ELLIOT BLOCK SBN 116999
Chief Counsel
WENDY BRECKON SBN 182952
Senior Staff Counsel
Attorneys for Complainant
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1001 I Street, 23rd Floor
P. O. Box 4025
Sacramento, CA 95812-4025
Telephone: (916) 341-6068
Facsimile: (916) 341-6082

STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

In the Matter of: WEST COAST RUBBER RECYCLING, INC. PROPERTY OWNER AND OPERATOR TPID NO.: 1004937-01 ASSESSOR'S PARCEL NO.: 051-16-2-910-0 RESPONDENT	ADMINISTRATIVE DECISION PURSUANT TO STIPULATION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES AND STIPULATED CLEANUP AND ABATEMENT ORDER Agency No: 2008-011-075-ADC

INTRODUCTION

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

To avoid the uncertainties of litigation, RESPONDENT negotiated a STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER PENALTIES AND STIPULATED CLEANUP AND ABATEMENT ORDER

("Stipulation") to resolve the issues operating an unpermitted facility and hauling used or waste tires to an unpermitted facility.

The Board Members of the CIWMB hereby adopt the Stipulation. Pursuant to the Stipulation, and good cause appearing therefore, the following Stipulated Factual Findings and Legal Conclusions are made, and the following Order is issued:

STIPULATED FACTUAL FINDINGS

1. The CIWMB has authority to inspect, permit, regulate and conduct enforcement actions against Waste Tire Facilities (WTF) within the State of California under Public Resources Code (PRC) section 42800, et seq., and attendant regulations contained in Title 14 of the California Code of Regulations (CCR).

2. On or about March 17, 2005, RESPONDENT was a Minor WTF as defined in PRC section 42808(c), because it had approximately more than 500 waste tires, and was operating without a Minor WTF Permit in violation of PRC section 42834. RESPONDENT was located at 105 Leavesley Rd. Bldg. # 7 Gilroy, Santa Clara County, California 95020; Assessor's Parcel Number 835-01-839.

3. On March 25, 2005, RESPONDENT applied for a Minor WTF Permit for said facility located in Santa Clara County. As part of the Application, RESPONDENT needed to secure approval from the local fire authority for the indoor storage of waste tires. The respondent was unsuccessful in acquiring said approval and the Application was rejected as incomplete in November 2005, by the CIWMB.

4. In December of 2006, a note in the CIWMB's Waste Tire Management System (WTMS) reports that the RESPONDENT requested a change of address to 1501 Lana Lane, Hollister, San Benito County, California 95023.

5. On January 23, 2007, CIWMB staff inspected the RESPONDENT's new facility at 1501 Lana Lane, Hollister. RESPONDENT was issued a Notice of Violation for storing approximately 1,575 waste tires and waste tire equivalents without a Minor WTF permit. RESPONDENT subsequently submitted an application for a Minor WTF

permit; however, signoff by the local fire authority held up approval of the Application. CIWMB staff corresponded with RESPONDENT through 2007, and the updated application was received on February 28, 2008.

6. On March 24, 2008, staff performed a pre-permit inspection of the RESPONDENT's facility. The facility was cited for a number of violations, including that the facility was storing more than 5000 waste tires and Passenger Tire Equivalents, and therefore, the facility was operating as a Major WTF. Pursuant to PRC section 42808. The RESPONDENT was cited for violating PRC section 42824, as well as other sections of the CCR. RESPONDENT represents that most of the waste tires or waste tire equivalents were removed within 24 hours.

7. Based on the pre-permit inspection, the Respondent's application for a Minor WTF permit was rejected as incomplete on March 28, 2008.

8. Between May 9, 2008, and July 24, 2008, the CIWMB's Waste Tire Management System indicated that the RESPONDENT hauled 18 loads containing over 1000 used or waste tires to its unpermitted facility at 1501 Lana Lane, Hollister, San Benito County, California 95023, as presented below.

Load Date	Hauler TPID[1]	Hauler Name	Hauler Phone	PU PTE[2]	Del PTE[3]	Facility TPID[4]	Facility Name
5/9/2008	1004937	West Coast Rubber Recycling, Inc. (WCRR, Inc.)	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5/12/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5/20/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5/22/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5/27/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
5/29/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
6/4/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
6/10/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
6/18/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.

6/18/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
6/24/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
6/24/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
6/27/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
7/15/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
7/17/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
7/17/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
7/19/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.
7/24/2008	1004937	West Coast Rubber Recycling, Inc.	(831) 634-2800	0	1250	1004937	WCRR, Inc.

[1] Hauler Tire Program Identification Number (TPID)
[2] Picked-up (PU) Passenger Tire Equivalents (PTE)
[3] Delivered (Del) Passenger Tire Equivalents (PTE)
[4] Facility Tire Program Identification Number (TPID)

STIPULATED CONCLUSIONS OF LAW

9. WEST COAST RUBBER RECYCLING, INC., Property Owner and Operator is in violation of PRC section 42951(b), hauling used and waste tires to an unpermitted WTF.

10. 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.

11. 14 CCR section 18464 allows CIWMB to impose an administrative penalty of $1,000 - $3,000 per violation for hauling loads of more than 1,000 waste tires or used tires to an unpermitted, unauthorized WTF.

12. CIWMB has the authority pursuant to PRC section 42845 to issue a cleanup and abatement order and impose interim conditions for operating the subject unpermitted WTF for the purpose of obtaining a permit.

ORDER

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

a. The RESPONDENT stipulated to an administrative waste tire hauler penalty of $25,000.00 (twenty-five thousand dollars); $20,000.00 (twenty thousand dollars) to be held in abeyance, and to be imposed in case of default or breach of the Stipulation; and $5,000.00 (five thousand dollars) to be paid to the CIWMB.

b. Payment of the $5,000 (five thousand dollars) administrative penalty shall be made pursuant to the terms of the Stipulation.

c. Until CIWMB issues a WTF permit, RESPONDENT will be bound by the conditions stated in the Stipulation concerning the storage and hauling of waste and used tires.

This DECISION shall become effective 9/30/08.

Dated this 30th day of Sept. 2008

MARGO REID BROWN
Chair
CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD

DECLARATION OF SERVICE BY US MAIL AND FAX

Case Name: In the Matter of: WEST COAST RUBBER RECYCLING, INC.

TPID No. 1004937-01; Agency Case No. 2008-011075-ADC.

I declare:

I am employed by the Legal Office of the California Integrated Waste Management Board, which is the office of a member of the California State Bar under which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice of the California Integrated Waste Management Board for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Legal Office of the California Integrated Waste Management Board is deposited with the United States Postal Service that same day in the ordinary course of business.

On October 1, 2008, I served the attached **ADMINISTRATIVE DECISION PURSUANT TO STIPULATION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES and STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER PENALTIES AND ABATEMENT ORDER** by placing a true certified copy in a sealed envelope with mail delivery postage thereon to be fully prepaid, in the internal mail collection system at the California Integrated Waste Management Board, addressed as follows:

Addressee(s):

Mr. Cameron Wright, CEO
West Coast Rubber Recycling, Inc.
1501 Lana Way
Hollister, California 95023

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 1ST day of October, 2008, at Sacramento, California.

Gloria Bell

Gloria Bell
Declarant