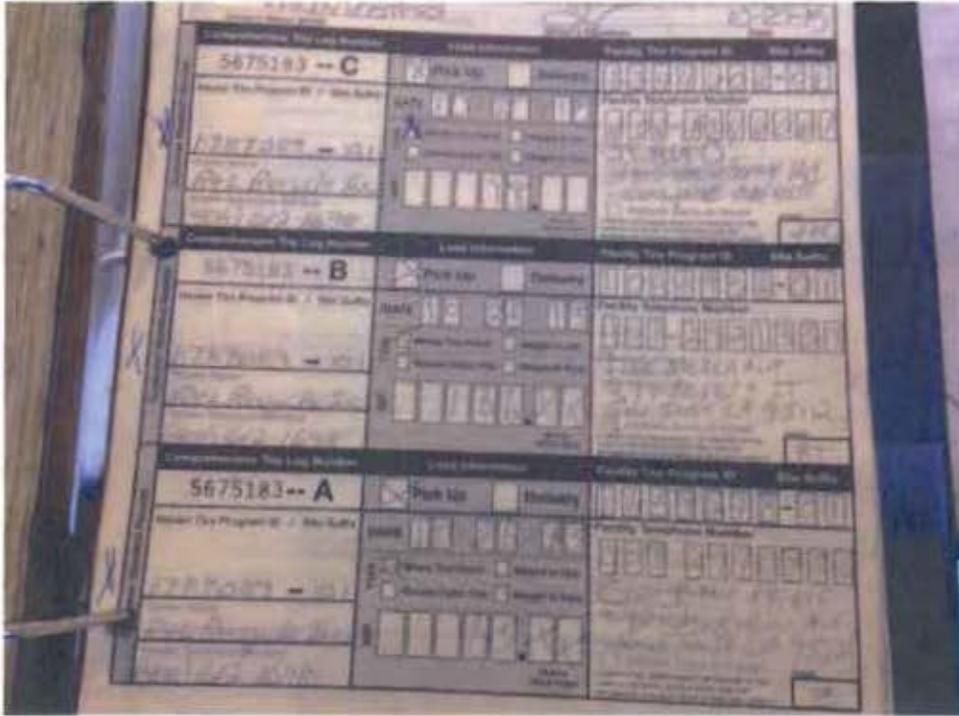


Photo 13 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show pick up of waste tires after the inspection on September 23, 2015. R & L did not have CTL's available showing deliveries until 10/27/2015.

R & L Recycle
 TPID # 1787089
 Photo Log for Re-Inspection IW- 1030609
 Conducted on November 9, 2015



Photo 14 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show pick up of waste tires after the inspection on September 23, 2015. R & L did not have CTL's available showing deliveries until 10/27/2015.

R & L Recycle
 TPID # 1787089
 Photo Log for Re-Inspection IW- 1030609
 Conducted on November 9, 2015

