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8  
9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11  
12 In the matter of:

13 ANGELICA OGANYAN AND JACK

14 OGANYAN DBA JACK'S TIRE

15 RECYCLING

16 TPID NO: 1641837-01

17  
18 RESPONDENTS

) STATEMENT OF ISSUES FOR THE  
) DENIAL OF THE WASTE TIRE HAULER  
) REGISTRATION  
)  
) PUBLIC RESOURCES CODE SECTIONS  
) 42960; 42961  
)  
) GOVERNMENT CODE SECTION 11505  
)  
) AGENCY NO: 2015-000140-DEN  
)

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21 INTRODUCTION

22 This Statement of Issues for the Denial of the Waste and Used Tire Hauler  
23 Registration (Statement of Issues) is issued by the Department of Resources Recycling  
24 and Recovery (CALRECYCLE) to ANGELICA OGANYAN AND JACK OGANYAN DBA  
25 JACK'S TIRE RECYCLING (RESPONDENTS) seeking the denial of the RESPONDENTS'  
26 Waste and Used Tire Hauler Registration (Registration) for five years, pursuant to Public  
27 Resources Code (PRC) section 42960(b)(2) and based on the 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. RESPONDENTS are in possession of a Waste Tire Hauler Registration  
8 issued by CALRECYCLE for the calendar year of 2015. On October 12, 2015,  
9 Respondents submitted a Waste Tire Hauler Registration Application to renew their  
10 registration for the calendar year of 2016.

11 3. Pursuant to PRC section 42960(b)(2), CALRECYCLE may suspend, revoke,  
12 or deny a waste and used tire hauler registration for a period of three years to five years,  
13 or may suspend, revoke, or deny a waste and used tire hauler registration permanently, in  
14 accordance with the procedures specified in subdivision PRC section 42960(a), if the  
15 hauler has been previously fined pursuant to Chapter 19 or Chapter 16 of the PRC  
16 (commencing with section 42800).

17 4. Additionally, and alternatively, pursuant to PRC section 42960(a)(1),  
18 CALRECYCLE may suspend, revoke, or deny a waste and used tire hauler registration for  
19 a period of up to three years, by serving a statement of issues in accordance with PRC  
20 section 42961, if the applicant for, or holder of, the registration commits more than three  
21 violations of, or fails to comply with any requirements of Chapter 19 or Chapter 16 of the  
22 PRC (commencing with section 42800), or the regulations adopted pursuant to those  
23 provisions, within a one-year period.

24 5. RESPONDENTS are in possession of a Minor Waste Tire Facility Permit  
25 ("Permit") for Jack's Tire Recycling, a waste tire facility located at 11365 Pendleton Street,  
26 Sun Valley, California 91352 ("site"), that was issued on October 10, 2011. This Permit  
27 authorizes RESPONDENTS to store up to 4,999 waste tires onsite. At no time have  
28 RESPONDENTS been issued a Major Waste Tire Facility Permit.

1                    **Previous Fines Pursuant to Chapters 16 and 19 of the PRC**

2            6.        Chapter 16 of the PRC, and the regulations promulgated thereunder, set  
3 forth requirements and penalties for the storage of waste tires at waste tire facilities, and  
4 the permitting of waste tire facilities. Chapter 19 of the PRC, and the regulations  
5 promulgated thereunder, sets forth requirements and penalties for the hauling of waste  
6 tires.

7            7.        On June 17, 2014, CALRECYCLE issued an Administrative Decision For  
8 Waste Tire Hauler Penalties ("Decision") against RESPONDENTS for violations of  
9 Chapter 19, specifically CALRECYCLE had concluded that RESPONDENTS violated PRC  
10 sections 42951(b) and 42953. The Administrative Decision levied penalties against  
11 RESPONDENTS in the amount of \$146,000.00. Of the \$146,000.00, \$139,000.00 was  
12 held in abeyance for a period of 3 years and would only become due and payable if  
13 RESPONDENTS failed to obey all waste tire hauler and storage laws set forth in Chapters  
14 16 and 19 of the PRC.

