

17th Technical Training Series



April 3-6, 2017 · Long Beach Hyatt
200 South Pine Avenue · Long Beach, California, 90802



New LEA/TEA/CIA Staff Orientation

Waste Tire Enforcement

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CalRecycle Waste Tire Enforcement Program

Thank You!!!

Why We Enforce?



Why We Enforce!

Environmental Impacts



Public Health Impacts

Tire Fires

Choperena (May 1996)

- ▶ Grass fire ignited massive tire fire in northern Fresno County.
 - ▶ Smoke visible for 30+ miles.
 - ▶ **Burned 1 - 2 million tires.**
- ▶ Major concern—
 - ▶ Potential release of pyrolytic oil into Little Panoche Creek.
 - ▶ Tire fire allowed to burn.
 - ▶ Pyrolytic oil contained up-canyon by earthen berm.
- ▶ Aftermath—
 - ▶ 4 acres covered with 1 to 5 feet of ash, metal debris, and pyrolytic oil residue.

Tire Fires

Royster (August 1998)

- ▶ **Grass fire ignited 7 million tires.**
 - ▶ Illegally stored at the unpermitted S.F. Royster tire disposal facility in Tracy.
- ▶ Tire fire allowed to burn due to:
 - ▶ Site's bowl-shaped geography.
 - ▶ Limited past success fighting similar-sized tire fires.
 - ▶ Avoid creating significant groundwater contamination from fire suppression water and pyrolytic oil.
- ▶ **Fire burned for more than two years!!**
 - ▶ Remnants extinguished in December 2000 with water and foam.

Tire Fires

Westley (September 1999)

- ▶ **Lightning strike ignited fire in the Filbin tire pile (7 million scrap tires).**
 - ▶ Coastal foothills near Westley in Stanislaus County.
 - ▶ Fire spread quickly and engulfed most of the tire pile areas.
 - ▶ Huge smoke plume impacted nearby farming communities.
 - ▶ Widespread concern of potential health affects.

Tire Fires

Westley (September 1999)

- ▶ **Produced large volumes of pyrolytic oil.**
 - ▶ Flowed offsite into a nearby stream & also ignited.
 - ▶ Over 250,000 gallons of pyrolytic oil was recovered from the retention pond.
 - ▶ 4 million gallons of contaminated fire fighting water was impounded on site.
 - ▶ **Took 30 days to extinguish the fire.**
- ▶ At that time, California's largest legacy tire pile!
 - ▶ Waste Board ordered site cleaned up just 2 months prior to the fire.

Environmental Contaminants

- ▶ Byproducts of a tire fire are smoke, pyrolytic oil, ash and carbon black. The first three pose a serious threat to first responders and the environment.
 - ▶ Smoke - Volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polynuclear aromatic hydrocarbons (PAHs), particulate matter, heavy metals, carbon monoxide, sulfur and nitrogen oxides, and acid gasses
 - ▶ Pyrolytic Oil – Petroleum hydrocarbons, VOCs, SVOCs, heavy metals
 - ▶ Soil/Ash – Heavy metals, sulfates, SVOCs, VOCs, petroleum hydrocarbons, dioxins, and furans
- ▶ Depending on how a tire fire is suppressed, the environmental concentrations will vary dramatically. Basically one can presume the following during a tire fire:
 - ▶ <http://osfm.fire.ca.gov/codedevelopment/pdf/tirefire/quickreference.pdf>

Vectors

- ▶ Fires not only threat from tire piles
- ▶ Standing water in waste tires
 - ▶ Ideal breeding conditions for mosquitoes



Human West Nile virus activity, California, 2003-2016

Year	Symptomatic Cases					
	Total # of Cases	West Nile Neuroinvasive Disease	West Nile Fever	Other/ Unknown	Asymptomatic Infections	WNV-related Fatalities
Total (2003-2016)	5743	3189	2398	158	552	231
2016*	155	110	45	0	24	2
2015	783	585	198	0	77	53
2014	801	561	240	0	91	31
2013	379	241	138	0	54	15
2012	479	313	158	8	48	20
2011	158	111	47	0	18	9
2010	111	73	38	0	20	6
2009	112	67	45	0	17	4
2008	445	293	148	4	53	15
2007	380	156	220	4	30	21
2006	278	83	190	5	14	7
2005	880	305	534	41	55	19
2004	779	289	395	95	51	29
2003	3	2	0	1	0	0

* Reported as of September 7, 2016

Legislation

AB 1843 (1989)

- ▶ Calif. Tire Recycling Act--**original waste tire law**--better waste tire management in California.
- ▶ Required development of regulations for the safe storage of waste tires (WT).
 - ▶ **Established a permitting system for WT facilities.**
 - ▶ Provided for civil penalties, imposed administratively or by the court.

