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9 STATE OF CALIFORNIA
10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
11

12 In the matter of:

13
14 JACK OGANIAN AKA JACK OGANYAN

15 DBA JTR

16 TPID NO: 1842617-01

17 RESPONDENTS
18

STATEMENT OF ISSUES FOR THE
DENIAL OF MAJOR WASTE TIRE
FACILITY PERMIT

PUBLIC RESOURCES CODE SECTION
42843

GOVERNMENT CODE SECTION 11505

19 AGENCY NO: 2016-000142-DEN
20

21 **INTRODUCTION**

22 This Statement of Issues for the Denial of Major Waste Tire Facility Permit
23 (Statement of Issues) is issued by the Department of Resources Recycling and Recovery
24 (CALRECYCLE) to JACK OGANIAN AKA JACK OGANYAN DBA JTR (RESPONDENT)
25 seeking the denial of the RESPONDENT'S Major Waste Tire Facility Permit (Permit) for 3
26 years, pursuant to Public Resources Code (PRC) section 42843 and based on the
27 following facts:

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1 **STATEMENT OF FACTS**

2 1. CALRECYCLE has authority to regulate and conduct enforcement actions
3 regarding Waste Tire Facilities and Waste and Used Tire Haulers within the State of
4 California pursuant to PRC sections 42800 et seq., 42950 et seq., and attendant
5 regulations contained in Title 14 of the California Code of Regulations (CCR), Division 7,
6 Chapter 3 and Chapter 6.

7 2. On or about May 13, 2016, RESPONDENT submitted Waste Tire (WT)
8 Facility Permit Application for Tire Program Identification Number 1842617-01(Application)
9 requesting a permit to operate a major WT facility located at 12025 Branford Street, Sun
10 Valley, California 95691. RESPONDENT submitted amendments to the Application on
11 June 5, 2016. On the Application, "JTR" was listed as the "Facility Name," while "Jack
12 Akop Oganian" was listed as the "Facility Operator's Name." CALRECYCLE accepted the
13 Application as complete and correct, pursuant to 14 CCR section 18423, on June 5, 2016.

14 3. In this Statement of Issues CALRECYCLE is seeking a denial of this major
15 WT Facility Permit Application based on violations of the Order within the Administrative
16 Decision Pursuant to Stipulation for Waste Tire Hauler Administrative Penalties dated
17 June 17, 2014. The Order within the Administrative Decision Pursuant to Stipulation for
18 Waste Tire Hauler Administrative Penalties was issued subsequent to Notices of Violation
19 to RESPONDENT for locations at 11365 Pendleton Street, Sun Valley, California 91352
20 (Primary Site), and 12087 Lopez Canyon Road, San Fernando, California 91340 (Site 2).

21 4. Pursuant to section 42843 of Division 30, Part 3, Chapter 16 of the PRC:

22 (a) The department may revoke, suspend, or deny a waste tire facility permit for a
23 period of up to three years, by serving a statement of issues, by personal service or
certified mail, in accordance with Section 42852, if the applicant for, or holder of, the
24 permit, does any of the following:

25 (1) The applicant misrepresents or fails to disclose material factual information in its
application.

26 (2) The operator of the waste tire facility, at any time during the previous three
years, fails to comply with an order regarding compliance subsequent to receiving a
notice of violation, for any of the following:

27 (A) A violation of this chapter or the regulations adopted pursuant to this chapter.

(B) A violation of Chapter 19 (commencing with Section 42950) or the regulations
adopted pursuant to that chapter.

28 (C) The terms or conditions of the operator's waste tire facility permit.

