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8  
9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:

12 ANGELICA OGANYAN AND JACK

13 OGANYAN DBA JACK'S TIRE

14 RECYCLING

15 TPID NO: 1641837-01

16 RESPONDENTS

CASE NO: IH14-004-TIR

COMBINED ADMINISTRATIVE  
DECISION (FOR WASTE TIRE HAULER  
ADMINISTRATIVE PENALTIES)

PUBLIC RESOURCES CODE SECTION  
42950, ET SEQ.,

AGENCY NO: 2013-011155-ADC

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18  
19  
20 In the matter of:

21 ANGELICA OGANYAN AND JACK

22 OGANYAN DBA JACK'S TIRE

23 RECYCLING

24 TPID NO: 1641837-01

25 RESPONDENTS

CASE NO: IH15-012-TIR

COMBINED ADMINISTRATIVE  
DECISION FOR (THE DENIAL OF  
WASTE TIRE HAULER REGISTRATION)  
PUBLIC RESOURCES CODE SECTION  
42960 ; 42961

GOVERNMENT CODE SECTION 11505

AGENCY NO: 2015-000140-DEN

|    |                               |   |                               |
|----|-------------------------------|---|-------------------------------|
| 1  | In the matter of:             | ) | CASE NO: IH16-017-TIR         |
| 2  | JACK OGANIAN AKA JACK OGANYAN | ) | COMBINED ADMINISTRATIVE       |
| 3  | DBA JTR                       | ) | DECISION FOR (THE DENIAL OF   |
| 4  | TPID NO: 1842617-01           | ) | MAJOR WASTE TIRE FACILITY     |
| 5  |                               | ) | PERMIT)                       |
| 6  | RESPONDENTS                   | ) | PUBLIC RESOURCES CODE SECTION |
| 7  |                               | ) | 42843                         |
| 8  |                               | ) | GOVERNMENT CODE SECTION 11505 |
| 9  |                               | ) | AGENCY NO: 2016-000142-DEN    |
| 10 |                               | ) |                               |

**INTRODUCTION AND PROCEDURAL HISTORY**

This COMBINED ADMINISTRATIVE DECISION FOR ISSUANCE OF MAJOR WASTE TIRE FACILITY PERMIT, FOR ISSUANCE OF WASTE TIRE HAULER REGISTRATION AND FOR WASTE TIRE ADMINISTRATIVE PENALTIES (Decision), is based on the COMBINED STIPULATION FOR ISSUANCE OF MAJOR WASTE TIRE FACILITY PERMIT, FOR ISSUANCE OF WASTE TIRE HAULER REGISTRATION AND FOR WASTE TIRE ADMINISTRATIVE PENALTIES (Stipulation) signed by RESPONDENTS on January 27, 2017.

The California Integrated Waste Management Board (CIWMB) is now the Department of Resources Recycling and Recovery (CALRECYCLE). CALRECYCLE succeeded to CIWMB's authority on January 1, 2010, pursuant to Public Resources Code (PRC) section 40401(a)(1).

**Parties and Procedural History for Administrative Complaint For Waste Tire Hauler Administrative Penalties**

The parties to the Combined Stipulation based on the ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES, Case Number IH14-004-TIR, are the DEPARTMENT OF RESOURCES, RECYCLING, AND RECOVERY



1 (CALRECYCLE) and ANGELICA OGANYAN AND JACK OGANYAN (AKA JACK AKOP  
2 OGANYAN) DBA JACK'S TIRE RECYCLING (RESPONDENTS)

3 The ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER  
4 ADMINISTRATIVE PENALTIES was served on RESPONDENT Jack  
5 Oganyan on April 28, 2014 and RESPONDENT ANGELICA OGANYAN on April 29, 2014.  
6 RESPONDENTS requested a hearing, and the matter was resolved through a Stipulation.  
7 On June 17, 2014, CALRECYCLE issued RESPONDENTS an ADMINISTRATIVE  
8 DECISION PURSUANT TO STIPULATION FOR WASTE TIRE HAULER  
9 ADMINISTRATIVE PENALTIES, pursuant to terms agreed upon by the parties in the  
10 STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR WASTE TIRE  
11 HAULER ADMINISTRATIVE PENALTIES that resolved all issues in said matter. On  
12 September 12, 2014, CALRECYCLE issued a NOTICE OF DEFAULT OF STIPULATION  
13 FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR WAS TIRE HAULER  
14 ADMINISTRATIVE PENALTIES to RESPONDENTS. On January 16, 2015,  
15 CALRECYCLE issued RESPONDENTS a SUPPLEMENTAL ADMINISTRATIVE  
16 DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES finding a full  
17 default of the initial Stipulation and ordering the full amount of penalties held in abeyance  
18 by the initial Stipulation be remitted. This Combined Stipulation resolves that outstanding  
19 penalty owed to CALRECYCLE.  
20

21 **Parties and Procedural History for Denial of the Waste Tire Hauler Registration**

22 The parties to the Combined Stipulation based on the STATEMENT OF ISSUES  
23 FOR THE DENIAL OF THE WASTE TIRE HAULER REGISTRATION, Case Number  
24 IH15-012-TIR, are CALRECYCLE and ANGELICA OGANYAN AND JACK OGANYAN  
25 (AKA JACK AKOP OGANYAN) DBA JACK'S TIRE RECYCLING (RESPONDENTS).

