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8
9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:

CASE NO. IH16-011-TIR

12
13 WINGFOOT COMMERCIAL TIRE
14 SYSTEMS, LLC.

NOTICE OF SETTLEMENT
(Gov. Code § 11415.60)

15 RESPONDENT

16 AGENCY NO: 2016-011184-ADC

17 TPID NO.: 1002615-01
18

19
20 **TO THE CALRECYCLE LEGAL OFFICE, HEARING OFFICER, AND ALL PARTIES:**

21 PLEASE TAKE NOTICE that this case has been settled. Complainant, California
22 Department of Resources Recycling and Recovery (CALRECYCLE), and Wingfoot
23 Commercial Tire Systems, LLC., (RESPONDENT), have signed a final written agreement
24 resolving this case.

25 A true and correct copy of the signed Stipulation for Issuance of Administrative Decision
26 For Waste Tire Hauler Administrative Penalties and the Administrative Decision For Waste Tire
27 Hauler Administrative Penalties are attached hereto and incorporated by reference as Exhibit 1
28 and 2.

1 CALRECYCLE hereby requests that the CalRecycle Legal Office take the entire case
2 off calendar.

3 Dated this 5th day of September, 2017.
4

5 Respectfully submitted,
6

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8 CATHERINE V. NYSTROM
9 Attorney for
10 DEPARTMENT OF RESOURCES,
11 RECYCLING AND RECOVERY
12 (CALRECYCLE)
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EXHIBIT 1

1 ELLIOT BLOCK SBN 116999
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9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:

12
13 WINGFOOT COMMERCIAL TIRE
14 SYSTEMS, LLC.

15 RESPONDENT

16
17 TPID NO.: 1002615-01
18

STIPULATION FOR ISSUANCE OF
ADMINISTRATIVE DECISION FOR
WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES

PUBLIC RESOURCES CODE
SECTION 42950, ET SEQ.

19 AGENCY NO: 2016-011184-ADC

20 INTRODUCTION

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

25 On January 1, 2017, Wingfoot Commercial Tire Systems, LLC (RESPONDENT) was
26 merged out of existence with The Goodyear Tire & Rubber Company and use of the Wingfoot
27 name was discontinued. For purposes of this STIPULATION FOR ISSUANCE OF
28 ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES

1 (Stipulation), the term "RESPONDENT" refers not to The Goodyear Tire & Rubber Company
2 as a whole, but only to those waste and used tire haulers and their respective locations once
3 previously operating under the Wingfoot Commercial Tire Systems, LLC name.

4 The parties to this Stipulation are CALRECYCLE and RESPONDENT (hereafter,
5 referred to collectively as "the parties"). On August 11, 2016, CALRECYCLE issued
6 RESPONDENT an ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER
7 ADMINISTRATIVE PENALTIES (Administrative Complaint), which included penalties in the
8 amount of \$300,000.00. RESPONDENT was served the Administrative Complaint on August
9 12, 2016. RESPONDENT was provided with 15 days from the date of receipt of the
10 Administrative Complaint to request a hearing and file a "Notice of Defense/Request for
11 Hearing" with CALRECYCLE to refute the allegations contained therein. RESPONDENT filed
12 a "Notice of Defense/Request for Hearing" on August 26, 2016, and a hearing was scheduled
13 for December 1, 2016, in Sacramento, California.

14 On November 2, 2016, a Notice of Hearing Officer Assignment & Informal Hearing
15 Procedures was issued to the Parties; and a Notice of Telephonic Status Conference was
16 issued scheduling a Telephonic Status Conference for November 4, 2016, for the Parties to
17 discuss the status of the case. On November 4, 2016, the Parties appeared at the scheduled
18 Telephonic Status Conference, good cause was presented, and subsequently an Order On
19 Continuance & Final Resolution Process was issued to the Parties, effectively removing the
20 December 1, 2016, hearing from calendar. Following the November 4, 2016, Telephonic
21 Status Conference, another Telephonic Status Conference was scheduled for January 5,
22 2017. On January 5, 2017, the Parties appeared at the scheduled Telephonic Status
23 Conference, good cause was presented, and another Telephonic Status Conference was
24 scheduled for April 6, 2017, was thereafter continued to April 13, 2017, and subsequently
25 continued to May 25, 2017, as the Parties continued to move forward with good faith
26 settlement discussions. On May 25, 2017, the Parties appeared at the scheduled Telephonic
27 Status Conference, good cause to continue with good faith settlement discussions was again
28 presented, and another Telephonic Status Conference was scheduled for July 6, 2017. On

1 July 5, 2017, CALRECYCLE filed a motion to continue the July 6, 2017, Telephonic Status
2 Conference due to the Parties having reached a verbal settlement agreement resolving all
3 issues. Subsequently, an Order Granting Continuance and a Notice of Telephonic Status
4 Conference for August 8, 2017, was issued to both Parties.

5 In order to avoid the time, expense, and uncertainties attendant with litigation, the
6 Parties hereby submit this Stipulation as final resolution of the matter. In submitting this
7 Stipulation, the Parties understand, acknowledge, and agree to the facts and terms of this
8 Stipulation as set forth herein.

9
10 **STIPULATED FACTUAL FINDINGS**

11 1. The Administrative Complaint was executed by Catherine V. Nystrom, Attorney
12 for CALRECYCLE, acting in her official capacity.

13 2. CALRECYCLE has the authority to permit, regulate, and conduct enforcement
14 actions regarding waste tire facilities and waste tire haulers within the State of California
15 pursuant to PRC sections 42800 et seq., 42950 et seq. and attendant regulations contained in
16 Title 14 of the California Code of Regulations ("CCR").

17 3. A "Waste or Used Tire Hauler" or "Hauler" is defined as, "any person engaged in
18 the transportation of waste or used tires, or tire casings, including haulers that the Department
19 [CALRECYCLE] approved as exempt from registration pursuant to PRC section 42954." (14
20 CCR section 18450(37).)

21 4. The "California Uniform Waste and Used Tire Manifest" is a form developed by
22 CALRECYCLE pursuant to PRC section 42961.5 and is also referred to as the
23 "Comprehensive Trip Log" or "CTL," or "manifest form." The CTL form is incorporated in the
24 regulations by 14 CCR section 18450(a)(11), and must be filled out completely and accurately,
25 including providing the Tire Program Identification (TPID) number for the location of delivery or
26 pick-up of each load of waste tires.

27 ///

28 ///

1 5. Pursuant to PRC section 42961.5(c)(2):

2 Any waste and used tire hauler hauling waste or used tires for
3 offsite handling, altering, storage, disposal, or any combination thereof,
4 shall complete the California Uniform Waste and Used Tire Manifest as
5 required by the board [CALRECYCLE]. The waste and used tire hauler
6 shall provide the manifest to the waste or used tire facility operator who
7 receives the waste or used tires for handling, altering, storage, disposal,
8 or any combination thereof. Each waste and used tire hauler shall submit
9 to the board [CALRECYCLE], on a quarterly schedule, a legible copy of
10 each manifest. The copy submitted to the board [CALRECYCLE] shall
11 contain the signatures of the generator and the facility operator.

