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STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

10 In the Matter of:

11 CB TYRES RECYCLING RESOURCES, LLC

12 FACILITY NO: 36-TI-1324

13 ASSESSOR PARCEL NUMBERS: 1167-121-03

14 AND 1167-121-04

15 RESPONDENT.

ADMINISTRATIVE DECISION FOR

ADMINISTRATIVE PENALTIES

PURSUANT TO STIPULATION

OAH No.: L-2005080053

Agency No: 2005-010899-A

19 **PROCEDURAL HISTORY**

20 The California Integrated Waste Management Board ("CIWMB")  
21 served an Amended Administrative Complaint and Request for Hearing form on  
22 CONRAD BATHUM, INDIVIDUALLY AND AS MANAGER OF CB TYRES RECYCLING  
23 RESOURCES, LLC, Operator of CB TYRES RECYCLING RESOURCES, LLC, (CB  
24 TYRES) AND BARTON PROPERTY, LLC, Property Owner ("RESPONDENTS"), on  
25 July 29, 2005. RESPONDENTS negotiated a Stipulation For Issuance of Administrative  
26 Decision (Stipulation) with the CIWMB in lieu of litigating the case at the administrative  
27 hearing scheduled for October 28, 2005. Pursuant to the Stipulation dated October 25,  
28

1 2005, entered into by the CIWMB and RESPONDENT and good cause appearing  
2 therefore, the following stipulated factual findings and conclusions of law are made, and  
3 the following Stipulated Order is issued.  
4

5 **STIPULATED FACTUAL FINDINGS:**

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

10 2. CB TYRES RECYCLING RESOURCES, LLC is responsible for the waste  
11 tires being stored at 21801 Barton Road, Unit D, Grand Terrace, San Bernardino  
12 County, California 92313. This Site is not a permitted WTF.

13 3. On February 13, 2003, CB Tyres was issued a Letter of Exclusion,  
14 allowing the storage of up to 50,000 waste tires in fully enclosed moveable containers  
15 without a permit as long as there were never more than 499 waste tires stored on the  
16 ground and in conformance with 14 CCR section 18420(a) (5). On February 24, 2003,  
17 Vance Tracy of the CIWMB conducted a Waste Tire Facility Inspection of CB Tyres and  
18 observed approximately 2,000 waste tires being stored on the ground and 1,000 waste  
19 tires being stored in open containers. The tires were stored in a manner that violated  
20 the standards for 14 CCR section 17351 – Fire Prevention Measures, 14 CCR 17353 –  
21 Vector Control and 14 CCR section 17354 – Storage of Waste Tires.

22 4. A written report of the inspection and a Letter of Violation (LOV), dated  
23 April 14, 2003, was addressed and posted by U.S. Mail by Vance Tracy of the CIWMB  
24 to Conrad Bathum, Agent for Service of Process for CB Tyres, requesting that a  
25 Corrective Action Plan be submitted to the CIWMB by May 14, 2003 and advising the  
26 operator to cease and desist from storing more than 499 waste tires on the ground or in  
27 open containers without first obtaining a minor or major waste tires storage facility  
28 permit. A courtesy copy of the letter was sent to the property owner.

5. On May 15, 2003, CB Tyres faxed a response to the April 14, 2003 LOV.

1 The response indicated that CB Tyres was then contracting with multiple haulers to  
2 avoid storing more than 499 waste tires on the ground overnight.

3 6. On June 30, 2003, 14 CCR section 18420(a) (5) was removed from  
4 regulation and replaced with 14 CCR section 17225.717 – Collection. Each entity that  
5 was previously issued a sealed container exclusion under 14 CCR section 18420 (a) (5)  
6 was notified via letter from the CIWMB that their sealed container exclusion would  
7 become null and void after June 30, 2003.

8 7. On January 26, 2004, Vance Tracy of CIWMB conducted another  
9 inspection of CB Tyres in conjunction with a joint California Highway Patrol and CIWMB  
10 waste tire hauler checkpoint. Mr. Tracy observed approximately 4,000 waste tires were  
11 observed to be left on the ground and in open containers from the previous operating  
12 day and in violation of the provisions of 14 CCR section 17225.717 and in violation of 30  
13 PRC section 42834 – Unpermitted Minor Waste Tire Facility and 14 CCR section  
14 18420(a) – Applicability and 14 section CCR 17354 – Storage.

15 8. On March 2, 2004, a State Observation of CB Tyres was conducted by  
16 Vance Tracy of the CIWMB. He observed approximately 3,000 waste tires left on the  
17 ground overnight from the previous operating day.