15           8.        On January 16, 2015, CALRECYCLE issued a Supplemental Administrative  
16 Decision for Waste Tire Hauler Penalties against RESPONDENTS for failing to comply  
17 with the terms of the Decision, and based on violations of Chapter 16; specifically  
18 CALRECYCLE concluded that RESPONDENTS created an unpermitted major waste tire  
19 facility by exceeding the 4,999 waste tire count allowed at the Site by the Permit.

20                    **Waste Tire Storage Violations**

21           9.        On at least 4 occasions for the one-year period between August 21, 2014,  
22 and August 21, 2015, RESPONDENTS violated waste tire storage requirements set forth  
23 in Chapter 16 of the PRC.

24           10.       PRC section 42808 defines minor and major WTFs as follows:

25                . . . (b) "Major waste facility" means a waste tire facility where, at any time,  
26                5,000, or more waste tires are or will be stored, stockpiled, accumulated or  
27                discarded.

27                (c) "Minor waste tire facility" means a waste tire facility where, at any time,  
28                500 or more, but less than 5,000, waste tires are or will be store, stockpiled,  
29                accumulated, or discarded.

1 11. Pursuant to PRC section 42823, no person shall establish a new major  
2 waste tire facility or expand an existing minor waste tire facility unless the person has  
3 obtained a major waste tire facility permit issued by CALRECYCLE pursuant to PRC  
4 section 42822.

5 12. On August 21, 2014, and documented in Waste Tire Survey and Inspection  
6 Report (Inspection) number I1-1157094, waste tire inspector Steven Dolan observed  
7 16,700 waste tires at the Site, far exceeding the 4,999 waste tires allowed in the Permit  
8 and creating an unpermitted major waste tire facility in violation of PRC section 42823.

9 13. On October 13, 2014, and documented in Inspection number I1-1185044,  
10 inspector Dolan observed 8,500 waste tires at the Site, far exceeding the 4,999 waste tires  
11 allowed in the Permit and creating an unpermitted major waste tire facility in violation of  
12 PRC section 42823

13 14. On March 24, 2015, and documented in Inspection number I1-1184715,  
14 Inspector Dolan observed 150,000 waste tires at the Site, far exceeding the 4,999 waste  
15 tires allowed in the Permit and creating an unpermitted major waste tire facility in violation  
16 of PRC section 42823.

17 15. On April 13, 2015, and documented in Inspection number I1-1184739,  
18 Inspector Dolan observed over 100,000 waste tires at the Site, far exceeding the 4,999  
19 waste tires allowed in the Permit and creating an unpermitted major waste tire facility in  
20 violation of PRC section 42823.

21 16. Additionally, as described later within this pleading, documentation obtained  
22 by CALRECYCLE shows multiple drop-offs of waste tires to the Site but no pick-ups from  
23 the site between March 24, 2015, and April 13, 2015, showing, therefore, that  
24 RESPONDENTS maintained the excessive tire count throughout the duration of that time  
25 period.

#### 26 **Waste Tire Hauler Violations**

27 17. On at least 74 occasions, RESPONDENTS violated Chapters 16 and 19 of  
28 the PRC by directing, transporting, and/or accepting waste tires at an unpermitted major  
waste tire facility.

1 18. Pursuant to section 42824 of Chapter 16 of the PRC, it is unlawful to direct  
2 or transport waste tires to a major waste tire facility or to accept waste tires at a major  
3 waste tire facility unless the operator has obtained a major waste tire facility permit.

4 19. Pursuant to section 42951(b) of Chapter 19 of the PRC, a registered waste  
5 tire hauler shall only transport waste or used tires to a facility that is permitted, excluded,  
6 exempted, or otherwise authorized by CALRECYCLE, by statute, or by regulation, to  
7 accept waste and used tires, or to a facility that lawfully accepts waste or used tires for  
8 reuse or disposal.

9 20. RESPONDENTS are in possession of a Minor Waste Tire Facility for the  
10 Site; at no time presently or in the past has the Site been otherwise excluded or exempt or  
11 authorized by any other statute, regulation or CALRECYCLE to accept waste or used tires  
12 for reuse or disposal.

