

1 The Operator of this site is currently storing waste tires in excess of 1,500 tons or
2 150,000 passenger tire equivalents on said property in violation of your major waste tire facility
3 permit issued by CalRecycle on July 6, 2009, without first obtaining a revision to said permit;

4 CalRecycle and Merced County Tire Enforcement Agency inspected this site on
5 November 6, 2013, as documented in Inspection Report I1-1206501, and determined that
6 waste tires being stored on site are in excess of 1,500 tons or 150,000 passenger tire
7 equivalents, in violation of your waste tire facility permit;

8 Merced County Tire Enforcement Agency issued a Notice of Violation to you as the
9 Property Owner/Operator of this site on February 3, 2014, requiring you to reduce the number
10 of waste tires stored at your facility and to operate within the requirements of your waste tire
11 facility permit by March 3, 2014;

12 CalRecycle and Merced County Tire Enforcement Agency re-inspected this site on
13 March 5, 2014, as documented in Inspection Report IW-1010048, and determined that waste
14 tires remaining on site are in excess of 1,500 tons or 150,000 passenger tire equivalents;

15 You are in violation of Title 14 of the California Code of Regulations (CCR), section
16 18427, which requires every operator of a major or minor waste tire facility to submit a
17 completed application for any substantial changes made to the waste tire facility. As of March
18 5, 2014 your waste tire facility is storing more than 400,000 passenger tire equivalents on site
19 in excess of your permitted storage capacity;

20 Since this site meets the definition of a Waste Tire Facility as set out in PRC section
21 42808, this site is also subject to the safety and security measures set forth in Title 14 of the
22 CCR, Division 7, Chapter 3, Article 5.5, attached hereto and incorporated herein by reference
23 as Appendix B;

24 CalRecycle has the authority to order waste tire facility Operators who are in violation of
25 the aforementioned law to clean up waste tire piles, abate the effects thereof, or otherwise
26 remedy a case of threatened pollution or nuisance, pursuant to PRC section 42845(a);
27
28

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

7
8 **THEREFORE, PURSUANT TO PRC SECTION 42845, YOU ARE ORDERED TO:**

9 Reduce and maintain the number of waste tires onsite to 1,500 tons or 150,000
10 passenger tire equivalents (PTE) or less, in accordance with the following:

11 1. Remove all waste tires in excess of 1,500 tons or 150,000 passenger tire
12 equivalents from the premises within 30 days from the date of service of this
13 Cleanup and Abatement Order (CAO), in accordance with the following waste tire
14 removal schedule:

15 a. Waste Tire Removal Schedule

16 i. Waste tires shall be removed from the premises. As a registered
17 waste tire hauler you are required to legally transport tires to an
18 approved facility.

19 ii. All waste tires (whole and/or passenger tire equivalents, pursuant to
20 Title 14 of the CCR, section 17225.770) shall be removed by a
21 registered waste tire hauler, as prescribed by PRC section 42950 et
22 seq., within 30 days from the date of service of this CAO. A completed
23 Comprehensive Trip Log (CTL), CalRecycle 203, manifest form must
24 accompany each load and a copy of each completed CTL form must
25 be submitted to CalRecycle within 45 days from the date of service of
26 this CAO. Failure to comply with this provision may result in penalties,
27 pursuant to PRC sections 42961.5 and 42962.
28

1 2. Beginning March 24, 2014, maintain daily incoming and outgoing tonnage
2 records for all waste/PTE tires until you obtain compliance with section one
3 above. Furthermore, keep weekly records of waste tires that have been
4 processed to 2" or less and are stored in boxes or bags as described in condition
5 15.a. of your 2009 waste tire facility permit. The above records shall be submitted
6 to Geralda Stryker of my staff at Geralda.Stryker@CalRecycle.ca.gov by close of
7 business on Friday of each week for the duration.

8
9 **PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO PRC SECTIONS 42845,**
10 **42850 and 42850.1:**

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

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

21 You have ten (10) days from the date of service of this CAO to file a petition with
22 CalRecycle raising any substantial issues that are appropriate for review. CalRecycle will
23 review the petition and respond within thirty (30) days from the date of receipt by CalRecycle.
24 Regardless of whether you file a petition, you must complete the above actions ordered by this
25 CAO pursuant to PRC section 42845;

1 If you fail to comply with the conditions of this order by the required date, CalRecycle is
2 authorized to expend available funds to perform any necessary cleanup, abatement or
3 remedial work, as set forth in PRC section 42845 et seq.;

4 If CalRecycle expends funds to perform any cleanup, abatement or remedial work,
5 CalRecycle may seek cost reimbursement from you and any other responsible party acting as
6 the Operator and/or Property Owner, pursuant to PRC section 42847;

7 Moreover, funds so expended by CalRecycle constitute a lien upon the real property
8 owned by any responsible party that is subject to the remedial action, pursuant to PRC section
9 42847.5.

