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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE OF CALIFORNIA

In the Matter of:

MEGERDICK GULLIAN AND JOHN
GULLIAN TRUST, OWNER AND;

DICK GULLIAN, OPERATOR

RE: /d.b.a. SEQUOIA EQUIPMENT SALES

RESPONDENTS.

DECISION

AGENCY NO. 2004-010786-ADH

The California Integrated Waste Management Board ("CIWMB") served an Administrative Complaint and Request for Hearing form on MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, OWNER; AND DICK GULLIAN, OPERATOR ("RESPONDENT") on January 5, 2005. RESPONDENT did not file a Request for Hearing. Therefore the matter was calendared as a default hearing. Respondent requested a continuance. In response, the parties agreed to use the scheduled hearing date as a settlement conference.

FACTUAL FINDINGS

1. The Administrative Complaint was executed by WENDY BRECKON, Staff Counsel, CIWMB, acting in her official capacity.

2. The CIWMB has authority to inspect, permit, regulate and conduct

1 enforcement actions against Waste Tire Facilities (WTF) within the State of
2 California under PRC section 42800, et seq., and attendant regulations contained in
3 Title 14 of the California Code of Regulations (CCR).

4 3. MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, Owner, and DICK
5 GULLIAN, Operator of Sequoia Equipment Sales, are responsible for the waste tires
6 being stored at 13000 East Manning Avenue, Parlier, Fresno County, California
7 93648, Assessor's Parcel Number 358-390-17. This Site is not a permitted WTF.

8 4. This site is storing approximately 550 tires without a minor waste tire permit
9 and is in violation of PRC section 42834 — Minor unpermitted Waste Tire Facility,
10 Title 14 CCR, section 17351— Fire Prevention Measures, section 17352 — Facility
11 Access and Security, section 17353 — Vector Control, and section 17354—Waste
12 Tire Storage.

13 5. On November 15, 2000, LEW ELLIOTT of the CIWMB conducted a Waste
14 Tire Facility Inspection of Sequoia Equipment Sales and observed approximately
15 550 waste tires on the site. The tires were stored in a manner that violated the
16 standards for facility access and security, storage, fire prevention and vector control.

17 6. A review of CIWMB records revealed that no application for a minor waste
18 tire facility was ever received from RESPONDENT.

19 7. A written report of the inspection and a "Letter of Violation," dated November
20 27, 2000 was addressed and posted by U.S. Mail by LEW ELLIOTT of the CIWMB
21 to DICK GULLIAN, Operator of Sequoia Equipment Sales requesting that a
22 Corrective Action Plan be submitted to the CIWMB by December 31, 2000. The
23 CIWMB received no Corrective Action Plan or an application for a Waste Tire
24 Permit.

25 8. Subsequent inspections were performed on January 30, May 8, September
26 11 and December 19, 2001; October 21, 2002, November 3, 2003 and May 25,
27 2004. These inspections all revealed approximately 550 waste tires on the site.

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1 The tires were stored in a manner that violated the standards for facility access and
2 security, storage, fire prevention and vector control.

3 9. Clean Up & Abatement Order NO. 2003-010442 dated June 3, 2004, was
4 issued by CIWMB to MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, Owner,
5 and DICK GULLIAN, Operator of Sequoia Equipment Sales requesting the removal
6 all waste tires from their location by August 3, 2004.

7 10. On August 4 and October 5, 2004, LEW ELLIOTT of the CIWMB conducted
8 follow up Waste Tire Facility Inspections of this location and determined that more
9 than 550 waste tires were still located on site.

10 11. MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, Owner, and DICK
11 GULLIAN, Operator of Sequoia Equipment Sales is in violation of PRC section
12 42824, which makes it unlawful to accept waste tires at a waste tire facility, unless
13 the operator has obtained a waste tire permit.

14 12. MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, Owner, and DICK
15 GULLIAN, Operator of Sequoia Equipment Sales acknowledges that he
16 understands and agrees that he will not be provided with any hearing or other
17 opportunity to contest the CIWMB's determination that he is in default of the
18 Stipulation.

19 **ADMINISTRATIVE DECISION BASED UPON ADOPTION OF STIPULATION FOR**
20 **ISSUANCE OF ADMINISTRATIVE DECISION**

21 I hereby adopt the Stipulation for Issuance of Administrative Decision, and
22 good cause appearing therefore, the following Order is hereby made:

- 23 1) RESPONDENTS, MEGERDICK GULLIAN AND JOHN GULLIAN TRUST,
24 owner and DICK GULLIAN, operator; are ordered to pay an administrative
25 penalty of \$3,000.00 (three thousand dollars) to the California Integrated
26 Waste Management Board within 30 (thirty) days of the date of this
27 decision.

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2) RESPONDENTS, MEGERDICK GULLIAN AND JOHN GULLIAN TRUST, owner and DICK GULLIAN, operator, are ordered to remove all used and waste tires from 13000 E. Manning Ave. E, Parlier, CA (APN 358-390-17) and 12949 E. Manning Ave. E, Parlier, CA (APN 358-031-94-S). RESPONDENTS shall provide to the CIWMB, destination receipts for all used and waste tires removed and receipts for \$2,000.00 of the expenses incurred.

This DECISION shall become effective May 11, 2005.


ROSARIO MARIN
Chair
California Integrated Waste Management Board

DATED: 5/11/05