13 21. As described above, from the dates between March 24, 2015, and April 13,  
14 2015, RESPONDENTS created and maintained an unpermitted major waste tire facility at  
15 the Site.

16 22. On October 19, 2015, Keith Cambridge, Supervisor of the CALRECYCLE  
17 Tire Hauler Compliance Unit, conducted an audit of RESPONDENT Jack's Tire  
18 Recycling's hauler manifests. The manifest records in CALRECYCLE's database showed  
19 that RESPONDENT Jack's Tire Recycling accepted at least 74 loads of 10 or more waste  
20 tires at the Site between March 24, 2015 and April 13, 2015; at the same time no  
21 documentation was found showing the removal of any waste tires from the Site for the  
22 same time period. Therefore, the audit showed that RESPONDENTS directed or  
23 transported waste tires and accepted waste tires at an unauthorized, unpermitted major  
24 waste tire facility in violation of PRC sections 42824 and 42951(b). The manifests  
25 obtained and reviewed during the audit are described below.

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CTL Form	Load Date	Hauler Name	PTE's Picked up	PTE's Delivered	Facility Name
5326077-C	April 13, 2015	Taurus Hauling	0	276	Jack's Tire Recycling
5390480-B	April 13, 2015	Omar's Wheels & Tires, Inc.	0	291	Jack's Tire Recycling

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CTL Form	Load Date	Hauler Name	PTE's Picked up	PTE's Delivered	Facility Name
4953491-B	April 13, 2015	The Tire Man, Inc.	0	482	Jack's Tire Recycling
5225989-C	April 13, 2015	CLC Tires	0	94	Jack's Tire Recycling
5372624-C	April 13, 2015	Garcia Tires	0	545	Jack's Tire Recycling
5452234-B	April 13, 2015	Gold Coast Recycling, Inc.	0	1297	Jack's Tire Recycling
	<b>APRIL 13, 2015</b>	<b>INSPECTION BY DOLAN</b>		<b>100,000</b>	<b>OBSERVED</b>
5325191-A	April 11, 2015	Frank's Tire Shop	0	636	Jack's Tire Recycling
5326075-C	April 10, 2015	Taurus Hauling	0	124	Jack's Tire Recycling
4437208-B	April 10, 2015	Andre's Tire Service	0	195	Jack's Tire Recycling
5397480-B	April 10, 2015	King's Discount Brake & Tire Corporation, Inc.	0	71	Jack's Tire Recycling
4896846-A	April 10, 2015	Art's Tires & Wheels	0	141	Jack's Tire Recycling
5372624-B	April 09, 2015	Garcia Tires	0	171	Jack's Tire Recycling
5225989-A	April 09, 2015	CLC Tires	0	229	Jack's Tire Recycling
5372624-A	April 08, 2015	Garcia Tires	0	268	Jack's Tire Recycling
4896844-C	April 08, 2015	Art's Tires & Wheels	0	159	Jack's Tire Recycling
5326073-B	April 08, 2015	Taurus Hauling	0	180	Jack's Tire Recycling
5635511-A	April 07, 2015	Perez Auto Body & Tire	0	336	Jack's Tire Recycling
5325190-B	April 06, 2015	Frank's Tire Shop	0	633	Jack's Tire Recycling
5326071-A	April 06, 2015	Taurus Hauling	0	210	Jack's Tire Recycling
4896843-C	April 06, 2015	Art's Tires & Wheels	0	176	Jack's Tire Recycling
5390419-B	April 06, 2015	Omar's Wheels & Tires, Inc.	0	282	Jack's Tire Recycling
5425213-B	April 04, 2015	Tony's Wheels and Tires, Inc.	0	242	Jack's Tire Recycling
5325189-C	April 04, 2015	Frank's Tire Shop	0	677	Jack's Tire Recycling
5325188-C	April 03, 2015	Frank's Tire Shop	0	600	Jack's Tire Recycling
5326068-B	April 03, 2015	Taurus Hauling	0	99	Jack's Tire Recycling
5326065-C	April 02, 2015	Taurus Hauling	0	165	Jack's Tire Recycling
5317297-C	April 02, 2015	M & L Tires Recycling, Inc.*	0	451	Jack's Tire Recycling
4437207-C	April 02, 2015	Andre's Tire Service	0	183	Jack's Tire Recycling
5317295-B	April 02, 2015	M & L Tires Recycling, Inc.*	0	370	Jack's Tire Recycling
5325188-A	April 02, 2015	Frank's Tire Shop	0	393	Jack's Tire Recycling
5317294-C	April 02, 2015	M & L Tires Recycling, Inc.*	0	420	Jack's Tire Recycling