18 9. On March 23, 2004, another State Observation of CB Tyres was  
19 conducted by Vance Tracy of the CIWMB. He observed approximately 1,000 waste  
20 tires left on the ground after the facility had closed for the day.

21 10. Cease and Desist Order 2004-010728-CDO dated June 3, 2004, was  
22 issued by CIWMB to James McMinn, Agent for Service of Process for Barton Property,  
23 LLC, Property Owner and Conrad Bathum, Agent for Service of Process for CB Tyres  
24 Recycling Resources, LLC, Operator on August 3, 2004. The Cease and Desist Order  
25 ordered that Barton Property, LLC, Property Owner and CB Tyres Recycling Resources,  
26 LLC, Operator comply with the provisions of 14 CCR section 17225.717 – Collection  
27 and cease and desist from storing 499 or more waste tires on the ground and/or in open  
28

1 containers without first obtaining either a minor or major Waste Tire Storage Facility  
2 Permit. This Cease and Desist Order remains in effect.

3 11. On November 19, 2004, Vance Tracy of the CIWMB conducted a follow  
4 up WTF Inspection of this location and determined that approximately 3,700 waste tires  
5 had been left on the ground and/or in open containers overnight from the previous  
6 operating day in violation of the provisions of 14 CCR section 17225.717 – Collection  
7 and in violation of 30 PRC section 42834 – Unpermitted Minor Waste Tire Facility and  
8 14 CCR section 18420(a) – Applicability, as well as 14 CCR section 17354 – Storage of  
9 Waste Tires.

10 12. On January 12, 2005, another State Observation of CB Tyres was  
11 conducted by Vance Tracy of the CIWMB; he observed approximately 2,000 waste tires  
12 left on the ground after the facility had closed for the day.

13 13. On February 2, 2005, Vance Tracy of the CIWMB conducted a follow-up  
14 observation of CB Tyres and observed that greater than 500 waste tires had been  
15 stored overnight on the ground from the previous operating day in violation of 14 CCR  
16 section 17225.717 - Collection and 30 PRC section 42834 – Unpermitted Minor Waste  
17 Tire Facility, and 14 CCR section 18420(a) – Applicability.

18 14. On February 9, 2005, Vance Tracy of the CIWMB conducted a follow-up  
19 observation of CB Tyres and observed that approximately 2,500 – 3,000 waste tires had  
20 been stored overnight on the ground after the site closed for the day in violation of 14  
21 CCR section 17225.717 - Collection and 30 PRC section 42834 – Unpermitted Minor  
22 Waste Tire Facility, and 14 CCR section 18420(a) – Applicability.

23 15. On May 2, 2005, Mr. Conrad Batham admitted that there were at least  
24 20,000 waste tires in a tire pile at the facility. This is in violation of 14 CCR section  
25 17225.717 – Collection, and 30 PRC section 42823 – Unpermitted Major Waste Tire  
26 Facility.

27 16. On June 6, 2005, Vance Tracy, CIWMB inspector, conducted a follow-up  
28 observation of CB Tyres and observed that there were at least 6,400 waste tires stored

1 on the ground in violation of 14 CCR section 17225.717 - Collection and 30 PRC  
2 section 42823 – Unpermitted Major Waste Tire Facility.

3 17. Since June 6, 2005, CB Tyres Recycling Resources, LLC states that it has  
4 made significant efforts to prevent, abate and clean up conditions posing a threat to the  
5 public health or safety or the environment, including, but not limited to, its management  
6 of the facility, its relationship with the local public entity, its method of operation, the  
7 implementation of self-imposed voluntary regulation to insure compliance with the law;  
8 and cooperation with the CIWMB.

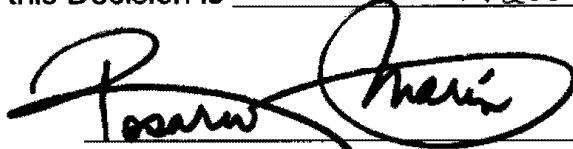
9 **ORDER**

10 In consideration of the above, and for the purpose of settling the Amended  
11 Administrative Complaint, the parties stipulate to the following order:

12 RESPONDENT is ordered to pay an administrative penalty in favor of the  
13 CIWMB in the sum of Twelve Thousand, Five Hundred dollars  
14 (\$12,500.00) for the violations set forth in the Statement of Facts in this  
15 Stipulation.

16 18. The effective date of this Decision is November 8, 2005.

17  
18 Dated: 11.8.05



19 ROSARIO MARIN  
20 Chair  
21 CALIFORNIA INTEGRATED WASTE  
22 MANAGEMENT BOARD  
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