1 5. PRC section 42808 defines minor and major waste tire (WT) facilities as follows:
2 . . . (b) "Major waste facility" means a waste tire facility where, at any time, 5,000, or
3 more waste tires are or will be stored, stockpiled, accumulated or discarded.
4 (c) "Minor waste tire facility" means a waste tire facility where, at any time, 500 or
5 more, but less than 5,000, waste tires are or will be store, stockpiled, accumulated,
6 or discarded. However, a "minor waste tire facility" does not include a tire dealer or
7 an automobile dismantler, as defined in Sections 220 and 221 of the Vehicle Code,
8 who stores waste tires on the dealer's or dismantler's premises for less than 90
9 days if not more than 1,500 total used or waste tires are ever accumulated on the
10 dealer's or dismantler's premises.

11 6. PRC section 42824 makes it "unlawful to direct or transport waste tires to a major
12 waste tire facility or to accept waste tires at a major waste tire facility unless the operator has
13 obtained a major waste tire facility permit."

14 7. Pursuant to PRC section 42823, "no person shall establish a new major waste tire
15 facility or expand an existing minor waste tire facility unless the person has obtained a major waste
16 tire facility permit issued by [CALRECYCLE] pursuant to Section 42822."

17 8. From October 10, 2011, through at least November 16, 2015,
18 RESPONDENT was in possession of a minor WT facility permit for the Primary Site under
19 the name Jack Oganyan dba Jack's Tire Recycling. Said permit authorized
20 RESPONDENT to store up to 4,999 WT onsite. RESPONDENT has never been in
21 possession of a WT facility permit for Site 2.

22 9. On April 28, 2014, CALRECYCLE served RESPONDENT with an
23 Administrative Complaint for Waste Tire Administrative Penalties for: (1) transporting loads
24 of WT to Site 2, an unpermitted site and failing to manifest those loads as required by
25 California law; and (2) for giving, contracting, or arranging for the transportation of loads
26 of 10 or more waste or used tires with an entity that was not in possession of a valid waste
27 tire hauler registration or otherwise exempt from the registration requirement. Said
28 Administrative Complaint for Waste Tire Administrative Penalties was based in part on the
Notice of Violation issued to RESPONDENT by Los Angeles County Department of Public
Health Inspector, Ziba Atai, on April 30, 2013. The Notice of Violation was issued for
storing 77,160 WT at Site 2 without a WT facility permit and for failing to comply with
manifesting requirements, as documented in Waste Tire Survey and Inspection Report

1 (Inspection Report) number I1-1161382.

2 10. Prior to being served the Administrative Complaint for Waste Tire
3 Administrative Penalties described in the paragraphs above, CALRECYCLE became
4 aware that RESPONDENT was also storing, stockpiling, or accumulating more than the
5 permitted amount of 4,999 WT at the Primary Site. On March 13, 2014, CALRECYCLE
6 inspector Steven Dolan had issued RESPONDENT a Notice of Violation for storing 51,150
7 WT at the Primary Site, as documented in Inspection Report number I1-1157006.

8 11. On June 17, 2014, CALRECYCLE and RESPONDENT entered into a
9 Stipulation for Waste Tire Hauler Administrative Penalties (Stipulation), in order to resolve
10 the issues in the Administrative Complaint for Waste Tire Hauler Administrative Penalties
11 as well as the Notice of Violation issued on March 13, 2014, at the Primary Site. The terms
12 of the Stipulation were memorialized in an Administrative Decision Pursuant to Stipulation
13 for Waste Tire Hauler Administrative Penalties (Administrative Decision) that was served
14 on RESPONDENT on June 17, 2014.

15 12. Paragraph 14(c) of the Order within the Administrative Decision placed
16 requirements on RESPONDENT to resolve the outstanding Notice of Violation at the
17 Primary Site:

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

27 13. On August 21, 2014, CALRECYCLE inspector Steve Dolan issued
28 RESPONDENT a Notice of Violation for storing 16,200 waste tires onsite, as documented
in Inspection Report Number I1-1157094, in violation of RESPONDENT'S minor WT
facility permit and Paragraph 14(c) of the Administrative Decision.

