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9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

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12 In the Matter of:

13 STUART GARDNER AND BARBARA
14 GARDNER, INDIVIDUALLY; AND WEST
STATES RECYCLING, INC., OPERATORS;

15 STUART GARDNER, BARBARA
16 GARDNER AND DOES 1-99, PROPERTY
17 OWNERS.

18 RE: WEST STATES RECYCLING, INC.
19 WASTE TIRE FACILITY NO. 30-TI-1529

20 TPID No: 1337135-01

21 APN No. 375-052-15

22 RESPONDENTS.
23

ADMINISTRATIVE DECISION
PURSUANT TO STIPULATION FOR
ISSUANCE OF ADMINISTRATIVE
DECISION

CIWMB No: 2006-010929-ADC

OAH No.: L2006040806

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25 PROCEDURAL HISTORY

26 The California Integrated Waste Management Board ("CIWMB") served an
27 Amended Administrative Complaint and Request for Hearing form on STUART
28 GARDNER AND BARBARA GARDNER, INDIVIDUALLY; AND WEST STATES

1 RECYCLING, INC., OPERATORS; STUART GARDNER, BARBARA GARDNER
2 AND DOES 1-99, PROPERTY OWNERS ("RESPONDENTS"), on April 5, 2006.
3 RESPONDENTS negotiated a Stipulation For Issuance of Administrative Decision
4 (Stipulation) with the CIWMB in lieu of litigating the case at the administrative
5 hearing scheduled for May 19, 2006. Pursuant to the Stipulation dated May 17,
6 2006, entered into by the CIWMB and RESPONDENTS, and good cause appearing
7 therefore, the following stipulated factual findings and conclusions of law are made,
8 and the following Stipulated Order is issued.

9 **STIPULATED FACTUAL FINDINGS**

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

14 2. RESPONDENTS are responsible for allowing the waste tires to be
15 stored at Assessor's Parcel Number 375-052-15; 1206 West Struck, Orange,
16 California 92867 ("West States Recycling Waste Tire Site").

17 3. RESPONDENTS were storing more than 500 waste tires, and
18 therefore, this site is a minor waste tire facility.

19 4. A review of CIWMB records revealed that this is not currently a
20 CIWMB permitted facility. However, an application for a minor waste tire facility
21 permit was submitted by West States Recycling, Inc.

22 5. Inspections of the WEST STATES RECYCLING, INC. WASTE TIRE
23 SITE were performed on November 5, 2004; December 29, 2004, September 7,
24 2005, and November 9, 2005; on each of the aforementioned dates, the inspector
25 observed more than 500 waste tires. The waste tires were stored in violation of
26 waste tire storage standards in that they were close in proximity to the fencing
27 and/or structures, and waste tires were stored less than 40 feet from flammable
28 material.

1 the waste tires are separated from vegetation and other potentially flammable
2 material by no less than 40 feet.

3 12. RESPONDENTS were in violation of Title 14 CCR section 18420(a) –
4 Waste Tire Facility permit, which requires the operator of a waste tire facility to
5 acquire a waste tire facility permit. RESPONDENTS failed to provide a complete
6 application for a waste tire facility permit, and failed to obtain a waste tire facility
7 permit prior to operating a minor waste tire facility.

8 13. RESPONDENTS failed to comply with Cease and Desist Order No.
9 2005-00001, in violation of PRC section 42845, which requires any person, upon
10 order of the CIWMB, to clean up, abate or otherwise take remedial action at a WTF.

11 14. The CIWMB has the authority pursuant to PRC section 42850 and
12 14 CCR section 18429 to impose an administrative penalty of \$11,115.00 (eleven
13 thousand, one hundred, fifteen dollars) with \$7,115.00 (seven thousand, one
14 hundred, fifteen dollars) held in abeyance for a period of two years.

15 ORDER

16 Pursuant to the "Stipulation for Issuance of Administrative
17 Decision" dated May 17, 2006, entered into by and between Complainant
18 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (the "CIWMB"), and
19 Respondent, STUART GARDNER AND BARBARA GARDNER, INDIVIDUALLY;
20 AND WEST STATES RECYCLING, INC., Operators and STUART GARDNER,
21 BARBARA GARDNER AND DOES 1-99, PROPERTY OWNER, and good cause
22 appearing the following order is hereby made:
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24 RESPONDENTS, STUART GARDNER AND BARBARA GARDNER,
25 INDIVIDUALLY; AND WEST STATES RECYCLING, INC., Operators
26 and STUART GARDNER, BARBARA GARDNER AND DOES 1-99,
27 PROPERTY OWNER shall pay an administrative penalty of four
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1 thousand Dollars, (\$4,000.00) to Complainant, the California
2 Integrated Waste Management Board within 30 days of the date of
3 this decision.

4 This decision shall become effective June 19, 2006.

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7 Dated: 6/19/06


8 MARGO REID BROWN
9 Chair
10 California Integrated Waste
11 Management Board
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