Legislation

AB 1843 (1989)

- ▶ **Created California Tire Recycling and Management Fund.**
 - ▶ Penalties to be deposited in the Fund.
 - ▶ **Established the original tire fee (then \$.25 & only on waste tires disposed).**
 - ▶ Required awarding funds for recycling activities.
- ▶ Required Board promote/develop markets as an alternative to landfill disposal and stockpiling.
 - ▶ Promoted the recycling of the annual flow of WT, incl. stockpiled tires.
 - ▶ Required DGS to give a preference in state purchases of recycled tire products.
- ▶ Required Board adopt regulations authorizing shredded tire storage at landfills.

Legislation

SB 744 (1993)

- ▶ Created Waste Tire Hauler Registration Program.

AB 2108 (1996)

- ▶ Changed tire fee collection point (purchased retail tires vs. returned WT).
- ▶ Any traffic or peace officer can enforce WT hauler requirements

SB 1055 (1999)

- ▶ Property access for cleanup of unlawfully disposed waste/used tires when owner does not voluntarily consent.
- ▶ Required order setting civil liability & finding that there is a significant threat to public health or the environment.

Legislation

SB 876 (2000)

- ▶ Expanded California's regulatory program for management of waste and used tires
 - ▶ Sought balance between tire enforcement & development of tire processing/recycling facilities.
 - ▶ Strengthened tire enforcement (changes in Hauler and Facility Permit programs).
- ▶ **Required Waste Board adopt/submit Five-Year Tire Plan (5YTP) to the Legislature.**
 - ▶ Identifies priorities, performance criteria, and budget allocations.
 - ▶ Updated every two years.

Legislation

SB 876 (2000)

- ▶ **Increased tire fee from \$0.25 to \$1.00 per tire**
 - ▶ California now in line with other large states.
 - ▶ **Extended the California tire fee to tires on new motor vehicles.**
- ▶ Revised "waste tire" (and other) definitions.
 - ▶ Provided regulatory relief for used tire dealers and waste tire recyclers.
- ▶ Expanded the tire manifest system.
- ▶ Increased funding for recycling and recovery efforts.

Legislation

AB 923 (2004)

- ▶ Increased tire recycling fee to its current \$1.75 per new tire sold.
- ▶ \$1 to CalRecycle and \$.75 to Air Board (Carl Moyer Program).

AB 1647 (2012)

- ▶ Streamlined enforcement process—informal, internal hearings.
- ▶ Tire broker requirements.

AB 8 (2013)

- ▶ Extended sunset of tire recycling fee to Jan. 1, 2024.
- ▶ Maintained fee at \$1.75/tire.

Laws and Regulations

- ▶ Public Resources Code (PRC) (Division 30, Part 3,)
 - ▶ Chapter 16—Waste Tires (starting at section 42800)
 - ▶ Chapter 19—Tire Hauler Registration (starting at section 42950)
 - ▶ <http://leginfo.legislature.ca.gov/faces/codes.xhtml>

Laws and Regulations

- ▶ California Code of Regulations (CCR) (Title 14, Division 7)
 - ▶ Chapter 3, Article 4.1— Waste Tire Definitions (sections 17225.701-17225.850)
 - ▶ Chapter 3, Article 5.5—Waste Tire Storage and Disposal Standards (sections 17350-17359)
 - ▶ Chapter 6, Articles 1-11—Permitting of Waste Tire Facilities and Waste Tire Hauler Registration and Tire Manifests (starting at section 18420)
- ▶ www.calrecycle.ca.gov/Laws/Regulations/Title14/default.htm

Implementing the Program

Five Year Tire Plan (5YTP)

- ▶ Provides blueprint—
 - ▶ Establishes priorities, performance criteria, and budget allocations.
- ▶ Primary goals—
 - ▶ Manage/mitigate impacts of tires on public health and safety, and the environment.
 - ▶ Ensure tire businesses comply (tire permitting, storage, and movement laws, regulations, and state minimum standards).

