MARIE W. CARTER, CHIEF COUNSEL, SBN 070403
WENDY BRECKON, STAFF COUNSEL, SBN 182952
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Attorneys for Complainant
1001 I Street, 23rd Floor
P. O. Box 4025
Sacramento, CA 95812-4025
Telephone: (916) 341-6068

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE OF CALIFORNIA

In the Matter of: MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, OWNER AND; DICK GULLIAN, OPERATOR RE: /d.b.a. SEQUOIA EQUIPMENT SALES TPID No. 10-TI-1310 RESPONDENTS.	SUPPLEMENTAL DECISION AGENCY NO. 2004-010786-ADH

The California Integrated Waste Management Board ("CIWMB") served an Administrative Complaint and Request for Hearing form on MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, OWNER; AND DICK GULLIAN, OPERATOR ("RESPONDENT") on January 5, 2005. RESPONDENT did not file a Request for Hearing. Therefore the matter was calendared as a default hearing. Respondent requested a continuance. In response, the parties agreed to use the scheduled hearing date as a settlement conference.

FACTUAL FINDINGS

1. The Administrative Complaint was executed by WENDY BRECKON, Staff Counsel, CIWMB, acting in her official capacity.

2. The CIWMB has authority to inspect, permit, regulate and conduct

enforcement actions against Waste Tire Facilities (WTF) within the State of California under PRC section 42800, et seq., and attendant regulations contained in Title 14 of the California Code of Regulations (CCR).

3. MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, Owner, and DICK GULLIAN, Operator of Sequoia Equipment Sales, are responsible for the waste tires being stored at 13000 East Manning Avenue, Parlier, Fresno County, California 93648, Assessor's Parcel Number 358-390-17. This Site is not a permitted WTF.

4. This site is storing approximately 550 tires without a minor waste tire permit and is in violation of PRC section 42834 — Minor unpermitted Waste Tire Facility, Title 14 CCR, section 17351— Fire Prevention Measures, section 17352 — Facility Access and Security, section 17353 — Vector Control, and section 17354—Waste Tire Storage.

5. On November 15, 2000, LEW ELLIOTT of the CIWMB conducted a Waste Tire Facility Inspection of Sequoia Equipment Sales and observed approximately 550 waste tires on the site. The tires were stored in a manner that violated the standards for facility access and security, storage, fire prevention and vector control.

6. A review of CIWMB records revealed that no application for a minor waste tire facility was ever received from RESPONDENT.

7. A written report of the inspection and a "Letter of Violation," dated November 27, 2000 was addressed and posted by U.S. Mail by LEW ELLIOTT of the CIWMB to DICK GULLIAN, Operator of Sequoia Equipment Sales requesting that a Corrective Action Plan be submitted to the CIWMB by December 31, 2000. The CIWMB received no Corrective Action Plan or an application for a Waste Tire Permit.

8. Subsequent inspections were performed on January 30, May 8, September 11 and December 19, 2001; October 21, 2002, November 3, 2003 and May 25, 2004. These inspections all revealed approximately 550 waste tires on the site.

The tires were stored in a manner that violated the standards for facility access and security, storage, fire prevention and vector control.

9. Clean Up & Abatement Order NO. 2003-010442 dated June 3, 2004, was issued by CIWMB to MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, Owner, and DICK GULLIAN, Operator of Sequoia Equipment Sales requesting the removal all waste tires from their location by August 3, 2004.

10. On August 4 and October 5, 2004, LEW ELLIOTT of the CIWMB conducted follow up Waste Tire Facility Inspections of this location and determined that more than 550 waste tires were still located on site.

11. MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, Owner, and DICK GULLIAN, Operator of Sequoia Equipment Sales is in violation of PRC section 42824, which makes it unlawful to accept waste tires at a waste tire facility, unless the operator has obtained a waste tire permit.

12. MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, Owner, and DICK GULLIAN, Operator of Sequoia Equipment Sales acknowledges that he understands and agrees that he will not be provided with any hearing or other opportunity to contest the CIWMB's determination that he is in default of the Stipulation.

13. Paragraph 4 of the Stipulation for Issuance of Administrative Decision provides that all used and waste tires are to be cleaned up by May 16, 2005. Furthermore, destination receipts and waste tire manifest forms were to be provided to the Board. On June 28, 2005, LEW ELLIOTT of the CIWMB conducted a follow-up Waste Tire Facility Inspection of this location and determined that 266 waste tires remain on the property. Furthermore, no receipts or manifests were provided by Respondent to the Board. Therefore, RESPONDENT is in default of the terms of the Stipulation for Issuance of Administrative Decision. According to Paragraph 4 of the Stipulation, Respondent owes the Board $20,000 in administrative penalties less

$3,000 already paid to the Board.

SUPPLEMENTAL ADMINISTRATIVE DECISION BASED UPON DEFAULT OF ADOPTED STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION

Good cause appearing therefore, the following Order is hereby made:

1) RESPONDENTS, MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, owner and DICK GULLIAN, operator; are ordered to pay an administrative penalty of $17,000.00 (seventeen-thousand dollars) to the California Integrated Waste Management Board within 30 (thirty) days of the date of this decision.

2) RESPONDENTS, MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, owner and DICK GULLIAN, operator, are ordered to remove all used and waste tires from 13000 E. Manning Ave. E, Parlier, CA (APN 358-390-17) and 12949 E. Manning Ave. E, Parlier, CA (APN 358-031-94-S). RESPONDENTS shall provide to the CIWMB, destination receipts for all used and waste tires removed from subject property.

This SUPPLEMENTAL DECISION shall become effective 7/19/05.

DATED: 7/19/05

ROSARIO MARIN
Chair
California Integrated Waste Management Board