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8 STATE OF CALIFORNIA

9 CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING & RECOVERY

10 In the matter of:

11 DORJ ARIUNBAATAR DBA
12 MGL EXPRESS TRANSPORTATION

13 TPID NO: 1648287-01

14 RESPONDENT

ADMINISTRATIVE DECISION
FOR THE REVOCATION OF WASTE
TIRE HAULER REGISTRATION

PUBLIC RESOURCES CODE
SECTION 42960 and GOVERNMENT
CODE SECTION 11503.

15 AGENCY NO: 2012-000008-REV
16

17 The California Department of Resources Recycling and Recovery (CALRECYCLE)
18 served a Statement of Issues for the Revocation of Waste Tire Hauler Registration and
19 Request for Hearing form on DORJ ARIUNBAATAR dba MGL EXPRESS
20 TRANSPORTATION, (RESPONDENT), on September 25, 2012. RESPONDENT did not file a
21 Request for Hearing. The matter shall be determined as a default pursuant to 14 California
22 Code of Regulations (CCR) section 18466 and Government Code section 11520.
23 CALRECYCLE takes action against RESPONDENT based upon evidence and affidavits that
24 may be used without any notice to RESPONDENT.

25 **FACTUAL FINDINGS**

26 1. The Statement of Issues for the Revocation of Waste Tire Hauler Registration
27 was executed by HEATHER L. HUNT, Staff Counsel III, CalRecycle, acting in her official
28 capacity.

1 2. On February 15, 2011, CALRECYCLE received a Waste Tire Hauler
2 Registration Application (Application) from RESPONDENT. Both the business and mailing
3 address were provided as 57 Tahoe Court #4, Walnut Creek, CA 94596; RESPONDENT
4 DORJ ARIUNBAATAR signed the Application as "CEO." CALRECYCLE issued Tire Program
5 Identification Number (TPID) Number 1648287 to RESPONDENT and mailed
6 RESPONDENT a registration packet.

7 3. During an inspection of Oakland Scrap, LLC, located at 851 81st Avenue, Suite
8 CA, Oakland California, (Oakland Scrap) on June 24, 2011, and documented in Waste Tire
9 Survey and Inspection Report (Inspection Report) number I1-1167787, by Alameda County
10 Environmental Health inspectors Steven Plunkett and Paresh Khatri, accompanied by
11 CALRECYCLE staff Barbara Strough, Mary LeClaire, and Katharine Bruner-Benson
12 RESPONDENT DORJ ARIUNBAATAR identified himself as a partner in Oakland Scrap's
13 LLC. During that same inspection, Ms. Bruner-Benson instructed RESPONDENT on the
14 proper manner in which to complete manifests, aka. Comprehensive Trip Log, (CTL) forms,
15 and also advised RESPONDENT to use TPID number 1648287, the TPID number issued to
16 RESPONDENT by CALRECYCLE as a waste tire hauler, on CTL forms documenting loads
17 of waste or used tires transported by RESPONDENT. The inspectors also determined that
18 RESPONDENT stored the vehicles listed in his Application at Oakland Scrap's site.

19 4. During the same inspection of Oakland Scrap described in paragraph 3
20 above, Ms. Bruner-Benson observed a waste tire hauler registration decal (decal) issued by
21 CALRECYCLE to RESPONDENT placed on a truck to which it was not issued, in violation of
22 14 CCR sections 18456.2(b) and (c). Ms. Bruner-Benson observed a truck in the parking lot
23 of Oakland Scrap with decal number 11-0665 placed in the windshield; the truck had no
24 license plate, but showed VIN number 1GDJG31U841912745. Ms. Bruner-Benson
25 determined that decal number 11-0665 had been issued to RESPONDENT for specific use
26 on a vehicle with license plate number 9E04401 and VIN number 1FUJA6AV05DN71513.
27 Ms. Bruner-Benson further determined that the truck possessing VIN number
28 1GDJG31U841912745 was included in a separate Waste and Used Tire Hauler Application

1 submitted for Oakland Scrap, to a vehicle with license plate number 8Z98228.

2 5. During a review of CTL forms, staff observed at least six CTL forms numbered
3 4385429-C, 4385429-B, 4385429-A, 4385437-C, 4385437-B, 4385437-A, in which
4 RESPONDENT provided its TPID number as 1601438 and not the TPID number issued by
5 CALRECYCLE, in violation of Public Resources Code (PRC) section 42961.5 and 14 CCR
6 section 18459.

7 6. On July 28, 2011, CALRECYCLE issued correspondence regarding
8 "Errors/Omissions Noted On The Comprehensive Trip Log Forms" to RESPONDENT. Said
9 correspondence again advised RESPONDENT to use TPID number 1648287 as its waste
10 tire hauler identifier when completing CTL forms. The correspondence further requested
11 additional information regarding the location at which RESPONDENT stored the vehicles
12 listed in its Application.

13 7. During a subsequent review of CTL forms submitted by RESPONDENT,
14 CALRECYCLE staff observed three CTL forms number 4214166-A, 4214155-B, and
15 4214147-A, in which RESPONDENT again used the incorrect TPID number, in violation of 14
16 CCR section 18459.

17 8. During an inspection of Oakland Scrap on September 28, 2011, and
18 documented in Inspection Report number I1-1129286, RESPONDENT DORJ
19 ARIUNBAATAR again presented himself as a business representative for Oakland Scrap.
20 Inspectors Steven Plunkett and Paresh Khatri observed 5,197 tires on site, in violation of
21 PRC sections 42823 and 42824, because at no time has Oakland Scrap obtained a major
22 waste tire facility (WTF) permit from CALRECYCLE.

23 9. During a review of CTL forms, CALRECYCLE staff observed that on at least
24 two separate occasions documented in CTL forms numbered 4191664-C and 4446721-A,
25 RESPONDENT delivered more than 500 waste tires to the unpermitted Oakland Scrap site,
26 thereby creating either a minor or major WTF, in violation of PRC section 42834 and 14 CCR
27 section 18420. In doing so, RESPONDENT also delivered waste tires to an unauthorized
28 location in violation of PRC section 42951(b).

1 This DECISION shall become effective as of the date signed below:
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3 Dated this 22 day of October, 2012.
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6 **MARK DE BIE**
7 Deputy Director
8 DEPARTMENT OF RESOURCES,
9 RECYCLING AND RECOVERY
10 (CALRECYCLE)
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