26 The STATEMENT OF ISSUES FOR THE DENIAL OF THE WASTE TIRE HAULER  
27 REGISTRATION was served on RESPONDENT JACK OGANYAN on November 13,  
28 2015. RESPONDENT ANGELICA OGANYAN was served via substitute service that was

1 completed on December 14, 2015. RESPONDENTS submitted a Notice of Defense  
2 requesting a hearing, on November 24, 2015, however said matter was taken off-calendar  
3 pending the resolution of RESPONDENT JACK OGANYAN AKA JACK OGANYAN DBA  
4 JTR's application for a major waste tire facility permit. The Combined Stipulation resolves  
5 the outstanding Waste Tire Hauler Registration at issue in the matter.  
6

7 **Parties and Procedural History for the Denial Of Major Waste Tire Facility Permit**

8 The parties to the Combined Stipulation based on the STATEMENT OF ISSUES  
9 FOR DENIAL OF MAJOR WASTE TIRE FACILITY PERMIT, Case Number IH16-017-TIR,  
10 are the CALRECYCLE and JACK OGANIAN AKA JACK OGANYAN (AKA JACK AKOP  
11 OGANYN) DBA JTR (RESPONDENT JTR).

12 The STATEMENT OF ISSUES FOR THE DENIAL OF MAJOR WASTE TIRE  
13 FACILITY PERMIT (Statement of Issues) was served on RESPONDENT JTR on October  
14 20, 2016. RESPONDENT JTR requested a hearing on November 3, 2016, and a hearing  
15 was scheduled for January 18, 19 and 20, 2017, in Riverside, California. Said matter was  
16 taken off-calendar pending the signing of the Combined Stipulation.

17 Pursuant to the Combined Stipulation, and good cause appearing therefore, the  
18 following Factual Findings and Conclusions of Law are made, and the following Order is  
19 issued:  
20

21 **FACTUAL FINDINGS**

22 The Administrative Complaint and Statement of Issues were executed by Heather  
23 L. Hunt, Attorney III and Catherine V. Nystrom, Attorney acting in their official capacity.

24 **I. Factual Finding for the Administrative Complaint Administrative For**  
25 **Waste Tire Hauler Administrative Penalties**

26 1. As described above, said matter was initially resolved in a Decision that was  
27 issued by CALRECYCLE, and CALRECYCLE issued a Supplemental Decision ordering  
28 RESPONDENTS to pay the stipulated penalty amount of \$139,000.00. Please note that



1 that dollar amount is incorrect. The penalty amount should have been \$129,000.00. That  
2 error is hereby corrected and reflected within the Stipulation.

3 **II. Stipulated Factual Findings for the Statement of Issue for the Denial Of**  
4 **The Waste Tire Hauler Registration**

5 2. The STATEMENT OF ISSUES FOR THE DENIAL OF THE WASTE TIRE  
6 HAULER REGISTRATION was executed by Catherine V. Nystrom, Attorney, acting in her  
7 official capacity.

8 3. CALRECYCLE has authority to regulate and conduct enforcement actions  
9 regarding Waste Tire Facilities and Waste and Used Tire Haulers within the State of  
10 California pursuant to PRC sections 42800 et seq., 42950 et seq., and attendant  
11 regulations contained in Title 14 of the California Code of Regulations (CCR), Division 7,  
12 Chapter 3 and Chapter 6.

13 4. RESPONDENTS were in possession of a Waste Tire Hauler Registration  
14 issued by CALRECYCLE for the calendar year of 2015. On October 12, 2015,  
15 Respondents submitted a Waste Tire Hauler Registration Application to renew their  
16 registration for the calendar year of 2016.

17 5. Pursuant to PRC section 42960(b)(2), CALRECYCLE may suspend, revoke,  
18 or deny a waste and used tire hauler registration for a period of three years to five years,  
19 or may suspend, revoke, or deny a waste and used tire hauler registration permanently, in  
20 accordance with the procedures specified in subdivision PRC section 42960(a), if the  
21 hauler has been previously fined pursuant to Chapter 19 or Chapter 16 of the PRC  
22 (commencing with section 42800).

23 6. Additionally, and alternatively, pursuant to PRC section 42960(a)(1),  
24 CALRECYCLE may suspend, revoke, or deny a waste and used tire hauler registration for  
25 a period of up to three years, by serving a statement of issues in accordance with PRC  
26 section 42961, if the applicant for, or holder of, the registration commits more than three  
27 violations of, or fails to comply with any requirements of Chapter 19 or Chapter 16 of the  
28 PRC (commencing with section 42800), or the regulations adopted pursuant to those

1 provisions, within a one-year period.

2 7. RESPONDENTS were in possession of a Minor Waste Tire Facility Permit  
3 ("Permit") for Jack's Tire Recycling, a waste tire facility located at 11365 Pendleton Street,  
4 Sun Valley, California 91352 ("primary site") that was issued on October 10, 2011. This  
5 Permit authorized RESPONDENTS to store up to 4,999 waste tires onsite. At no time  
6 have RESPONDENTS been issued a Major Waste Tire Facility Permit.

7  
8 **A. Previous Fines Pursuant to Chapters 16 and 19 of the PRC**

9 8. Chapter 16 of the PRC, and the regulations promulgated thereunder, set  
10 forth requirements and penalties for the storage of waste tires at waste tire facilities, and  
11 the permitting of waste tire facilities. Chapter 19 of the PRC, and the regulations  
12 promulgated thereunder, sets forth requirements and penalties for the hauling of waste  
13 tires.

14 9. On June 17, 2014, CALRECYCLE issued an Administrative Decision For  
15 Waste Tire Hauler Penalties ("Decision") against RESPONDENTS for violations of  
16 Chapter 19, specifically CALRECYCLE had concluded that RESPONDENTS violated PRC  
17 sections 42951(b) and 42953. The Administrative Decision levied penalties against  
18 RESPONDENTS in the amount of \$146,000.00. Of the \$146,000.00, \$139,000.00 was  
19 held in abeyance for a period of 3 years and would only become due and payable if  
20 RESPONDENTS failed to obey all waste tire hauler and storage laws set forth in Chapters  
21 16 and 19 of the PRC.