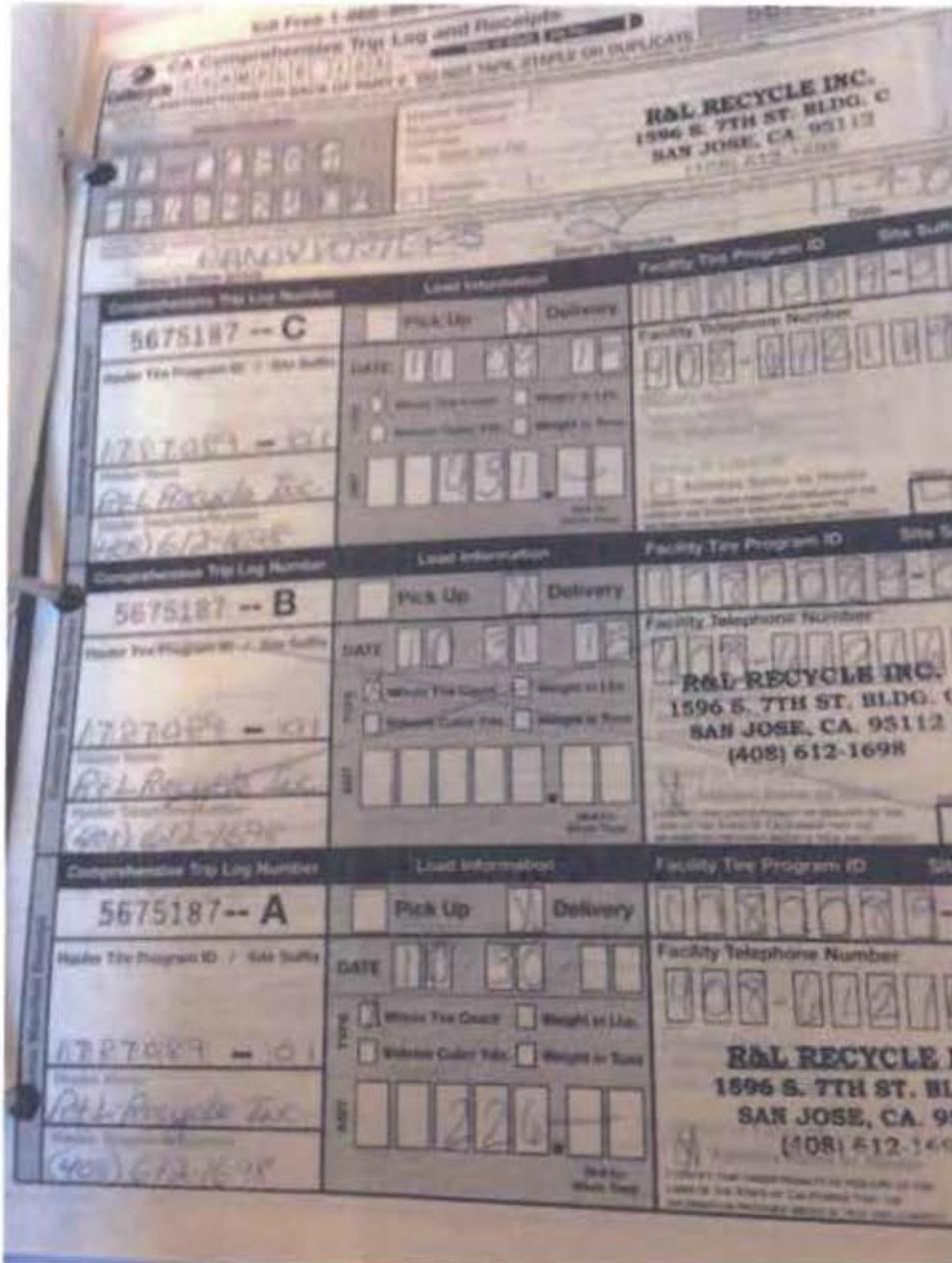


Photo 15 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show pick up of waste tires after the inspection on September 23, 2015. R & L did not have CTL's available showing deliveries until 10/27/2015.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015

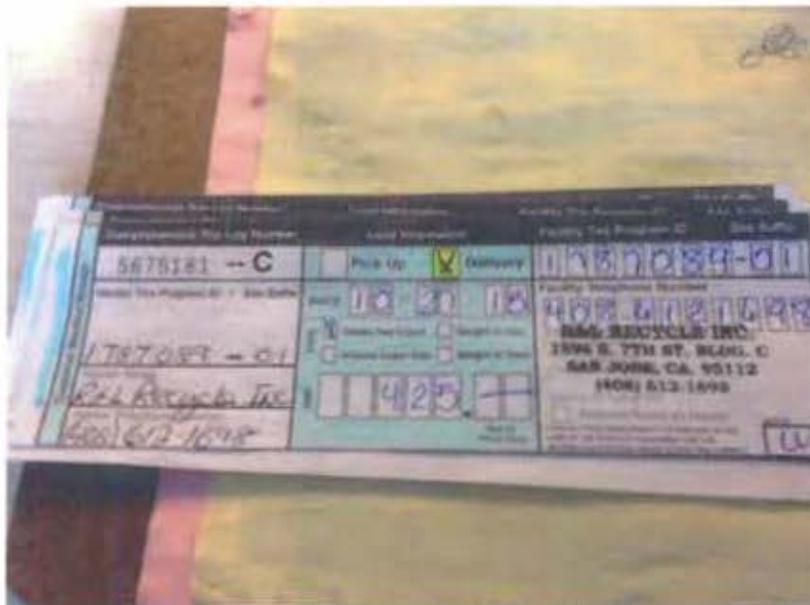


Photo 16 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show delivery of tires to R & L Recycle, an unpermitted facility, after the inspection on September 23, 2015.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015



Photo 17 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show delivery of tires to R & L Recycle, an unpermitted facility, after the inspection on September 23, 2015.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015

Comprehensive Trip Log Number	Load Information	Facility Trip Program ID	Site Suffix
5675178 -- B	<input type="checkbox"/> Pick Up <input checked="" type="checkbox"/> Delivery	1787089-01	
Master Trip Program ID / Site Suffix	DATE 11 02 15	Facility Telephone Number	
1787089 - 01	TYPE <input checked="" type="checkbox"/> Whole Tire Count <input type="checkbox"/> Weight in Lbs. <input type="checkbox"/> Balance Cdnr Nbr <input type="checkbox"/> Weight in Cdnr	408-612-1698	
R & L Recycle Inc. (408) 612-1698	AMT 883 +	R & L RECYCLE INC. 1596 S. 7TH ST. BLDG. C SAN JOSE, CA 95112 (408) 612-1698	