12 6. Pursuant to 14 CCR section 18459.2.1:

13 (a) The waste tire hauler shall submit the completed original
14 CTL Form to the Department [CALRECYCLE] within ninety (90)

15 days of the load shipment. The Manifest Form shall be in the
16 waste tire hauler's possession while transporting used or waste
17 tires and shall be shown upon demand to any representative of
18 the Department [CALRECYCLE], any officer of the California
19 Highway Patrol, any peace officer, as defined in Sections 830.1 or
20 830.2 of the California Penal Code, or any local public officer
21 designated by the Department [CALRECYCLE].

22 (b) If approved by the Department [CALRECYCLE] pursuant
23 to PRC section 42961.5, any person that is subject to the
24 requirements set forth in above (a) may substitute their own
25 functionally equivalent EDT [Electronic Data Transfer] form, once
26 approved by the Department [CALRECYCLE], in lieu of the
27 Department [CALRECYCLE] required form and submit an
28 electronic report within ninety (90) days of the load shipment to
the Department [CALRECYCLE], in lieu of submitting the required
paper form pursuant to Section 18459.1.2. The electronic report
shall include all information required to be on the CTL Form.

7. 14 CCR section 18459(c)(1) requires waste or used tire haulers, hauling
any amount of waste or used tires at any one time in a registered vehicle, to comply
with the Waste Tire Manifest System.

8. Pursuant to 14 CCR section 18459.2.1(a), "The waste tire hauler shall
submit the completed original CTL Form to the Department within ninety (90) days of
the load shipment..."

1 9. 14 CCR section 18459(b) requires the CTL form be completed.

2 10. 14 CCR section 18460.2, subsections (b), (d), (e), and (h), provide that a
3 registered waste tire hauler shall complete a new CTL for each pick-up or delivery of any
4 waste or used tires, shall not transport waste or used tires without a properly completed CTL
5 form, shall not transport waste or used tires without having a completed copy of the CTL form
6 in the vehicle transporting the waste or used tires, shall leave one completed copy of the CTL
7 form with the waste or used tire generator or end-use facility, and shall keep a copy of the
8 completed CTL form.

9 11. Title 14 CCR section 18463, subsections (a), (b) and (d), provide that any waste
10 tire hauler who intentionally or negligently violates any permit, rule, regulation, standard,
11 requirement, or allows any violation or noncompliance with any permit, rule, regulation,
12 standard, or requirement pursuant to PRC section 42950 et seq. relating to the generation,
13 transportation, or disposal of used or waste tires, shall be liable for a civil penalty.

14 12. RESPONDENT has been a registered tire hauler since 1999.

15 13. On October 7, 2015, Tire Enforcement Agency (TEA) Inspector Angelica
16 Sandoval-Marin with San Joaquin County Environmental Health Department conducted a
17 routine inspection of Swift (TPID #1346782) located at 901 Darcy Parkway, Lathrop, CA
18 95330, and observed 35 CTL forms that had not been submitted by RESPONDENT to
19 CALRECYCLE at the time of the inspection. Subsequent to receiving the October 7, 2015
20 Hauler Observation Report, CALRECYCLE investigated the matter and verified that between
21 January 22, 2015 and October 29, 2015 RESPONDENT failed to submit 35 CTL forms to
22 CALRECYCLE within the 90-day time period as required by PRC section 42961.5(c)(2). As of
23 the effective date of this Administrative Complaint, these CTL forms have not been submitted
24 to CALRECYCLE.

25 14. On February 10, 2016, CALRECYCLE conducted an audit of RESPONDENT's
26 manifest forms submitted to CALRECYCLE for pick-ups and/or deliveries of waste and/or used
27 tires and determined that between December 22, 2015 and January 20, 2016, 85 CTL forms
28 had errors and/or omission reflecting an error rate of approximately 43.5 percent.

35 COUNTS OF FAILING TO SUBMIT CTL FORMS/EDT RECORDS WITHIN 90 DAYS

15. Between January 22, 2015 and October 29, 2015, RESPONDENT failed to submit CTL Forms/EDT Records within 90 days to CALRECYCLE. The table below highlights the violations by RESPONDENT:

Comprehensive Trip Log	Violation	Date of Transaction	Date of Violation
5636287	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	July 31, 2015	October 29, 2015
5636281	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	July 24, 2015	October 22, 2015
5636273	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	July 17, 2015	October 15, 2015
5636269	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	July 10, 2015	October 8, 2015
5636242	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	June 26, 2015	September 24, 2015
5636240	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	June 19, 2015	September 17, 2015
5636235	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	June 12, 2015	September 10, 2015
5636230	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	June 5, 2015	September 3, 2015
5636217	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 29, 2015	August 27, 2015
4888958	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 22, 2015	August 20, 2015
5636209	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 22, 2015	August 20, 2015
5636203	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 15, 2015	August 13, 2015
5636199	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 8, 2015	August 6, 2015

5636178	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 1, 2015	July 30, 2015
5636170	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	April 10, 2015	July 9, 2015
5636153	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	March 27, 2015	June 25, 2015
5636143	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	March 20, 2015	June 18, 2015
5636137	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	March 13, 2015	June 11, 2015
5636129	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	March 6, 2015	June 4, 2015
5636126	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	February 27, 2015	May 27, 2015
5636122	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	February 20, 2015	May 20, 2015
5636113	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	February 13, 2015	May 13, 2015
5636108	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	February 6, 2015	May 6, 2015
5237602	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	January 30, 2015	April 29, 2015
5237604	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	January 23, 2015	April 22, 2015
5237615	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	January 16, 2015	April 15, 2015
5237630	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	January 5, 2015	April 4, 2015
5237632	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	December 29, 2014	March 28, 2015
5237637	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	December 19, 2014	March 18, 2015
5237644	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	December 5, 2014	March 4, 2015

5237645	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	December 1, 2014	February 29, 2015
5237647	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	November 21, 2014	February 19, 2015
5237658	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	November 14, 2014	February 12, 2015
5237662	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	November 7, 2014	February 5, 2015
5239390	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	October 24, 2014	January 22, 2015

85 COUNTS OF SUBMITTING MANIFEST FORMS TO CALRECYCLE WITH ERRORS AND/OR OMISSIONS

16. Between December 22, 2015 and January 20, 2016, 85 of RESPONDENT's CTL forms had errors and/or omissions, reflecting an error rate of approximately 43.5 percent. The table below highlights the violations by RESPONDENT:

Comprehensive Trip Log	Violation	Violation Date
5575351-A	Invalid facility TPID	January 20, 2016
5658196-A	Pickup or delivery not checked	January 19, 2016
5658188-Header	Invalid decal and license plate number	January 19, 2016
4917580	Invalid license plate number	January 18, 2016
4917580-A	Load type not checked	January 18, 2016
5658210-A	Missing load amount	January 18, 2016
5658210-B	Missing load amount	January 18, 2016
5661101	Invalid decal number;	January 18, 2016
5661101-A	Incomplete hauler phone number	
5661101-B	Incomplete hauler phone number, missing facility TPID	
5658221-A	Invalid facility TPID	January 18, 2016
5343332-B	Missing facility phone number	January 18, 2016
4918677	Invalid decal number	January 15, 2016
4918678	Invalid decal number	January 15, 2016
5646078	Missing decal number	January 15, 2016
5646077	Missing decal number	January 15, 2016
5668253	Invalid decal number	January 15, 2016

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2	4917549-B	Missing facility phone number	January 16, 2016
3	4917550-B	Missing facility phone number	January 14, 2016
4	4917552-A	Missing facility phone number	January 14, 2016
5	4917552-B	Missing facility phone number	January 14, 2016
6	5540394-A	Missing facility phone number	January 14, 2016
7	5540394-B	Missing facility phone number	January 14, 2016
8	4917576-A	Incomplete facility address	January 14, 2016
9	4917576-B	Missing facility phone number	January 14, 2016
10	4841276	Invalid decal number	January 14, 2016
11	5658181	Invalid decal number and license plate number	January 14, 2016
12	4841261	Invalid decal number	January 14, 2016
13	4917551-B	Missing facility phone number	January 13, 2016
14	5540399-A	Missing facility phone number	January 13, 2016
15	5540399-B	Missing facility phone number	January 13, 2016
16	5646067	Invalid decal number	January 13, 2016
17	5646067-C	Pickup or delivery not checked, missing load date and amount, multiple load types marked	January 13, 2016
18	4917731-B	Missing facility phone number	January 12, 2016
19	5658286-B	Incorrect facility TPID	January 12, 2016
20	5658178	Invalid decal number	January 12, 2016
21	4918669	Invalid decal number	January 12, 2016
22	4918669-C	Load type not checked	January 12, 2016
23	4841279	Invalid decal number	January 11, 2016
24	4667141	Invalid license plate number	January 11, 2016
25	4667141-A	Missing load type	January 11, 2016
26	4667141-C	Missing load date and type	January 11, 2016
27	4252861	Invalid decal number	January 11, 2016
28	4252861-A	Incomplete hauler phone number, missing facility phone number	January 11, 2016
29	4252861-B	Incomplete hauler phone number	January 11, 2016
30	4917733-B	Missing facility information	January 11, 2016
31	5658155-B	Missing load amount	January 11, 2016
32	5540397-A	Missing facility phone number	January 11, 2016
33	5540397-B	Missing facility phone number	January 11, 2016
34	5646049	Invalid decal number	January 11, 2016
35	5646051	Invalid decal number	January 11, 2016
36	5646051-C	Pickup or delivery not checked	January 11, 2016
37	4918536	Invalid decal number	January 11, 2016
38	4918536-C	Missing facility phone number	January 11, 2016
39	5629943	Invalid decal number	January 9, 2016
40	5629943-A	Missing facility phone number	January 9, 2016
41	5646048	Invalid decal number	January 8, 2016
42	5658271	Invalid decal number	January 8, 2016
43	4841123	Invalid decal number	January 8, 2016
44	4841123-B	Missing facility TPID	January 8, 2016
45	4841122	Invalid decal number	January 8, 2016
46	4667146	Invalid license plate number	January 8, 2016
47	4841280	Invalid decal number	January 8, 2016
48	4841280-B	Load type not checked	January 8, 2016
49	4841280-A	Load type not checked	January 8, 2016

1	4918683-B	Missing facility phone number	January 8, 2016
2	4841282	Invalid decal number	January 7, 2016
3	4841282-A	Load type not checked	
4	4841282-B	Load type not checked	
5	4841282-C	Load type not checked	
6	4667148	Invalid decal number	January 7, 2016
7	4915725-C	Pickup or delivery not checked, missing facility phone number	January 6, 2016
8	4841281	Invalid decal number	January 5, 2016
9	4841281-B	Load type not checked	
10	5658334	Invalid decal number	January 5, 2016
11	4667139	Invalid license plate number	January 5, 2016
12	5514261	Invalid decal number	January 5, 2016
13	5646035	Invalid decal number; missing hauler business information	January 4, 2016
14	4915706	Invalid decal number	January 4, 2016
15	5514050	Invalid decal number	January 4, 2016
16	4915707	Invalid decal number	January 4, 2016
17	5658673	Invalid decal number	January 4, 2016
18	5658343	Invalid decal number	January 4, 2016
19	5658713	Invalid decal number	January 4, 2016
20	5658268	Invalid decal number	January 4, 2016
21	5658268-B	Load types not checked	
22	5658293	Invalid decal number	January 4, 2016
23	5658293-A	Missing facility phone number	
24	5540400-A	Pickup or delivery not checked, Load type not checked	January 4, 2016
25	5540400-B	Load type not checked; missing facility phone number	
26	4917773-A	Missing facility TPID and phone number	January 4, 2016
27	4667014	Invalid license plate number	December 31, 2015
28	4667015	Invalid license plate number	December 30, 2015
29	4666996	Invalid license plate number	December 30, 2015
30	4917775-A	Load type not checked	December 30, 2015
31	4841300	Invalid decal number	December 30, 2015
32	4841300-C	Load type not checked	(header date)
33	5658675-A	Load type not checked, missing facility phone number	December 30, 2015
34	5513979	Invalid license plate number	December 30, 2015
35	5529737-A	Load type not checked	December 30, 2015
36	4917776-B	Load type not checked	December 29, 2015
37	5658666-A	Load type not checked	December 29, 2015
38	4841118-A	Load type not checked	December 29, 2015
39	4841118-B	Load type not checked	2015

5658316-A	Load type not checked	December 29, 2015
5658746-A	Invalid facility TPID	December 28, 2015
5362372-B	Missing facility phone number	December 28, 2015
5658710-A	Invalid facility TPID	December 28, 2015
5658307-B	Load type not checked	December 24, 2015
4667018	Invalid license plate number	December 24, 2015
3364745	Missing business information (state)	December 23, 2015
3364745-A	Invalid hauler phone number	
3364745-B	Invalid hauler phone number; load type not checked	
4917769-B	Load type not checked	December 23, 2015
4917675-B	Missing facility phone number	December 23, 2015
6658318-B	Load type not checked	December 23, 2015
4841134-A	Pickup or delivery not checked	December 22, 2015

KNOWLEDGE OF HAULING AND MANIFESTING REQUIREMENTS

17. At the time of RESPONDENT's initial hauler registration and subsequently during the annual hauler registration renewal process, RESPONDENT was provided with instructions regarding the proper completion, retention, and delivery of CTL forms. At the time of RESPONDENT's initial registration and annually during the hauler registration renewal process, RESPONDENT received a hauler package containing the following: (1) instructions on transporting waste/used tires; (2) a complete list of hauler and manifesting regulations (Title 14, California Code of Regulations, Chapter 6); and (3) a training compact disc on the proper storage and transportation of waste/used tires. RESPONDENT was also sent a CTL Guidance Manual, explaining in detail how to properly complete the CTL form, including the requirement to "manifest" (to document on the CTL form) all waste and used tire pickups and deliveries, and a Hauler Alert dated November 18, 2011, informing RESPONDENT of the zero tolerance policy applicable to transporting waste tires to unauthorized locations.