22 10. On January 16, 2015, CALRECYCLE issued a Supplemental Administrative  
23 Decision for Waste Tire Hauler Penalties against RESPONDENTS for failing to comply  
24 with the terms of the Decision, and based on violations of Chapter 16; specifically  
25 CALRECYCLE concluded that RESPONDENTS created an unpermitted major waste tire  
26 facility by exceeding the 4,999 waste tire count allowed at the primary site by the Permit.

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1 **B. Waste Tire Storage Violations**

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3 11. On at least 4 occasions for the one-year period between August 21, 2014,  
4 and August 21, 2015, RESPONDENTS violated waste tire storage requirements set forth  
5 in Chapter 16 of the PRC.

6 12. PRC section 42808 defines minor and major WTFs as follows:

7 . . . (b) "Major waste facility" means a waste tire facility where, at any time,  
8 5,000, or more waste tires are or will be stored, stockpiled, accumulated or  
discarded.

9 (c) "Minor waste tire facility" means a waste tire facility where, at any time,  
10 500 or more, but less than 5,000, waste tires are or will be store, stockpiled,  
accumulated, or discarded.

11 13. Pursuant to PRC section 42823, no person shall establish a new major  
12 waste tire facility or expand an existing minor waste tire facility unless the person has  
13 obtained a major waste tire facility permit issued by CALRECYCLE pursuant to PRC  
14 section 42822.

15 14. On August 21, 2014, and documented in Waste Tire Survey and Inspection  
16 Report (Inspection) number I1-1157094, waste tire inspector Steven Dolan observed  
17 16,700 waste tires at the primary site, far exceeding the 4,999 waste tires allowed in the  
18 Permit and creating an unpermitted major waste tire facility in violation of PRC section  
19 42823.

20 15. On October 13, 2014, and documented in Inspection number I1-1185044,  
21 inspector Dolan observed 8,500 waste tires at the primary site, far exceeding the 4,999  
22 waste tires allowed in the Permit and creating an unpermitted major waste tire facility in  
23 violation of PRC section 42823.

24 16. On March 24, 2015, and documented in Inspection number I1-1184715,  
25 Inspector Dolan observed 150,000 waste tires at the primary site, far exceeding the 4,999  
26 waste tires allowed in the Permit and creating an unpermitted major waste tire facility in  
27 violation PRC section 42823.)

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1 17. On April 13, 2015, and documented in Inspection number I1-1184739,  
2 Inspector Dolan observed over 100,000 waste tires at the primary site, far exceeding the  
3 4,999 waste tires allowed in the Permit and creating an unpermitted major waste tire  
4 facility in violation of PRC section 42823.

5 18. Additionally, as described later within the pleading, documentation obtained  
6 by CALRECYCLE shows multiple drop-offs of waste tires to the primary site but no pick-  
7 ups from the site between March 24, 2015, and April 13, 2015, showing, therefore, that  
8 RESPONDENTS maintained the excessive tire count throughout the duration of that time  
9 period.

10 **C. Waste Tire Hauler Violations**

11 19. On at least 74 occasions, RESPONDENTS violated Chapters 16 and 19 of  
12 the PRC by directing, transporting, and/or accepting waste tires at an unpermitted major  
13 waste tire facility.

14 20. Pursuant to section 42824 of Chapter 16 of the PRC, it is unlawful to direct  
15 or transport waste tires to a major waste tire facility or to accept waste tires at a major  
16 waste tire facility unless the operator has obtained a major waste tire facility permit.

17 21. Pursuant to section 42951(b) of Chapter 19 of the PRC, a registered waste  
18 tire hauler shall only transport waste or used tires to a facility that is permitted, excluded,  
19 exempted, or otherwise authorized by CALRECYCLE, by statute, or by regulation, to  
20 accept waste and used tires, or to a facility that lawfully accepts waste or used tires for  
21 reuse or disposal.

22 22. RESPONDENTS were in possession of a Minor Waste Tire Facility for the  
23 primary site; at no time presently or in the past has the primary site been otherwise  
24 excluded or exempt or authorized by any other statute, regulation or CALRECYCLE to  
25 accept waste or used tires for reuse or disposal.

26 23. As described above, from the dates between March 24, 2015, and April 13,  
27 2015, RESPONDENTS created and maintained an unpermitted major waste tire facility at  
28 the Primary Site.



24. On October 19, 2015, Keith Cambridge, Supervisor of the CALRECYCLE Tire Hauler Compliance Unit, conducted an audit of RESPONDENT Jack's Tire Recycling's hauler manifests. The manifest records in CALRECYCLE's database showed that RESPONDENT Jack's Tire Recycling accepted at least 74 loads of 10 or more waste tires at the primary site between March 24, 2015 and April 13, 2015; at the same time no documentation was found showing the removal of any waste tires from the primary site for the same time period. Therefore, the audit showed that RESPONDENTS directed or transported waste tires and accepted waste tires at an unauthorized, unpermitted major waste tire facility in violation of PRC sections 42824 and 42951(b). The manifests obtained and reviewed during the audit are described below.

