



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105
NOV 25 2011

CERTIFIED MAIL NO. 7011-0110-0001-9065-6224
RETURN RECEIPT REQUESTED

Transmittal of Information and Request for Information Pursuant to 3007(a) of the Resource Conservation and Recovery Act

Dick Boranian
Manager
Consolidated Tire Recyclers, Inc.
90-333 63rd Avenue
Mecca, CA 92254

Dear Mr. Boranian:

On August 17, 2011, a solid waste compliance inspection was conducted by representatives of the United States Environmental Protection Agency and the Cabazon Band of Mission Indians (CBMI) at Consolidated Tire Recyclers, Inc. (CTR, or "the Facility"), 90-333 63rd Avenue, Mecca, CA 92254, with EPA Identification Number CAL000293551. During the course of this investigation, information was gathered in accordance with Section 3007(a) of the Resource Conservation and Recovery Act (RCRA), as amended {42 U.S.C. § 6927}.

A copy of the inspection report is enclosed for your information. The report describes conditions at the facility at the time of the investigation, and identifies areas of noncompliance with an EPA Unilateral Administrative Order (UAO) signed May 31, 2011, and a Notice of Violation and Order to Comply issued on May 26, 2011 by the CBMI. Any omissions in the report shall not be construed as a determination of compliance with any other applicable regulation.

Paragraph 31.c. of the UAO required CTR to remove any and all waste tires from the vicinity of the perimeter fence or property line at the Facility such that no waste tire is stored within ten (10) feet of the perimeter fence or property line and, in the case of any pile of tires that is more than six (6) feet in height, no such waste tire pile is stored within twenty (20) feet of the perimeter fence or property line. Waste tires and rubber materials remained against the western fence line at the time of this inspection.

Paragraph 31.d. of the UAO required CTR to remove any and all waste tires from the vicinity of the structures such that no waste tire is stored within fifty (50) feet of any structure. Waste tires and rubber materials remained against the northwest corner of main building at the loading area at the time of this inspection.

Paragraph 31.e. of the UAO required CTR to store the tires so that there are aisles at least fifty (50) feet wide between each tire pile at the Facility. Aisle space between the tire piles, although improved from previous observations, were not at least 50 feet wide between all the piles.

Paragraph 31.f. of the UAO required CTR to remove any and all waste tires from the "Alloy Building" site. At the time of inspection, it did not appear that any tires had been visibly removed from that facility.

Paragraph 31.g. of the UAO required CTR to provide adequate water delivery systems and foam suppression systems at CTR in light of the volume of tires being stored. Although some improvements to water storage and the repair of a fire hydrant had been completed, CTR did not know the flow rate of the nearest hydrant nor was able to demonstrate the water and foam systems were adequate for the amount of tires on-site during this inspection.

Paragraph 44 of the UAO required CTR to include a Quality Assurance Project Plan ("QAPP"), for EPA review and approval, in the Work Plan. CTR could not provide a copy of the document during the inspection, and the document is not on file at EPA.

Paragraph 77 of the UAO required CRT to secure a comprehensive general liability insurance and automobile insurance with limits of two million dollars (\$2,000,000), combined single limit, naming EP A as an additional insured, prior to commencing the on-site work. At the time of this inspection, a copy of that document had not been received.

Paragraph 80 of the UAO required CRT to submit to EPA a detailed written initial estimate, in current dollars, of the cost of hiring a third party to perform the work described in the work plan. At the time of this inspection, the main tire processing unit had failed and was not operating, and a cost estimate to repair the unit and perform all other work was not available.

Paragraph 80 of the UAO required CRT to establish financial assurance in the form of a trust fund administered by a trustee who has the authority to act as a trustee under federal or state law and whose trust operations are regulated and examined by a U.S. federal or state agency and that is acceptable in all respects to the EPA. At the time of this inspection, a copy of that document had not been received. EPA has also not received the draft trust agreement required by paragraph 85 of the UAO.

RCRA Subtitle D violations such as those listed above may be punishable by civil and criminal actions, including penalties of up to \$37,500 per day for each violation, as provided by Section 3008 of RCRA {42 U.S.C. § 6928}. Section 3008 also authorizes criminal prosecution for knowingly making a false statement or omitting material information.

EPA regulations governing confidentiality of business information are set forth in 40 C.F.R. Part 2, Subpart B. For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 C.F.R. § 2.203(b). If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. As described in 40 C.F.R. § 2.203(a)(2), the EPA will construe the failure to furnish a confidentiality claim within 14 calendar days from the date of your receipt of this letter as a waiver of that claim, and information may be made available to the public by the EPA without further notice.

You may have been provided during the inspection with a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Information Sheet. If not, please see <http://www.epa.gov/compliance/resources/publications/incentives/smallbusiness/smallbusresources.pdf>. The Information Sheet is designed to provide information on compliance assistance and inform small businesses of their rights to comment to the SBREFA Ombudsman concerning EPA enforcement activities. Be aware that SBREFA does not eliminate your responsibilities to respond to this letter within the allowed time nor does it create any new rights or defenses under the law.

If you have any questions regarding this letter, please contact Barry Cofer at of my staff at cofer.barry@epa.gov or (415) 972-3303. For questions regarding your compliance with the UAO, please contact Nancy Sockabasin at (415) 972-3772 or sockabasin.nancy@epa.gov. Your cooperation in this matter is appreciated.

Sincerely,



Amy C. Miller, Manager
RCRA Enforcement Office

Enclosure

cc:

Becky Ross
Compliance Manager
Cabazon Band of Mission Indians

cc w/out enclosure:

David Roosevelt
Chairman
Cabazon Band of Mission Indians

Chief Executive Officer
First Nations Recovery, Inc.