18. On June 9, 2008, the California Integrated Waste Management Board issued an

Administrative Complaint (2007-010992-ADC) to RESPONDENT for submitting incorrect and/or incomplete manifest forms on 14 occasions between September 1, 2007 through September 15, 2007, in violation of PRC section 42961.5(c) and CCR section 18460.2(h).

19. On November 18, 2011, CALRECYCLE issued Streamlined Penalty Letter 2011-000320-PEN (SPL) to RESPONDENT for manifesting errors. The SPL offered RESPONDENT an opportunity to resolve the violations through settlement. The letter explained RESPONDENT's violations and offered an opportunity to avoid the cost and time of the administrative legal process by having RESPONDENT agree to the streamlined penalty process. RESPONDENT was offered a streamlined penalty in the amount of \$1,250.00, which was accepted and paid by RESPONDENT. On December 8, 2011, CALRECYCLE issued a Stipulated Decision and Order to resolve the SPL, constituting the full resolution of the matter.

20. On January 14, 2013, August 4, 2014, and September 11, 2014, CALRECYCLE issued separate Letters of Violation (LOV) to RESPONDENT for manifest errors and/or omissions in violation of CCR section 18460.2. These LOVs notified RESPONDENT of its errors and/or omissions and provided information on manifesting requirements.

STIPULATED CONCLUSIONS OF LAW

The Parties stipulated to the following conclusions of law:

21. RESPONDENT knowingly violated PRC section 42961.5(c)(2) by failing to submit 35 CTL forms or EDT records within 90 days of tire shipments to CALRECYCLE.

22. RESPONDENT knowingly violated PRC section 42961.5(c)(2) by submitting at least 85 manifest forms to CALRECYCLE with errors and/or omissions.

STIPULATED ORDER

The Parties stipulate to the following terms and conditions in full and complete settlement of all issues in both above-referenced matters:

23. Pursuant to the terms and conditions of this Stipulation, and subject to the

1 limitations hereunder, RESPONDENT stipulates to an administrative penalty against
2 RESPONDENT and in favor of CALRECYCLE in the sum of \$300,000.00 for the violations set
3 forth in this Stipulation. Payment of the penalty shall be satisfied in the following manner:

4 (a) RESPONDENT shall pay \$50,000.00 to CALRECYCLE in accordance with the
5 following:

- 6 i. RESPONDENT shall make a single, lump sum payment to CALRECYCLE of
7 \$50,000, due on the 30th day after the effective date of the Administrative
8 Decision issued pursuant to this Stipulation.
- 9 ii. If any payment by RESPONDENT is not mailed to CALRECYCLE by the due
10 date, and if RESPONDENT fails to cure the missed payment(s) within twenty
11 (20) days of said missed payment RESPONDENT shall be found in partial
12 default of this Stipulation. The partial default amount due shall be calculated
13 to include the amount owed from the missing payment(s) plus a 10% late
14 penalty and interest. CALRECYCLE may seek recovery of this amount
15 through RESPONDENT's Waste and Used Tire Hauler Registration Bond.
- 16 iii. All payments shall be made to CALRECYCLE, Attn: Richard Guess, at P. O.
17 Box 4025, Sacramento, CA 95812-4025, or to such other person and/or
18 place as CALRECYCLE or its agent may from time to time designate in
19 writing.

20 24. The remainder of the penalty, \$250,000.00 shall be held in abeyance for a period
21 of three years. Portions of the remainder shall become immediately due and payable, as
22 described herein, if CALRECYCLE makes a determination that RESPONDENT partially
23 defaulted on the terms of this Stipulation. The abeyance amount shall cease to be due
24 following three years after the issuance of the corresponding Decision.

25 25. RESPONDENT shall submit manifest forms to CALRECYCLE within 90 days of
26 tire shipments pursuant to PRC section 42961.5(c)(2); and shall not submit manifest forms with
27 errors and/or omissions with an error rate above seven (7) percent to CALRECYCLE.

28 26. The Parties agree the following shall apply to a default of this Stipulation:

1 **Default:** If RESPONDENT defaults under any of the terms of this Stipulation the default shall
2 be a partial default. CALRECYCLE shall send a Notice of Default to RESPONDENT; said
3 Notice of Default shall state the paragraphs or provision of this Stipulation of which
4 RESPONDENT is in default and the abeyance amount owed. RESPONDENT shall have 30
5 days from the date of the issuance of the Notice of Default to provide evidence refuting
6 CALRECYCLE's claim of default. After a review of the evidence provided by RESPONDENT,
7 CALRECYCLE shall make a determination regarding the default and if appropriate shall issue
8 a Supplemental Decision regarding any remaining penalties due, in accordance with the
9 penalties described within this Default section. RESPONDENT may appeal CALRECYCLE's
10 determination and subsequent Supplemental Decision within thirty (30) days of the issuance of
11 the Supplemental Decision; any such appeal shall be heard by CALRECYCLE's Director, or an
12 agent designated by the Director.

13 (a) Should RESPONDENT violate any provision of this Stipulation, a partial
14 penalty in the amounts described by 14 CCR section 18429 and 18464, shall be
15 due subject to the default procedures described in this section.

16 27. Nothing shall be implied in this Stipulation that shall preclude CALRECYCLE
17 from using any enforcement mechanism, whether administrative, civil, or criminal, should
18 RESPONDENT commit future violation of waste tire storage laws or waste tire hauler laws.

19 28. RESPONDENT shall abide by all of the terms and conditions set forth in
20 this Stipulation.

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

26 30. RESPONDENT has freely and voluntarily entered into this Stipulation and has
27 been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is
28 expressly understood and agreed that no representations or promises of any kind, other than

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

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

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

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

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1 34. For purposes of this Stipulation, facsimile signatures will be treated as originals
2 until the applicable page(s) bearing non-facsimile signatures have been received by
3 CALRECYCLE.

