

**Proposed Modifications of Existing Waste Tire Storage/Permitting Requirements Aimed at
Incorporating New Fire Standards and Allowing for Temporary Increases in Permitted Capacity
for Waste Tires and Products Derived from Waste Tires
CalRecycle**

Draft Document for Discussion at the Informal Regulations Revision Workshop
Monday, July 12, 2010.

Introduction:

Existing statute mandates CalRecycle to regulate waste tire facilities and encourage the development and marketing of products derived from waste tires (PDWT). The outline presented below describes the focus of CalRecycle staff work with respect to the need to revise the existing state minimum standards for waste tire storage and disposal, which, presently, do not include PDWT or the State Fire Marshal's new fire regulations.

CalRecycle is required to provide uniform and enforceable state minimum standards (SMS) for all waste tire facilities. The new State Fire Marshal's fire regulations will go into effect on January 1, 2011, CalRecycle staff was directed to carry out a rulemaking aimed at incorporating these new fire regulations into existing SMS concerning fire prevention measures applicable to waste tire facilities. Proposed regulations to conform to the State Fire Marshal's regulations are included.

In an effort to provide statewide consistency concerning temporary increases in permitted capacity for PDWT as part of this rulemaking effort, CalRecycle staff has identified topics in the discussion materials that should be addressed prior to developing regulations revisions. (Please refer to Discussion Topics listed below.) The proposed regulations will address flexibility for temporary storage of PDWT and waste tires. However, CalRecycle staff will continue to encourage waste tire facility operators to obtain a permit for the largest amount of tires they expect to have on site.

Discussion Topics Regarding Statewide Consistency in Temporary Increases in Permitted Capacity for waste tires and PDWT:

1. Change tire facility permit requirements to allow 5-year permit review

- Modify the tire facility permitting process for major and minor waste tire facilities to eliminate the reapplication process every 5 years. Instead, incorporate the 5-year permit application/review process that CalRecycle currently uses for solid waste facilities.

2. Need for a new definition for PDWT to include:

- Waste tire materials not yet sold and/or removed from a facility.
- Primary and secondary shreds and final stage or near-final stage processed products greater than one-fourth inch in size.

- PDWT does not include other products defined in statute or regulations.

3. Clarify that major waste tire facilities:

- Have the flexibility to store a mixture of waste tires and PDWT as long as they can be safely stored on site in accordance with the new fire code standards and SMS.
- On-site storage may also be limited by local land use restrictions, CEQA or other applicable laws and regulations.

4. Modify regulations to allow for temporary capacity expansion for PDWT at minor waste tire facilities

Minor waste tires facilities are not allowed to exceed 4,999 waste tires as their permitted capacity. Minor sites applying for a temporary capacity expansion for PDWT would need to meet specified conditions:

- The facility operator has a valid, executed contractual agreement(s) to deliver PDTWs that is consistent with the specifications for PDWT and timeframes in the expansion request.
- The temporary capacity expansion is limited to the total amount of rubber products that may be stored on the property in accordance with State Fire Marshal's new regulations or 10,000 PTEs, whichever is less.
- The facility has installed fire protection that is approved by the local fire authority for the temporary increase in capacity and may need to meet the required 1,000 gallons/minute for a duration of three hours as required by the fire code.
- The temporary capacity expansion is consistent with all local land use permits, California Environmental Quality Act, and any other applicable laws and regulations.
- The operator may need to demonstrate adequate financial assurance to carry out closure activities.
- How long should an operator be allowed to temporarily store PDWT at a minor waste tire facility, (e.g. 60 days, 90 days)?
- How many additional storage authorizations will be granted in any one calendar year? The requests for capacity expansion should not be continuous; the minor waste tire facility needs to return to 4999 or fewer waste tires before applying for another temporary capacity expansion for PDWT.
- After how many CalRecycle approvals for temporary storage of PDWT, should an operator be required to obtain a major waste tire facility permit?

5. PDWT transportation requirements

- Any person who transports PDWT without a valid CalRecycle registration certificate or authorization shall be subject to the penalty provisions applicable to California waste tire haulers.
- No person shall enter into a PDWT hauling contract with an unpermitted waste tire facility.
- PDWT shall only be delivered to a site that has obtained the required permits for PDWT storage, further processing, disposal, or beneficial use. This could be, for example, an engineering contract for a PDWT project which includes PDWT specifications.

6. Modification of permit regulations and existing CalRecycle forms related to implementing changes

- The permit regulations will need to be revised to include the process used to request and approve a temporary capacity expansion.
- Permit application and revision for both major and minor waste tire facility (e.g., modify Form 501).
- PDWT hauling form (e.g. modify “Letter of Exemption” currently issued to tire derived aggregate haulers).

Summary:

Existing CalRecycle waste tire storage and disposal standards (or SMS) are not consistent with the State Fire Marshal’s new fire regulations applicable to waste tire facilities. Therefore, CalRecycle staff was directed to revise such SMS to comply with fire code provisions that will become effective on January 1, 2011. As part of this rulemaking, CalRecycle staff will also consider the development and adoption of SMS for minor waste tire facility temporary capacity expansion for PDWT.