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CTL Form	Load Date	Hauler Name	PTE's Picked up	PTE's Delivered	Facility Name
5225987-A	April 01, 2015	CLC Tires	0	112	Jack's Tire Recycling
5390482-B	April 01, 2015	Omar's Wheels & Tires, Inc.	0	281	Jack's Tire Recycling
5326063-C	April 01, 2015	Taurus Hauling	0	180	Jack's Tire Recycling
4974972-B	April 01, 2015	Escobar Tire Recycling	0	114	Jack's Tire Recycling
4974971-C	April 01, 2015	Escobar Tire Recycling	0	249	Jack's Tire Recycling
4974969-C	March 31, 2015	Escobar Tire Recycling	0	268	Jack's Tire Recycling
4974970-B	March 31, 2015	Escobar Tire Recycling	0	236	Jack's Tire Recycling
5317103-C	March 31, 2015	M & L Tires Recycling, Inc.*	0	423	Jack's Tire Recycling
5317102-C	March 31, 2015	M & L Tires Recycling, Inc.*	0	423	Jack's Tire Recycling
5325187-C	March 31, 2015	Frank's Tire Shop	0	630	Jack's Tire Recycling
5317299-B	March 31, 2015	M & L Tires Recycling, Inc.*	0	378	Jack's Tire Recycling
5317298-C	March 31, 2015	M & L Tires Recycling, Inc.*	0	376	Jack's Tire Recycling
5452235-B	March 31, 2015	Gold Coast Recycling, Inc.	0	1229	Jack's Tire Recycling
5317108-C	March 30, 2015	M & L Tires Recycling, Inc.*	0	440	Jack's Tire Recycling
5317106-B	March 30, 2015	M & L Tires Recycling, Inc.*	0	469	Jack's Tire Recycling
5397481-B	March 30, 2015	King's Discount Brake & Tire Corporation, Inc.	0	157	Jack's Tire Recycling
4896844-B	March 30, 2015	Art's Tires & Wheels	0	601	Jack's Tire Recycling
5225985-C	March 30, 2015	CLC Tires	0	192	Jack's Tire Recycling
5317104-C	March 30, 2015	M & L Tires Recycling, Inc.*	0	441	Jack's Tire Recycling
5326059-B	March 30, 2015	Taurus Hauling	0	289	Jack's Tire Recycling
4974966-C	March 30, 2015	Escobar Tire Recycling	0	248	Jack's Tire Recycling
4953492-B	March 30, 2015	The Tire Man, Inc.	0	446	Jack's Tire Recycling
5326060-A	March 30, 2015	Taurus Hauling	0	173	Jack's Tire Recycling
4896843-B	March 29, 2015	Art's Tires & Wheels	0	125	Jack's Tire Recycling
5635509-A	March 28, 2015	Perez Auto Body & Tire	0	322	Jack's Tire Recycling
5390483-B	March 28, 2015	Omar's Wheels & Tires, Inc.	0	240	Jack's Tire Recycling
5225986-C	March 27, 2015	CLC Tires	0	180	Jack's Tire Recycling
5326057-B	March 27, 2015	Taurus Hauling	0	140	Jack's Tire Recycling
4896842-C	March 27, 2015	Art's Tires & Wheels	0	160	Jack's Tire Recycling
5372634-C	March 26, 2015	Garcia Tires	0	151	Jack's Tire Recycling

