

Waste Compliance and Mitigation Program Staff Report
 New Minor Waste Tire Facility Permit for B & J Auto Center
 TPID No. 1586017
 May 5, 2010

Background Information, Analysis, and Findings:

This report was developed in response to an application received from the operator of B & J Auto Center, Inc. located at 5901 Coliseum Way in the City of Oakland for a New Minor Waste Tire Facility Permit. The business is a commercial tire facility that is considered an end use tire generator and hauler that accepts waste tires.

Staff of the Waste Compliance and Mitigation Program, Permitting and Local Enforcement Agency Support Division received the application for a New Minor Waste Tire Facility Permit on October 15, 2009. On November 17, 2009 staff of the Permitting and Local Enforcement Agency Support Division accepted the application as complete and pursuant to 14 CCR, Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete to either issue or deny the issuance of a WTFP. CalRecycle is required to act by May 16, 2010.

The following table summarizes the staff's findings relative to the permit application:

	Summary of Staff's Findings	
California Environmental Quality Act (CEQA)	Staff of the Permitting and Local Enforcement Agency Support Division found that the issuance of the Minor Waste Tire Facility Permit is exempt from the requirements of CEQA (see below for details).	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Compliance History	<p>On June 3, 2008, the Minor Waste Tire Facility Permit (WTFP) issued to B & J Auto Center expired. On October 21, 2008, CalRecycle [previously California Integrated Waste Management Board (CIWMB) prior to January 1, 2010] staff, in conjunction with the local enforcement agency, conducted an inspection of B & J Auto Center and found the facility to be operating without a WTFP in violation of Public Resources Code section 42808.</p> <p>On August 18, 2009, the CIWMB issued an Administrative Decision adopting a Stipulation for Issuance of Administrative Decision for WTFP, which ordered B & J to comply with and abide by the waste tire laws and all the conditions of the permit originally issued by CIWMB to B & J Tires</p>	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

	<p>& Wheels, Inc. on June 3, 2003, and that expired on June 3, 2008 until a new permit is issued. Additionally, B & J Auto Center was directed to submit to CIWMB a complete application for a waste tire facility permit within 60 days of issuance of the Administrative Decision adopting this Stipulation. On October 15, 2009, the application for new minor WTFP was received by CIWMB.</p>	
<p>Pre-Permit Inspection Tire Storage Standards, 14 CCR, Sections 17350-17356</p>	<p>Staff of the Compliance Evaluation and Enforcement Division conducted an inspection of the facility on February 25, 2010. No violations of State Minimum Standards were noted during the inspection.</p>	<p><input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable</p>
<p>Application Forms (500-504) - 14 CCR, Sections 18431(a) (b) (c) (d)</p>	<p>All application forms were accepted by Permitting and Local Enforcement Agency Support Division staff as complete on November 17, 2009.</p>	<p><input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable</p>
<p>Local Requirements 14 CCR, Section 18431(h)</p>	<p><i>Local Vector Control:</i> The Alameda County Health Care Services acceptance of vector control practices was issued and signed by Ecologist David K. James, Alameda Co. Vector Control on February 2, 2010.</p> <p><i>Local Fire Authority:</i> On November 1, 2009, Leroy Griffin, Assistant Fire Marshall at the Oakland Fire Department issued a Fire Permit to Mr. Bernard Beltran for the B & J Auto Center located at 5901 Coliseum Way, Oakland. Mr. Griffin also completed and signed the Local Fire Approval Form on March 2, 2010.</p>	<p><input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable</p>
<p>Reviewed by: CalRecycle Legal Office</p>	<p>May 4, 2010</p>	
<p>Compliance Evaluation and Enforcement Division</p>	<p>April 13, 2010</p>	

Environmental Analysis:

The new Minor Waste Tire Facility Permit for operations at the B & J Auto Center, Inc. facility in Oakland would allow trailer storage of up to 1,300 waste tires, with a maximum site capacity of 2,600 waste tires. The proposed permit will allow waste tires to be loaded directly into a 45 foot enclosed trailer, which will store up to 1,300 tires. A hauler company will remove the trailer at least once a week and an empty trailer will be put in its place.

An Environmental Impact Report (EIR) was prepared for the City of Oakland General Plan Land Use and Transportation Element, State Clearinghouse No. 1997062089 and was circulated for review from October 31, 1997 through December 30, 1997. The City of Oakland certified the EIR on June 23, 2002. The EIR was amended in 2009 and was re-certified on July 21, 2009. On August 10, 2009, the City of Oakland Planning Commission made a determination that the proposed project is exempt from further CEQA review per Title 14 CCR Section 15268 as it complies with the General Plan zoning designation "Commercial Industrial Mix" as defined in the above cited EIR.

CalRecycle staff has cited the analysis in the General Plan and the Oakland Planning Commission finding appropriate support for the project as there is no proposal for an expansion of use in the tire storage areas on site, or a change in the operations related to tire storage, therefore there is no physical change in the environment.

If CalRecycle approves the project and the CEQA finding, CalRecycle staff will file a Notice of Determination with the State Clearinghouse in compliance with CEQA Guidelines Section 15094.

Recommendation:

The applicant has met all the necessary application requirements outlined in 14 CCR 18431 pertaining to the issuance of a Minor Waste Tire Facilities Permit. Staff recommends approve the issuance of the attached permit.

Attachment: Minor Waste Tire Facility Permit