4
5 Dated: 9/5/17


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

9
10 Dated: 9/5/17


CATHERINE V. NYSTROM
Attorney for
DEPARTMENT OF RESOURCES RECYCLING AND
RECOVERY (CALRECYCLE)

14
15 Dated: 9/5/17

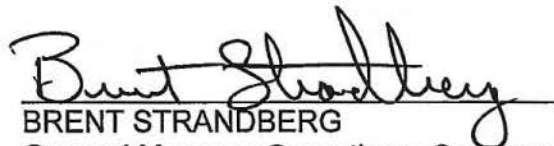

BRENT STRANDBERG
General Manager Operations, Commercial Tire &
Service Centers
THE GOODYEAR TIRE & RUBBER COMPANY

EXHIBIT 2

1 ELLIOT BLOCK SBN 116999
Chief Counsel
2 HEATHER L. HUNT SBN 225861
3 CATHERINE V. NYSTROM SBN 278265
Attorneys for Complainant
4 DEPARTMENT OF RESOURCES RECYCLING & RECOVERY
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8
9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:

12
13 WINGFOOT COMMERCIAL TIRE
14 SYSTEMS, LLC.

15 RESPONDENT

16
17 TPID NO.: 1002615-01
18
19

ADMINISTRATIVE DECISION FOR
WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES

PUBLIC RESOURCES CODE
SECTION 42950, ET SEQ.

AGENCY NO: 2016-011184-ADC

20 INTRODUCTION AND PROCEDURAL HISTORY

21 This ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE
22 PENALTIES (Administrative Decision) is based on the STIPULATION FOR ISSUANCE OF
23 ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES
24 (Stipulation) signed by Brent Standberg, General Manager Operations, Commercial Tire &
25 Service Centers, The Goodyear Tire & Rubber Company for Wingfoot Commercial Tire
26 Systems, LLC. (RESPONDENT), on September 5, 2017.

27 ///

28 ///

1 On January 1, 2017, Wingfoot Commercial Tire Systems, LLC (RESPONDENT) was
2 merged out of existence with The Goodyear Tire & Rubber Company and use of the Wingfoot
3 name was discontinued. For purposes of the Stipulation and this Administrative Decision, the
4 term "RESPONDENT" refers not to The Goodyear Tire & Rubber Company as a whole, but
5 only to those waste and used tire haulers and their respective locations once previously
6 operating under the Wingfoot Commercial Tire Systems, LLC name.

7 The parties to the Stipulation are CALRECYCLE and RESPONDENT (hereafter,
8 referred to collectively as "the parties"). On August 11, 2016, CALRECYCLE issued
9 RESPONDENT an ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER
10 ADMINISTRATIVE PENALTIES (Administrative Complaint), which included penalties in the
11 amount of \$300,000.00. RESPONDENT was served the Administrative Complaint on August
12 12, 2016. RESPONDENT was provided with 15 days from the date of receipt of the
13 Administrative Complaint to request a hearing and file a "Notice of Defense/Request for
14 Hearing" with CALRECYCLE to refute the allegations contained therein. RESPONDENT filed
15 a "Notice of Defense/Request for Hearing" on August 26, 2016, and a hearing was scheduled
16 for December 1, 2016, in Sacramento, California.

17 On November 2, 2016, a Notice of Hearing Officer Assignment & Informal Hearing
18 Procedures was issued to the Parties; and a Notice of Telephonic Status Conference was
19 issued scheduling a Telephonic Status Conference for November 4, 2016, for the Parties to
20 discuss the status of the case. On November 4, 2016, the Parties appeared at the scheduled
21 Telephonic Status Conference, good cause was presented, and subsequently an Order On
22 Continuance & Final Resolution Process was issued to the Parties, effectively removing the
23 December 1, 2016, hearing from calendar. Following the November 4, 2016, Telephonic
24 Status Conference, another Telephonic Status Conference was scheduled for January 5,
25 2017. On January 5, 2017, the Parties appeared at the scheduled Telephonic Status
26 Conference, good cause was presented, and another Telephonic Status Conference was
27 scheduled for April 6, 2017, was thereafter continued to April 13, 2017, and subsequently
28 continued to May 25, 2017, as the Parties continued to move forward with good faith

1 settlement discussions. On May 25, 2017, the Parties appeared at the scheduled Telephonic
2 Status Conference, good cause to continue with good faith settlement discussions was again
3 presented, and another Telephonic Status Conference was scheduled for July 6, 2017. On
4 July 5, 2017, CALRECYCLE filed a motion to continue the July 6, 2017, Telephonic Status
5 Conference due to the Parties having reached a verbal settlement agreement resolving all
6 issues. Subsequently, an Order Granting Continuance and a Notice of Telephonic Status
7 Conference for August 8, 2017, was issued to both Parties.

8 In order to avoid the time, expense, and uncertainties attendant with litigation, the
9 Parties submitted a Stipulation as final resolution of the matter. In submitting the Stipulation,
10 the Parties understand, acknowledge, and agreed to the facts and terms of the Stipulation as
11 set forth herein.

12 13 **FACTUAL FINDINGS**

14 1. The Administrative Complaint was executed by Catherine V. Nystrom, Attorney
15 for CALRECYCLE, acting in her official capacity.

16 2. CALRECYCLE has the authority to permit, regulate, and conduct enforcement
17 actions regarding waste tire facilities and waste tire haulers within the State of California
18 pursuant to PRC sections 42800 et seq., 42950 et seq. and attendant regulations contained in
19 Title 14 of the California Code of Regulations ("CCR").

20 3. A "Waste or Used Tire Hauler" or "Hauler" is defined as, "any person engaged in
21 the transportation of waste or used tires, or tire casings, including haulers that the Department
22 [CALRECYCLE] approved as exempt from registration pursuant to PRC section 42954." (14
23 CCR section 18450(37).)

24 4. The "California Uniform Waste and Used Tire Manifest" is a form developed by
25 CALRECYCLE pursuant to PRC section 42961.5 and is also referred to as the
26 "Comprehensive Trip Log" or "CTL," or "manifest form." The CTL form is incorporated in the
27 regulations by 14 CCR section 18450(a)(11), and must be filled out completely and accurately,
28 including providing the Tire Program Identification (TPID) number for the location of delivery or

1 pick-up of each load of waste tires.

2 5. Pursuant to PRC section 42961.5(c)(2):

3 Any waste and used tire hauler hauling waste or used tires for
4 offsite handling, altering, storage, disposal, or any combination thereof,
5 shall complete the California Uniform Waste and Used Tire Manifest as
6 required by the board [CALRECYCLE]. The waste and used tire hauler
7 shall provide the manifest to the waste or used tire facility operator who
8 receives the waste or used tires for handling, altering, storage, disposal,
9 or any combination thereof. Each waste and used tire hauler shall submit
10 to the board [CALRECYCLE], on a quarterly schedule, a legible copy of
11 each manifest. The copy submitted to the board [CALRECYCLE] shall
12 contain the signatures of the generator and the facility operator.