Implementing the Program

Five Year Tire Plan (5YTP)

- ▶ **Monitor compliance**—
 - ▶ Through permitting, inspection, and enforcement efforts.
- ▶ Enforcement elements designed to—
 - ▶ Protect public health, safety, and the environment.
 - ▶ Provide for a fair & consistent marketplace for recycled tires.

Table 1: Total Tire Program Funding for Fiscal Years 2015/16-2019/20

Program Areas	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	Totals for All Fiscal Years
Enforcement	\$7,585,000	\$7,585,000	\$7,585,000	\$7,585,000	\$7,585,000	\$37,925,000
Hauler Program and Manifest System	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$2,250,000
Cleanup*	\$8,000,000	\$8,000,000	\$7,800,000	\$7,800,000	\$7,650,000	\$39,250,000
Research and Market Development	\$15,651,000	\$15,651,000	\$15,851,000	\$15,851,000	\$11,001,000	\$74,005,000
Program Staffing	\$8,139,000	\$8,139,000	\$8,139,000	\$8,139,000	\$8,139,000	\$40,695,000
Administration	\$3,382,000	\$3,382,000	\$3,382,000	\$3,382,000	\$3,382,000	\$16,910,000
Mandatory Contracts	\$1,258,000	\$1,258,000	\$1,258,000	\$1,258,000	\$1,258,000	\$6,290,000
Totals	\$44,465,000	\$44,465,000	\$44,465,000	\$44,465,000	\$39,465,000	\$217,325,000
Spending Authority	\$44,465,000	\$44,465,000	\$44,465,000	\$44,465,000	\$39,465,000	\$217,325,000

* The cleanup element includes the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program. Its spending authority is separate from the Tire Recycling Management

Budget

Who We Regulate

- ▶ Waste Tire Industry
 - ▶ Generators
 - ▶ Haulers
 - ▶ End-use facilities
- ▶ Waste Tire Haulers
 - ▶ Hauling 10 or more waste or used tires.
 - ▶ Some exemptions (PRC 42954)

Who We Regulate

- ▶ Waste (WT) Tire Facilities

- ▶ “Facilities where waste tires are or will be stored, stockpiled, accumulated, or discarded” (PRC 42808 and 14 CCR section 17225.850)

- ▶ Unpermitted (<500 WT)

- ▶ Permitted—Major >5,000 WT; Minor between 500 & 4,999 WT

- ▶ Exempt—Cement kilns (PRC 42823.5) and beneficial reuse projects (14 CCR 18431.3)

- ▶ Excluded

Excluded Facilities

- ▶ Waste tire facility permit not required if:
 - ▶ Agricultural facility--5,000 (PRC 42831, 42801 and 14 CCR 18420)
 - ▶ Tire (re)treading facility--3,000 (PRC 42831 and 14 CCR 18420)
 - ▶ Auto dismantler--1,500 (PRC 42808 and 14 CCR 18420)
 - ▶ Tire dealer--1,500 (PRC 42808 and 18420)
 - ▶ Used Tire dealer--1,500 (PRC 42808 and 14 CCR 17225.820, 18420)
 - ▶ Collection location--4,999 (14 CCR 18420.1)
- ▶ **Must meet State Minimum Standards (14 CCR 17350-17356) if 500 or more WT stored.**
- ▶ Must comply with new notification requirement (14 CCR 18431.2).

