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8 STATE OF CALIFORNIA

9 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

10 In the Matter of:

11 GOLDEN BY-PRODUCTS, INC.
12 PROPERTY OWNER AND OPERATOR

13
14 TPID NO.: 1003314-01
15 ASSESSOR'S PARCEL NO.: 041-120-019
16
17 RESPONDENT

ADMINISTRATIVE DECISION
PURSUANT TO STIPULATION FOR
WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES AND
ADMINISTRATIVE DECISION TO
OPERATE MAJOR WASTE TIRE
FACILITY

Agency No: 2008-011-065-ADC

18
19 INTRODUCTION

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

24 The parties in this dispute are the CIWMB and Golden By-Products
25 (RESPONDENT). To avoid the uncertainties of litigation on June 10, 2008,
26 RESPONDENT negotiated a Stipulation for Issuance of Administrative Decision
27 ("Stipulation") with the CIWMB to resolve the issues in the Administrative Complaint.
28 Pursuant to the Stipulation, and good cause appearing therefore, the following

1 Stipulated Factual Findings and Conclusions of Law are made, and the following
2 Stipulated Order is issued:

3
4 **STIPULATED FACTUAL FINDINGS**

5 1. The Administrative Complaint was executed by WENDY BRECKON,
6 Senior Staff Counsel, CWIMB, acting in her official capacity

7 2. From July 2, 1997 to February 11, 2008, RESPONDENT was a permitted
8 Waste Tire Facility (WTF) as defined in PRC section 42822 et seq. RESPONDENT is
9 located at 13000 Newport Road, Ballico, Merced County, California 95303; Assessor's
10 Parcel Number 041-120-019.

11 3. The CIWMB issued RESPONDENT a Major Waste Tire Facility Permit
12 (WTFP) on February 11, 2003, allowing RESPONDENT to store 150,000 or 1,500 tons
13 of whole or passenger tire equivalents (PTE). The WTFP expired on February 11,
14 2008.

15 4. RESPONDENT attempted to apply to renew the WTFP on or about
16 February 6, 2008, five days before the permit was to expire. The application package
17 was incomplete. On March 18, 2008, RESPONDENT applied for a new WTFP and
18 included a complete application package in accordance with applicable regulations.

19 5. Between February 12, 2008 to March 31, 2008, RESPONDENT hauled
20 396 loads of used or waste tires to its unpermitted facility at 13000 Newport Road,
21 Ballico, Merced County, California 95303. The following data from CIWMB's Waste
22 Tire Management System indicates that at least 50 of these loads contain over 1000
23 waste or used tires:

Load Date	Hauler TPID	Hauler Name	Hauler Phone	PU PTE	Del PTE	Facility TPID	Facility Name
3/28/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1300	1003314	Golden By-Products, Inc
3/31/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1300	1003314	Golden By-Products, Inc
3/31/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1300	1003314	Golden By-Products, Inc

1	3/3/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
2	3/3/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
3	3/4/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
4	3/4/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
5	3/4/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
6	3/5/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
7	3/5/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
8	3/6/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
9	3/7/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
10	3/12/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
11	3/13/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
12	3/14/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
13	3/17/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
14	3/18/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
15	3/18/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
16	3/20/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
17	3/21/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
18	3/21/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
19	3/21/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
20	3/24/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
21	3/27/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
22	3/27/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
23	3/27/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
24	3/27/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
25	3/27/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
26	3/28/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
27	3/31/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
28								

1	3/31/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1400	1003314	Golden By-Products, Inc
2	3/4/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
3	3/7/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
4	3/10/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
5	3/11/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
6	3/12/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
7	3/12/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
8	3/12/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
9	3/17/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
10	3/18/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
11	3/19/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
12	3/19/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
13	3/19/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
14	3/25/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
15	3/31/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1500	1003314	Golden By-Products, Inc
16	3/10/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1600	1003314	Golden By-Products, Inc
17	3/12/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1600	1003314	Golden By-Products, Inc
18	3/26/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1600	1003314	Golden By-Products, Inc
19	3/26/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	1700	1003314	Golden By-Products, Inc
20	3/13/2008	1003314	Golden By-Products, Inc	(209) 668-4855	0	2100	1003314	Golden By-Products, Inc

STIPULATED LEGAL CONCLUSIONS

6. RESPONDENT is in violation of PRC section 42951(b), for hauling used and waste tires to an unpermitted waste tire facility.

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

8. 14 CCR section 18464 allows CIWMB to impose an administrative penalty of \$1000 - \$3,000 per violation for hauling loads of more than 1000 waste or used tires

1 to an unpermitted waste tire facility. Therefore, the stipulated penalty of \$50,000.00
2 (fifty thousand dollars) held in abeyance is within the CIWMB's discretion.

3 9. CIWMB has the authority pursuant to PRC section 42845 to reach
4 agreement concerning interim conditions for operating the subject unpermitted waste
5 tire facility.

6 **ORDER**

7 The CIWMB adopts and approves of the terms of the Stipulation and the
8 following order is hereby made:

- 9 1. RESPONDENT is ordered to pay an administrative penalty of \$50,000.00
10 (fifty-thousand dollars) to the CIWMB according to the terms of the
11 Stipulation.
- 12 2. RESPONDENT is ordered to comply with the terms of the expired waste tire
13 facility permit and August 2007 Stipulation for Issuance of Administrative
14 Decision and the associated CIWMB decisions.

15
16 This DECISION shall become effective 6-17-08.

17
18 Dated this 17 day of June, 2008

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21 
22 MARGO REID BROWN
23 Chair
24 CALIFORNIA INTEGRATED WASTE
25 MANAGEMENT BOARD
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27
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