

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027
P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

September 12, 2014



Date: 9/12/14

By: DM

Jack and Angelica Oganyan
11365 Pendleton Street
Sun Valley, California 91352

RE: NOTICE OF DEFAULT OF STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES, AGENCY NO: 2013-011155-ADC, CASE NO: IH14-004-TIR

This is to notify you that ANGELICA OGANYAN AND JACK OGANYAN DBA JACK'S TIRE RECYCLING, (RESPONDENTS) are in default of the terms of the Stipulation for Issuance of Administrative Decision for Waste Tire Hauler Administrative Penalties (Stipulation), signed by Jack and Angelica Oganyan dba Jack's Tire Recycling on June 17, 2014; the terms set forth in the Stipulation were adopted in an Administrative Decision that was issued on June 17, 2014. ANGELICAN OGANYAN AND JACK OGANYAN DBA JACK'S TIRE RECYCLING are in default for the following reasons:

FAILURE TO REDUCE THEIR WASTE TIRE COUNT TO 4,999 WITHIN 30 DAYS OF THE DECISION

Paragraph 15(c) of the Stipulation states:

(c) RESPONDENTS shall reduce the amount of waste tires onsite within 30 days of the issuance of the Decision, and maintain a waste tire count of 4,999 or less at 11365 Pendleton St., Sun Valley, California 91352. Violation of this term may result in additional enforcement action by CALRECYCLE, including an action by CALRECYCLE seeking additional penalties for waste tire storage violations; the Decision shall serve in lieu of the Cleanup and Abatement Order required by 14 CCR section 18429 and PRC section 42845 in any future enforcement action. RESPONDENTS understand that a violation of this term may result in a denial of RESPONDENTS Major WTF Permit described in subparagraph (d) below.

DEFAULT

Paragraphs 16 through 18 of the Stipulation states:

16. Default: If RESPONDENTS default under any of the terms of this Stipulation, CALRECYCLE shall send a Notice of Default to RESPONDENTS; said Notice of Default



shall state the paragraphs or provisions of this Stipulation of which RESPONDENTS are in default and the abeyance amount owed. RESPONDENTS shall have 15 days from the date of the issuance of the Notice of Default to provide evidence refuting CALRECYCLE's claim of default. After a review of the evidence provided by RESPONDENTS, CALRECYCLE shall make a determination regarding the default and, if appropriate, shall issue a Supplemental Decision regarding any remaining penalties due.

17. Unless otherwise specified in the subsections above, failure to comply with any of the above terms shall constitute a full default of this Stipulation and the full abeyance amount less any amount already paid to CALRECYCLE shall become immediately due and payable.

18. In those subsections above for which a partial default has been designated, the penalty amount for each partial default as determined by CALRECYCLE shall become immediately due and payable by RESPONDENTS.

i. Unless otherwise stated, CALRECYCLE shall base any abeyance amount due on the penalty amounts set forth in PRC sections 42850, 42850.1, 42962, and 14 CCR sections 18429 and 18464, taking into account the nature, circumstances, extent and gravity of the partial default.

ii. If RESPONDENTS are ordered to pay a partial default fine and fail to do so within 30 days, the failure shall constitute a full default and the remaining amount of \$139,000.00, less any amount already paid to CALRECYCLE, shall become immediately due and payable.

You have 15 days from the receipt of this Notice to cure the default by reducing the number of waste tires onsite at 11365 Pendleton St., Sun Valley, California 91352, to 4,999. Also, pursuant to the above-recited terms of the Stipulation, you, Angelica Oganyan and Jack Oganyan dba Jack's Tire Recycling, have 15 days from the receipt of this letter to provide evidence to CalRecycle that there was no default of the Stipulation. Thereafter, CalRecycle staff will review the evidence and determine whether a default or failure to cure the default of the Stipulation occurred. Failure to cure the default or otherwise provide evidence will subject you, Angelica Oganyan and Jack Oganyan dba Jack's Tire Recycling, to waste and used tire hauler penalties in favor of CalRecycle in the sum of \$139,000.00, minus any payments already received.

The penalty for any default of the Stipulation will be due within 30 days from the date of CALRECYCLE'S final decision. Payment shall be sent to CalRecycle, Attn: Richard Guess, at CalRecycle, P. O. Box 4025, Sacramento, CA 95812-4025.

If you have any questions, please call me at (916) 341-6068.

Very Truly Yours,



HEATHER L. HUNT
Attorney III for
DEPARTMENT OF RESOURCES RECYCLING
AND RECOVERY (CALRECYCLE)

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PROOF OF SERVICE

I, Gloria Bell, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to this action. My place of employment and business is as in the letterhead.

On September 12, 2014, I served the NOTICE OF DEFAULT, In the Matter of ANGELICA OGANYAN AND JACK OGANYAN DBA JACK'S TIRE RECYCLING, DRRR Case No. IH14-004-TIR, to:

Jack and Angelica Oganyan
JACK'S TIRE RECYCLING
11365 Pendleton Street
Sun Valley, California 91352
(818) 394-2000 (ph)
Worldorder6@yahoo.com (e-mail)

- First Class US Mail** - In a sealed envelope, with postage thereon fully prepaid, via United States Postal Service
- Certified Return Receipt First Class US Mail** - In a sealed envelope, with postage thereon fully prepaid, via United States Postal Service
- By Email** – to the email address listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed at Sacramento, California, on the 12th day of September, 2014.


Declarant