Comprehensive Trip Log Number	Load Information	Facility Trip Program ID	Site Suffix
5675162 -- B	<input type="checkbox"/> Pick Up <input checked="" type="checkbox"/> Delivery	1787089-01	
Master Trip Program ID / Site Suffix	DATE 11 08 15	Facility Telephone Number	
1787089 - 01	TYPE <input checked="" type="checkbox"/> Whole Tire Count <input type="checkbox"/> Weight in Lbs. <input type="checkbox"/> Balance Cdnr Nbr <input type="checkbox"/> Weight in Cdnr	408-612-1698	
R & L Recycle Inc. (408) 612-1698	AMT 732 +	R & L RECYCLE INC. 1596 S. 7TH ST. BLDG. C SAN JOSE, CA 95112 (408) 612-1698	LV

Photo 18 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show delivery of tires to R & L Recycle, an unpermitted facility, after the inspection on September 23, 2015.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015

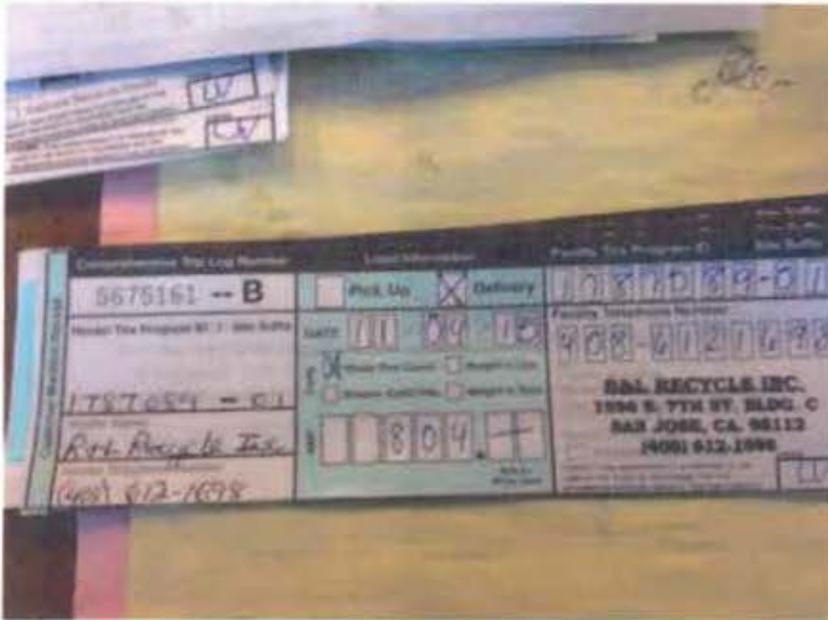


Photo 19 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show delivery of tires to R & L Recycle, an unpermitted facility, after the inspection on September 23, 2015.

R & L Recycle
TPID # 1787089
Photo Log for Re-Inspection IW- 1030609
Conducted on November 9, 2015



Photo 20 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show delivery of tires to R & L Recycle, an unpermitted facility, after the inspection on September 23, 2015.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015



Photo 21 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show pick up of tires by registered hauler Mulugeta Asgedom Trucking (TPID 1824001-01) from R & L Recycle. R & L Recycle did not have CTL receipts showing final destination to the Port of Oakland.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015



Photo 22 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show pick up of tires by registered hauler Mulugeta Asgedom Trucking (TPID 1824001-01) from R & L Recycle. R & L Recycle did not have CTL receipts showing final destination to the Port of Oakland.

R & L Recycle

TPID # 1787089

Photo Log for Re-Inspection IW- 1030609

Conducted on November 9, 2015



Photo 23 of 23

R & L Recycle

TPID 1787089-01

Photo taken by: CalRecycle Inspector Rob Baumann on November 9, 2015.

Description: Comprehensive Trip Log's (CTLs) show pick up of tires by registered hauler Mulugeta Asgedom Trucking (TPID 1824001-01) from R & L Recycle. R & L Recycle did not have CTL receipts showing final destination to the Port of Oakland.

APPENDIX B

APPLICABLE CALIFORNIA STATUTE AND REGULATIONS

APPENDIX B

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.

APPENDIX B

(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

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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

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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

APPENDIX B

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.