

18th Technical Training Series

December 3-6, 2018 | Hyatt Regency Monterey





Tire Enforcement Hands-On Learning Wrap-Up and Writing Defensible Inspection Reports

Writing Defensible Inspection Reports

Purpose

Basic Components

Reporting

Resources

Writing Defensible Inspection Reports

Purpose

- Ensure essential information is documented on an inspection report
- Adhere to CalRecycle's policies and guidelines

Basic Components of Inspecting a Waste Tire Facility

Obtain Permission to inspect

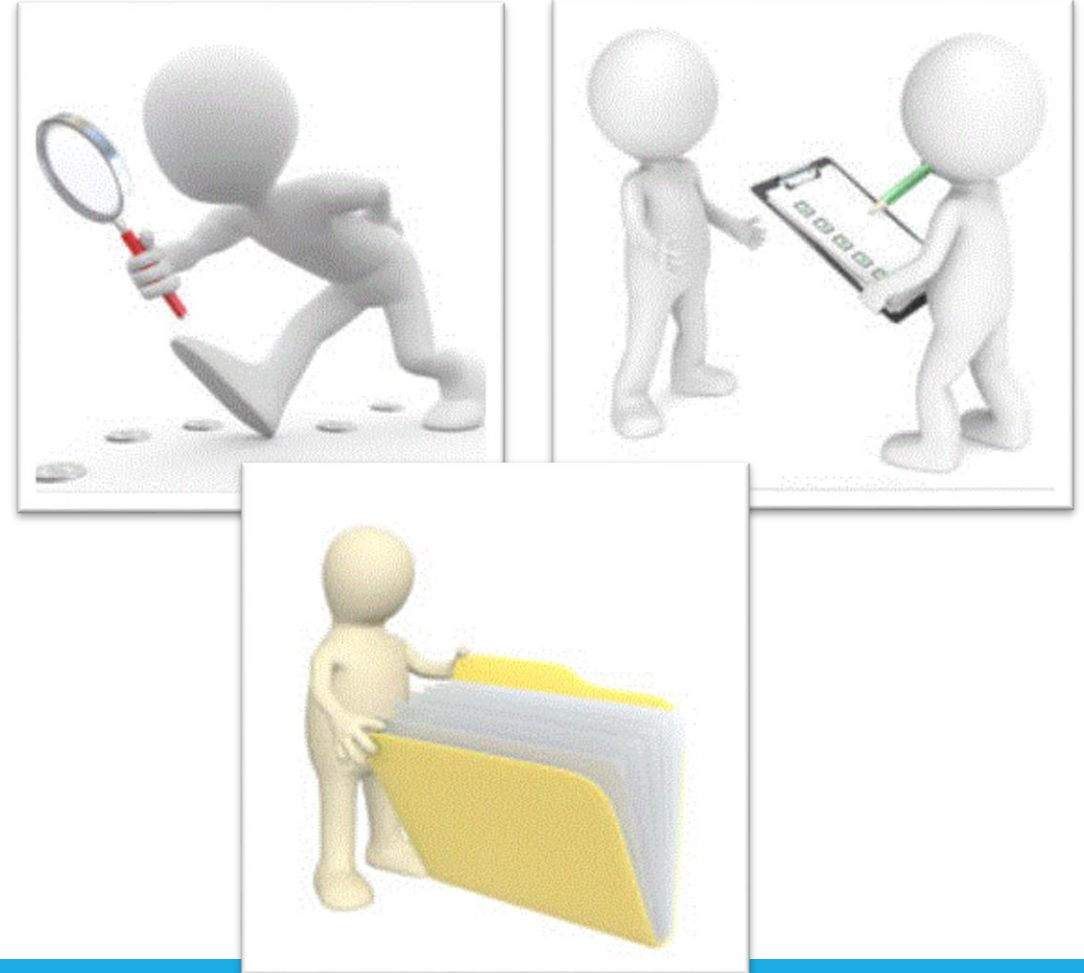
Review TPID certificate

Review waste tire manifests

If Facility is a Hauler, inspect registered vehicles

Count waste tires/Evaluate waste tire storage

Exit Interview



Comments for Compliant Facilities

Permission obtained to inspect & take pictures as necessary.

