

REQUEST FOR APPROVAL

To: Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: Steve Santa Croce
Senior Waste Management Engineer
Solid Waste and Tire Cleanup Programs Section

Reviewed By: Katie Nystrom, Legal Office

Request Date: March 25, 2022

Decision Subject: Approval of the Williamsen Tire Site Remediation Project, Waste Tire Removal and Disposal Program, TPID: 1440184 (Tire Recycling Management Fund, FY 2021/22)

Action By: April 1, 2022

Summary of Request:

Department of Resources Recycling and Recovery (CalRecycle) staff have completed an evaluation and recommend approval of the CalRecycle-managed remediation of the Williamsen Tire Site (site) located in Tomales. The estimated cost of the remediation is \$250,000.

Recommendation:

CalRecycle staff recommend approving the remediation project.

Background Information, Analysis, and Findings:

Program Eligibility: Public Resources Code (PRC) § 42846 allows CalRecycle to perform any cleanup, abatement, or remedial work required to prevent substantial pollution, nuisance, or injury to the public's health and safety at waste tire sites, as defined by PRC § 42808, where the responsible parties have failed to take appropriate action. These efforts may include stabilizing piles until removal, removing all waste tires, and/or remediating the site after the tires have been removed. CalRecycle implements short-term remediation of illegal waste tire sites with CalRecycle-managed contracts. This project would fall under the category of a short-term remediation project as

identified and funded for in the current version of CalRecycle's Five-Year Plan for the Waste Tire Recycling Management Program.

Site Location/Description: The property is located at 3599 Dillon Beach Road in Tomales where approximately 5,000 tires are stockpiled adjacent to a streambed. The tires were historically used in ravines on the property to prevent sediment eroding into the streambeds. The responsible party voluntarily removed these embedded tires, stockpiled them in an accessible area, and restored the ravine at their own expense. At the time of removal, the tires were deemed unsuitable for waste tire processing and were, for all intents and purposes, altered and acceptable for direct disposal into a landfill due to being deformed and containing large amounts of sediment and rocks (i.e., the tires may be considered altered for the purpose of disposal)

The owner was notified of the violations and was informed that due to the continued violations, a Cleanup and Abatement Order (CAO) was issued on March 23, 2009. An extension was granted in May 2011, revising the deadline to October 15, 2011. A follow up inspection was conducted on January 11, 2012, in which 11 violations were issued that are related to 14 CCR § 18420 (a) Applicable Facilities Acquire a Waste Tire Facility Permit, 14 CCR § 18423 Filing Application for Permit, 14 CCR § 17351 (b) Fire Equipment and Fire Lanes, 14 CCR § 17351 (c) Water Supply and Fire District Requirements, 14 CCR § 17353 (a) (b) Approved Vector Plan, 14 CCR § 17354 (d) Drainage, 14 CCR § 17354 (e) Slope/Grade, 14 CCR § 17354 (g) Rim Removal, and 14 CCR § 17354 (h) Protection from Pyrolytic Oil Runoff. The violations issued in this inspection remain outstanding to the present day. On June 3, 2021, an observational inspection was conducted to assess the current conditions of the tires, which determined they were still unsuitable for waste tire processing.

The authority to perform cleanup of this waste tire facility and gain site access is derived from PRC §§ 42845, 42846.5, and 42850 et. seq. Generally, CalRecycle can clean up a site if the owner or operator of the waste tire facility fails to comply with the Cleanup and Abatement Order (CAO).

Proposed Remediation Project: The Program's contractor will remove the stockpiled tires and dispose the tires as cost effectively as possible. The waste tires at the Williamsen Property are mixed with soil and have been deformed and are considered to be permanently reduced in volume and impractical for waste tire processing. Under 14 CCR § 17355, waste tires may not be disposed of at permitted solid waste disposal facilities unless they are permanently reduced in volume prior to disposal by shredding or other means. CalRecycle staff and the Waste Tire Enforcement Agency have deemed these tires as altered and suitable for disposal as altered tires at an appropriate solid waste disposal facility without additional processing. This determination applies only to tires that have been excavated from the Williamsen Property.

Cost Recovery: Public Resources Code § 42847 directs CalRecycle to seek reimbursement for monies expended under the Program to the extent feasible from the party responsible for unlawfully storing, stockpiling, or accumulating the waste tires. In this case, staff recommends a cost recovery waiver from the owner since costs were incurred from the removal of the tires from the ravines.

Fiscal Impacts:

Cost Estimate: The CalRecycle-managed project will be performed on a time-and-materials basis under the Program's Northern California remediation contract number DRR19050. The program's contractor has conducted a site visit with Program and CalRecycle Waste Tire Enforcement staff and developed a work plan with a preliminary cost estimate of \$250,000.

Funding: The funding for the project will be derived from funding from the Tire Recycling Management Fund in the Program's Northern California remediation contract number DRR19050. The contract currently has \$445,000 available for FY 2021/22 which will be adequate funds to complete this project.

California Environmental Quality Act (CEQA)

Program staff has reviewed the proposed project and determined that it is categorically exempt per the Class 1, 4, 8, and 30 exemptions (Title 14, California Code of Regulations §§ 15301, 15304, 15308, and 15330, respectively: Existing Facilities; Minor Alterations to Land; Actions by Regulatory Agencies for Protection of the Environment; and Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances). A Notice of Exemption will be filed by Program staff after project approval.

Support:

Staff has not received any written support at the time this document was submitted for approval.

Opposition:

Staff has not received any written opposition at the time this document was submitted for approval.

Deputy Director Action:

On the basis of the information and analysis in this Request for Approval and the findings set out herein, I hereby approve this project under the Waste Tire Stabilization and Abatement Program.

for Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division