

Permitting and Assistance Branch Staff Report
 New Minor Waste Tire Facility Permit for
 Gilton Resource Recovery Transfer Facility, Inc.
 TPID No. 1001979
 May 6, 2015

Background Information and Analysis:

This report was developed in response to an application for a New Minor Waste Tire Facility Permit (WTFP) received from the owner and operator of Gilton Resource Recovery Transfer Facility, Inc. (Gilton), located at 800 South McClure Road in the City of Modesto, Stanislaus County. Gilton will operate on 51 acres at an existing transfer/processing facility located within an Industrial zone. Tires will be stored outdoors.

An application for a New Minor WTFP was received by Permitting and Assistance Branch staff on December 10, 2014, and accepted as complete and correct on January 9, 2015. Pursuant to Title 14, California Code of Regulations (14 CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete and correct to either issue or deny the issuance of a Minor WTFP. CalRecycle is required to act by July 8, 2015.

Findings:

Staff recommends approval of the issuance of the proposed Minor WTFP. All of the required submittals and findings required by 14 CCR, Section 18431 have been met to support issuance. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

The following table summarizes staff's findings relative to the permit application:

	Findings	
Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Tire enforcement staff of the Waste Evaluation and Enforcement Branch (WEEB), conducted an inspection of the facility on April 21, 2015, and no violations were cited. See additional compliance information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-503) - 14 CCR, Sections 18431(a) through (d)	All application forms were accepted by Permitting and Assistance Branch (PAB) staff as complete and correct on January 9, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<i>Local Vector Control:</i> The operator obtained vector control authority approval from Mr. Stanley Borja from Clark Pest Control and the Eastside Mosquito Abatement District on June 11, 2014. <i>Local Fire Authority:</i> Mr. Shane Hawkins and Mr. Michael R. Wilkinson of the Stanislaus Consolidated Fire Protection District approved the fire prevention measures for outdoor tire storage on August 18, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

California Environmental Quality Act (CEQA)	PAB staff determined that the issuance of the Minor WTFP is consistent with and supported by the existing CEQA documentation. See additional CEQA information below in the Environmental Analysis section.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	May 5, 2015	
Waste Evaluation and Enforcement Branch	April 27, 2015	

Compliance History:

An inspection was conducted by CalRecycle’s WEEB Tire Enforcement Section staff on April 21, 2015. No violations were observed during the inspection.

Below are the details of the facility’s compliance history based on the Tire Enforcement Agency’s and WEEB’s inspection reports during the last five years:

- 2014 - Present – No violations were noted.
- 2013 (January) – One violation for 14 CCR 18459 - Responsible Entities Complying with Manifesting Requirements; one violation for 14 CCR 18460.2 - Manifest System Requirements for Registered Waste Tire Haulers.

An Administrative Decision Pursuant to Stipulation for Waste Tire Hauler Administrative Penalties (Decision) was issued against the operator on January 6, 2014. Ordering Paragraph 23 of the Decision required Gilton to apply for a Minor Waste Tire Facility Permit within one calendar year of the effective date of the Decision. Gilton submitted an application for a new Minor WTFP on December 10, 2014, in compliance with this requirement of the Decision.

- 2010 – 2012 - No violations were noted.

All violations were corrected and the operator continues to meet the requirements of the Stipulation.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Stanislaus County Board of Supervisors, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The proposed WTFP is considered to be a project under CEQA [CEQA Guidelines 15378(a)(3)] and the facility is required to obtain a WTFP pursuant to 14 CCR, Section 18420, for the storage

of up to 4,999 waste tires. The proposed activities are supported by the following environmental document.

An Environmental Impact Report (EIR), State Clearinghouse No. 87122902, was certified by the Lead Agency on November 29, 1988 for the Gilton Resource Recovery Transfer Station. The transfer station maintains a full solid waste facility permit for the receipt, handling, storage, and processing of non-hazardous solid waste, including waste tires. A Notice of Determination was filed on February 13, 1989.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the EIR as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new Minor WTFP. Further, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents. Department staff further recommends the EIR is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comment

Department staff provided an opportunity for public comment during CalRecycle's Monthly Public Meeting on February 17, 2015, March 17, 2015 and April 21, 2015. One question was asked during the April 21, 2015 meeting regarding enforcement and removal of baled tires which was addressed during the meeting that the operator is in compliance with the Administrative Decision. No written public comments have been received by CalRecycle staff.

Attachment: Minor WTFP