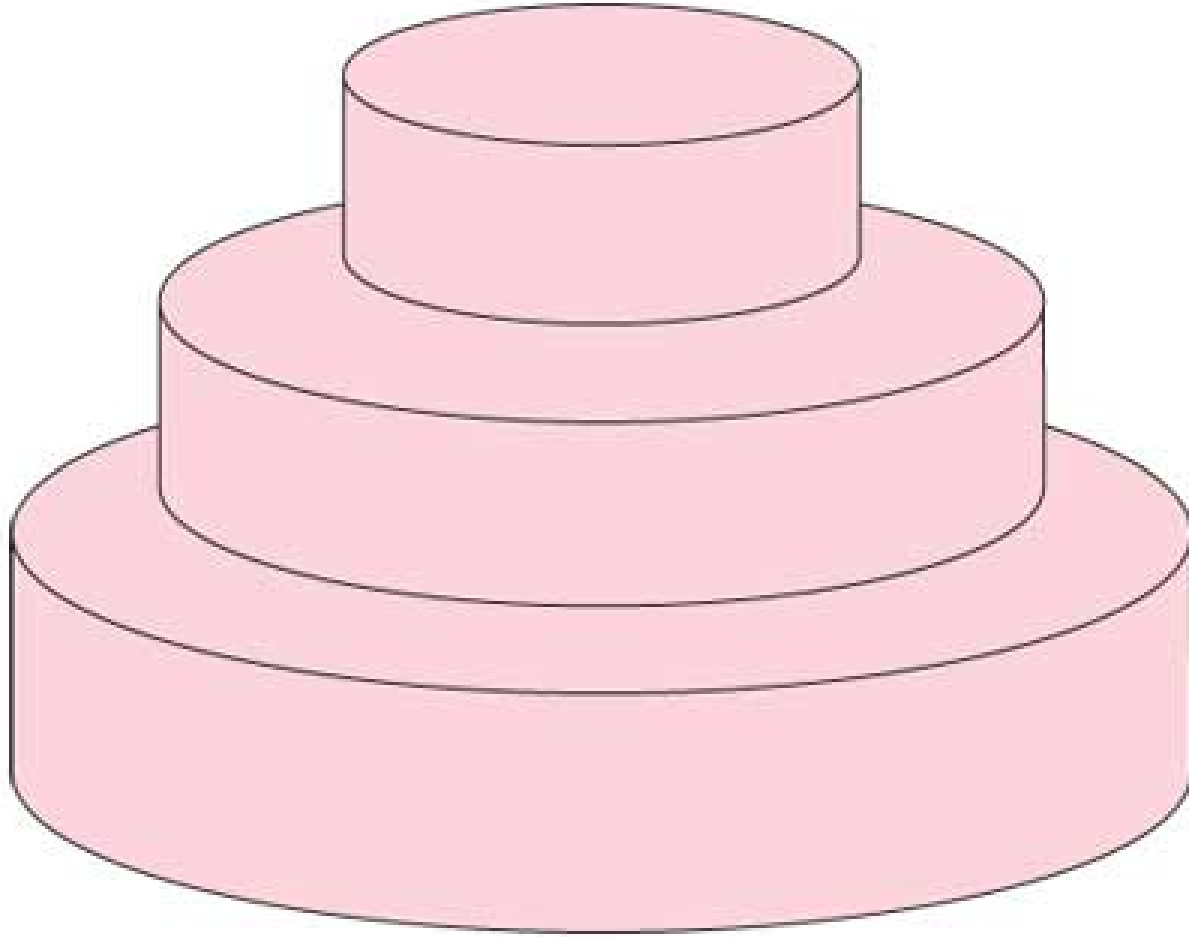
How We Regulate

- ▶ Laws/regulations
- ▶ Permit conditions (CEQA, financial assurance, closure plan)
- ▶ Hauler registrations (annual renewal, surety bond, decals, vehicle registrations)
- ▶ Inspections (unannounced, tire count, TPID posted, SMS compliance, CTL review)
- ▶ Surveillance
- ▶ Manifesting system (CTLs)
- ▶ Waste Tire Management System (WTMS)
- ▶ Enforcement actions

