

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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Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICE 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:

Terry Leveille

Name (Print or type)

(Signature)

-- President, TL & Associates Registered California lobbyist representing CRM Company, Compton
Agency, jurisdiction, chapter, company, association, individual, etc.

8740 Bluff Lane

Street

Fair Oaks

City

CA

State

95628

Zip

I 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: (suggested revisions are underlined)

Code Section 42805.7(a) and tire byproduct facilities except for closed, bagged tire crumb rubber on pallets shall comply with this chapter, other applicable requirements of this code and NFPA 13. Tire storage in buildings shall also comply with Chapter 23.

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:

1. Tire storage piles containing less than 500 tires shall be permitted to be located no closer than 10 feet (3048 mm) from lot lines or from buildings. Tire storage piles shall not exceed 6 feet (1829 mm) in height when within 20 feet of any property line, building, or perimeter fencing. Side slopes shall not exceed 60 degrees. When approved by the fire code official in accordance with Section 111.2.4 distances of less than 10 feet (3048 mm) from lot lines or

from buildings may be approved.

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 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 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 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.]

Section 2505.4 of Chapter 25 violates Health & Safety Code Section 18930 (a) (3) The public interest requires the adoption of the building standards; and (4) The proposed building standard is not unreasonable, arbitrary, unfair or capricious, in whole or in part.

Comments:

1) Tire "crumb rubber," which are rubber granules derived from a waste tire that are less than or equal to, one-quarter inch or six millimeters in size (PRC 42801.7), are exempt by statute from the definition of a waste tire, and therefore storage of crumb rubber exempt from the requirement to obtain a waste tire permit, and the amount of crumb rubber is not included in the permit application.

2) Crumb rubber, a value-added product, is conventionally stored in closed, woven polypropylene fabric "supersacks" that are on wooden pallets. Fire code officials routinely exempt such supersacks from proximity limits of buildings and lot lines.

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.