



Issued on Behalf of the
California Department of Resources Recycling and Recovery
State of California

RIGHTS AND RESPONSIBILITIES

Related to your NOTICE OF VIOLATION

You have received a Notice of Violation (NOV). The attached Waste Tire Survey & Inspection Report (Inspection Report) constitutes notice to you that one or more violations of the Public Resources Code (PRC) and/or Title 14, California Code of Regulations (14 CCR) have occurred at a waste tire facility that you own or operate, or you have violated used and waste tire hauler laws. The violations are documented in the attached Inspection Report.

As the owner or operator of the waste tire facility, vehicle hauling used or waste tires, or individual or entity otherwise responsible for generating, hauling, storing, or receiving waste tires, you are responsible for complying with the Used and Waste Tire Hauling and Manifesting Requirements, as well as, the Waste Tire Storage and Disposal Standards.

When violations are discovered, the inspector generally will assign a Compliance Deadline Date (CDD) by which you are expected to correct all violations. In certain cases, the inspector may require immediate compliance, or refer the violations to the Department of Resources Recycling and Recovery (CalRecycle) for further enforcement action. **(See the Enforcement Status box on page one of the Inspection Report.)**

An inspector will conduct a re-inspection at your facility to verify that all violations have been corrected on or after the CDD. For any uncorrected violation, CalRecycle may take enforcement action against the owner and/or operator of a facility or hauler. Administrative penalties increase in cases involving repetitive or continuing violations, past violations that are not corrected, or violations that pose a significant or substantial threat to public health, safety, and the environment.

Enforcement action(s) taken against you may include, but are not limited to: (1) issuing Cleanup and Abatement Orders pursuant to Public Resources Code (PRC) section 42845, (2) filing complaints seeking civil or administrative penalties up to \$25,000 for each violation per day [PRC sections 42962 and 42850], (3) referring the case to the Attorney General or local District Attorney for criminal action, and/or (4) seeking rejection, denial, suspension, or revocation of Used or Waste Tire Hauler Registrations and/or Waste Tire Facility Permits pursuant to PRC sections 42841, 42843, 42960, 42961.

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Be advised that the majority of the waste tire storage and waste tire hauler laws are strict liability laws which means that the person violating them is liable without regard to the person's intent or negligence.

Waste Tire Hauling and Manifesting Information: Anyone transporting 10 or more waste or used tires on a public road must be a CalRecycle Registered Waste Tire Hauler (or qualify for an exemption) and must comply with the manifesting system requirements. For further information on how to become a registered hauler, obtain a list of registered haulers, or obtain information on the waste tire manifest system, contact CalRecycle at (866) 896-0600 (toll free) or visit the CalRecycle tire web page at www.CalRecycle.ca.gov/Tires/.

Waste Tire Storage Information: The storage, stockpiling, or accumulation of 500 or more waste tires without a permit, exclusion, or an exemption is a violation of 14 CCR 18420 and PRC, section 42834. Storage of 500 or more waste tires shall comply with 14 CCR 17350 et al.

Important - If an unpermitted waste tire facility fails to correct violations noted in an NOV and a Cleanup and Abatement Order is issued, under the law--PRC 42845(a)(2)--you will be required to remove all waste and used tires for a specified period of time.

Waste Tire Facility Permitting: If you continue to violate the California waste tire storage laws you run the risk of having a permit application for this facility denied. In addition to following all laws regarding waste tire storage, you must stay below the legally allowed waste tire count:

- 499 or less for unpermitted individuals or businesses,
- 1,500 or less for tire dealers and auto dismantlers,
- 3,000 or less for tire retreaders,
- 5,000 or less for agricultural use, and
- up to 4,999 (or your permitted amount) for a permitted minor waste tire facility.

For more information visit the tire facilities web page at www.CalRecycle.ca.gov/Tires/Facilities/. You can also call the inspector who signed your inspection report.