13 6. Pursuant to 14 CCR section 18459.2.1:

14 (a) The waste tire hauler shall submit the completed original
15 CTL Form to the Department [CALRECYCLE] within ninety (90)

16 days of the load shipment. The Manifest Form shall be in the
17 waste tire hauler's possession while transporting used or waste
18 tires and shall be shown upon demand to any representative of
19 the Department [CALRECYCLE], any officer of the California
20 Highway Patrol, any peace officer, as defined in Sections 830.1 or
21 830.2 of the California Penal Code, or any local public officer
22 designated by the Department [CALRECYCLE].

23 (b) If approved by the Department [CALRECYCLE] pursuant
24 to PRC section 42961.5, any person that is subject to the
25 requirements set forth in above (a) may substitute their own
26 functionally equivalent EDT [Electronic Data Transfer] form, once
27 approved by the Department [CALRECYCLE], in lieu of the
28 Department [CALRECYCLE] required form and submit an
electronic report within ninety (90) days of the load shipment to
the Department [CALRECYCLE], in lieu of submitting the required
paper form pursuant to Section 18459.1.2. The electronic report
shall include all information required to be on the CTL Form.

7. 14 CCR section 18459(c)(1) requires waste or used tire haulers, hauling
any amount of waste or used tires at any one time in a registered vehicle, to comply
with the Waste Tire Manifest System.

8. Pursuant to 14 CCR section 18459.2.1(a), "The waste tire hauler shall
submit the completed original CTL Form to the Department within ninety (90) days of

1 the load shipment..."

2 9. 14 CCR section 18459(b) requires the CTL form be completed.

3 10. 14 CCR section 18460.2, subsections (b), (d), (e), and (h), provide that a
4 registered waste tire hauler shall complete a new CTL for each pick-up or delivery of any
5 waste or used tires, shall not transport waste or used tires without a properly completed CTL
6 form, shall not transport waste or used tires without having a completed copy of the CTL form
7 in the vehicle transporting the waste or used tires, shall leave one completed copy of the CTL
8 form with the waste or used tire generator or end-use facility, and shall keep a copy of the
9 completed CTL form.

10 11. Title 14 CCR section 18463, subsections (a), (b) and (d), provide that any waste
11 tire hauler who intentionally or negligently violates any permit, rule, regulation, standard,
12 requirement, or allows any violation or noncompliance with any permit, rule, regulation,
13 standard, or requirement pursuant to PRC section 42950 et seq. relating to the generation,
14 transportation, or disposal of used or waste tires, shall be liable for a civil penalty.

15 12. RESPONDENT has been a registered tire hauler since 1999.

16 13. On October 7, 2015, Tire Enforcement Agency (TEA) Inspector Angelica
17 Sandoval-Marin with San Joaquin County Environmental Health Department conducted a
18 routine inspection of Swift (TPID #1346782) located at 901 Darcy Parkway, Lathrop, CA
19 95330, and observed 35 CTL forms that had not been submitted by RESPONDENT to
20 CALRECYCLE at the time of the inspection. Subsequent to receiving the October 7, 2015
21 Hauler Observation Report, CALRECYCLE investigated the matter and verified that between
22 January 22, 2015 and October 29, 2015 RESPONDENT failed to submit 35 CTL forms to
23 CALRECYCLE within the 90-day time period as required by PRC section 42961.5(c)(2). As of
24 the effective date of this Administrative Complaint, these CTL forms have not been submitted
25 to CALRECYCLE.

26 14. On February 10, 2016, CALRECYCLE conducted an audit of RESPONDENT's
27 manifest forms submitted to CALRECYCLE for pick-ups and/or deliveries of waste and/or used
28 tires and determined that between December 22, 2015 and January 20, 2016, 85 CTL forms

1 had errors and/or omission reflecting an error rate of approximately 43.5 percent.

3 **35 COUNTS OF FAILING TO SUBMIT CTL FORMS/EDT RECORDS WITHIN 90 DAYS**

4 15. Between January 22, 2015 and October 29, 2015, RESPONDENT failed to
5 submit CTL Forms/EDT Records within 90 days to CALRECYCLE. The table below highlights
6 the violations by RESPONDENT:

Comprehensive Trip Log	Violation	Date of Transaction	Date of Violation
5636287	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	July 31, 2015	October 29, 2015
5636281	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	July 24, 2015	October 22, 2015
5636273	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	July 17, 2015	October 15, 2015
5636269	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	July 10, 2015	October 8, 2015
5636242	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	June 26, 2015	September 24, 2015
5636240	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	June 19, 2015	September 17, 2015
5636235	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	June 12, 2015	September 10, 2015
5636230	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	June 5, 2015	September 3, 2015
5636217	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 29, 2015	August 27, 2015
4888958	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 22, 2015	August 20, 2015
5636209	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 22, 2015	August 20, 2015
5636203	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 15, 2015	August 13, 2015

5636199	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 8, 2015	August 6, 2015
5636178	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	May 1, 2015	July 30, 2015
5636170	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	April 10, 2015	July 9, 2015
5636153	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	March 27, 2015	June 25, 2015
5636143	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	March 20, 2015	June 18, 2015
5636137	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	March 13, 2015	June 11, 2015
5636129	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	March 6, 2015	June 4, 2015
5636126	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	February 27, 2015	May 27, 2015
5636122	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	February 20, 2015	May 20, 2015
5636113	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	February 13, 2015	May 13, 2015
5636108	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	February 6, 2015	May 6, 2015
5237602	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	January 30, 2015	April 29, 2015
5237604	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	January 23, 2015	April 22, 2015
5237615	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	January 16, 2015	April 15, 2015
5237630	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	January 5, 2015	April 4, 2015
5237632	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	December 29, 2014	March 28, 2015
5237637	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	December 19, 2014	March 18, 2015

5237644	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	December 5, 2014	March 4, 2015
5237645	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	December 1, 2014	February 29, 2015
5237647	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	November 21, 2014	February 19, 2015
5237658	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	November 14, 2014	February 12, 2015
5237662	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	November 7, 2014	February 5, 2015
5239390	Failure to submit manifest forms to CalRecycle within the 90-day time requirement	October 24, 2014	January 22, 2015

85 COUNTS OF SUBMITTING MANIFEST FORMS TO CALRECYCLE WITH ERRORS AND/OR OMISSIONS

16. Between December 22, 2015 and January 20, 2016, 85 of RESPONDENT's CTL forms had errors and/or omissions, reflecting an error rate of approximately 43.5 percent. The table below highlights the violations by RESPONDENT:

Comprehensive Trip Log	Violation	Violation Date
5575351-A	Invalid facility TPID	January 20, 2016
5658196-A	Pickup or delivery not checked	January 19, 2016
5658188-Header	Invalid decal and license plate number	January 19, 2016
4917580	Invalid license plate number	January 18, 2016
4917580-A	Load type not checked	January 18, 2016
5658210-A	Missing load amount	January 18, 2016
5658210-B	Missing load amount	January 18, 2016
5561101	Invalid decal number;	January 18, 2016
5561101-A	Incomplete hauler phone number	January 18, 2016
5561101-B	Incomplete hauler phone number, missing facility TPID	January 18, 2016
5658221-A	Invalid facility TPID	January 18, 2016
5343332-B	Missing facility phone number	January 18, 2016
4918677	Invalid decal number	January 15, 2016
4918678	Invalid decal number	January 15, 2016
5646078	Missing decal number	January 15, 2016