10 Nothing in this CAO shall constitute or be construed as a satisfaction or release from
11 liability for any conditions or claims arising as a result of yours or any other responsible party's
12 past, current or future operations acting as the Operator and/or Property Owner.

13 Notwithstanding compliance with the terms of this CAO, you may be required to take further
14 actions as are necessary to protect public health or welfare or the environment.

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

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

23 This CAO may only be amended in writing by an authorized CalRecycle representative.
24
25
26
27
28

1 If you have any questions about this CAO, you may contact Geralda Stryker of my staff
2 at (916) 341-6336.

3
4 Dated this 14th day of March, 2014



7 Mark de Bie
8 Deputy Director
9 Waste Permitting, Compliance &
10 Mitigation Division
11 Department of Resources
12 Recycling and Recovery

APPENDIX A

PROPERTY PROFILE

GBP Property Profile Report

Monday, March 10, 2014 1:15 PM

Property Assessment Report

Date: 03/10/14

Reference Code: GBP

PROPERTY ASSESSMENT RECORDS

Name Owner : **GOLDEN BY PRODUCTS INC**
Property Address: [13000 NEWPORT RD, BALLICO CA 95303-9704](#)
Owner Address: [PO BOX 1, BALLICO CA 95303-0001](#)
County: **MERCED**
Data Source: **B**

SALES INFORMATION

Sale Price:
Sale Date:
Recording Date:
Book:
Page:

TAX AND ASSESSMENT INFORMATION

Parcel Number: [041-120-019](#)
Document Number:
Legal Description: **POR NE 1/4 SEC 25/5/11**
Subdivision Name:
Land Usage: **VINEYARD**
Market Land Value:
Market Improvement Value:
Total Market Value:
Homestead Exemption:

PROPERTY CHARACTERISTICS

Year Built:
Land Size:
Living Size:
Number Bedrooms:
Number Full Baths:
Number Half Baths:
Number of Stories:
Acres: **39.00 AC**

Inserted from <<https://secure.accurint.com/app/bps/report>>

APPENDIX B

APPLICABLE CALIFORNIA STATUTE AND REGULATIONS

APPENDIX B

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

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

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

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

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

Section 42804. Operator

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

Section 42805. Owner

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

Section 42808. Waste Tire Facility

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

- (a) "Existing waste tire facility" means a waste tire facility which is receiving, storing, or accumulating waste tires, or upon which waste tires are discarded, on January 1, 1990.
- (b) "Major waste tire facility" means a waste tire facility where, at any time, 5,000 or more waste tires are or will be stored, stockpiled, accumulated, or discarded.
- (c) "Minor waste tire facility" means a waste tire facility where, at any time, 500 or more, but less than 5,000, waste tires are or will be stored, stockpiled, accumulated, or discarded. However, a "minor waste tire facility" does not include a tire dealer or an automobile dismantler, as defined in Sections 220 and 221 of the Vehicle Code, who stores waste tires on the dealer's or dismantler's premises for less than 90 days if not more than 1,500 total used or waste tires are ever accumulated on the dealer's or dismantler's premises.

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

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

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 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.

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

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

Section 42846.5. Access to property

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

Section 42847. Liability for costs

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

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.

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(b) A lien established under this section shall be subject to the notice and hearing procedures required by due process of the law. Prior to imposing the lien, the department shall send the property owner via certified mail a "Notice of Intent to Place a Lien" letter. This letter shall provide that the owner, within 14 calendar days from the date of receipt of the letter, may object to the imposition of the lien either in writing or through an informal proceeding before a neutral official. This neutral official shall be the director or his or her designee, who may not have had any prior involvement with the site. The issue before the neutral official shall be whether the department has a reasonable basis for its determination that the statutory elements for lien placement under this section are satisfied. During this proceeding the property owner may present information or submit documents, or both, to establish that the department should not place a lien as proposed. The neutral official shall ensure that a record of the proceeding is made, and shall issue a written decision. The decision shall state whether the property owner has established any issue of fact or law to alter the department's intention to file a lien, and the basis for the decision.

