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STATE OF CALIFORNIA

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

In the matter of:

ANGELICA OGANYAN AND JACK
OGANYAN DBA JACK'S TIRE
RECYCLING

TPID NO: 1641837-01

RESPONDENTS

CASE NO: IH14-004-TIR

COMBINED STIPULATION FOR
ISSUANCE OF ADMINISTRATIVE
DECISION (FOR WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES)

PUBLIC RESOURCES CODE SECTION
42950, ET SEQ.,

AGENCY NO: 2013-011155-ADC

In the matter of:

ANGELICA OGANYAN AND JACK
OGANYAN DBA JACK'S TIRE
RECYCLING

TPID NO: 1641837-01

RESPONDENTS

CASE NO: IH15-012-TIR

COMBINED STIPULATION FOR
ISSUANCE OF 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:

2 JACK OGANIAN AKA JACK OGANYAN

3 DBA JTR

4 TPID NO: 1842617-01

5
6 RESPONDENTS

CASE NO: IH16-017-TIR

COMBINED STIPULATION FOR
ISSUANCE OF ADMINISTRATIVE
DECISION FOR (THE DENIAL OF
MAJOR WASTE TIRE FACILITY
PERMIT)
PUBLIC RESOURCES CODE SECTION
42843

GOVERNMENT CODE SECTION 11505

AGENCY NO: 2016-000142-DEN

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11 **INTRODUCTION AND PROCEDURAL HISTORY**

12 The parties in the above-entitled matters have agreed to resolve all outstanding
13 issues in said matters through this COMBINED STIPULATION FOR ISSUANCE OF
14 MAJOR WASTE TIRE FACILITY PERMIT, FOR ISSUANCE OF WASTE TIRE HAULER
15 REGISTRATION AND FOR WASTE TIRE ADMINISTRATIVE PENALTIES (Stipulation),
16 as described herein

17 The parties specifically to each of the above-entitled matters are described
18 specifically below. The California Integrated Waste Management Board (CIWMB) is now
19 the Department of Resources Recycling and Recovery (CALRECYCLE). CALRECYCLE
20 succeeded to CIWMB's authority on January 1, 2010, pursuant to Public Resources
21 Code (PRC) section 40401(a)(1).

22
23 **Parties and Procedural History for Administrative Complaint For Waste Tire Hauler**
24 **Administrative Penalties**

25 The parties to this Combined Stipulation based on the ADMINISTRATIVE
26 COMPLAINT FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES, Case Number
27 IH14-004-TIR, are the DEPARTMENT OF RESOURCES, RECYCLING, AND RECOVERY
28 (CALRECYCLE) and ANGELICA OGANYAN AND JACK OGANYAN (AKA JACK AKOP

1 OGANYAN) DBA JACK'S TIRE RECYCLING (RESPONDENTS)

2 The ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER

3 ADMINISTRATIVE PENALTIES was served on RESPONDENT Jack

4 Oganyan on April 28, 2014 and RESPONDENT ANGELICA OGANYAN on April 29, 2014.

5 RESPONDENTS requested a hearing, and the matter was resolved through a Stipulation.

6 On June 17, 2014, CALRECYCLE issued RESPONDENTS an ADMINISTRATIVE

7 DECISION PURSUANT TO STIPULATION FOR WASTE TIRE HAULER

8 ADMINISTRATIVE PENALTIES, pursuant to terms agreed upon by the parties in the

9 STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR WASTE TIRE

10 HAULER ADMINISTRATIVE PENALTIES that resolved all issues in said matter. On

11 September 12, 2014, CALRECYCLE issued a NOTICE OF DEFAULT OF STIPULATION

12 FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR WAS TIRE HAULER

13 ADMINISTRATIVE PENALTIES to RESPONDENTS. On January 16, 2015,

14 CALRECYCLE issued RESPONDENTS a SUPPLEMENTAL ADMINISTRATIVE

15 DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES finding a full

16 default of the initial Stipulation and ordering the full amount of penalties held in abeyance

17 by the initial Stipulation be remitted. This Combined Stipulation resolves that outstanding

18 penalty owed to CALRECYCLE.