| CTL Form  | Load Date             | Hauler Name                                    | PTE's Picked up | PTE's Delivered | Facility Name         |
|-----------|-----------------------|--|-----------------|-----------------|-----------------------|
| 5326077-C | April 13, 2015        | Taurus Hauling                                 | 0               | 276             | Jack's Tire Recycling |
| 5390480-B | April 13, 2015        | Omar's Wheels & Tires, Inc.                    | 0               | 291             | Jack's Tire Recycling |
| 4953491-B | April 13, 2015        | The Tire Man, Inc.                             | 0               | 482             | Jack's Tire Recycling |
| 5225989-C | April 13, 2015        | CLC Tires                                      | 0               | 94              | Jack's Tire Recycling |
| 5372624-C | April 13, 2015        | Garcia Tires                                   | 0               | 545             | Jack's Tire Recycling |
| 5452234-B | April 13, 2015        | Gold Coast Recycling, Inc.                     | 0               | 1297            | Jack's Tire Recycling |
|           | <b>APRIL 13, 2015</b> | <b>INSPECTION BY DOLAN</b>                     |                 | <b>100,000</b>  | <b>OBSERVED</b>       |
| 5325191-A | April 11, 2015        | Frank's Tire Shop                              | 0               | 636             | Jack's Tire Recycling |
| 5326075-C | April 10, 2015        | Taurus Hauling                                 | 0               | 124             | Jack's Tire Recycling |
| 4437208-B | April 10, 2015        | Andre's Tire Service                           | 0               | 195             | Jack's Tire Recycling |
| 5397480-B | April 10, 2015        | King's Discount Brake & Tire Corporation, Inc. | 0               | 71              | Jack's Tire Recycling |
| 4896846-A | April 10, 2015        | Art's Tires & Wheels                           | 0               | 141             | Jack's Tire Recycling |
| 5372624-B | April 09, 2015        | Garcia Tires                                   | 0               | 171             | Jack's Tire Recycling |
| 5225989-A | April 09, 2015        | CLC Tires                                      | 0               | 229             | Jack's Tire Recycling |
| 5372624-A | April 08, 2015        | Garcia Tires                                   | 0               | 268             | Jack's Tire Recycling |
| 4896844-C | April 08, 2015        | Art's Tires & Wheels                           | 0               | 159             | Jack's Tire Recycling |
| 5326073-B | April 08, 2015        | Taurus Hauling                                 | 0               | 180             | Jack's Tire Recycling |

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| 5635511-A | April 07, 2015 | Perez Auto Body & Tire        | 0 | 336  | Jack's Tire Recycling |
| 5325190-B | April 06, 2015 | Frank's Tire Shop             | 0 | 633  | Jack's Tire Recycling |
| 5326071-A | April 06, 2015 | Taurus Hauling                | 0 | 210  | Jack's Tire Recycling |
| 4896843-C | April 06, 2015 | Art's Tires & Wheels          | 0 | 176  | Jack's Tire Recycling |
| 5390419-B | April 06, 2015 | Omar's Wheels & Tires, Inc.   | 0 | 282  | Jack's Tire Recycling |
| 5425213-B | April 04, 2015 | Tony's Wheels and Tires, Inc. | 0 | 242  | Jack's Tire Recycling |
| 5325189-C | April 04, 2015 | Frank's Tire Shop             | 0 | 677  | Jack's Tire Recycling |
| 5325188-C | April 03, 2015 | Frank's Tire Shop             | 0 | 600  | Jack's Tire Recycling |
| 5326068-B | April 03, 2015 | Taurus Hauling                | 0 | 99   | Jack's Tire Recycling |
| 5326065-C | April 02, 2015 | Taurus Hauling                | 0 | 165  | Jack's Tire Recycling |
| 5317297-C | April 02, 2015 | M & L Tires Recycling, Inc.*  | 0 | 451  | Jack's Tire Recycling |
| 4437207-C | April 02, 2015 | Andre's Tire Service          | 0 | 183  | Jack's Tire Recycling |
| 5317295-B | April 02, 2015 | M & L Tires Recycling, Inc.*  | 0 | 370  | Jack's Tire Recycling |
| 5325188-A | April 02, 2015 | Frank's Tire Shop             | 0 | 393  | Jack's Tire Recycling |
| 5317294-C | April 02, 2015 | M & L Tires Recycling, Inc.*  | 0 | 420  | Jack's Tire Recycling |
| 5225987-A | April 01, 2015 | CLC Tires                     | 0 | 112  | Jack's Tire Recycling |
| 5390482-B | April 01, 2015 | Omar's Wheels & Tires, Inc.   | 0 | 281  | Jack's Tire Recycling |
| 5326063-C | April 01, 2015 | Taurus Hauling                | 0 | 180  | Jack's Tire Recycling |
| 4974972-B | April 01, 2015 | Escobar Tire Recycling        | 0 | 114  | Jack's Tire Recycling |
| 4974971-C | April 01, 2015 | Escobar Tire Recycling        | 0 | 249  | Jack's Tire Recycling |
| 4974969-C | March 31, 2015 | Escobar Tire Recycling        | 0 | 268  | Jack's Tire Recycling |
| 4974970-B | March 31, 2015 | Escobar Tire Recycling        | 0 | 236  | Jack's Tire Recycling |
| 5317103-C | March 31, 2015 | M & L Tires Recycling, Inc.*  | 0 | 423  | Jack's Tire Recycling |
| 5317102-C | March 31, 2015 | M & L Tires Recycling, Inc.*  | 0 | 423  | Jack's Tire Recycling |
| 5325187-C | March 31, 2015 | Frank's Tire Shop             | 0 | 630  | Jack's Tire Recycling |
| 5317299-B | March 31, 2015 | M & L Tires Recycling, Inc.*  | 0 | 378  | Jack's Tire Recycling |
| 5317298-C | March 31, 2015 | M & L Tires Recycling, Inc.*  | 0 | 376  | Jack's Tire Recycling |
| 5452235-B | March 31, 2015 | Gold Coast Recycling, Inc.    | 0 | 1229 | Jack's Tire Recycling |
| 5317108-C | March 30, 2015 | M & L Tires Recycling, Inc.*  | 0 | 440  | Jack's Tire Recycling |