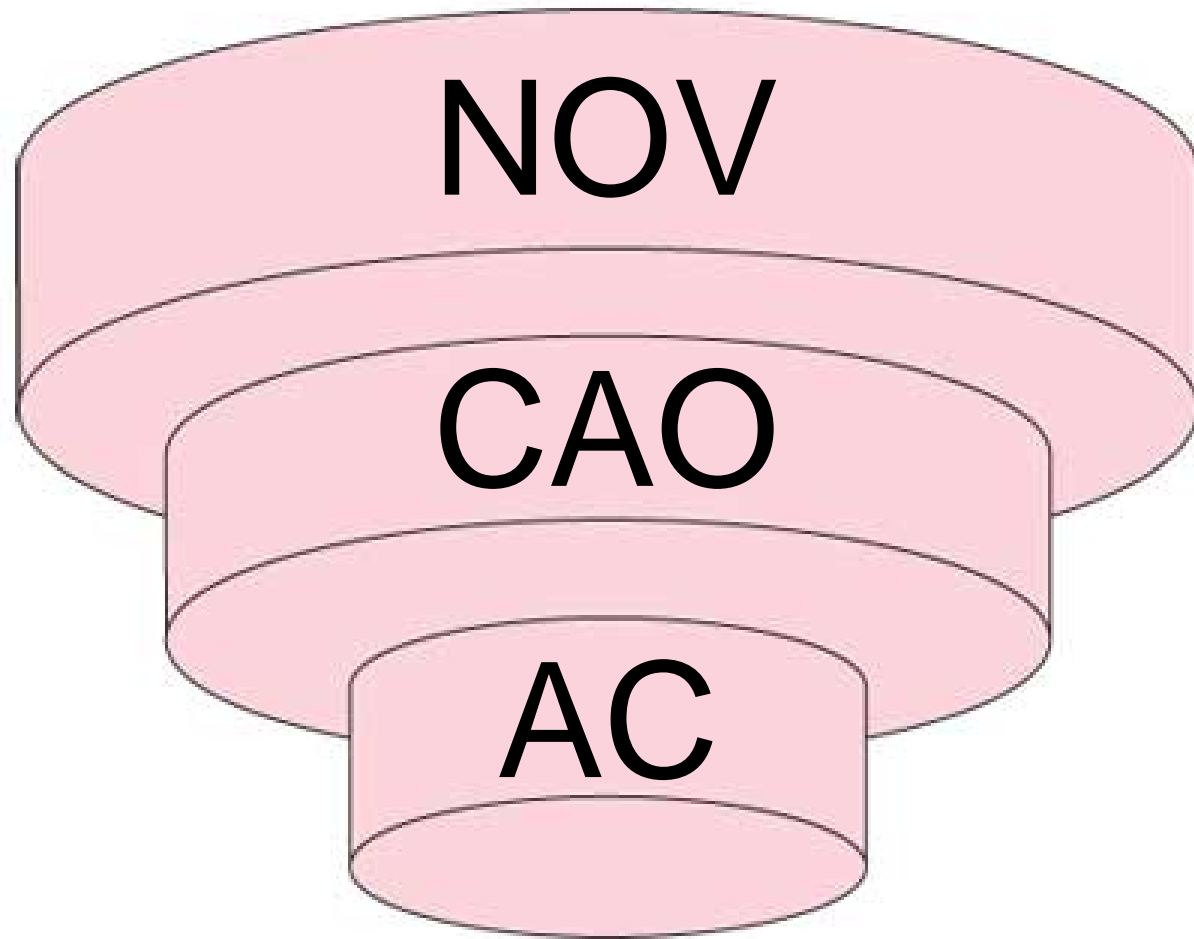
Enforcement Sanctions

- ▶ Administrative penalties (up to \$10k/day)-See 14 CCR 18429
- ▶ Streamlined Penalty Letter (hauler violations)
- ▶ Denial/suspension/revocation of WT facility permits or hauler registrations
- ▶ CHP checkpoints (coordination with other law enforcement)
- ▶ Injunctions (through Calif. Attorney General or local DA/county counsel))
- ▶ Civil actions (in Superior Court)
- ▶ Criminal prosecution (Calif. Attorney General or local DA/county counsel)

The Enforcement Process



The Enforcement Process



The Enforcement Process

- ▶ Inspections/Compliance Assistance
- ▶ Notice of Violation (NOV)—
 - ▶ Issued for violations (2 - 4 % of inspections).
 - ▶ Compliance deadline usually 15 - 30 days.
 - ▶ Re-inspection to verify compliance
 - ▶ Extension possible if good faith/progress.
 - ▶ Refer noncompliant businesses to CalRecycle for enhanced enforcement (4 - 10 % of NOV).

The Enforcement Process

- ▶ Cleanup and Abatement Orders—
 - ▶ Pre-CAO Letter (notice to property owner)
 - ▶ CalRecycle staff take lead for all CAOs & beyond (referred from TEAs).
 - ▶ Issued to Operator and Property Owner
 - ▶ Compliance deadline usually 15 days.
 - ▶ Re-inspection to verify compliance (extension possible if good faith/progress demonstrated).