5646077	Missing decal number	January 15, 2016
5658253	Invalid decal number	January 15, 2016
4917549-B	Missing facility phone number	January 15, 2016
4917550-B	Missing facility phone number	January 14, 2016
4917552-A	Missing facility phone number	January 14, 2016
4917552-B	Missing facility phone number	January 14, 2016
5540394-A	Missing facility phone number	January 14, 2016
5540394-B	Missing facility phone number	January 14, 2016
4917576-A	Incomplete facility address	January 14, 2016
4917576-B	Missing facility phone number	January 14, 2016
4841276	Invalid decal number	January 14, 2016
5658181	Invalid decal number and license plate number	January 14, 2016
4841261	Invalid decal number	January 14, 2016
4917551-B	Missing facility phone number	January 13, 2016
5540399-A	Missing facility phone number	January 13, 2016
5540399-B	Missing facility phone number	January 13, 2016
5646067	Invalid decal number	January 13, 2016
5646067-C	Pickup or delivery not checked, missing load date and amount, multiple load types marked	January 13, 2016
4917731-B	Missing facility phone number	January 12, 2016
5658286-B	Incorrect facility TPID	January 12, 2016
5658178	Invalid decal number	January 12, 2016
4918669	Invalid decal number	January 12, 2016
4918669-C	Load type not checked	January 12, 2016
4841279	Invalid decal number	January 11, 2016
4667141	Invalid license plate number	January 11, 2016
4667141-A	Missing load type	January 11, 2016
4667141-C	Missing load date and type	January 11, 2016
4252861	Invalid decal number	January 11, 2016
4252861-A	Incomplete hauler phone number, missing facility phone number	January 11, 2016
4252861-B	Incomplete hauler phone number	January 11, 2016
4917733-B	Missing facility information	January 11, 2016
5658155-B	Missing load amount	January 11, 2016
5540397-A	Missing facility phone number	January 11, 2016
5540397-B	Missing facility phone number	January 11, 2016
5646049	Invalid decal number	January 11, 2016
5646051	Invalid decal number	January 11, 2016
5646051-C	Pickup or delivery not checked	January 11, 2016
4918536	Invalid decal number	January 11, 2016
4918536-C	Missing facility phone number	January 11, 2016
5529943	Invalid decal number	January 9, 2016
5529943-A	Missing facility phone number	January 9, 2016
5646048	Invalid decal number	January 8, 2016
5658271	Invalid decal number	January 8, 2016
4841123	Invalid decal number	January 8, 2016
4841123-B	Missing facility TPID	January 8, 2016
4841122	Invalid decal number	January 8, 2016
4667146	Invalid license plate number	January 8, 2016

4841280 4841280-B 4841280-A	Invalid decal number Load type not checked Load type not checked	January 8, 2016
4918683-B	Missing facility phone number	January 8, 2016
4841282 4841282-A 4841282-B 4841282-C	Invalid decal number Load type not checked Load type not checked Load type not checked	January 7, 2016
4667148	Invalid decal number	January 7, 2016
4915725-C	Pickup or delivery not checked, missing facility phone number	January 6, 2016
4841281 4841281-B	Invalid decal number Load type not checked	January 5, 2016
5658334	Invalid decal number	January 5, 2016
4667139	Invalid license plate number	January 5, 2016
5514261	Invalid decal number	January 5, 2016
5646035	Invalid decal number; missing hauler business information	January 4, 2016
4915706	Invalid decal number	January 4, 2016
5514050	Invalid decal number	January 4, 2016
4915707	Invalid decal number	January 4, 2016
5658673	Invalid decal number	January 4, 2016
5658343	Invalid decal number	January 4, 2016
5658713	Invalid decal number	January 4, 2016
5658268 5658268-B	Invalid decal number Load types not checked	January 4, 2016
5658293 5658293-A	Invalid decal number Missing facility phone number	January 4, 2016
5540400-A 5540400-B	Pickup or delivery not checked, Load type not checked Load type not checked; missing facility phone number	January 4, 2016
4917773-A	Missing facility TPID and phone number	January 4, 2016
4667014	Invalid license plate number	December 31, 2015
4667015	Invalid license plate number	December 30, 2015
4666996	Invalid license plate number	December 30, 2015
4917775-A	Load type not checked	December 30, 2015
4841300 4841300-C	Invalid decal number Load type not checked	December 30, 2015 (header date)
5658675-A	Load type not checked, missing facility phone number	December 30, 2015
5513979	Invalid license plate number	December 30, 2015
5529737-A	Load type not checked	December 30, 2015
4917776-B	Load type not checked	December 29, 2015

5658866-A	Load type not checked	December 29, 2015
4841118-A	Load type not checked	December 29, 2015
4841118-B	Load type not checked	December 29, 2015
5658316-A	Load type not checked	December 29, 2015
5658746-A	Invalid facility TPID	December 28, 2015
5362372-B	Missing facility phone number	December 28, 2015
5658710-A	Invalid facility TPID	December 28, 2015
5658307-B	Load type not checked	December 24, 2015
4667018	Invalid license plate number	December 24, 2015
3364745	Missing business information (state)	December 23, 2015
3364745-A	Invalid hauler phone number	December 23, 2015
3364745-B	Invalid hauler phone number; load type not checked	December 23, 2015
4917769-B	Load type not checked	December 23, 2015
4917675-B	Missing facility phone number	December 23, 2015
5658318-B	Load type not checked	December 23, 2015
4841134-A	Pickup or delivery not checked	December 22, 2015

KNOWLEDGE OF HAULING AND MANIFESTING REQUIREMENTS

17. At the time of RESPONDENT's initial hauler registration and subsequently during the annual hauler registration renewal process, RESPONDENT was provided with instructions regarding the proper completion, retention, and delivery of CTL forms. At the time of RESPONDENT's initial registration and annually during the hauler registration renewal process, RESPONDENT received a hauler package containing the following: (1) instructions on transporting waste/used tires; (2) a complete list of hauler and manifesting regulations (Title 14, California Code of Regulations, Chapter 6); and (3) a training compact disc on the proper storage and transportation of waste/used tires. RESPONDENT was also sent a CTL Guidance Manual, explaining in detail how to properly complete the CTL form, including the requirement to "manifest" (to document on the CTL form) all waste and used tire pickups and deliveries, and a Hauler Alert dated November 18, 2011, informing RESPONDENT of the zero tolerance

1 policy applicable to transporting waste tires to unauthorized locations.