- Name & title of person granting permission.
- Whether photos were taken.

TPID certificate sighted & posted.

Results of the CTL review/discrepancies.

Tire count—describe method(s) used and if necessary, show your calculations.

If no violations are noted, then “Business is in compliance at time of inspection.”

Additional Inspection Comments for Non-Compliant Facilities

Description of all Violations—

- Cite specific law/regulation
 - Describe specifically what is not in compliance
 - State how compliance needs to be demonstrated
- Include photos demonstrating violations or AOCs
- List who you discussed the violations or concerns with and what was their response

Additional Inspection Comments for Non-Compliant Facilities (cont.)

- Document NOV Rights and Responsibilities and Citable Offenses handouts given to operator or representative & how delivered (e.g., in person, by mail or email).
- Document Exit Interview—
 - with whom
 - what you told them
 - what you gave them

Resources

- Requirements found in the Procedures and Requirements document
- Discussed at Round Table meetings
- Collaborate with CalRecycle Liaison

EXHIBIT B PROCEDURES AND REQUIREMENTS

LOCAL GOVERNMENT WASTE TIRE ENFORCEMENT GRANT PROGRAM 25th Cycle – Fiscal Year 2017–18

Copies of these Procedures and Requirements should be shared with **BOTH** the Finance Department **AND** the staff responsible for implementing the grant activities.

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Tire Enforcement Hands-On Learning Wrap-Up

Station 1: Superfood Warehouse

Issues:

- Initial inspection
- Small-quantity generator
- Recordkeeping
- Operational status



Superfood Warehouse

Pre-inspection planning report:

Business Summary: Superfood Warehouse (1834977)

Main | **CTLs** | Permits | Enforcement | Documents | Reports | Alerts | Map

Business Info | Profile Changes | Address | Contact | Role | Note | Associated Businesses

Current Role Status	
ROLE	STATUS
Generator	Yes

Mailing/Site Information

Business Status: Active Business

Site Addresses:
 Site Suffix: 01
 1001 I Street
 Sacramento, CA 95814
 Sacramento County, United States

Phone:
 Grantee: 34-101 Sacramento County
 Status: Valid

Mailing Address:
 1001 I Street
 Sacramento, CA 95814
 Sacramento County, United States

Phone:
 Grantee: 34-101 Sacramento County
 Status: Valid

0 note(s) [Add a Note](#)

Recent Notes
 No recent notes for this business.

Doing Business As (DBA)

Show Deleted
 No DBAs for this business. (Add new DBA below...)

Organization Name	Official Name?	Action
	<input type="checkbox"/>	Save

[View Business Info](#)

Business Information

Business Category:	Private Sector
Business Ownership Type:	Individual
Business Status:	Active Business
Business Types:	Other
Inspection Frequency:	36

[View Associated Businesses](#)

Associated Businesses

No Associated records for this business.

[Add Contact](#)

Business Contacts (Primary)**

CONTACT NAME	FUNCTION	PHONE NUMBER	EMAIL ADDRESS
John Smith			

Alerts

No alerts for this business.

Permit Summary

Current Regulatory Status:	UnPermitted
Regulatory Status Last Changed On:	9/9/2015
Latest Re-certification:	None
Max. No. of Tires:	

Pickup PTE	Delivery PTE	Difference
32	0	More Pickups

CTL FORM NUMBER	LOAD DATE	HAULER TPID	HAULER NAME	HAULER PHONE	LICENSE PLATE NUMBER	DECAL NUMBER	PU PTE	DEL PTE	FACILITY TPID	FACILITY NAME	FACILITY PHONE	INVALID TPID
1274954-rog-5A	2/3/2018	1274954	Houdini Hauling (TWIC) (Retreader) TEST TPID	(916) 341-6628	6MYX564	#16-07123	2	0	1834977	Superfood Warehouse		
1274954-rog-4A	7/1/2016	1274954	Houdini Hauling (TWIC) (Retreader) TEST TPID	(916) 341-6628	6MYX564	#16-07123	30	0	1834977	Superfood Warehouse		

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Superfood Warehouse

The operator is confused and insists they don't have any waste tires to inspect. What questions can you ask now to help him understand why you're doing the inspection?

