



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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GRACE ROBINSON CHAN
Chief Engineer and General Manager

October 11, 2013

Paulino Luna
CalRecycle
P.O. Box 4025
Sacramento, CA 95812

Dear Mr. Luna:

Comments on CalRecycle's Proposed Waste Tire Regulations

The Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate the opportunity to comment on CalRecycle's proposed waste tire regulations. The Sanitation Districts support the overall purpose of these regulations, which is to eliminate potential gaps in the regulatory oversight of the management of waste tires. However, the proposed regulations would needlessly require permitted solid waste facilities which receive less than 150 tires per day on an average annual basis to apply for an exclusion from the regulations even though they are already excluded by statute. These permitted facilities are already identified in CalRecycle's Solid Waste Information System (SWIS) database, have a Tire Program Identification Number (TPIN) as an end-use facility, and have regulatory oversight by the local enforcement agencies and CalRecycle to ensure they are operated in a manner protective of public health and safety. We believe that the notification requirement is unnecessary and that the five-year permit review is the appropriate time to modify language in the joint technical document (JTD) or permit describing waste tire management.

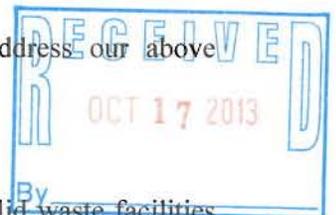
It also appears that the proposed regulations would impose new approval requirements for the beneficial use of tire-derived aggregate at permitted solid waste facilities. This appears to be counterproductive to CalRecycle's long-term efforts to develop markets for the beneficial use of such materials. Additionally, the use of tire-derived aggregate in various construction activities at a permitted solid waste landfill (i.e. drainage layer in landfill liner or gas collection layer) is already subject to various regulatory reviews and approval processes so the imposition of a separate approval process is unnecessary and redundant.

We respectfully request the changes below to proposed regulations to address our above concerns.

DEFINITION OF WASTE TIRE FACILITY

Public Resources Code (PRC) Section 42808 currently excludes permitted solid waste facilities that receive or transfer less than 150 tires per day average on an annual basis from the definition of "waste tire facility," as shown below.

42808. "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. (Emphasis added)

We request that the proposed Section 17225.850 be revised as shown below to exclude existing permitted solid waste facilities that receive or transfer less than 150 tires per day average on an annual basis from the definition of "waste tire facility," similar to PRC Section 42808.

§ 17225.850. Waste Tire Facility

"Waste tire facility" means ~~a waste tire facility as that term is defined by Public Resources Code section 42808 and includes exempt or excluded facilities~~ minor waste tire facilities, major waste tire facilities, and facilities where less than 500 waste tires are or will be stored, stockpiled, accumulated, or discarded; but excludes permitted solid waste facilities that receive for transfer or disposal less than 150 tires per day averaged on an annual basis.

REMOVAL OF NOTIFICATION REQUIREMENTS

We respectfully request the deletion of the notification requirements for permitted solid waste facilities that receives or transfers less than 150 tires per day average on an annual basis by modifying proposed Sections 18420 and 18431.2 as follows:

§ 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 Public Resources Code section 42808~~, unless any of the following conditions exist:
- (1) ~~The waste tires are stored or disposed at a permitted solid waste disposal facility; or at a permitted solid waste facility which receives less than 150 waste tires per day averaged on an annual basis.~~ 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 of Title 14 of the California Code of Regulations.

~~§ 18431.2. Permit Exclusion.~~

- (a) ~~Any person wishing to operate a waste tire facility that is excluded from permitting requirements by section 18420(a) or 18420.1 of Article 1 of this Chapter shall first notify the Department in writing. This notice shall be legible, presented in a manner approved by the Department, and shall include at a minimum:~~
- (1) ~~Tire Program Identification Number, assessor parcel number, property owner name, address, and telephone number; and operator name, address, and telephone number if different from the property owner.~~
- (2) ~~Citation of underlying statutes and California Code of Regulations sections that authorize the waste tire facility permit exclusion; and a description of waste tire facility operations, including but not limited to, the average quantity of waste tires handled on an annual basis, and the hours of operation of the waste tire facility.~~

~~(3) A statement by the waste tire facility owner or operator that certifies under penalty of perjury that the waste tire facility complies with all required permits, licenses, and other local approvals, and the information provided in the statement is true and correct to the best of the owner's or operator's knowledge and belief.~~

APPROVAL OF BENEFICIAL USE OF TIRES AT SOLID WASTE LANDFILLS IS REDUNDANT

Solid waste landfills are already permitted to accept shredded tires for disposal. Further approvals should not be necessary if the landfill operator can beneficially reuse this material inside the landfill, such as a drainage layer for landfill liner systems or as aggregate in a landfill gas collection trench. Landfills may also beneficially reuse tires for environmental protection or site safety purposes. Waste tires are used as a best management practice device (e.g., check dams) for storm water control and for movable traffic control signs at landfills.

Permitted facilities already have TPIN as an end-use facility so the imposition of a separate approval process, as proposed in Section 18431.3, appears to be unnecessary and redundant. We respectfully request that this requirement for permitted solid waste facilities be deleted as follows.

~~§ 18431.3 Beneficial Reuse Project~~

~~(a) The Department may authorize the use of waste or used tires in a beneficial reuse project using whole or altered waste tires on a case-by-case basis, if it receives a written request in a manner approved by the Department, prior to commencement of the reuse project.~~

Thank you for your consideration of our requested changes to the proposed waste tire regulations. Should you have any questions regarding our comments, please feel free to contact Mr. Glenn Acosta at (562) 908-4288, extension 2723.

Very truly yours,

Grace Robinson Chan



Christopher R. Salomon *for*
Supervising Engineer
Planning Section

CRS:GA:rr

cc: Carroll Mortensen, Director, CalRecycle
Mark De Bie, Deputy Director, CalRecycle