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| 5317106-B | March 30, 2015 | M & L Tires Recycling, Inc.*                   | 0 | 469 | Jack's Tire Recycling |
| 5397481-B | March 30, 2015 | King's Discount Brake & Tire Corporation, Inc. | 0 | 157 | Jack's Tire Recycling |
| 4896844-B | March 30, 2015 | Art's Tires & Wheels                           | 0 | 601 | Jack's Tire Recycling |
| 5225985-C | March 30, 2015 | CLC Tires                                      | 0 | 192 | Jack's Tire Recycling |
| 5317104-C | March 30, 2015 | M & L Tires Recycling, Inc.*                   | 0 | 441 | Jack's Tire Recycling |
| 5326059-B | March 30, 2015 | Taurus Hauling                                 | 0 | 289 | Jack's Tire Recycling |
| 4974966-C | March 30, 2015 | Escobar Tire Recycling                         | 0 | 248 | Jack's Tire Recycling |
| 4953492-B | March 30, 2015 | The Tire Man, Inc.                             | 0 | 446 | Jack's Tire Recycling |
| 5326060-A | March 30, 2015 | Taurus Hauling                                 | 0 | 173 | Jack's Tire Recycling |
| 4896843-B | March 29, 2015 | Art's Tires & Wheels                           | 0 | 125 | Jack's Tire Recycling |
| 5635509-A | March 28, 2015 | Perez Auto Body & Tire                         | 0 | 322 | Jack's Tire Recycling |
| 5390483-B | March 28, 2015 | Omar's Wheels & Tires, Inc.                    | 0 | 240 | Jack's Tire Recycling |
| 5225986-C | March 27, 2015 | CLC Tires                                      | 0 | 180 | Jack's Tire Recycling |
| 5326057-B | March 27, 2015 | Taurus Hauling                                 | 0 | 140 | Jack's Tire Recycling |
| 4896842-C | March 27, 2015 | Art's Tires & Wheels                           | 0 | 160 | Jack's Tire Recycling |
| 5372634-C | March 26, 2015 | Garcia Tires                                   | 0 | 151 | Jack's Tire Recycling |
| 5317114-B | March 26, 2015 | M & L Tires Recycling, Inc.*                   | 0 | 405 | Jack's Tire Recycling |
| 5317112-B | March 26, 2015 | M & L Tires Recycling, Inc.*                   | 0 | 410 | Jack's Tire Recycling |
| 5425212-C | March 26, 2015 | Tony's Wheels and Tires, Inc.                  | 0 | 239 | Jack's Tire Recycling |
| 5317110-B | March 26, 2015 | M & L Tires Recycling, Inc.*                   | 0 | 425 | Jack's Tire Recycling |
| 4974963-A | March 26, 2015 | Escobar Tire Recycling                         | 0 | 217 | Jack's Tire Recycling |
| 4974965-B | March 26, 2015 | Escobar Tire Recycling                         | 0 | 181 | Jack's Tire Recycling |
| 5317116-B | March 26, 2015 | M & L Tires Recycling, Inc.*                   | 0 | 362 | Jack's Tire Recycling |
| 4437207-B | March 25, 2015 | Andre's Tire Service                           | 0 | 173 | Jack's Tire Recycling |
| 4896842-B | March 25, 2015 | Art's Tires & Wheels                           | 0 | 162 | Jack's Tire Recycling |
| 5326053-C | March 25, 2015 | Taurus Hauling                                 | 0 | 179 | Jack's Tire Recycling |
| 4974961-A | March 24, 2015 | Escobar Tire Recycling                         | 0 | 238 | Jack's Tire Recycling |
| 4896842-A | March 24, 2015 | Art's Tires & Wheels                           | 0 | 592 | Jack's Tire Recycling |

|           |                       |                            |   |                |                       |
|-----------|-----------------------|----------------------------|---|----------------|-----------------------|
| 4896840-C | March 24, 2015        | Art's Tires & Wheels       | 0 | 166            | Jack's Tire Recycling |
|           | <b>MARCH 24, 2015</b> | <b>INSPECTION BY DOLAN</b> |   | <b>150,000</b> | <b>OBSERVED</b>       |

\*also known as Guadalupe Tire Recycling

**III. Stipulated Factual Findings for the Statement of Issues for the Denial Of Major Waste Tire Facility Permit**

25. The STATEMENT OF ISSUES FOR THE DENIAL OF MAJOR WASTE TIRE FACILITY PERMIT was executed by Heather L. Hunt, Attorney III, acting in her official capacity. Said STATEMENT OF ISSUES was served on RESPONDENT JTR.

26. CALRECYCLE has authority to regulate and conduct enforcement actions regarding Waste Tire Facilities and Waste and Used Tire Haulers within the State of California pursuant to PRC sections 42800 et seq., 42950 et seq., and attendant regulations contained in Title 14 of the California Code of Regulations (CCR), Division 7, Chapter 3 and Chapter 6.

27. On or about May 13, 2016, RESPONDENT submitted Waste Tire (WT) Facility Permit Application for Tire Program Identification Number 1842617-01(Application) requesting a permit to operate a major WT facility located at 12025 Branford Street, Sun Valley, California 91352. RESPONDENT submitted amendments to the Application on June 5, 2016. On the Application, "JTR" was listed as the "Facility Name," while "Jack Akop Oganian" was listed as the "Facility Operator's Name." CALRECYCLE accepted the Application as complete and correct, pursuant to 14 CCR section 18423, on June 10, 2016.

28. In this Statement of Issues CALRECYCLE sought a denial of this major WT Facility Permit based on violations of the Order within the Administrative Decision Pursuant to Stipulation for Waste Tire Hauler Administrative Penalties dated June 17, 2014. The Order within the Administrative Decision Pursuant to Stipulation for Waste Tire Hauler Administrative Penalties was issued subsequent to Notices of Violation to RESPONDENT for locations at 11365 Pendleton Street, Sun Valley, California



1 91352 (Primary Site), and 12087 Lopez Canyon Road, San Fernando, California 91340  
2 (Site 2).