14. On September 12, 2014, CALRECYCLE served RESPONDENT with a

1 Notice of Default of Stipulation For Issuance of Administrative Penalties (Notice of
2 Default), based on findings of the August 21, 2014th inspection. The Notice of Default
3 allowed RESPONDENT 15 days to cure the default by reducing the number of waste tires
4 onsite to 4,999.

5 15. On October 13, 2014, Inspector Dolan observed 8,500 waste tires onsite as
6 described in Inspection Report number I1-1185044; RESPONDENT had failed to cure the
7 default within the 15-day period allotted.

8 16. On January 16, 2015, CALRECYCLE served RESPONDENT with a
9 Supplemental Administrative Decision for Waste Tire Hauler Administrative Penalties
10 (Supplemental Decision) based on RESPONDENT's failure to refute or cure the violation
11 stated in the Notice of Default. The Supplemental Decision ordered RESPONDENT to
12 immediately pay the stayed abeyance amount ordered by the original Administrative
13 Decision.

14 17. On March 24, 2015 and April 13, 2015, Inspector Dolan again observed
15 more than the permitted 4,999 WT being stored by RESPONDENT at the Primary Site, in
16 violation of RESPONDENT'S minor WT facility permit and the Administrative Decision, on
17 the following 2 other occasions: 150,000 WT on March 24, 2015, as documented in
18 Inspection Report number I1-1184715, and more than 100,00 WT on April 13, 2015, as
19 documented in Inspection Report number I1-1184739.

20 **ALLEGATIONS OF SPECIFIC VIOLATIONS**

21 18. CALRECYCLE is requesting the Denial of RESPONDENT's Major Waste
22 Tire Facility Permit for a period of 3 years, pursuant to PRC section 42843, based on the
23 above-mentioned facts and for the following violations as more specifically set forth in the
24 foregoing paragraph:

25 19. On at least 4 occasions, within the previous 3 years, RESPONDENT has
26 stored, stockpiled, or accumulated more than 4,999 WT at the Primary Site in violation of
27 RESPONDENT's minor WT facility permit and the Administrative Decision dated June 17,
28 2014, that was issued based on prior Notices of Violations.

1 **DENIAL**

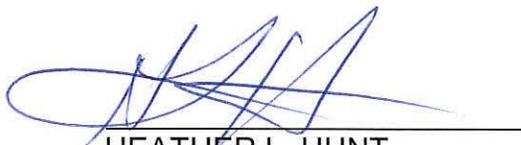
2 Based upon the facts stated above, including RESPONDENT's history of
3 compliance, CALRECYCLE hereby denies the Major Waste Tire Facility Permit for
4 RESPONDENT JACK OGANIAN AKA JACK OGANYAN DBA JTR, for a period of 3 years.
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6 **RIGHT TO HEARING**

7 You are hereby notified that pursuant to the provisions of PRC sections 42843 and
8 42852 you are entitled to a hearing to refute the allegations against you contained in this
9 STATEMENT OF ISSUES FOR THE DENIAL OF MAJOR WASTE TIRE FACILITY
10 PERMIT. **If you wish to have a hearing on this matter, you must complete and return**
11 **the enclosed REQUEST FOR HEARING/ NOTICE OF DEFENSE to our Legal Office**
12 **within 15 days of receipt of this Statement of Issues for the Denial of the Major**
13 **Waste Tire Facility Permit. Failure to complete and return the REQUEST FOR**
14 **HEARING/NOTICE OF DEFENSE within 15 days will be deemed a waiver of your**
15 **right to a hearing.**

16 Pursuant to Government Code section 11507.6, discovery requests by any party
17 must be made within 30 days after the service of this STATEMENT OF ISSUES FOR THE
18 DENIAL OF THE MAJOR WASTE TIRE FACILITY PERMIT.
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20 Dated this 18th day of October, 2016.

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22 HEATHER L. HUNT
23 Attorney III for
24 DEPARTMENT OF RESOURCES
25 RECYCLING AND RECOVERY
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