14 CCR § 18429

Cal. Admin. Code tit. 14, § 18429

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 7. CALIFORNIA ~~INTEGRATED WASTE MANAGEMENT BOARD~~ DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
CHAPTER 6. PERMITTING OF WASTE TIRE FACILITIES AND WASTE TIRE HAULER REGISTRATION
ARTICLE 3.5. ENFORCEMENT PENALTY CRITERIA FOR WASTE TIRE FACILITIES

§ 18429. Penalty Schedule for ~~Administrative Complaints~~ Enforcement.

(a) Unpermitted Waste Tire Facilities:

(1) Determine in Table 1 whether or not this act is negligent or intentional, and whether ~~is~~ it is the first, second, or third offense (intentional only). Match it up to the amount of waste tires at the site, and determine the base ~~fine~~ penalty. Table 1 is to be used for violations of Public Resources Code, sections 42823, 42824, 42833, 42834, and California Code of Regulations, section 18420(a). Multiply the base ~~fine~~ penalty by the applicable risk factor in Table 2A or Table 2B, dependent upon whether it is negligent or intentional, and determine the total ~~fine~~ penalty/day that will be set. ~~Multiply the total fine/day by the number of days past due with the Clean Up & Abatement Order deadline.~~

(2) Using Table 5, determine what other types of violations exist and determine the appropriate penalty amount in accordance with the criteria established in PRC section 42852, and add these penalties to the total penalty amount.

Table 1#

Type Of Site/Operator	500-4,999 Tires	5,000-9,999 Tires	10,000-19,999 Tires	20,000-49,999 Tires	50,000 or More Tires
Negligent-Capacity					
Unpermitted WTF	$500	$1,000	$1,500	$2,000	$3,000
Unpermitted WTF (2nd Offense, etc.)	$2,000	$2,500	$3,000	$3,500	$4,000
Intentional-Capacity					
Unpermitted WTF	$1,000	$2,000	$3,000	$4,000	$6,000
Unpermitted WTF (2nd Offense)	$4,000	$5,000	$6,000	$7,000	$8,000
Unpermitted WTF (3rd Offense, etc.)	$6,000	$7,000	$8,000	$9,000	$10,000

Total amount of penalty not to exceed maximum amounts specified in PRC sections 42825 and 42835.

Table 2A

Enhancement Issue-Negligent Act	Risk Factor
Serious threat to Public Health and Safety, or the Environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within 1,000 feet.	1.00
Moderate threat to Public Health and Safety, or the Environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within one mile, but more than 1,000 feet.	0.75
No potential threat to Public Health and Safety, or the Environment	0.50

Table 2B

Enhancement Issue-Intentional Act	Risk Factor
Serious threat to Public Health and Safety, or the Environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within 1,000 feet.	1.5
Moderate threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within one mile, but more than 1,000 feet.	1.25
No potential threat to public health and safety, or the environment	1.00

(b) Permitted Waste Tire Facilities:

(1) ~~(1)~~ Determine in Table 3 whether or not this act is negligent or intentional, and whether is it the first, second, or third offense. Match it up to the amount of waste tires exceeding the permitted capacity at the site, and determine what the base penalty is. Table 3 is to be used for violations of the ~~California Code of Regulations, sections 17351(c) and 17354 (a) & (b), or~~ permit capacity only. Multiply the base penalty by the applicable risk factor in Table 4A or Table 4B and ~~multiply that number by the amount of days past the Clean Up & Abatement Order deadline to~~ determine the total ~~fine~~ penalty/day that will be set.

(2) Using Table 5, ~~D~~determine what other types of violations ~~were observed in Table 5,~~ exist and determine the appropriate penalty amount ~~-~~in accordance with the criteria established in PRC section 42852, and add these penalties to the total ~~fine~~ penalty amount.

Table 3# ~~(For Violations Of 17351(c), 17354 (a) & (b), Or Permit Capacity only)~~

Type Of Site/Operator	1-4,999	5,000 -9,999	10,000-19,999	20,000-49,999	50,000 or More
Tires [FNa1]	Tires [FNa1]	Tires [FNa1]	Tires [FNa1]	Tires [FNa1]	
Negligent Capacity					
Permitted WTF	$500	$1,000	$1,500	$2,000	$3,000
Permitted WTF (2nd Offense, etc.)	$2,000	$2,500	$3,000	$3,500	$4,000
Intentional Capacity					
Permitted WTF	$1,000	$2,000	$3,000	$4,000	$6,000
Permitted WTF (2nd Offense)	$4,000	$5,000	$6,000	$7,000	$8,000
Permitted WTF (3rd Offense, etc.)	$6,000	$7,000	$8,000	$9,000	$10,000

[FNa1] Over permitted capacity

FN# Total amount of penalty not to exceed maximum amounts specified in PRC sections 42825 and 42835.

Table 4A

Enhancement Issue-Negligent Act	Risk Factor
Serious threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within 1,000 feet	1.00
Moderate threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within one mile, but more than 1,000 feet.	0.75
No potential threat to public health and safety, or the environment.	0.50

Table 4B

Enhancement Issue-Intentional Act	Risk Factor
Serious threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within 1,000 feet.	1.5
Moderate threat to public health and safety, or the environment. Residential homes, freeway/major roads, lakes, rivers, waterways and airports within one mile, but more than 1,000 feet.	1.25
No potential threat to public health and safety, or the environment.	1.00

(c) Additional Penalties For Unpermitted and Permitted Waste Tire Facilities

Table 5

~~Additional Penalties~~ Type of Violations	~~Range of Penalty~~ Range of Penalty
14 CCR 17351 ~~(a) & (b) Communications and other site equipment~~ Fire Prevention Measures	$500-$5,000
14 CCR 17352 Facility Access and Security	$500-$5,000
14 CCR 17353 Vector Control Measures	$500-$5,000
14 CCR 17354 ~~[except (a)&(b)] Parameters For~~ Storage of Waste Tires Outdoors ~~Waste Tires Outdoors~~	$500-$5,000
14 CCR 17356 Indoor Storage Parameters	$500-$5,000
14 CCR 18427 Permit Revision	$500/day (minor) $1,000/day (major)
14 CCR 18470 Financial Assurance Requirements for Closure	$500-$5,000
Violation of any Permit conditions (except capacity violation)	$500-$5,000
14 CCR 18423(a) Filing of Application	$500-$5,000
14 CCR 18440(a) Compliance with Section 18441	$500-$5,000
14 CCR 18440(b) Submit Updated Closure Plan	$500-$5,000
14 CCR 18440(c) Approval of Major WTF Closure Plan Prior to Closure	$500-$5,000
14 CCR 18440(d) Approval of Minor WTF Closure Plan Prior to Closure	$500-$5,000
14 CCR 18440(e) Immediate Closure	$500-$5,000
14 CCR 18441(a) Closure Procedures	$500-$5,000
14 CCR 18443(d) Inspection Access	$500-$5,000

Note: Authority cited: Sections 40502, 42820 and 42830, Public Resources Code. Reference: Section 42825, 42835, 42850 and 42852, Public Resources Code.