- ▶ Have you ever contracted with Houdini Hauling?
- ▶ Do you have a forklift or any other equipment with tires that need to occasionally be disposed of?

Superfood Warehouse

They got their forklift tires changed this year, but they no longer service trucks onsite. They have one forklift that will need a tire change about every 10 years. The next time, they might dispose of the tires without a registered hauler. What information should you provide?

- ▶ They are allowed to dispose of tires without a registered hauler if there are 9 or fewer per trip, but they must keep a log or receipts of the removal method, number of tires removed, and person employed to remove tires.
- ▶ Registered haulers must always leave a complete and correct manifest that someone at the facility must initial, no matter the number of tires.

Superfood Warehouse

What is the operational status of this facility? Active, Inactive, or Closed

▶ Active

Are there any other steps that should be taken in the report to document that this facility rarely generates waste tires? Explain.

▶ Notify your CalRecycle liaison to change it to a small quantity generator so that they do not continue to get inspected every 1-3 years.

Station 2: Bill's Used Tires

Issues:

- Non-submittals
- Hauler observations
- Waste tire math
- Exclusion Notifications
- Used vs. waste tires
- Storage regulations
- Escalated enforcement



Bill's Used Tires

This is an excluded waste tire generator and end-use facility. Two trucks are onsite unloading sellable used tires. One truck has 8 used tires, and the other one has 25. Neither truck has registered hauler decals in their windows. The truck with 8 tires belongs to this business, and the truck with 25 tires belongs to a registered hauler.

Bill's Used Tires

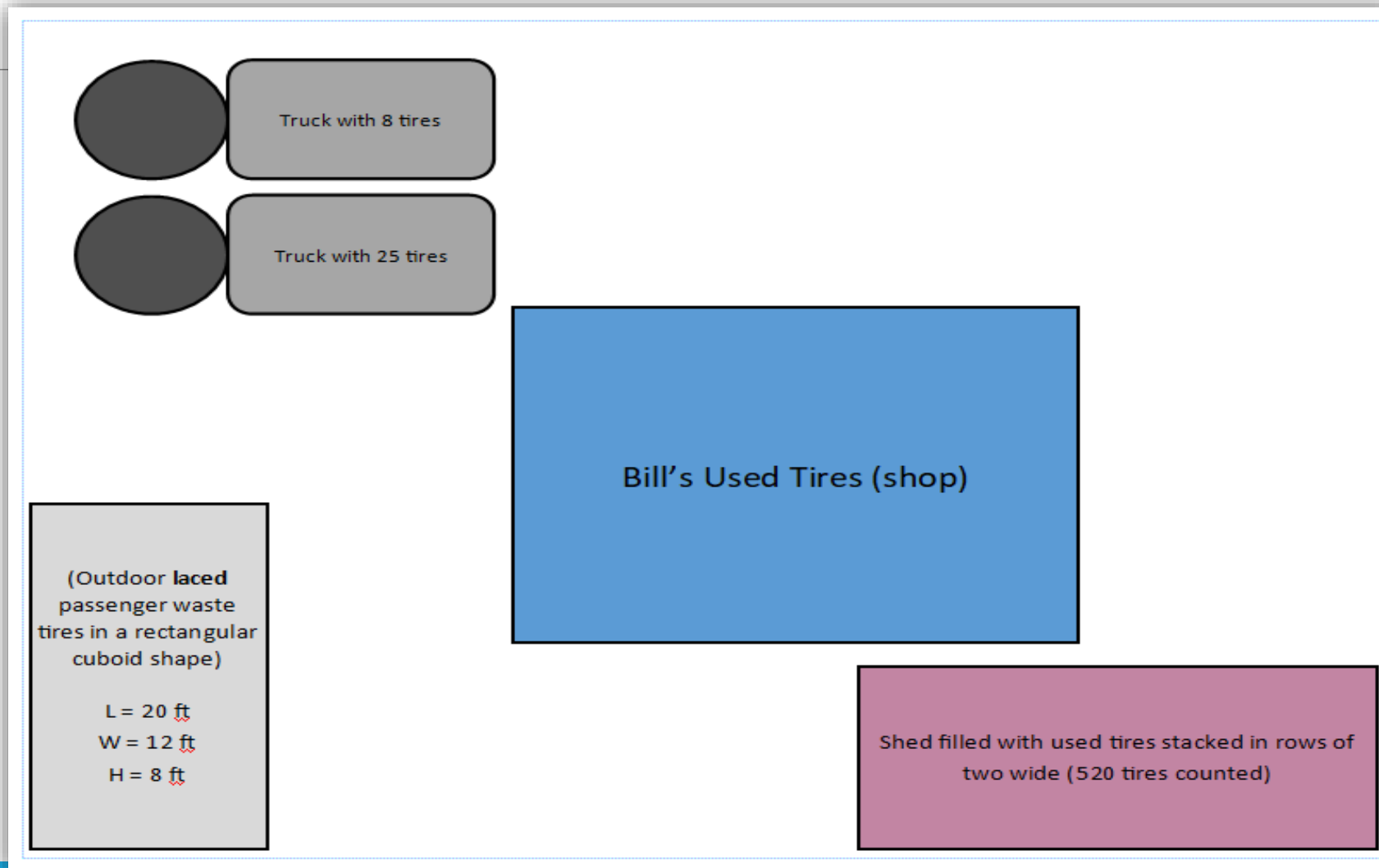
WTMS is missing some of the CTLs the facility has. What could be going on?