CTL Form	Load Date	Hauler Name	PTE's Picked up	PTE's Delivered	Facility Name
5317114-B	March 26, 2015	M & L Tires Recycling, Inc.*	0	405	Jack's Tire Recycling
5317112-B	March 26, 2015	M & L Tires Recycling, Inc.*	0	410	Jack's Tire Recycling
5425212-C	March 26, 2015	Tony's Wheels and Tires, Inc.	0	239	Jack's Tire Recycling
5317110-B	March 26, 2015	M & L Tires Recycling, Inc.*	0	425	Jack's Tire Recycling
4974963-A	March 26, 2015	Escobar Tire Recycling	0	217	Jack's Tire Recycling
4974965-B	March 26, 2015	Escobar Tire Recycling	0	181	Jack's Tire Recycling
5317116-B	March 26, 2015	M & L Tires Recycling, Inc.*	0	362	Jack's Tire Recycling
4437207-B	March 25, 2015	Andre's Tire Service	0	173	Jack's Tire Recycling
4896842-B	March 25, 2015	Art's Tires & Wheels	0	162	Jack's Tire Recycling
5326053-C	March 25, 2015	Taurus Hauling	0	179	Jack's Tire Recycling
4974961-A	March 24, 2015	Escobar Tire Recycling	0	238	Jack's Tire Recycling
4896842-A	March 24, 2015	Art's Tires & Wheels	0	592	Jack's Tire Recycling
4896840-C	March 24, 2015	Art's Tires & Wheels	0	166	Jack's Tire Recycling
	<b>MARCH 24, 2015</b>	<b>INSPECTION BY DOLAN</b>		<b>150,000</b>	<b>OBSERVED</b>

\*also known as Guadalupe Tire Recycling

### ALLEGATIONS OF SPECIFIC VIOLATIONS

23. On at least 2 separate occasions RESPONDENTS were previously fined by CALRECYCLE pursuant to Chapters 16 and 19 of the PRC, as addressed above.

24. On at least 4 separate occasions RESPONDENTS violated waste tire storage requirements set forth in Chapter 16 of the PRC by exceeding the amount of waste tires authorized by their permit and by creating an unpermitted major waste tire facility, as addressed above.

25. On at least 74 separate occasions RESPONDENTS violated waste tire storage and hauler requirements set forth in Chapters 16 and 19 of the PRC by directing, transporting, and accepting waste and or used tires at an unauthorized unpermitted major waste tire facility, as addressed above.

1 Denial

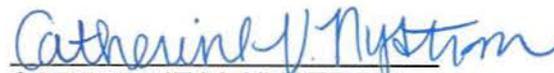
2 26. Based upon the facts stated above, including RESPONDENTS' history of  
3 compliance, CALRECYCLE hereby denies the Waste Tire Hauler Registration for Angelica  
4 Oganyan and Jack Oganyan dba Jack's Tire Recycling, for a period of 5 years beginning  
5 on January 1, 2016.

6  
7 RIGHT TO HEARING

8 You are hereby notified that pursuant to the provisions of PRC sections 42961 and  
9 42961.1 you are entitled to a hearing to refute the allegations against you contained in this  
10 STATEMENT OF ISSUES FOR THE DENIAL OF THE WASTE TIRE HAULER  
11 REGISTRATION. **If you wish to have a hearing on this matter, you must complete  
12 and return the enclosed REQUEST FOR HEARING/ NOTICE OF DEFENSE to our  
13 Legal Office within 15 days of receipt of this Statement of Issues for the Denial of  
14 the Waste Tire Hauler Registration. Failure to complete and return the REQUEST  
15 FOR HEARING/NOTICE OF DEFENSE within 15 days will be deemed a waiver of your  
16 right to a hearing.**

17 Pursuant to Government Code section 11507.6, discovery requests by any party  
18 must be made within 30 days after the service of this STATEMENT OF ISSUES FOR THE  
19 DENIAL OF THE WASTE TIRE HAULER REGISTRATION.

20  
21 Dated this 9<sup>TH</sup> day of November, 2015.

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23   
24 CATHERINE V. NYSTROM  
25 Attorney for  
26 DEPARTMENT OF RESOURCES  
27 RECYCLING AND RECOVERY  
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