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8 STATE OF CALIFORNIA

9 CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

10
11 In the Matter of:
12 Rubber Recovery, Inc. OPERATOR
13 AND
14 Pioneer Properties, PROPERTY OWNER
15
16 TPID NO.: 1620515-01
17 ASSESSOR'S PARCEL NO.: 0236-071-19
18 RESPONDENT

) ADMINISTRATIVE DECISION
) PURSUANT TO STIPULATION FOR
) WASTE TIRE STORAGE
) REQUIREMENTS

) Agency No: 2011-010991-CAO-
) Addendum

19
20 **INTRODUCTION**

21 The California Department of Resources Recycling and Recovery
22 (CALRECYCLE) has authority to regulate and conduct enforcement actions regarding
23 Waste Tire Haulers and Waste Tire Facilities within the State of California under Public
24 Resources Code (PRC) sections 42850 et seq. and 42962 et seq., and attendant
25 regulations contained in 14 California Code of Regulations (CCR).

26 This Administrative Decision Pursuant to Stipulation For Waste Tire Storage
27 Requirements is based on the Stipulation for Issuance of Administrative Decision for
28 Waste Tire Storage Requirements number 2011-010991-CAO-Addendum (Stipulation)

1 signed by RUBBER RECOVERY, INC., OPERATOR (RESPONDENT 1) and PIONEER
2 PROPERTIES, PROPERTY, OWNER (RESPONDENT 2), signed on July 14, 2011, and
3 July 12, 2011, respectively. CALRECYCLE issued Clean Up and Abatement Order
4 number 2011-010991-CAO (CAO) to RESPONDENTS on April 29, 2011; the CAO
5 required RESPONDENTS to address specific waste tire storage violations at a site
6 located at 10672-B Calabash Avenue, Fontana, California 92337. To address the issues
7 set forth in the CAO, RESPONDENTS negotiated the Stipulation with CALRECYCLE.

8 Pursuant to the Stipulation, and good cause appearing therefore, the following
9 Stipulated Factual Findings and Legal Conclusions are made, and the following Order is
10 issued:

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12 **STIPULATED FACTUAL FINDINGS**

13 1. RESPONDENT 1 is operating a non-permitted Major Waste Tire Facility
14 (WTF) as defined in PRC section 42822 et seq., located at 10672-B Calabash Avenue,
15 Fontana, San Bernardino County, CA 92337: Assessor's Parcel Number 0236-071-19
16 (the site).

17 2. CALRECYCLE inspected this site on June 9, 2010, and determined that
18 more than 6,500 waste tires were being stored on site.

19 3. CALRECYCLE issued a Notice of Violation to RESPONDENT 1 on
20 June 9, 2010, requiring the tires to be removed by July 9, 2010.

21 4. CALRECYCLE re-inspected this site on request of RESPONDENT 1 on
22 June 22, 2010, and determined that RESPONDENT 1 removed the waste tires from the
23 location with only 150 waste tires remaining on site.

24 5. CALRECYCLE inspected this site on March 22, 2011, and determined that
25 more than 35,000 waste tires (whole and/or tire equivalents) were at the site.

26 6. RESPONDENT 1 was responsible for hauling the waste tires to the site
27 that were observed during the inspections described in paragraphs two (2) through five
28 (5) above.

- 1 d. RESPONDENTS are in violation of Title 14, California Code of
2 Regulations (CCR), section 18420(a) - Applicability, which requires
3 every operator of a major or minor WTF that stores, stockpiles,
4 accumulates, or discards waste tires to acquire a Permit.
- 5 e. RESPONDENTS are in violation of Title 14, CCR, section 17353(a)
6 – Vector Control, which requires that all waste tires be stored in a
7 manner which prevents the breeding and harborage of mosquitoes,
8 rodents, and other vectors.
- 9 f. RESPONDENTS are in violation of Title 14, CCR section 17354 (a)
10 – Tire piles shall not exceed 6 feet in height when within 20 feet of
11 any property line or perimeter fencing.
- 12 g. RESPONDENTS are in violation of Title 14, CCR, section 17354(b)
13 – Storage of Waste Tires Outdoors, which requires that all waste
14 tires be separated from vegetation and other potentially flammable
15 materials by no less than 40 feet.
- 16 h. RESPONDENTS are in violation of Title 14, CCR, section 17354(g)
17 – Storage of Waste Tires Outdoors, which requires that all tires be
18 removed from their rims immediately upon arrival at the facility.
- 19 i. RESPONDENT 1 is in violation of Title 14, CCR, section 18432,
20 which requires a WTF Operator to maintain an operation plan.
- 21 j. RESPONDENT 1 is in violation of Title 14, CCR, section 18433,
22 which requires a WTF Operator to maintain an emergency
23 response plan.

24
25 **ORDER**

26 CALRECYCLE approves of, and adopts the terms of the Stipulation, and hereby
27 orders RESPONDENTS to comply with the following terms, in accordance with the
28 Stipulation:

1 a) RESPONDENTS may continue to own and operate the WTF at issue in
2 the CAO and the Stipulation while the Minor WTF permit for the site is being processed.
3 The terms of the Stipulation shall expire on the date of issuance of the Minor WTF
4 permit or denial of RESPONDENT 1's Minor WTF permit application by CALRECYCLE.

5 b) During the time period for which the terms of the Stipulation are in
6 effect, RESPONDENT shall store up to 4,999 waste tires (which includes all products
7 derived from waste tires) on the site, and no more.

8 c) However, if any of the terms of the Stipulation or the compliance plan
9 are violated, RESPONDENTS shall immediately cease and desist operating the
10 unlawful WTF at the site and remove all waste tires on site in excess of 499.

11 RESPONDENTS shall ensure that the removal of waste tires from the site is
12 documented in Comprehensive Trip Logs that RESPONDENTS shall submit to
13 CALRECYCLE within 45 days of the removal of said waste tires.

14 d) If RESPONDENTS fail to comply with any term of the Stipulation or any
15 term of the attached Compliance Plan RESPONDENTS shall be found in violation of the
16 Stipulation and CALRECYCLE shall immediately suspend processing the Minor WTF
17 permit until such time as RESPONDENTS remove all waste tires in excess of 499, and
18 CALRECYCLE shall file an Administrative Complaint for Waste Tire Storage Penalties
19 against RESPONDENTS. Should CALRECYCLE need to issue an Administrative
20 Complaint for Waste Tire Storage Penalties, the violations and penalties included will be
21 based on the violations listed in the Stipulation as well as any additional violations
22 observed between the date of the Issuance of the Stipulation Order and the date of
23 service of the Administrative Complaint for Waste Tire Storage Penalties.

24 e) RESPONDENT 1 shall comply with the terms required by the
25 Correction Notice issued on May 23, 2011 by the San Bernardino County Fire
26 Department Community Safety Division, including but not limited to storing all ground
27 rubber at a minimum distance of 50 feet from any building until adequate spacing and
28 material storage can be maintained, on or before July 10, 2011, notwithstanding any

1 free and ready access to business records pertaining to the storage or hauling of used
2 and waste tires.

3 k) RESPONDENTS shall comply with the terms set forth in the
4 Compliance Plan which were incorporated by reference into the Stipulation as Exhibits
5 A and B.

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The DECISION shall become effective as of the date signed below:

Dated this 21st day of July, 2011.


LORRAINE VAN KEKERIX
Acting Deputy Director
Compliance and Enforcement Division
CALIFORNIA DEPARTMENT OF
RESOURCES RECYCLING AND
RECOVERY