- ▶ If the CTLs are more than 4-5 months old, the hauler is most likely not submitting all of their manifests.

Should you issue an AOC or NOV, and if so, for what? Is there any additional paperwork that should be filed?

- ▶ No, the facility is not at fault. However, a Hauler Observation Report – along with photos of the manifests that are not in WTMS – should be submitted to CalRecycle (WasteTires@calrecycle.ca.gov).

Bill's Used Tires



Bill's Used Tires

How many total waste tires do you count?

- ▶ $8 \times 12 \times 20 = 1920 \text{ ft}^3 / 27 = 71 \text{ yd}^3 \times 14 = 995 \text{ tires} \times 0.8 = 796 + 8 + 25 = \underline{829 \text{ total waste tires}}$

Are there any *storage* violations? If so, what regulations do you cite?

- ▶ Yes, outdoor storage violations for 14 CCR 17354 (e) and (f) (Too close to the lot line and the building).

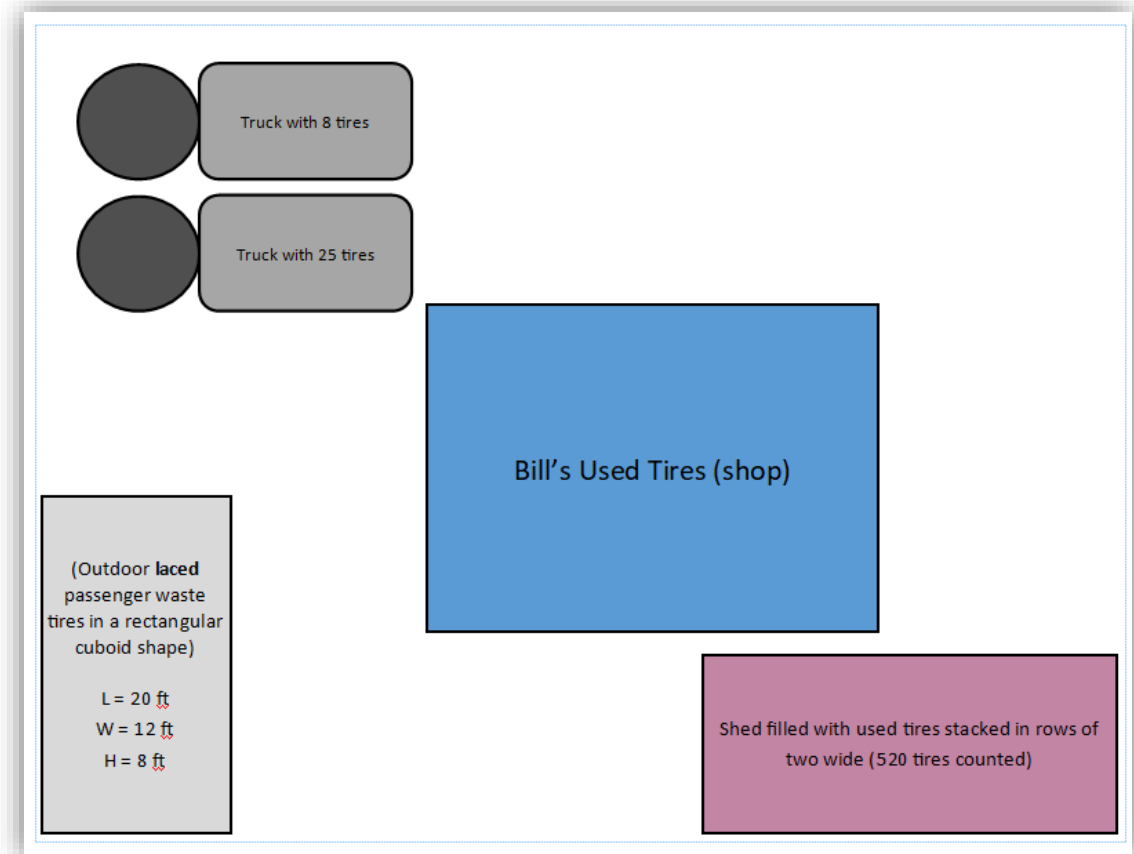
Bill's Used Tires

What can you tell the operator to help them get into or stay in compliance?

- ▶ The easiest solution is to keep the waste tire count <500.
- ▶ Otherwise, they must comply with outdoor storage requirements, fire prevention measures, facility access and security, and vector control measures.

Bill's Used Tires

- ▶ Outdoor storage: 14 CCR 17354(e) Tire storage piles containing 500 or more waste tires shall be located at least 50 ft from lot lines and buildings... In no case shall the waste tire storage piles exceed 6 ft in height when within 20 ft of any lot line or perimeter fencing.
- ▶ Fire prevention measures: 14 CCR 17351(a)-(f)
- ▶ Facility access and security: 14 CCR 17352(a)-(c)
- ▶ Vector control measures: 14 CCR 17353(a)



Bill's Used Tires

