

1 ELLIOT BLOCK SBN 116999
Chief Counsel
2 WENDY BRECKON SBN 182952
Senior Staff Counsel
3 Attorneys for Complainant
4 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1001 I Street, 23rd Floor
5 P. O. Box 4025
6 Sacramento, CA 95812-4025
Telephone: (916) 341-6068
7 Facsimile: (916) 341-6082

8 STATE OF CALIFORNIA

9 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

10 In the matter of:

11 GLENN C. MCELROY A/K/A GLENN
12 CARLTON MCELROY, PRESIDENT AND
13 CEO; CHARITIES AUTOMOBILE
14 RECYCLING ENTERPRISES, LLC; PICK
15 YOUR PART AUTO WRECKING, INC., A/K/A
16 PICK A PART AUTO WRECKING; A/K/A PICK
17 YOUR PART AUTO RECYCLING; A/K/A
18 HELP YOURSELF.

19 TPID NOs: 1294359-01; 1402816-01

20 RESPONDENTS

ADMINISTRATIVE DECISION
PURSUANT TO STIPULATION FOR
WASTE TIRE HAULER PENALTIES

AGENCY No: 2006-010927-ADC

21 The California Integrated Waste Management Board ("CIWMB") served an
22 Administrative Complaint and Request for Hearing form on Glenn C. McElroy A/K/A
23 Glenn Carlton McElroy, President And CEO; Charities Automobile Recycling
24 Enterprises, LLC; Pick Your Part Auto Wrecking, Inc., a/k/a Pick A Part Auto
25 Wrecking; a/ka/ Pick Your Part Auto Recycling; a/k/a Help Yourself,
26 ("RESPONDENTS"), on July 21, 2006. RESPONDENTS negotiated a Stipulation for
27 Issuance of Administrative Decision ("stipulation") with the CIWMB to resolve the
28 issues in the Administrative Complaint. Pursuant to the stipulation entered into by and

1 between the CIWMB and RESPONDENTS and good cause appearing therefore, the
2 parties chose to stipulate to a penalty based on the following factual and legal
3 allegations:

4
5 **ALLEGATIONS**

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

8 2. GLENN C. MCELROY A/K/A GLENN CARLTON MCELROY,
9 PRESIDENT AND CEO; CHARITIES AUTOMOBILE RECYCLING ENTERPRISES,
10 LLC; PICK YOUR PART AUTO WRECKING, INC., A/K/A PICK A PART AUTO
11 WRECKING; A/K/A PICK YOUR PART AUTO RECYCLING; A/K/A HELP
12 YOURSELF, generate used and waste tires, and sell the used tires to haulers.

13 3. The CIWMB has authority to regulate and conduct enforcement actions
14 regarding Waste Tire Haulers within the State of California under PRC section 42950
15 et seq. and attendant regulations contained in Title 14 of the California Code of
16 Regulations (CCR).

17 4. RESPONDENTS are alleged to have contracted with unregistered waste
18 tire haulers for the removal of waste tires from their facilities at 1232 Blinn Ave,
19 Wilmington CA 90744, and 1903 Blinn Ave, Wilmington, CA 90744 as follows:

20

<u>Unregistered Hauler</u>	<u>Date</u>	<u># of Tires</u>
21 Castro Discount Tires	1/4/05	42
22 Castro Discount Tires	1/19/05	36
23 Castro Discount Tires	2/1/05	34
24 Castro Discount Tires	3/8/05	35
25 Castro Discount Tires	5/10/05	51
26 Castro Discount Tires	6/14/05	45
27 Castro Discount Tires	6/29/05	45
28 Castro Discount Tires	7/21/05	49

	<u>Unregistered Hauler</u>	<u>Date</u>	<u># of Tires</u>
1			
2	Castro Discount Tires	7/29/05	64
3	Castro Discount Tires	8/1/05	60
4	Castro Discount Tires	8/24/05	55
5	Castro Discount Tires	9/13/05	42
6	Castro Discount Tires	10/13/08	46

7 5. In aggravation, CIWMB mailed RESPONDENTS guidance manuals on
8 waste tire manifesting laws in 2003. Since then, CIWMB alleges it has discovered the
9 following violations:

- 10 a. RESPONDENTS are in violation of PRC section 42961.5(b) because a
11 number of its facilities failed to complete and submit to CIWMB
12 manifests when it received or was responsible for the generation and
13 transportation of waste and used tires; and
- 14 b. RESPONDENTS are in violation of 14 CCR section 18459.3 – Retention
15 of Manifest Forms for 3 years, which requires a waste tire hauler and the
16 owner of an generating facility to retain manifests or CTL forms at their
17 place of business for a period of 3 years; and
- 18 c. RESPONDENTS are in violation of California Code of Regulations
19 (CCR) Section 18459.1 – Tire Program Identification Number (TPID)
20 Requirements, for failing to apply for and obtain a CIWMB assigned Tire
21 Program Identification Numbers for each location from which used or
22 waste tires are generated and transported from.

23 6. CIWMB alleges that GLENN C. MCELROY A/K/A GLENN CARLTON
24 MCELROY, PRESIDENT AND CEO; CHARITIES AUTOMOBILE RECYCLING
25 ENTERPRISES, LLC; PICK YOUR PART AUTO WRECKING, INC., A/K/A PICK A
26 PART AUTO WRECKING; A/K/A PICK YOUR PART AUTO RECYCLING; A/K/A
27 HELP YOURSELF are in violation of PRC section 42953 for giving, contracting, or
28 arranging with an unregistered waste and used tire hauler to transport its waste or
used tire.

27 ///
28 ///

1 7. The CIWMB's authority to assess administrative penalties against
2 RESPONDENT as a waste tire hauler is set forth in PRC section 42962 and in Title 14
3 of the California Code of Regulations section 18464.

4 8. Pursuant to 14 California Code of Regulations section 18464, the waste
5 and used tire hauler penalty tables, the negotiated penalty of \$6,500.00, with
6 \$2,500.00 stayed for two (2) years, is within CIWMB's discretion.

7 **STIPULATED ORDER**

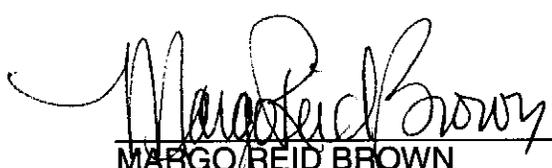
8 The parties agreed to the following order:

9 I. GLENN C. MCELROY A/K/A GLENN CARLTON MCELROY,
10 PRESIDENT AND CEO; CHARITIES AUTOMOBILE RECYCLING ENTERPRISES,
11 LLC; PICK YOUR PART AUTO WRECKING, INC., A/K/A PICK A PART AUTO
12 WRECKING; A/K/A PICK YOUR PART AUTO RECYCLING; A/K/A HELP
13 YOURSELF are ordered to pay an administrative penalty of \$4,000.00 (four thousand
14 dollars) to the CIWMB.

15 II. RESPONDETNS shall within 60 (sixty) days of the Decision, require its
16 Environmental Compliance Officer to meet with CIWMB tire hauler program for
17 training; said training, information, and materials shall be provided to all locations of
18 PICK YOUR PART et al. according to the terms of the Stipulation.

19 This DECISION shall become effective December 8, 2006

20
21 Dated this 8th day of December, 2006.

22
23
24 
25 MARGO REID BROWN
26 Chair
27 CALIFORNIA INTEGRATED WASTE
28 MANAGEMENT BOARD