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STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF: BOB TAULBEE AKA ROBERT TAULBEE AND GERARD YOUNG DBA ALL TIRE RECYCLING RESPONDENTS TPID NO: 1512772	SUPPLEMENTAL ADMINISTRATIVE DECISION PURSUANT TO STIPULATION FOR THE DENIAL OF WASTE AND USED TIRE HAULER REGISTRATION PUBLIC RESOURCES CODE SECTION 42960 AGENCY NO. 2008-000039-DEN

PROCEDURAL HISTORY

Pursuant to Public Resources Code (PRC) section 42850(b), the California Integrated Waste Management Board ("CIWMB") served a Statement of Issues for the Denial of the Waste and Used Tire Hauler Registration dated November 25, 2008. RESPONDENTS requested a hearing on December 9, 2008. A hearing was scheduled for January 30, 2009, in Oakland, California and was heard by Administrative Law Judge Ruth S. Astle. Submission of the matter was deferred to February 10, 2009, for final arguments. The matter was submitted on February 10, 2009, and a Proposed Decision was rendered on March 3, 2009. On March 26, 2009, the CIWMB served RESPONDENTS a CIWMB NOTICE OF NONADOPTION OF PROPOSED DECISION. RESPONDENTS were advised that the CIWMB considered, but did not adopt, the Proposed Decision and the case was referred to the Office of Administrative hearing to have an administrative law judge take additional evidence in this case. The CIWMB requested a new hearing and the hearing was set for June 11, 2009, in Oakland, California.

To avoid the uncertainties of litigation, RESPONDENTS entered into a Stipulation For Issuance of Administrative Decision for the Denial of Waste and Used Tire Hauler Registration (Stipulation) on June 8, 2009, to resolve the allegations in the Statement of Issues for the Denial of Waste and Used Tire Hauler Registration. The Stipulation was adopted by the Board in its June 16, 2009 Decision. In accordance with the Stipulation, the Board ordered RESPONDENTS to serve a one year suspension with three months held in abeyance, and imposed a ten thousand dollar penalty which was also held in abeyance. A default determination by the Board would cause RESPONDENTS to owe the amounts held in abeyance.

On August 5, 2009, RESPONDENTS were notified by letter that they were in default of the terms of the Stipulation. CIWMB issued RESPONDENTS were given the reasons for the default and notified that they have fifteen (15) days from the date of the August 5, 2009, letter to respond to the violations. RESPONDENTS provided oral statements and financial statements in an attempt to mitigate the default, and the Board met in closed session to deliberate.

Pursuant to the Stipulation, and good cause appearing therefore, the following Factual Findings and Conclusions of Law are made, and the following Order is issued.

FACTUAL FINDINGS AND DETERMINATIONS OF LAW

1. Paragraph 24 of the June 8, 2009, Stipulation provides that RESPONDENTS are in default of the Stipulation if RESPONDENTS, or a business, corporation, partnership, or limited liability company operated or owned by RESPONDENTS, do any of the following:

a) transport, haul, or otherwise direct any waste or used tires from one location to another location during the period of suspension; or

b) during the period of temporary registration prior to July 14th, and during the three month abeyance period, transport waste or used tires to a facility that is not permitted, excluded, exempted, or otherwise authorized by the board to accept waste and used tires;

c) haul used or waste tires without a valid CIWMB waste and used tire registration issued to RESPONDENTS;

d) fail to manifest any load of used or waste tires.

2. RESPONDENT GERARD YOUNG was responsible for hauling more than 9 waste and/or used tires from Carlos Tires in Los Banos, California on July 14, 2009, at a time when its waste and used tire hauler registration (Registration) was suspended. A Comprehensive Trip Log receipt completed by RESPONDENTS supports this determination. This is in violation of Paragraph 24 of the Stipulation which states a default of the Stipulation occurs if they transport used or waste tires during the period of the six month suspension of the hauler registration, which began on July 14, 2009.

3. On or about July 22, 2009, and for a significant period of time prior to this date, RESPONDENTS were responsible for the creation and/or maintenance of an illegal, unpermitted, waste tire facility of more than 499 waste tires at 1610 Monterey Road, in San Jose, California. This is a violation of Public Resources Code sections 42834 and 42835, and implementing regulations. Furthermore, RESPONDENTS directed the hauling of waste tires away from the facility. Paragraph 24 of the Stipulation states that a default of the Stipulation occurs if RESPONDENTS haul waste or used tires or direct anyone else to haul during the suspension period.

ORDER

a. RESPONDENTS BOB TAULBEE AKA ROBERT TAULBEE AND GERARD YOUNG DBA ALL TIRE RECYCLING are ordered to pay an administrative penalty for waste and used tire hauler penalties in favor of the CIWMB in the sum of ten thousand dollars ($10,000.00) in waste tire hauler administrative penalties pursuant to Paragraph 20 the Stipulation and PRC section 42962.

b. RESPONDENTS BOB TAULBEE AKA ROBERT TAULBEE AND GERARD YOUNG DBA ALL TIRE RECYCLING are ordered to serve an additional three months suspension of the waste tire hauler registration beginning on January 14, 2010.

The effective date of this Decision is October 7, 2009.

MARGO REID BROWN
Chair
California Integrated Waste
Management Board