The Enforcement Process

- ▶ Administrative Complaints—
 - ▶ Informal hearing for penalties and/or permit/registration suspension or revocation.
 - ▶ Suspension/revocation now immediately effective pending hearing & final action.
- ▶ Referrals to Calif. AG/local DA—
 - ▶ Civil/criminal actions reserved for egregious violations/repeat offenders.
- ▶ State-Run Cleanup
 - ▶ Access (permission or court warrant, if needed)
 - ▶ State contractors remediate & State bills owner/liens property

Streamlined Penalty Letter (SPL) Program

- ▶ Established in 2008—
 - ▶ 511 SPLs issued to date.
 - ▶ Voluntary—more than 93 percent (478 SPLs) have been accepted.
 - ▶ CalRecycle has saved > \$2 million in legal costs.
 - ▶ Staff able to pursue many more hauler enforcement actions.
 - ▶ Normal AC process followed if SPL rejected (33 since inception).

Streamlined Penalty Letter (SPL) Program

- ▶ Business benefits—
 - ▶ Offers violator quicker resolution & lower penalty vs. lengthy Admin. Complaint process.
 - ▶ Repeat offenders not eligible—go through full AC process.
- ▶ Deterrent effect—
 - ▶ Quicker enforcement action once a violation is discovered; encourages compliance.
- ▶ Criteria—
 - ▶ Violations noncontroversial and have potential AC penalties of less than \$10,000.

Budget

Table 2: Budget for Enforcement and Regulations Relating to the Storage of Waste and Used Tires

Program Area	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Waste Tire Enforcement Support Activities	\$120,000	\$320,000	\$120,000	\$320,000	\$120,000
California Highway Patrol Agreement to Support Enforcement Activities	\$200,000	\$0*	\$200,000	\$0*	\$200,000
Local Government Waste Tire Enforcement Grant Program	\$7,000,000	\$7,000,000	\$7,000,000	\$7,000,000	\$7,000,000
Database System Maintenance and Enhancement	\$165,000	\$165,000	\$165,000	\$165,000	\$165,000
Tire Enforcement Inspector Technical Training	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Totals	\$7,585,000	\$7,585,000	\$7,585,000	\$7,585,000	\$7,585,000

*Fiscal Years are zero because the contracts are on two-year cycles.

Fiscal Year	Number of Awards	Amount Awarded
1997/98	9	\$315,266
1998/99	9	\$356,325
1999/00	8	\$499,645
2000/01	0	0*
2001/02	8	\$764,804
2002/03	24	\$3,720,473
2003/04	36	\$4,712,549
2004/05	38	\$5,249,335
2005/06	39	\$5,667,495
2006/07	39	\$5,702,800
2007/08	41	\$6,558,142
2008/09	39	\$6,749,989
2009/10	43	\$7,528,740
2010/11	46	\$7,775,000
2011/12	47	\$7,775,000
2012/13	46	\$7,000,000
2013/14	47	7,440,456
2014/15	45	\$7,000,000
2015/16	36 *	\$5,726,693
Totals		\$893,71,476

TEA Grant History

* Participation criteria changed (increased) in TEA 23.

Local Agency Role

- ▶ Funded through Local Government Waste Tire Enforcement (TEA) grant program—
 - ▶ Non-competitive grant open to cities, counties, and city and county agencies.
 - ▶ Awarded annually—23rd grant cycle started June 30, 2016 and ends June 29, 2017.
 - ▶ \$6.5M annually currently split between 36 TEAs.
 - ▶ www.calrecycle.ca.gov/Tires/Grants/Enforcement/

Local Agency Role

- ▶ Responsible for tire business inspections in TEA jurisdictions—
 - ▶ ~22,350 (~74%) of California tire businesses.
 - ▶ Conducts inspections/NOV re-inspections to verify compliance.
 - ▶ Refers noncompliant tire businesses to CalRecycle (incl. unregistered haulers).
 - ▶ Conducts educational/compliance assistance visits.
 - ▶ Investigates illegal tire disposal activities.
 - ▶ Small tire pile cleanups.