2 18. On June 9, 2008, the California Integrated Waste Management Board issued an
3 Administrative Complaint (2007-010992-ADC) to RESPONDENT for submitting incorrect
4 and/or incomplete manifest forms on 14 occasions between September 1, 2007 through
5 September 15, 2007, in violation of PRC section 42961.5(c) and CCR section 18460.2(h).

6 19. On November 18, 2011, CALRECYCLE issued Streamlined Penalty Letter 2011-
7 000320-PEN (SPL) to RESPONDENT for manifesting errors. The SPL offered RESPONDENT
8 an opportunity to resolve the violations through settlement. The letter explained
9 RESPONDENT's violations and offered an opportunity to avoid the cost and time of the
10 administrative legal process by having RESPONDENT agree to the streamlined penalty
11 process. RESPONDENT was offered a streamlined penalty in the amount of \$1,250.00, which
12 was accepted and paid by RESPONDENT. On December 8, 2011, CALRECYCLE issued a
13 Stipulated Decision and Order to resolve the SPL, constituting the full resolution of the matter.

14 20. On January 14, 2013, August 4, 2014, and September 11, 2014, CALRECYCLE
15 issued separate Letters of Violation (LOV) to RESPONDENT for manifest errors and/or
16 omissions in violation of CCR section 18460.2. These LOVs notified RESPONDENT of its
17 errors and/or omissions and provided information on manifesting requirements.

18 19 **CONCLUSIONS OF LAW**

20 21. RESPONDENT knowingly violated PRC section 42961.5(c)(2) by failing to
21 submit 35 CTL forms or EDT records within 90 days of tire shipments to CALRECYCLE.

22 22. RESPONDENT knowingly violated PRC section 42961.5(c)(2) by submitting at
23 least 85 manifest forms to CALRECYCLE with errors and/or omissions.

24 25 **ORDER**

26 23. CALRECYCLE approves of, and adopts the terms of the Stipulation, and hereby
27 orders RESPONDENT to comply with the following terms, in accordance with the Stipulation.

28 ///

1 24. Pursuant to the terms and conditions of the Stipulation, and subject to the
2 limitations hereunder, RESPONDENT stipulates to an administrative penalty against
3 RESPONDENT and in favor of CALRECYCLE in the sum of \$300,000.00 for the violations set
4 forth in the Stipulation. Payment of the penalty shall be satisfied in the following manner:

5 (a) RESPONDENT shall pay \$50,000.00 to CALRECYCLE in accordance with the
6 following:

- 7 i. RESPONDENT shall make a single, lump sum payment to CALRECYCLE of
8 \$50,000, due on the 30th day after the effective date of the Administrative
9 Decision issued pursuant to the Stipulation.
- 10 ii. If any payment by RESPONDENT is not mailed to CALRECYCLE by the due
11 date, and if RESPONDENT fails to cure the missed payment(s) within twenty
12 (20) days of said missed payment RESPONDENT shall be found in partial
13 default of the Stipulation. The partial default amount due shall be calculated
14 to include the amount owed from the missing payment(s) plus a 10% late
15 penalty and interest. CALRECYCLE may seek recovery of this amount
16 through RESPONDENT's Waste and Used Tire Hauler Registration Bond.
- 17 iii. All payments shall be made to CALRECYCLE, Attn: Richard Guess, at P. O.
18 Box 4025, Sacramento, CA 95812-4025, or to such other person and/or
19 place as CALRECYCLE or its agent may from time to time designate in
20 writing.

21 25. The remainder of the penalty, \$250,000.00, shall be held in abeyance for a
22 period of three years. Portions of the remainder shall become immediately due and payable,
23 as described herein, if CALRECYCLE makes a determination that RESPONDENT partially
24 defaulted on the terms of the Stipulation. The abeyance amount shall cease to be due
25 following three years after the issuance of the corresponding Decision.

26 26. RESPONDENT shall submit manifest forms to CALRECYCLE within 90 days of
27 tire shipments pursuant to PRC section 42961.5(c)(2); and shall not submit manifest forms with
28 errors and/or omissions with an error rate above seven (7) percent to CALRECYCLE.

27. The Parties agree the following shall apply to a default of the Stipulation:

Default: If RESPONDENT defaults under any of the terms of the Stipulation the default shall be a partial default. CALRECYCLE shall send a Notice of Default to RESPONDENT; said Notice of Default shall state the paragraphs or provision of the Stipulation of which RESPONDENT is in default and the abeyance amount owed. RESPONDENT shall have 30 days from the date of the issuance of the Notice of Default to provide evidence refuting CALRECYCLE's claim of default. After a review of the evidence provided by RESPONDENT. CALRECYCLE shall make a determination regarding the default and if appropriate shall issue a Supplemental Decision regarding any remaining penalties due, in accordance with the penalties described within this Default section. RESPONDENT may appeal CALRECYCLE's determination and subsequent Supplemental Decision within thirty (30) days of the issuance of the Supplemental Decision; any such appeal shall be heard by CALRECYCLE's Director, or an agent designated by the Director.

(a) Should RESPONDENT violate any provision of the Stipulation, a partial penalty in the amounts described by 14 CCR section 18429 and 18464, shall be due subject to the default procedures described in this section.

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

Dated: _____

9/5/17



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

PROOF OF SERVICE
Code of Civil Procedure section 1013

Case Name: In the Matter of WINGFOOT COMMERCIAL TIRE SYSTEMS, LLC. ,
AGENCY NO: 2016-011184-ADC, CASE NO: IH16-011-TIR

I, Gloria Bell, declare:

I am over the age of 18 years and not a party to the within action. I am an employee of the California Department of Resources Recycling and Recovery (CalRecycle), Legal Office, 1001 I Street, 24th Floor, Sacramento, California 95814.

On September 5, 2017, I served the within document(s): NOTICE OF SETTLEMENT WITH EXHIBITS: STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES and ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES.

Service was made on the party(s) listed below:

Wingfoot Commercial Tire Systems, LLC.
c/o Steve Bordenkircher
The Goodyear Tire & Rubber Company
200 Innovation Way
Akron, OH 44316
steven_bordenkircher@goodyear.com (e-mail)

☐ **By Certified Mail:** I caused such document(s), in sealed envelope(s) with postage thereon fully prepaid, to be placed in the United State mail at Sacramento, California.

☒ **By Email:** I caused the above-named document(s) to be transmitted via email to the email address(s) listed above.

☐ **By Facsimile:** I caused the above-named document(s) to be transmitted via facsimile to the facsimile number(s) listed above.

☐ **By Personal Delivery:** I caused such document(s), in sealed envelope(s), to be delivered by hand to the office(s) of addressee(s).

[] **By Substitute Service:** I caused such document(s), in sealed envelope(s), to be delivered by hand to _____ at the office(s) of addressee(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed by me on September 5, 2017, in Sacramento, California.

Alvin Bell

Gloria Bell
Declarant