

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
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Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICES DATED NOVEMBER 25, 2009
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: DECEMBER 9, 2009

Date: December 9, 2009

From:

Christina Buchanan (unable to e-mail signature, will send via FAX)
Name (Print or type) (Signature)

-- City of San Diego Solid Waste Local Enforcement Agency
Agency, jurisdiction, chapter, company, association, individual, etc.

1010 2nd Avenue, Suite 600, MS 606L San Diego CA 92101
Street City State Zip

I/We do not agree with:

[X] 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 [X] 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:

2. When approved by the fire code official in accordance with Section 111.2.4, exempted facilities defined in Public Resources Code Sections 42808(c) and 42831 and used tires as defined in 42806.5, tire storage piles shall be permitted to be located no closer than 10 feet (3 048 mm) from lot lines or ~~50~~ 10 feet (15 240 mm) from buildings. Tire storage piles shall not exceed 6 feet (1829 mm) in height when within 20 feet of any property line or perimeter fencing. Side slopes shall not exceed 60 degrees.

3. When approved by the fire code official in accordance with Section 111.2.4, "minor waste tire facilities" as defined in Public Resources Code Section 42808, tire storage piles shall be permitted to be located no closer than 10 feet (3 048 mm) from lot lines or ~~50~~ 10 feet (15 240 mm) from buildings. Tire storage piles shall not exceed 6 feet (1829 mm) in height when within 20 feet of any property line or perimeter fencing. Side slopes shall not

exceed 60 degrees.

4. Existing "minor waste tire storage facilities" as defined in Public Resources Code Section 42808, legally permitted prior to January 1, 2011, shall be permitted to maintain tire storage piles located no closer than 10 feet (3048 mm) from lot lines or ~~50~~ 10 feet (15240 mm) from buildings. Tire storage piles shall not exceed 6 feet (1829 mm) in height when within 20 feet (6096 mm) 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.]

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.

Reason: (a)(5) The proposed building standard is unreasonable in part, as a 50 foot setback from lot lines and buildings would make it cost prohibitive to have any tire storage within city limits of large urban cities. This would increase the cost of tire transportation, processing, disposal, handling, and re-sale.

In the Rational for modification for exception two it states, "Exception two addresses tire dealers, auto dismantlers that store less than 1500 waste tires, tire retreading businesses storing less than 3000 waste tires and agricultural operations storing less than 5000 waste tires by allowing limited storage of tires up to 10 feet in accordance with Public Resources Code 42808(c), 42831 and 42806.5. The SFM is utilizing dimensions derived in CCR Title 14, Section 17354 related to waste tire storage."

In the Rational for modification for exception three it states, "Exception three addresses minor waste tire storage facilities by allowing limited storage of tires up to 10 feet. The SFM is utilizing dimensions derived in CCR Title 14, Section 17354 related to waste tire storage. However, this exception includes provisions for approval by the local fire code official as a precursor based on site conditions, water flow, fire access, resources, etc. and may further necessitate additional fire protection features including but not limited to 3 – 4 hour fire separation walls, other fire protection systems."

The rational for modifying the language in exception four is to allow provisions for approval by the local fire code official as a precursor based on site conditions, water flow, fire access, resources, etc. and may further necessitate additional fire protection features including but not limited to 3 – 4 hour fire separation walls, other fire protection systems.