TEA Procedures and Requirements (P&Rs)

- ▶ Project and reporting requirements.
- ▶ Report due dates & content requirements.
- ▶ Grant payment conditions.
- ▶ Eligible and ineligible project costs.
- ▶ Project completion and closeout procedures.
- ▶ Records and audit requirements.
- ▶ Inspection priorities work plan.

CalRecycle Role

- ▶ Inspects all permitted waste tire facilities (42).
- ▶ Inspects other tire business inspections in non-TEA jurisdictions.
 - ▶ ~7,783 (~26%) of California's active tire businesses.
 - ▶ 4 units, 16 field inspectors
- ▶ Sets enforcement policy.
- ▶ Identifies TEA inspection work plan priorities.

CalRecycle Role

- ▶ Provides training/resources/educational outreach.
 - ▶ TEAs, haulers, generators/end-use facilities.
- ▶ Lead for escalated tire enforcement--issues:
 - ▶ Cleanup and Abatement Orders (CAO) if NOV issues are not resolved.
 - ▶ Administrative Complaints (AC) for non-compliance with actions ordered by CAO.
 - ▶ Streamlined Penalty Letters (SPL).
- ▶ Coordinates with AG/local DA (civil/criminal matters).

Inspection Stats

Year	Total	CalRecycle	Grantees	NOVs	NOVs % of Total	Referred
2012	21,502	2,919	18,583	996	4.6	93
2013	21,608	1,832	19,776	872	4.0	34
2014	20,466	1,863	18,603	789	3.9	61
2015	21,192	1,843	19,349	874	4.1	47
2016	17,697	2,281	15,416	674	3.8	44

Enforcement Stats

Year	Cleanup & Abatement Orders	Administrative Complaints	Streamlined Penalty Letters	Revocations
2012	11	4	87	2 (Hauler)
2013	3	5	49	1 (Facility)
2014	3	6	51	0
2015	5	4	24	0
2016	3	8	33	1 (Hauler)

Current Enforcement Activity

- ▶ Electronic reporting of facility/hauler inspections
- ▶ CalRecycle inspection of all permitted facilities
- ▶ CHP officer training
- ▶ CHP checkpoints at permitted facilities & border areas
- ▶ Hauler trainings and online resources
- ▶ Expand online hauler portal
- ▶ CalEPA environmental justice initiatives

Future Focus

- ▶ Expand tire hauler portal
- ▶ Continued compliance-through-education outreach efforts:
 - ▶ Continued hauler outreach/training
 - ▶ Online resources (e.g., YouTube)
 - ▶ Commercial property owners/managers
 - ▶ Other law enforcement/resource managers

Future Focus

- ▶ Continued CHP checkpoints, surveillance, investigation
- ▶ Encourage electronic reporting of CTL manifest data
- ▶ Streamlined penalties for waste tire facility violations (AB 1647)
- ▶ WTMS upgrades
- ▶ Revise Collection Location regulations

CalRecycle Web Resources

- ▶ Waste Tire Enforcement Home Page
www.calrecycle.ca.gov/Tires/default.htm
- ▶ Inspections and Referral Assistance
www.calrecycle.ca.gov/Tires/Enforcement/Inspections/
www.calrecycle.ca.gov/Tires/Enforcement/Tools/
- ▶ Waste Tire Facility Permits
www.calrecycle.ca.gov/Tires/Facilities/default.htm

CalRecycle Web Resources

- ▶ Complaints Processing and Investigations
www.calrecycle.ca.gov/Tires/Enforcement/default.htm
- ▶ Proposed Regulations
www.calrecycle.ca.gov/Laws/Rulemaking/
www.calrecycle.ca.gov/Listservs/—Waste Tire Rulemaking
listserv
- ▶ Enforcement Orders Web Page
www.calrecycle.ca.gov/Enforcement/Orders/#Tires

CalRecycle Contacts

Tire Enforcement Hotline

- ▶ Complaints or tips on enforcement issues
- ▶ Request TPIDs, compliance information
- ▶ **(866) 896-0600 (toll-free)**
- ▶ WasteTires@calrecycle.ca.gov

Tire Enforcement Staff Contacts

- ▶ Get to know your CalRecycle liaison!!
- ▶ www.calrecycle.ca.gov/Tires/Enforcement/Contacts.htm



Why We Enforce!

Thank You!!!

Questions?