What are the consequences if they do not come into compliance?

- ▶ Facility may be given an extension upon re-inspection if they have made a good faith effort to come into compliance.
- ▶ A cleanup and abatement order (CAO) may eventually be issued if they do not come into compliance, which would include removing the property of all waste and used tires.

Station 3: Terry's Trucking

Issues:

- Pre-inspection investigation
- CTL mis-scans
- Illegal tire dumping



Terry's Trucking

This facility is a semi-truck fleet that generates about 50 waste tires per month. They are also getting illegally dumped on fairly regularly. There is a CTL record in WTMS that shows a pickup of 7,500 waste tires.

Is there any research you could do after seeing this during pre-inspection?

- ▶ Look at the CTL scan in WTMS to see if it was a scanning error and/or accidental mark for “Weight in Tons.” Notify CalRecycle of errors.

Terry's Trucking

There are no CTLs onsite for 7,500 tires, but there is one for 75 tires with the same CTL form number and date.

Would you note any AOCs or NOVs for the facility? Or write a Hauler Observation Report for their hauler?

- ▶ If the manifests were filled out properly but there was an error from scanning the CTL, the facility and the hauler are not at fault. No AOCs, NOVs, or Hauler Observation Reports should be written.

Terry's Trucking

The business representative tells you about how much money they're losing from having to properly dispose of all of the illegally dumped tires on their property.

What advice would you give them and how would you follow up?

- ▶ They could likely qualify for the surveillance camera program in problem dumping areas. Contact Billy Yos to see if they are eligible.