(c) The department may not be considered a responsible party for a remediated site merely because a lien is imposed under this section.

(d) A lien imposed under this section shall continue until the liability for the costs or damages incurred under this article, or a judgment against the responsible party, is satisfied. However, if it is determined by a court that the judgment against the responsible party will not be satisfied, the department may exercise its rights under the lien.

(e) A lien imposed under this section shall have the force and effect of, and the priority of, a judgment lien upon its recordation in the county in which the property subject to the lien is located. The lien shall contain a legal description of the real property that is subject to, or affected by, the remedial action, the assessor's parcel number, and the name of the owner of record, as shown on the latest equalized assessment roll.

(f) All funds recovered under this section on behalf of the department's waste tire stabilization and abatement program shall be deposited in the California Tire Recycling Management Fund established under Section 42885.

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

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

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

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

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

Section 42850.1. Criminal and civil penalties

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

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

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

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

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

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

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

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Section 42961.5. California Uniform Waste and Used Tire Manifest system

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

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

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

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

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

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

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

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

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

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

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

Section 42962. Violations; civil penalties

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

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

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

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

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

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

Section 17225.755. Operator.

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

Section 17225.770. Passenger Tire Equivalents (PTE).

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

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

Section 17351. Fire Prevention Measures.

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

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

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

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

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

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Section 17352. Facility Access and Security.

- (a) Signs - for facilities open to the public a sign shall be posted at the facility entrance stating the name of the operator, operating hours, and site rules.
- (b) Attendant - An attendant shall be present when the facility is open for business if the facility receives tires from persons other than the operator of the facility.
- (c) Access - An access road to the facility must be maintained passable for emergency equipment and vector control vehicles at all times. Unauthorized access must be strictly controlled.

Section 17353. Vector Control Measures.

- (a) All waste tires shall be stored in a manner which prevents the breeding and harborage of mosquitoes, rodents, and other vectors by any of the following means:
 - (1) Cover with impermeable barriers other than soil to prevent entry or accumulation of precipitation; or
 - (2) Use of treatments or methods to prevent or eliminate vector breeding as necessary, provided the control program is approved as appropriate and effective by the local vector control authority, if such authority exists. If no local vector control authority exists, the local Environmental Health Department or other local agency with authority over vector control shall approve the vector control plan. Any control program approved by the local vector control authority shall be subject to Board concurrence at the time of issuance or renewal of the waste tire facility permit.

Section 17354. Storage of Waste Tires Outdoors.

- (a) Except as provided in subsection (c) waste tires shall be restricted to individual piles, which include stacks and racks of tires that do not exceed 5,000 square feet of contiguous area. Any pile shall not exceed 50,000 cubic feet in volume nor 10 feet in height. Piles shall not exceed 6 feet in height when within 20 feet of any property line or perimeter fencing. Waste tires shall not be located within 10 feet of any property line or perimeter fencing. The minimum distance between waste tire piles and between waste tire piles and structures that are located either on-site or off-site shall be as specified in Table I.
- (b) Except as provided in subsection (c) waste tires shall be separated from vegetation and other potentially flammable materials by no less than 40 feet. Accessible fire lanes with a minimum width as specified in Table I shall be provided between tire storage units. Fire lanes shall be kept free of flammable or combustible material and vegetation. Access to fire lane(s) for emergency vehicles must be unobstructed at all times. Open flames, blow torches, or highly flammable materials, including but not limited to, tire inner tubes, are prohibited within 40 feet of a waste tire pile.

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

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

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

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

(f) New waste tire facilities shall not:

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

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

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

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

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

General

Section 18420. Applicability.

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

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

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

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

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

(5) (Reserved)

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

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

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

(c) (Reserved)

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

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

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

Section 18423. Filing of Application

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

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

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

Section 18432. Operation Plan.

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

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

Section 18433. Emergency Response Plan.

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

(b) The operator of the facility shall immediately notify the Board in the event of a fire or other emergency if that emergency has potential significant off-site effects. Within 30 days of any such emergency, the operator shall submit to the Board a written report describing the cause(s) of the emergency, the results of actions taken, and an analysis of the success or failure of these actions.

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

Section 18447. Retention of Records

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

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

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

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

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

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