

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DR., SUITE 130  
SACRAMENTO, CA 95833  
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Email: BSC@dgs.ca.gov

Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE NOTICE DATED OCTOBER 2, 2009**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: NOVEMBER 16, 2009**

Date: November 10, 2009

From:

Randy Sanks

Name (Print or type)

(Signature)

-- Reliable Tire Inc.

Agency, jurisdiction, chapter, company, association, individual, etc.

2432 Commercial St. San Diego CA 92113  
Street City State Zip

I do not agree with:

The Agency proposed modifications As Submitted on Section No. 2505.4

And request that this section or reference provision be recommended:

Approved  Disapproved  Held for Further Study  Approved as Amended

**Suggested Revisions to the Text of the Regulations:**

**CHAPTER 25: TIRE REBUILDING AND TIRE STORAGE**

**2505.4 Distance from lot lines and buildings. Tire storage piles shall be located at least 50 feet (15.240 mm) from lot lines and buildings.**

**Exceptions: Does not apply to Minor Waste Tire Facilities if authorized by local fire authority. Existing tire storage facilities legally permitted prior to January 1, 2011, shall be permitted to maintain tire storage piles located no closer than 10 feet (3.048 mm) from lot lines or 50 feet (15.240 mm) from buildings. Tire storage piles shall not exceed 6 feet in height when within 20 feet of any property line or perimeter fencing. Side slopes shall not exceed 60 degrees.**

**Reason:** [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

Without excluding Minor Waste Tire Facilities, which are issued permits by the California Integrated Waste Management Board, the proposed regulation violates criteria 3, 4, and 5 of Health and Safety Code §18930.

A 50-foot buffer between tires and lot lines and a 50-foot buffer between tires and buildings would be economically problematic for new or relocating Minor Waste Tire Facilities after January 1, 2011. Particularly in urban areas, where property is more costly, 50-foot buffers would require the purchase or lease of a facility whose size would render such small businesses uneconomical. As proposed, 50 ft buffers would render a 10,000 sq ft lot completely useless and unable to store any tires. (50 ft on four sides equals 100 ft X 100 ft. equals 10,000 sq. ft)

Most Minor Waste Tire Facilities must be able to keep inventory within 50-feet of their offices. Depending on the business, many store resalable used tires in approved outside stacks. On a case-by-case basis, local fire authorities should be allowed to authorize Minor Waste Tire Facility inventory closer than 50 feet from buildings and 50 feet from lot lines.

Since the California Integrated Waste Management Board references the State Fire Marshal Standards in its approval of Major and Minor Waste Tire Facility permits, it is essential that these regulations provide an exception to Minor Waste Tire Facilities. Without this exception, the California Integrated Waste Management Board may require that all facilities follow State Fire Marshal Standards despite local fire authority waivers.

### HEALTH & SAFETY CODE SECTION 18930

#### SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
  - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
  - (3) The public interest requires the adoption of the building standards.
  - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
  - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
  - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
  - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
    - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
    - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
  - (8) The format of the proposed building standards is consistent with that adopted by the commission.
  - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.