3 29. Pursuant to section 42843 of Division 30, Part 3, Chapter 16 of the PRC:

4 (a) The department may revoke, suspend, or deny a waste tire facility permit  
5 for a period of up to three years, by serving a statement of issues, by  
6 personal service or certified mail, in accordance with Section 42852, if the  
7 applicant for, or holder of, the permit, does any of the following:

8 (1) The applicant misrepresents or fails to disclose material factual  
9 information in its application.

10 (2) The operator of the waste tire facility, at any time during the previous  
11 three years, fails to comply with an order regarding compliance subsequent  
12 to receiving a notice of violation, for any of the following:

13 (A) A violation of this chapter or the regulations adopted pursuant to this  
14 chapter.

15 (B) A violation of Chapter 19 (commencing with Section 42950) or the  
16 regulations adopted pursuant to that chapter.

17 (C) The terms or conditions of the operator's waste tire facility permit.

18 30. PRC section 42808 defines minor and major waste tire (WT) facilities as  
19 follows:

20 . . . (b) "Major waste facility" means a waste tire facility where, at any time,  
21 5,000, or more waste tires are or will be stored, stockpiled, accumulated or  
22 discarded.

23 (c) "Minor waste tire facility" means a waste tire facility where, at any time,  
24 500 or more, but less than 5,000, waste tires are or will be store, stockpiled,  
25 accumulated, or discarded. However, a "minor waste tire facility" does not  
26 include a tire dealer or an automobile dismantler, as defined in Sections 220  
27 and 221 of the Vehicle Code, who stores waste tires on the dealer's or  
28 dismantler's premises for less than 90 days if not more than 1,500 total used  
or waste tires are ever accumulated on the dealer's or dismantler's premises.

31. PRC section 42824 makes it "unlawful to direct or transport waste tires to a  
major waste tire facility or to accept waste tires at a major waste tire facility unless the  
operator has obtained a major waste tire facility permit."

32. Pursuant to PRC section 42823, "no person shall establish a new major  
waste tire facility or expand an existing minor waste tire facility unless the person has  
obtained a major waste tire facility permit issued by [CALRECYCLE] pursuant to Section  
42822."

33. From October 10, 2011, through at least November 16, 2015,  
RESPONDENT was in possession of a minor WT facility permit for the Primary Site under

1 the name Jack Oganyan dba Jack's Tire Recycling.

2 34. Said permit authorized RESPONDENT to store up to 4,999 WT onsite.  
3 RESPONDENT has never been in possession of a WT facility permit for Site 2.

4 35. On April 28, 2014, CALRECYCLE served RESPONDENT with an  
5 Administrative Complaint for Waste Tire Administrative Penalties for: (1) transporting loads  
6 of WT to Site 2, an unpermitted site and failing to manifest those loads as required by  
7 California law; and (2) for giving, contracting, or arranging for the transportation of loads  
8 of 10 or more waste or used tires with an entity that was not in possession of a valid waste  
9 tire hauler registration or otherwise exempt from the registration requirement. Said  
10 Administrative Complaint for Waste Tire Administrative Penalties was based in part on the  
11 Notice of Violation issued to RESPONDENT by Los Angeles County Department of Public  
12 Health Inspector, Ziba Atai, on April 30, 2013. The Notice of Violation was issued for  
13 storing 77,160 WT at Site 2 without a WT facility permit and for failing to comply with  
14 manifesting requirements, as documented in Waste Tire Survey and Inspection Report  
15 (Inspection Report) number I1-1161382.

16 36. Prior to being served the Administrative Complaint for Waste Tire  
17 Administrative Penalties described in the paragraphs above, CALRECYCLE became  
18 aware that RESPONDENT was also storing, stockpiling, or accumulating more than the  
19 permitted amount of 4,999 WT at the Primary Site. On March 13, 2014, CALRECYCLE  
20 inspector Steven Dolan had issued RESPONDENT a Notice of Violation for storing 51,150  
21 WT at the Primary Site, as documented in Inspection Report number I1-1157006.

22 37. On June 17, 2014, CALRECYCLE and RESPONDENT entered into a  
23 Stipulation for Waste Tire Hauler Administrative Penalties (Stipulation), in order to resolve  
24 the issues in the Administrative Complaint for Waste Tire Hauler Administrative Penalties  
25 as well as the Notice of Violation issued on March 13, 2014, at the Primary Site. The terms  
26 of the Stipulation were memorialized in an Administrative Decision Pursuant to Stipulation  
27 for Waste Tire Hauler Administrative Penalties (Administrative Decision) that was served  
28 on RESPONDENT on June 17, 2014.



1 38. Paragraph 14(c) of the Order within the Administrative Decision placed  
2 requirements on RESPONDENT to resolve the outstanding Notice of Violation at the  
3 Primary Site:

4 RESPONDENTS shall reduce the amount of waste tires onsite within 30 days of the  
5 issuance of the Decision, and maintain a waste tire count of 4,999 or less at 11365  
6 Pendleton St., Sun Valley, California 91352. Violation of this term may result in additional  
7 enforcement action by CALRECYCLE, including an action by CALRECYCLE seeking  
8 additional penalties for waste tire storage violations; the Decision shall serve in lieu of the  
9 Cleanup and Abatement Order required by 14 CCR section 18429 and PRC section 42845  
in any future enforcement action. RESPONDENTS understand that a violation of this term  
may result in a denial of RESPONDENTS Major WTF Permit described in subparagraph (d)  
below.

