

Permitting and Assistance Branch Staff Report
 New Minor Waste Tire Facility Permit for Wadham Energy L.P.
 TPID No. 1101565
 February 7, 2012

Background Information, Analysis, and Findings:

This report was developed in response to an application for renewal of a Minor Waste Tire Facility Permit (WTFP) application received from the operator of Wadham Energy L.P., Inc. located at 6247 Myers Road, in the City of Williams, Colusa County.

The property site is 32 acres with approximately 4,230 square feet designated for the outdoor storage of altered waste tires (sidewalls). The operator uses the sidewalls at the facility to secure plastic sheeting covering rice hulls to prevent the hulls from blowing away. The rice hulls are used as fuel for an adjacent biomass facility. The operator stores up to 3,500 waste tire equivalents outdoors on a concrete slab when not in use. The sidewalls are stacked in a conical shape and covered with plastic for vector control.

The application for a Minor WTFP was received by Permitting and Assistance Branch staff on August 8, 2011, and accepted as complete and correct on August 31, 2011. Pursuant to Title 14, California Code of Regulations (CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete and correct to either issue or deny the issuance of a minor WTFP. CalRecycle is required to act by February 27, 2012. The facility was issued a Minor Waste Tire Facility Permit in October 24, 2006, for the current operations. On January 5, 2011, the operator was notified to submit an application for a permit renewal. The WTFP expired on October 24, 2011.

Findings

Staff recommends approval of the issuance of the proposed permit. All of the required submittals and findings required by 14 CCR Section 18431 have been met to support concurrence. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Permitting and Assistance Branch.

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

	Findings	
California Environmental Quality Act (CEQA)	Staff of the Permitting and Assistance Branch found that the issuance of the Minor Waste Tire Storage Facility Permit is exempt from the requirements of CEQA. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Staff of the Waste Evaluation and Enforcement Branch (WEEB) conducted an inspection of the facility on September 21, 2011. See additional compliance information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Application Forms (500-504) - 14 CCR, Sections 18431(a) (b) (c) (d)	All application forms were accepted by Permitting and Assistance Branch staff as complete and correct on August 31, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<p><i>Local Vector Control:</i> In a letter dated February 8, 2011, Mr. David B. Whitesell, Manager, of the Colusa Mosquito Abatement District, documented his approval of the facilities measures to prevent mosquito breeding.</p> <p><i>Local Fire Authority:</i> The Local Fire Approval Form was signed on August 2, 2011, by Jeff Gilbert, Fire Chief with the Williams Fire Protection Authority.</p>	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	Approved on February 6, 2012	
Waste Evaluation and Enforcement Branch	Approved on February 6, 2012	

Compliance History:

An inspection was conducted on September 21, 2011, by CalRecycle staff. The facility was found to be in compliance with applicable State Minimum Standards. At the time of the inspection approximately 742 waste tires were being stored on-site.

Wadham Energy L.P. was issued a WTFP in October 2006. This permit expired during the processing of this proposed permit, however, the operator has continued to make progress toward obtaining the permit now being considered.

Since being permitted, there has been one other inspection by CalRecycle staff, in June 2010, and no violations were noted.

Environmental Analysis:

Under CEQA, CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is a lead agency under CEQA and must make a determination as to whether this proposed permit is categorically or statutorily exempt or additional CEQA analysis is necessary.

Staff did a Preliminary Review to determine whether a Categorical Exemption is adequate for CalRecycle's approval of this Minor WTFP. The Preliminary Review indicates that the proposed project:

- Involves the continued operation of an existing facility within the permitted land use;
- Involves no expansion of use beyond that existing;
- Does not allow relaxation of standards leading to environmental degradation;
- Would have no significant environmental impacts; and
- There are no additional cumulative environmental impacts.

CalRecycle staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities, is appropriate for CalRecycle’s issuance of this propose Minor WTFP.

Staff recommends that CalRecycle, acting as a lead agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after CalRecycle’s issuance of the Minor WTFP, in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operation from what currently exist. Further, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the Categorical Exemption is adequate for the Acting Branch Chief’s environmental evaluation of the proposed project for those project activities which are within CalRecycle’s expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative records for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report, the Categorical Exemption and other document and material utilized by CalRecycle in reaching its decision on issuing this permit.

Local Issues

Staff has not identified any local issues related to this item. No environmental justice issues were identified by the surrounding community. According to the year 2000 Census data, tract 3 has a total population of 4,373 people. 34.4% of the people are white, 0.3% are African American, 1.4% are American Indian and Alaska Native, 1.2% are Asian, 0.0% are Native Hawaiian and other Pacific Islander, 0.2% some other race, and 1.5% are two or more races. 61.0% of the population is identified as Hispanic or Latino. The Census tract data indicates the median household income of the area is \$36,432 and 12.9% live below the poverty level. Therefore, staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended in this item.

Public Comment

The Department provided an opportunity for public comment during the Monthly Public Meeting on December 13, 2011 and January 17, 2012. No oral or written public comments have been received on this project by CalRecycle staff.

Department Staff Actions

Attachment: Proposed Minor WTFP