19
20 **Parties and Procedural History for Denial of the Waste Tire Hauler Registration**

21 The parties to this Combined Stipulation based on the STATEMENT OF ISSUES

22 FOR THE DENIAL OF THE WASTE TIRE HAULER REGISTRATION, Case Number

23 IH15-012-TIR, are CALRECYCLE and ANGELICA OGANYAN AND JACK OGANYAN

24 (AKA JACK AKOP OGANYAN) DBA JACK'S TIRE RECYCLING (RESPONDENTS).

25 The STATEMENT OF ISSUES FOR THE DENIAL OF THE WASTE TIRE HAULER

26 REGISTRATION was served on RESPONDENT JACK OGANYAN on November 13,

27 2015. RESPONDENT ANGELICA OGANYAN was served via substitute service that was

28 completed on December 14, 2015. RESPONDENTS submitted a Notice of Defense

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

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

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

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

16 After considering the substantial expense and uncertainty associated with this
17 matter, the Parties desire to settle all claims and disputes between them. Therefore, the
18 Parties hereby submit this Combined Stipulation as final resolution of this matter and all
19 above-entitled matters.
20

21 **STIPULATED FACTUAL FINDINGS**

22 **I. Factual Finding for the Administrative Complaint Administrative For Waste**
23 **Tire Hauler Administrative Penalties**

24 1. 1As described above, said matter was initially resolved in a Decision that was
25 issued by CALRECYCLE, and CALRECYCLE issued a Supplemental Decision ordering
26 RESPONDENTS to pay the stipulated penalty amount of \$139,000.00. Please note that
27 that dollar amount is incorrect. The penalty amount should have been \$129,000.00. That
28 error is hereby corrected and reflected within this Stipulation.

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

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

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

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

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

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

28 ///

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

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

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

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

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

26 **B. Waste Tire Storage Violations**

27 ///

28 ///

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

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

5 ... (b) "Major waste facility" means a waste tire facility where, at any time,
6 5,000, or more waste tires are or will be stored, stockpiled, accumulated or
7 discarded.

8 (c) "Minor waste tire facility" means a waste tire facility where, at any time,
9 500 or more, but less than 5,000, waste tires are or will be store, stockpiled,
10 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 f PRC section 42823.)

28 17. On April 13, 2015, and documented in Inspection number I1-1184739,
Inspector Dolan observed over 100,000 waste tires at the primary site, far exceeding the
4,999 waste tires allowed in the Permit and creating an unpermitted major waste tire

1 facility in violation of PRC section 42823.

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

7 **C. Waste Tire Hauler Violations**

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

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

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

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

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

26 24. On October 19, 2015, Keith Cambridge, Supervisor of the CALRECYCLE
27 Tire Hauler Compliance Unit, conducted an audit of RESPONDENT Jack's Tire
28 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
	APRIL 13, 2015	INSPECTION BY DOLAN		100,000	OBSERVED
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

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

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
	MARCH 24, 2015	INSPECTION BY DOLAN		150,000	OBSERVED

*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 95691. 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 5, 2016.

28. In this Statement of Issues CALRECYCLE sought a denial of this major WT Facility Permit Application 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,

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

2 34. RESPONDENT to store up to 4,999 WT onsite. RESPONDENT has never
3 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, 2014th 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 ///

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

CONCLUSIONS OF LAW

The Parties stipulate to the following conclusions of law:

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

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

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

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

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

47. On at least 74 separate occasions RESPONDENTS violated waste tire storage and hauler requirements set forth in Chapters 16 and 19 of the PRC by directing, transporting, and accepting waste and or used tires at an unauthorized unpermitted major 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 **STIPULATED ORDER**
8

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

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

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

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

26 1. RESPONDENTS shall make a one-time payment of
27 \$13,000.00 to CALRECYCLE no later than 60 days from the date of
28 service of the Administrative Decision in this matter (Decision).

1 Thereafter, RESPONDENTS shall make payments to CALRECYCLE
2 in the amount of \$1,500.00 per month for 12 months, totaling
3 \$18,000.00.. Therafter, RESPONDENTS shall make payments to
4 CALRECYCLE in the amount of \$2,500.00 for the next 38 months,
5 totaling \$95,000.00. Thereafter, RESPONDENTS shall make a one
6 time final payment of 3,000.00 to CALRECYCLE.

