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8 STATE OF CALIFORNIA  
9 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

10  
11 In the Matter of:  
12 WEST COAST RUBBER RECYCLING, INC.  
13 PROPERTY OWNER AND OPERATOR  
14  
15 TPID NO.: 1004937-01  
16 ASSESSOR'S PARCEL NO.: 051-16-2-910-0  
17  
18 RESPONDENT

ADMINISTRATIVE DECISION  
PURSUANT TO STIPULATION FOR  
WASTE TIRE HAULER  
ADMINISTRATIVE PENALTIES AND  
STIPULATED CLEANUP AND  
ABATEMENT ORDER  
Agency No: 2008-011-075-ADC

19  
20 INTRODUCTION

21 The California Integrated Waste Management Board ("CIWMB") has authority to  
22 regulate and conduct enforcement actions regarding Waste Tire Haulers within the  
23 State of California under Public Resources Code (PRC) Section 42962 et seq. and  
24 attendant regulations contained in 14 California Code of Regulations ("CCR").

25  
26 To avoid the uncertainties of litigation, RESPONDENT negotiated a  
27 STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR WASTE TIRE  
28 HAULER PENALTIES AND STIPULATED CLEANUP AND ABATEMENT ORDER

1 ("Stipulation") to resolve the issues operating an unpermitted facility and hauling used or  
2 waste tires to an unpermitted facility.

3 The Board Members of the CIWMB hereby adopt the Stipulation. Pursuant to the  
4 Stipulation, and good cause appearing therefore, the following Stipulated Factual  
5 Findings and Legal Conclusions are made, and the following Order is issued:  
6

### 7 **STIPULATED FACTUAL FINDINGS**

8 1. The CIWMB has authority to inspect, permit, regulate and conduct  
9 enforcement actions against Waste Tire Facilities (WTF) within the State of California  
10 under Public Resources Code (PRC) section 42800, et seq., and attendant regulations  
11 contained in Title 14 of the California Code of Regulations (CCR).

12 2. On or about March 17, 2005, RESPONDENT was a Minor WTF as  
13 defined in PRC section 42808(c), because it had approximately more than 500 waste  
14 tires, and was operating without a Minor WTF Permit in violation of PRC section 42834.  
15 RESPONDENT was located at 105 Leavesley Rd. Bldg. # 7 Gilroy, Santa Clara County,  
16 California 95020; Assessor's Parcel Number 835-01-839.

17 3. On March 25, 2005, RESPONDENT applied for a Minor WTF Permit for  
18 said facility located in Santa Clara County. As part of the Application, RESPONDENT  
19 needed to secure approval from the local fire authority for the indoor storage of waste  
20 tires. The respondent was unsuccessful in acquiring said approval and the Application  
21 was rejected as incomplete in November 2005, by the CIWMB.

22 4. In December of 2006, a note in the CIWMB's Waste Tire Management  
23 System (WTMS) reports that the RESPONDENT requested a change of address to  
24 1501 Lana Lane, Hollister, San Benito County, California 95023.

25 5. On January 23, 2007, CIWMB staff inspected the RESPONDENT's new  
26 facility at 1501 Lana Lane, Hollister. RESPONDENT was issued a Notice of Violation for  
27 storing approximately 1,575 waste tires and waste tire equivalents without a Minor  
28 WTF permit. RESPONDENT subsequently submitted an application for a Minor WTF



1 permit; however, signoff by the local fire authority held up approval of the Application.  
 2 CIWMB staff corresponded with RESPONDENT through 2007, and the updated  
 3 application was received on February 28, 2008.

4 6. On March 24, 2008, staff performed a pre-permit inspection of the  
 5 RESPONDENT's facility. The facility was cited for a number of violations, including that  
 6 the facility was storing more than 5000 waste tires and Passenger Tire Equivalents, and  
 7 therefore, the facility was operating as a Major WTF. Pursuant to PRC section 42808.  
 8 The RESPONDENT was cited for violating PRC section 42824, as well as other  
 9 sections of the CCR. RESPONDENT represents that most of the waste tires or waste  
 10 tire equivalents were removed within 24 hours.

11 7. Based on the pre-permit inspection, the Respondent's application for a  
 12 Minor WTF permit was rejected as incomplete on March 28, 2008.

13 8. Between May 9, 2008, and July 24, 2008, the CIWMB's Waste Tire  
 14 Management System indicated that the RESPONDENT hauled 18 loads containing over  
 15 1000 used or waste tires to its unpermitted facility at 1501 Lana Lane, Hollister, San  
 16 Benito County, California 95023, as presented below.

Load Date	Hauler TPID <sup>1</sup>	Hauler Name	Hauler Phone	PU PTE <sup>2</sup>	Del PTE <sup>3</sup>	Facility TPID <sup>4</sup>	Facility Name
5/9/2008	1004937	West Coast Rubber Recycling, Inc. (WCRR, Inc.)	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5/12/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5/20/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5/22/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5/27/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5/29/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
6/4/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
6/10/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
6/18/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.

1	6/18/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
2	6/24/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
3	6/24/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
4	6/27/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5	7/15/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
6	7/17/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
7	7/17/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
8	7/17/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
9	7/19/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
10	7/24/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.

11 Hauler Tire Program Identification Number (TPID)

12 Picked-up (PU) Passenger Tire Equivalent (PTE)

13 Delivered (Del) Passenger Tire Equivalent (PTE)

14 Facility Tire Program Identification Number (TPID)

### 15 STIPULATED CONCLUSIONS OF LAW

16  
 17 9. WEST COAST RUBBER RECYCLING, INC., Property Owner and  
 18 Operator is in violation of PRC section 42951(b), hauling used and waste tires to an  
 19 unpermitted WTF.

20  
 21 10. Pursuant to PRC section 42962(c), waste tire hauler civil penalties can be  
 22 imposed administratively in an amount not to exceed \$5,000 per violation.

23  
 24 11. 14 CCR section 18464 allows CIWMB to impose an administrative penalty  
 25 of \$1,000 - \$3,000 per violation for hauling loads of more than 1,000 waste tires or used  
 26 tires to an unpermitted, unauthorized WTF.

27  
 28 12. CIWMB has the authority pursuant to PRC section 42845 to issue a  
 cleanup and abatement order and impose interim conditions for operating the subject  
 unpermitted WTF for the purpose of obtaining a permit.



1 **ORDER**

2 The CIWMB adopts and approves of the terms of the Stipulation and the  
3 following order is hereby made:

4 a. The RESPONDENT stipulated to an administrative waste tire hauler  
5 penalty of \$25,000.00 (twenty-five thousand dollars); \$20,000.00 (twenty  
6 thousand dollars) to be held in abeyance, and to be imposed in case of default or  
7 breach of the Stipulation; and \$5,000.00 (five thousand dollars) to be paid to the  
8 CIWMB.  
9

10 b. Payment of the \$5,000 (five thousand dollars) administrative penalty shall  
11 be made pursuant to the terms of the Stipulation.

12 c. Until CIWMB issues a WTF permit, RESPONDENT will be bound by the  
13 conditions stated in the Stipulation concerning the storage and hauling of waste  
14 and used tires.  
15

16  
17 This DECISION shall become effective 9/30/08.

18  
19 Dated this 30th day of Sept. 2008  
20

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22 

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24 MARGO REID BROWN  
25 Chair  
26 CALIFORNIA INTEGRATED WASTE  
27 MANAGEMENT BOARD  
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