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BEFORE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE OF CALIFORNIA

In the Matter of:

DONALD SEARCY, INDIVIDUALLY AND
AS PRESIDENT AND CEO OF STR
ENTERPRISES, INC. AND STR
ENTERPRISES, INC., OPERATORS

RESPONDENTS

In the Matter of :

DONALD SEARCY, INDIVIDUALLY AND
AS PRESIDENT AND CEO OF STR
ENTERPRISES, INC., STR
ENTERPRISES, INC. AND THE VAN
DEN ABELEN FAMILY TRUST, DATED
NOVEMBER 19, 1996 (CHARLES VAN
DEN ABELEN AND CYNTHIA VAN DEN
ABELEN, AS CO-TRUSTEES),
OWNERS

RESPONDENTS.

OAH No. L2005030140 and L2005030141
SUPPLEMENTAL ADMINISTRATIVE
DECISION PURSUANT TO
STIPULATION FOR ISSUANCE OF
ADMINISTRATIVE DECISION
AGENCY NO. 2005-010881-ADH

The California Integrated Waste Management Board ("CIWMB")
served an Administrative Complaint and Request for Hearing form on DONALD
SEARCY, INDIVIDUALLY AND AS PRESIDENT AND CEO OF STR ENTERPRISES,

1 INC., AND STR ENTERPRISES, INC., Operator and THE VAN DEN ABEELEN
2 FAMILY TRUST, DATED NOVEMBER 19, 1996 (CHARLES VAN DEN ABEELEN AND
3 CYNTHIA VAN DEN ABEELEN, AS CO-TRUSTEES), Property Owners
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5 ("Respondents"), on February 25, 2005. A Hearing was scheduled for April 28, 2005.
6 The parties reached a settlement prior to that date and the hearing was taken off
7 calendar. The Board approved the Stipulation and Amended Stipulation and issued a
8 Decision adopting it on June 14, 2005.

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10 **FACTS RELATED TO DEFAULT OF STIPULATION**

11 According to the Amended Stipulation For Issuance of Administrative Decision, "[a]ny
12 violation of permit capacity will be considered a default of this AMENDED Stipulation
13 and the Stipulation." Paragraph 8 of the Stipulation for Issuance of Administrative
14 Decision provides that if Respondents default under the terms and conditions of the
15 Stipulation, and do not cure the violation within 10 days of the Notice of Default, that the
16 Board will issue a Decision for \$130,000 (after notification by letter that said default was
17 not cured) and interest shall accrue at the modified adjusted rate per annum pursuant to
18 Revenue and Taxation Code section 6591.5, from the date of this Supplemental
19 Administrative Decision Pursuant To Stipulation For Issuance Of Administrative
20 Decision. Respondents waived their right to a hearing at Paragraph 13 of the
21 Stipulation.
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24 1. On June 15, 2005, a Notice of Default was sent to Ward Stringham, counsel for
25 RESPONDENTS stating that DONALD SEARCY, INDIVIDUALLY AND AS
26 PRESIDENT AND CEO OF STR ENTERPRISES, INC. AND STR ENTERPRISES, INC.
27 were in default of the Stipulation because the facility had 25,000 waste or used tires at
28

1 the facility and exceeded its waste tire facility permit capacity on June 10, 2005. An
2 inspection on June 28, 2005 confirmed that said RESPONDENTS cured the violation
3 within 10 days pursuant to the Stipulation.
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5 2. On July 28, 2005, a Second Notice of Default was sent to Ward Stringham in
6 which he was advised that DONALD SEARCY, INDIVIDUALLY AND AS PRESIDENT
7 AND CEO OF STR ENTERPRISES, INC. AND STR ENTERPRISES, INC. were again
8 in default of the Stipulation because the facility had approximately 54,000 waste or used
9 tires at the facility on July 26, 2005, in violation of its Waste Tire Permit capacity.

10 3. On August 4, 2005, a letter was sent by Ward Stringham stating that said
11 RESPONDENTS would not be able to cure the default within the required time-
12 frame and requested an extension of the amount of time to cure the violation.

13 4. On August 8, 2005, the CIWMB confirmed that the STR facility continued to
14 be in violation of its waste tire facility permit limits.

15 5. The CWIMB considered the August 4, 2005, request for time extension and
16 decided not to grant said request.

17 **ORDER BASED UPON DEFAULT OF STIPULATION FOR ISSUANCE OF**
18 **ADMINISTRATIVE DECISION**

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

20 (A) RESPONDENTS, DONALD SEARCY, INDIVIDUALLY AND AS PRESIDENT
21 AND CEO OF STR ENTERPRISES, AND STR ENTERPRISES, INC., Operator, shall
22 pay a monetary penalty of One-Hundred, Thirty-Thousand Dollars (\$130,000.00) to
23 Complainant, the California Integrated Waste Management Board, plus interest at the
24 modified adjusted rate per annum pursuant to Revenue and Taxation Code section
25 6591.5 accruing from the date of this Supplement Administrative Decision.

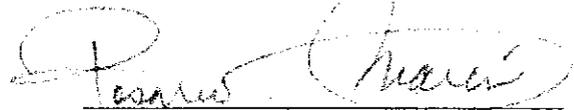
26 (B) RESPONDENTS, DONALD SEARCY, INDIVIDUALLY AND AS
27 PRESIDENT AND CEO OF STR ENTERPRISES, AND STR ENTERPRISES, INC.,
28 Operator and RESPONDENT, THE VAN DEN ABELEN FAMILY TRUST, DATED
NOVEMBER 19, 1996 (CHARLES VAN DEN ABELEN AND CYNTHIA VAN DEN

1 ABEELLEN, AS CO-TRUSTEES), Property Owner of 851 Bardsley Avenue, Tulare, CA
2 (APN: 181-070-034) are ordered to:

- 3 a. Immediately Cease and Desist accepting waste tires until compliance with
4 STR Enterprises, Inc.'s Minor Waste Tire Facility Permit can be confirmed (in
5 writing) by Board staff or their agent(s) pursuant to PRC section 42845.
6 b. All waste tires, whole and shredded, that exceed STR Enterprises, Inc.'s
7 permit capacity shall be removed. Whole and shredded waste tires shall only be
8 removed by a registered waste tire hauler using the appropriate trip logs and
9 manifests. The waste tires must be taken to an approved, authorized and
10 permitted location. Copies of all manifests and trip logs shall be made available
11 for inspection upon request of Board staff or their agents.
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13 This SUPPLEMENTAL DECISION shall become effective May 19, 2005.

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15 Dated: 5/19/05

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17 ROSARIO MARIN
18 Chair
19 CALIFORNIA INTEGRATED WASTE
20 MANAGEMENT BOARD
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