10 39. On August 21, 2014, CALRECYCLE inspector Steve Dolan issued  
11 RESPONDENT a Notice of Violation for storing 16,200 waste tires at the primary site, as  
12 documented in Inspection Report Number I1-1157094, in violation of RESPONDENT'S  
13 minor WT facility permit and Paragraph 14(c) of the Administrative Decision.

14 40. On September 12, 2014, CALRECYCLE served RESPONDENT with a  
15 Notice of Default of Stipulation For Issuance of Administrative Penalties (Notice of  
16 Default), based on findings of the August 21, 2014<sup>th</sup> inspection. The Notice of Default  
17 allowed RESPONDENT 15 days to cure the default by reducing the number or waste tires  
18 onsite to 4,999.

19 41. On October 13, 2014, Inspector Dolan observed 8,500 waste tires onsite as  
20 described in Inspection Report number I1-1185044; RESPONDENT had failed to cure the  
21 default within the 15-day period allotted.

22 42. On January 16, 2015, CALRECYCLE served RESPONDENT with a  
23 Supplemental Administrative Decision for Waste Tire Hauler Administrative Penalties  
24 (Supplemental Decision) based on RESPONDENT's failure to refute or cure the violation  
25 stated in the Notice of Default. The Supplemental Decision ordered RESPONDENT to  
26 immediately pay the stayed abeyance amount ordered by the original Administrative  
27 Decision.

28 ///

1 43. On March 24, 2015 and April 13, 2015, Inspector Dolan again observed  
2 more than the permitted 4,999 WT being stored by RESPONDENT at the Primary Site, in  
3 violation of RESPONDENT'S minor WT facility permit and the Administrative Decision, on  
4 the following 2 other occasions: 150,000 WT on March 24, 2015, as documented in  
5 Inspection Report number I1-1184715, and more than 100, 00 WT on April 13, 2015, as  
6 documented in Inspection Report number I1-1184739.

7  
8 **CONCLUSIONS OF LAW**

9 **I. Conclusions of Law for the Administrative Complaint Administrative For**  
10 **Waste Tire Hauler Administrative Penalties**

11 44. RESPONDENTS have been ordered via the Decision issued by  
12 CALRECYCLE to pay the full amount held in abeyance by the initial Stipulation.

13 **II. Conclusions of Law for the Statement of Issue for the Denial Of The Waste**  
14 **Tire Hauler Registration**

15 45. On at least 2 separate occasions RESPONDENTS were previously fined by  
16 CALRECYCLE pursuant to Chapters 16 and 19 of the PRC, as addressed above.

17 46. On at least 4 separate occasions RESPONDENTS violated waste tire  
18 storage requirements set forth in Chapter 16 of the PRC by exceeding the amount of  
19 waste tires authorized by their permit and by creating an unpermitted major waste tire  
20 facility, as addressed above.

21 47. On at least 74 separate occasions RESPONDENTS violated waste tire  
22 storage and hauler requirements set forth in Chapters 16 and 19 of the PRC by directing,  
23 transporting, and accepting waste and or used tires at an unauthorized unpermitted major  
24 waste tire facility, as addressed above.

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1 **III. Conclusions of Law for the Statement of Issues for the Denial Of Major Waste**  
2 **Tire Facility Permit**

3 48. On at least 4 occasions, within the previous 3 years, RESPONDENTJTR has  
4 violated RESPONDENT JTR's minor WT facility permit and the Administrative Decision  
5 dated June 17, 2014, that was issued based on prior Notices of Violations.

6  
7 **ORDER**

8 CALRECYCLE approves of and adopts the terms of the Combined Stipulation and  
9 hereby orders RESPONDENTS to comply with the following terms in accordance with the  
10 Combined Stipulation.

11 1. RESPONDENTS ANGELICA OGANYAN, JACK OGANIAN AKA JACK  
12 OGANYAN AKA AKOP JACK OGANIAN AKA JTR and CALRECYCLE stipulate to the  
13 following terms and conditions in full and complete settlement of all above-entitled matters.  
14 In so far as ANGELICA OGANYAN is only a party to Case numbers IH14-004-TIR and  
15 IH15-012-TIR, she hereby stipulates and agrees only the terms related to those two cases;  
16 said paragraphs refer to both RESPONDENTS. Where the terms only apply to JACK  
17 OGANYAN AKA JACK AKOP OGANYAN DBA JTR, said paragraphs refer to only  
18 RESPONDENT JTR. Terms relating to all parties shall be designated by referring to all  
19 RESPONDENTS as RESPONDENT(S).

20 2. The terms set forth below remain in effect for a period of 5 years.

21 3. Pursuant to the terms and conditions of the Combined Stipulation, and  
22 subject to the limitations hereunder, RESPONDENTS stipulate to an administrative  
23 penalty against RESPONDENTS and in favor of CALRECYCLE in the sum of \$129,000.00  
24 for the violations set forth in the Combined Stipulation. Payment of the penalty shall be  
25 satisfied in the following manner:

26 i) RESPONDENTS shall pay \$129,000.00 to CALRECYCLE in  
27 accordance with the following:

28 ///

1           1.     RESPONDENTS shall make a one-time payment of  
2           \$13,000.00 to CALRECYCLE no later than 60 days from the date of  
3           service of the Administrative Decision in this matter (Decision).  
4           Thereafter, RESPONDENTS shall make payments to CALRECYCLE  
5           in the amount of \$1,500.00 per month for 12 months, totaling  
6           \$18,000.00. Thereafter, RESPONDENTS shall make payments to  
7           CALRECYCLE in the amount of \$2,500.00 for the next 38 months,  
8           totaling \$95,000.00. Thereafter, RESPONDENTS shall make a one  
9           time final payment of 3,000.00 to CALRECYCLE.