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

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

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

22 5. Upon obtaining a Waste Tire Hauler Registration from CALRECYCLE,
23 RESPONDENTS shall enroll in the Electronic Data Transfer (EDT) program for the
24 submission of all manifests aka comprehensive trip logs (CTLs),, and shall submit all
25 manifests electronically through the EDT system for a period of 1 full year (12 month
26 period). A violation of this term will constitute a Default of this Combined Stipulation and
27 CALRECYCLE may issue a Supplemental Decision pursuant to paragraph 12 below
28 ordering a suspension of the Waste Tire Hauler Registration.

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

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

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

21 9. Once RESPONDENT JTR receives the Major Waste Tire Facility Permit
22 RESPONDENT JTR shall maintain the waste tire count authorized by the Major Waste
23 Tire Facility Permit, or less. Should RESPONDENT JTR exceed the authorized waste tire
24 count, CALRECYCLE shall issue RESPONDENT JTR a Notice of Default following the
25 Default procedure described in paragraph 11 below, providing RESPONDENT JTR 15
26 days to cure the excessive waste tire count default. Should RESPONDENT JTR fail to
27 reduce the waste tires onsite within the 15 day period to the amount authorized by the
28 Major Waste Tire Facility Permit, CALRECYCLE shall issue a Supplemental Decision

1 automatically revoking RESPONDENT JTR's Major Waste Tire Facility Permit. Said
2 Supplemental Decision shall prohibit RESPONDENT JTR from applying for another waste
3 tire facility permit for a period of 5 years.

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

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

21 12. No covenant, promise, term, condition, breach or default of or under this
22 Combined Stipulation shall be deemed to have been waived except as expressly so stated
23 in writing by CALRECYCLE. A waiver by CALRECYCLE of any breach or default by
24 RESPONDENTS under this Combined Stipulation shall not be deemed a waiver of any
25 preceding or subsequent breach or default by RESPONDENTS.

26 13. RESPONDENTS have freely and voluntarily entered into this Combined
27 Stipulation and have been afforded the opportunity to consult with counsel prior to entering
28 into this Combined Stipulation. It is expressly understood and agreed that no

1 representations or promises of any kind, other than as contained herein, have been made
2 by any party to induce any other party to enter into this Combined Stipulation, and that
3 said Combined Stipulation may not be altered, amended, modified or otherwise changed
4 except by a writing executed by each of the parties hereto. Each party hereto agrees to
5 execute and deliver any and all documents and to take any and all actions necessary or
6 appropriate to consummate this Stipulation and to carry out its terms and provisions.

7 14. Except as expressly provided herein, RESPONDENTS waive the right in the
8 entitled matter to a hearing, any and all appeals, and any and all rights that may be
9 afforded pursuant to the PRC, the Administrative Procedure Act, or any other provision of
10 law regarding the express provisions of this Stipulation.

11 15. This Combined Stipulation shall be binding and inure to the benefit of the
12 successors, heirs and assigns of the respective parties hereto.

13 16. This Combined Stipulation and the corresponding Decision to be issued
14 constitute the entire understanding of the parties concerning the settlement of this
15 proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or
16 representations other than those expressly set forth herein or contained in separate written
17 documents delivered or to be delivered pursuant hereto, and each party expressly
18 acknowledges that it has not relied upon any restrictions, promises, warranties, covenants,
19 undertakings, or representations other than those expressly contained herein.

20 17. For purposes of this Combined Stipulation, facsimile signatures will be
21 treated as originals until the applicable page(s) bearing non-facsimile signatures have
22 been received by CALRECYCLE.


23
24
25 Dated: 11/30/17



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


1 Dated:

1-27-17


HEATHER L. HUNT
Attorney III
DEPARTMENT OF RESOURCES, RECYCLING
AND RECOVERY (CALRECYCLE)


6 Dated:

1/25/2017


ANGELICA OGANYAN
JACK'S TIRE RECYCLING

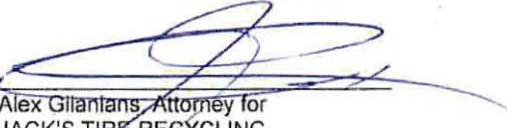
10 Dated:

01/26/2017


JACK OGANYAN
JACK'S TIRE RECYCLING
and
JACK OGANYAN AKA JACK OGANYAN (AKA
AKOP JACK OGANYAN) DBA JTR

15 Dated:

JAN 26, 2017


Alex Gilanians, Attorney for
JACK'S TIRE RECYCLING
and
JACK OGANYAN AKA JACK OGANYAN DBA
JTR