Station 4: Zenith Tires

Issues:

- TEA surveillance
- Storage regulations
- Vector control
- Used vs. waste tires
- Requirements for minor waste tire facilities



Zenith Tires

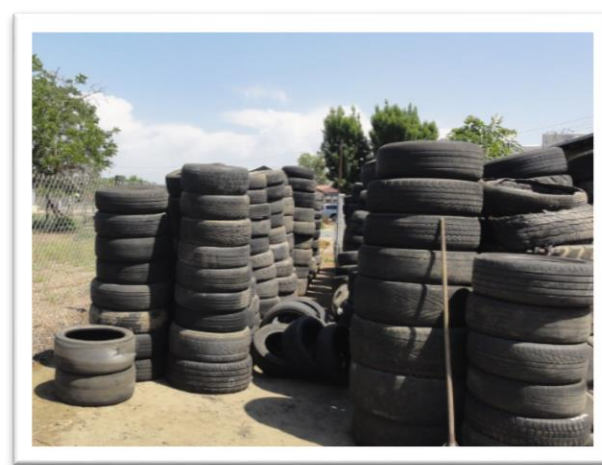
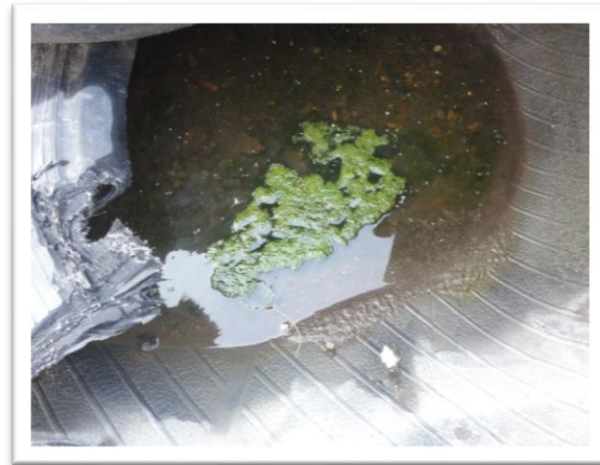
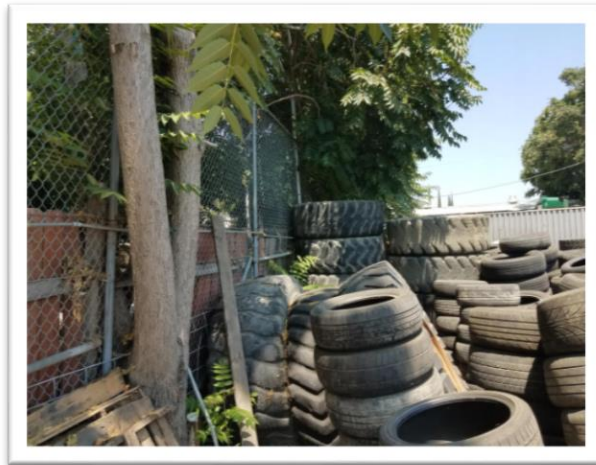
Inspector notices a tire dealer with an overflow of tires. According to WTMS, there is no Exclusion Notification Form on file and it is not a permitted facility. The last inspection was about a year-and-a-half ago.

What do you do next? Can you inspect this facility if it's not on this grant cycle's work plan?

- ▶ You are authorized to inspect the facility if you they obviously have more than 499 tires onsite illegally or if there is an obvious public health or safety hazard due to a waste tire violation.

Zenith Tires

Approximately 1,100 waste tires are counted, and the following photos are taken:



Zenith Tires

The tires in the last photo are used tires intended for sale, so the business representative does not believe they should be included in the waste tire count. What do you think?

- ▶ Only tires that are in roadworthy condition and are stacked (or racked) adjacent to a clear aisle way are considered used tires. See 30 PRC 42806.5 and 42807 (used and waste tire definitions)

Based on the photos, what violations do you see?

- ▶ 14 CCR 17354(e), (f), & (i) (outdoor storage), 14 CCR 17353(a) (vector control measures)

Zenith Tires

What do you tell the business representative to help him get him into compliance?