10          2.     All payments shall be made to CALRECYCLE, Attn: Richard  
11          Guess, at P. O. Box 4025, Sacramento, CA 95812-4025, or to such  
12          other person and/or place as CALRECYCLE or its agent may from  
13          time to time designate in writing.

14          3.     If any above-referenced payment is not received by  
15          CALRECYCLE on the due date, or a date later issued by  
16          CALRECYCLE, RESPONDENTS shall have 20 days to cure the  
17          nonpayment. However, if RESPONDENTS fail to cure the missed  
18          payment within the 20 days allotted RESPONDENTS shall be found in  
19          default of the Combined Stipulation and shall be required to  
20          immediately remit all remaining monies owed.

21          4.     RESPONDENTS' Waste Tire Hauler Registration is denied for a period of  
22          two years. RESPONDENTS may submit a new application for a Waste Tire Hauler  
23          Registration for the 2018 calendar year. CALRECYCLE shall not issue RESPONDENTS  
24          a Waste Tire Hauler Registration prior to the 2018 calendar year.

25          5.     Upon obtaining a Waste Tire Hauler Registration from CALRECYCLE,  
26          RESPONDENTS shall enroll in the Electronic Data Transfer (EDT) program for the  
27          submission of all manifests aka comprehensive trip logs (CTLs), and shall submit all  
28          manifests electronically through the EDT system for a period of 1 full year (12 month



1 period). A violation of this term will constitute a Default of the Combined Stipulation and  
2 CALRECYCLE may issue a Supplemental Decision pursuant to paragraph 12 below  
3 ordering a suspension of the Waste Tire Hauler Registration.

4 6. RESPONDENT JTR's facility permit shall be denied for a six-month period  
5 beginning on October 18, 2016, and ending on April 18, 2017, conditioned on  
6 RESPONDENT JTR submitting an updated application for a Major Waste Tire Facility  
7 Permit as described in paragraph 8 below and on RESPONDENT JTR maintaining the  
8 authorized amount of waste tires and/or curing any excess of the authorized waste tire  
9 count onsite as described in paragraph 9 below.

10 7. RESPONDENT JTR shall neither haul waste or used tires; nor accumulate,  
11 store, or stockpile more than 499 waste or used tires during the denial period. Should  
12 RESPONDENT JTR violate this term of the Combined Stipulation, the denial of the Major  
13 Waste Tire Facility Permit served on RESPONDENT JTR on October 20, 2016, shall  
14 remain in effect, and RESPONDENT JTR shall be prohibited from reapplying for a waste  
15 tire facility permit for an additional 5 years.

16 8. RESPONDENT JTR shall submit a complete and correct updated application  
17 as soon as possible, but no later than January 31, 2017. The updated application shall  
18 contain new documents for anything that may have expired, such as RESPONDENT  
19 JTR's lease, and updated financial assurances, including a recent certificate of liability  
20 insurance from 2017. CALRECYCLE shall not certify the application as complete and  
21 correct unless all the above-stated information is submitted with the updated application.  
22 CALRECYCLE shall have one additional working day for every working day past January  
23 31, 2017, that RESPONDENT JTR fails to submit the updated application.

24 9. Once RESPONDENT JTR receives the Major Waste Tire Facility Permit  
25 RESPONDENT JTR shall maintain the waste tire count authorized by the Major Waste  
26 Tire Facility Permit, or less. Should RESPONDENT JTR exceed the authorized waste tire  
27 count, CALRECYCLE shall issue RESPONDENT JTR a Notice of Default following the  
28 Default procedure described in paragraph 11 below, providing RESPONDENT JTR 15




1 days to cure the excessive waste tire count default. Should RESPONDENT JTR fail to  
2 reduce the waste tires onsite within the 15 day period to the amount authorized by the  
3 Major Waste Tire Facility Permit, CALRECYCLE shall issue a Supplemental Decision  
4 automatically revoking RESPONDENT JTR's Major Waste Tire Facility Permit. Said  
5 Supplemental Decision shall prohibit RESPONDENT JTR from applying for another waste  
6 tire facility permit for a period of 5 years.

7 10. RESPONDENT JTR shall comply with all laws related to waste tire storage  
8 and waste tire haulers set forth in PRC section 42800 et seq., PRC section 42950 et seq.,  
9 and Title 14 of the CCR. Should RESPONDENT JTR violate the term of the Combined  
10 Stipulation, RESPONDENT JTR shall be issued a Notice of Default pursuant to the  
11 procedure set forth in paragraph 11 below. Should CALRECYCLE issue a Supplemental  
12 Decision finding RESPONENT JTR in default; said Supplemental Decision shall assess an  
13 automatic penalty against RESPONDENT JTR in the amount provided by one of the  
14 penalty tables located at 14 CCR section 18429 or 14 CCR section 18464.

15 11. Default: If RESPONDENT(S) defaults under any of the terms of the  
16 Combined Stipulation, CALRECYCLE shall send a Notice of Default to RESPONDENT(S);  
17 said Notice of Default shall state the paragraphs or provisions of the Combined Stipulation  
18 of which RESPONDENT(S) is in default and the amount owed. RESPONDENT(S) shall  
19 have 15 days from the date of the issuance of the Notice of Default to provide evidence  
20 refuting CALRECYCLE's claim of default. After a review of the evidence provided by  
21 RESPONDENT(S), CALRECYCLE shall make a determination regarding the default and,  
22 if appropriate, shall issue a Supplemental Decision resolving the issues set forth in the  
23 Notice of Default.

24  
25 This Administrative Decision shall become effective as of the date signed below:

26 Dated: 2/1/17

  
27 MARK DE BIE  
28 Deputy Director  
DEPARTMENT OF RESOURCES RECYCLING  
AND RECOVERY (CALRECYCLE)