

THE FLANIGAN LAW FIRM

October 10, 2013

State of California
Department of Resources Recycling and Recovery
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LETTER OF COMMENT

Dear CalRecycle:

This is a *Letter of Comment* in compliance with your Department’s response deadline and relevant to the following proposed regulations - Title 14: Natural Resources; Division 7: California Integrated Waste Management Board, Chapters 3: Minimum Standards for Solid Waste Handling and Disposal; and, Chapter 6: Permitting of Waste Tire Facilities and Waste Tire Hauler Registration and Tire Manifests.

We are submitting these comments on behalf of our client, Les Schwab Tire Centers - a licensed Tire Dealer, a Minor Waste Tire Facility and a permitted Waste Tire Hauler. Les Schwab conducts its business from 79 California store locations and employees over 1,600 individuals.

Permit us to draw your attention to the following:

1. a) Regarding roadside assistance where a stranded vehicle needs a single tire change, the proposed regulations do not appear to make a distinction between the requirement to complete a Comprehensive Trip Log (herein: CTL or manifest) for commercial trucks verses passenger vehicles and light weight trucks. We would appreciate your guidance as to exactly when CTLs are required in these circumstances. We bring to your attention the following which appears on your Waste Tire Program website’s Frequently Asked Questions, Section 3, Question #9: “Q: As a

CalRecycle registered waste tire hauler, how many tires can I carry before I need to manifest my load? A: As (a) registered waste tire hauler, you are required to manifest every tire that goes on or comes off your vehicle without regard to number. There is no minimum number of tires.”

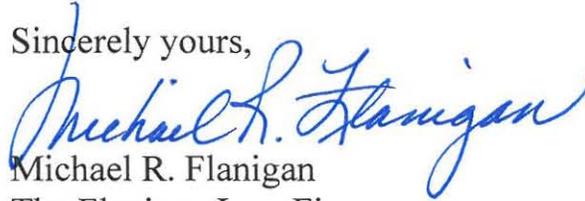
Consequently, LS is working under the belief that a roadside service resulting in even a single tire removal and replacement requires a manifest when servicing commercial trucks but a CTL is not required for similar service to passenger vehicles and light weight trucks. We come to this conclusion because we are also a tire waste hauler. Your guidance on this matter will be greatly appreciated.

b) Under the proposed regulations’ Section 17357. Recordkeeping, it states that “. . . records may include log entries . . .” This appears to be a new term that perhaps should be included in the definitions under a new Section 18450 (21). As presently written, is not clear whether or not the log entries are in lieu of manifests or are to be filled out in addition to the CTLs. It is also unclear under what specific circumstances that the use of a log entry may be required. We could interpret this section as follows: a log entry may be used for roadside service tire remove and replacement as a CTL substitute for all vehicles –commercial, passenger and light weight trucks. A rule that would require both the completion of a log and manifest would appear to be a bit redundant and probably unnecessary and serve no greater purpose than either one of the reporting documents standing alone. Again, your guidance on this will be helpful.

2. When applying for an application to be excluded from being a permitted waste tire facility we assume that we need only to file one application for all 79 of our stores. If our assumption is wrong, please correct us.
3. The proposed regulations does not appear to address CalRecycle’s exemption interpretation of “primarily engaged in the sale of new tires” which is incorporated in the newly enacted law defining “tire brokers” pursuant to Assembly Bill No. 501, Chapter 392, Statutes of 2013. We assume, therefore, that this issue will be addressed at some future date in the form of a proposed regulation. Any enlightenment that you can share with us on this subject will be valued.

Thank you for addressing our concerns and we look forward to participating in your upcoming workshops.

Sincerely yours,



Michael R. Flanigan
The Flanigan Law Firm

cc: Aaron Toso, Policy Consultant, Les Schwab Tire Centers
John S. Robertson, Director, California Operations, Les Schwab Tire Centers