- ▶ Decrease waste tire count down to 499 or less or comply with waste tire storage regulations for minor waste tire facilities (14 CCR 17351-17356).
- ▶ Take any tire that is not roadworthy out of the used tire stacks. Clear the aisle ways of the used tire stacks so that they aren't counted as waste tires.

Zenith Tires

Since the facility has >499 waste tires, it must be inspected as an unpermitted minor waste tire facility. What additional requirements will you check for?

- ▶ A copy of submitted fire safety plan
- ▶ Communication equipment onsite
- ▶ Portable fire extinguishers in accordance with section 906 of California Fire Code
- ▶ 1 pike pole at least 10 feet in length
- ▶ 1 round point shovel
- ▶ 1 square point shovel
- ▶ 1 portable fire extinguisher per piece of fuel-powered equipment used for waste tires
- ▶ Adequate water supply for local fire
- ▶ No open burning/flames
- ▶ Signage for facilities open to the public with name of operator, operating hours, and site rules
- ▶ Attendant when facility is open
- ▶ Access for emergency equipment
- ▶ Vector control measures (such as a tarp or pesticide)
- ▶ Outdoor and indoor storage regulations

Station 5: Harry's Haulers

Issues:

- CTL errors and omissions
- Hauler vehicle decals
- Previous Letter of Violation



Harry's Haulers

List the manifest violations:

- ▶ 14 CCR 18460.2(h): The waste tire hauler shall not transport the waste or used tires without a properly completed Manifest Form.
- ▶ PRC 42961.5(c)(2) Any waste and used tire hauler hauling waste or used tires...shall complete the California Uniform Waste and Used Tire Manifest as required... Each waste and used tire hauler shall submit to the board, on a quarterly schedule, a legible copy of each manifest.

Harry's Haulers

There are missing and expired decals on some of their registered hauling vehicles. What do you tell the facility and what violation codes can you cite?

- ▶ Tell them they may only use registered hauler vehicles with decals and hauler registration from the current year for transporting more than 9 waste tires at a time.
- ▶ PRC 42951(a). Waste Tire Hauler Registration & Transport of Tires
- ▶ PRC 42956. Waste and Used Tire Hauler Registration and Decal
- ▶ 14 CCR 18454(d & f). Waste Tire Hauler Initial Registration

Harry's Haulers

This facility has already received a Letter of Violation from CalRecycle in January 2018 for manifesting issues. Since then, their manifests have been completed properly. Do you still cite a violation or write a Hauler Observation Report?

- ▶ They should not be cited for the CTL errors and omissions mentioned in the LOV before it was issued.
- ▶ They could still be cited for missing decals (PRC 42956).

Station 6: Ali's Auto Repair

Issues:

- Used vs. waste tires
- Complaints
- Scope of authority
- Vector control issues



Ali's Auto Repair

There are 475 tires at this facility intended for disposal. Another 50 are roadworthy, used tires barrel-stacked in single-wide rows. Facility owner uses stacked tires to help out friends and family members when they get flats, but does not sell them. Is the facility in violation? Why?

- ▶ Yes. Used tires are not considered used unless they are for resale, so there are more than 499 waste tires at an unpermitted site.

What would you recommend for him?

- ▶ He can keep those usable tires, but bring the total tire count below 500.

Ali's Auto Repair

After the inspection, a neighbor calls the county to complain about the huge pile of tires by the fence that separates her property from the facility's property. She complains about the flies and mosquitoes and worries the tires will catch on fire. During the next inspection, 487 waste tires are counted. Water has collected and pooled in some of the tires, likely attracting the bugs.

Are they in violation now? Why or why not?

- ▶ For the purposes of this inspection, they are not in violation. There are no storage or vector control standards for facilities with less than 500 tires.

Ali's Auto Repair

What would you recommend for the facility?

- ▶ Perhaps suggest the facility cover their tires during the rainy season to prevent vector breeding and harborage. (However, this is not a requirement)

What would you recommend for the neighbor?

- ▶ Suggest the neighbor call her local fire authority and local vector control to share those concerns.
- ▶ The inspector may contact these entities as well, if he believes them to be a problem.

Questions?

Thank You!!
