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9 **STATE OF CALIFORNIA**
10 **DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

11 IN THE MATTER OF:	}	Case No. IH14-008-TIR
12 Golden By-Products, Inc.,		ADMINISTRATIVE DECISION FOR
13 PROPERTY OWNER AND OPERATOR		WASTE TIRE STORAGE
14		ADMINISTRATIVE PENALTIES
15 RESPONDENT.	}	
16 TPID NO.: 1003314		AGENCY NO. 2014-011166-ADC

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19 **INTRODUCTION**

20 The California Department of Resources Recycling and Recovery (hereafter,
21 "CalRecycle") has authority to regulate and conduct enforcement actions against waste
22 tire facilities and waste tire haulers within the State of California pursuant to Public
23 Resources Code (PRC) sections 42800 et seq., 42950 et seq., and attendant
24 regulations contained in Title 14 of the California Code of Regulations ("CCR"). This
25 **ADMINISTRATIVE DECISION FOR WASTE TIRE STORAGE ADMINISTRATIVE**
26 **PENALTIES** (hereafter, "Administrative Decision") is issued pursuant to the
27 **STIPULATION FOR WASTE TIRE STORAGE ADMINISTRATIVE PENALTIES**
28 (hereafter, "Stipulation") entered into by Golden By-Products, Inc., Property Owner and

1 Operator, (hereafter, referred to as "Respondent" or Golden By-Products") and
2 CALRECYCLE.

3 Pursuant to PRC section 42851, CALRECYCLE issued an ADMINISTRATIVE
4 COMPLAINT FOR WASTE TIRE STORAGE PENALTIES (hereafter, "Administrative
5 Complaint") seeking \$730,000.00 against Respondent on June 27, 2014. On July 10,
6 2014, Stephen Krauss, representative for Respondent filed a REQUEST FOR
7 HEARING/NOTICE OF DEFENSE with the CalRecycle Legal Office. An informal
8 hearing was scheduled for September 10, 11 and 12, 2014, at 10:00 a.m. at
9 CalRecycle's offices, located at 801 K Street, 19th Floor, Room 1919, Sacramento,
10 California 95814. On August 27, 2014, CALRECYCLE issued a FIRST AMENDED
11 ADMINISTRATIVE COMPLAINT FOR WASTE TIRE STORAGE PENALTIES
12 (hereafter, "Amended Complaint") seeking \$965,000.00 against RESPONDENT.

13 From the time period beginning on or around August 1, 2014 and continuing
14 thereafter, CalRecycle and Golden By-Products (hereafter, referred to collectively as
15 "the Parties") took part in discussions regarding possible settlement of this matter. In
16 order to continue settlement discussions in this matter, on September 4, 2014, the
17 Parties submitted a JOINT REQUEST FOR CONTINUANCE OF HEARING DATE
18 requesting that the September 10, 11, and 12, 2014 hearing be continued to October
19 15, 16, and 17, 2014. On September 4, 2014, Hearing Officer Thomas W. Vallance,
20 issued an ORDER GRANTING CONTINUANCE AND NOTICE OF HEARING
21 continuing the hearing until October 15, 16, and 17, 2014, at 10:00 a.m., CalRecycle,
22 801 K Street, Room 1919 (DOR Training Room), Sacramento, California 95814.

23 The Parties negotiated a Stipulation in lieu of litigating the case at an
24 administrative hearing. Good cause appearing therefore, the following Findings of Fact
25 and Conclusions of Law are made.

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1 FINDINGS OF FACT

2 1. The Administrative Complaint was executed by MARTHA PEREZ, Staff
3 Counsel, CALRECYCLE, acting in her official capacity.

4 2. CALRECYCLE has authority to inspect, permit, regulate and conduct
5 enforcement actions against Waste Tire Haulers and Waste Tire Facilities within the
6 State of California under PRC section 42800, et seq., 42950 et seq., and attendant
7 regulations contained in Title 14 of the California Code of Regulations (CCR).

8 Golden By-Products, Inc., Tire Program Identification ("TPID") Number 1003314, is a
9 major permitted waste tire facility located at 13000 Newport Dr., Ballico, California,
10 95303, Assessor's Parcel Number 041-120-019 (hereafter, referred to as "the Site").

11 3. Golden By-Products is a "Major waste tire facility" as that term is defined
12 in Pub. Resources Code section 42808(b).

13 4. A "Major Waste Tire Facility" is defined in PRC section 42808(b) as "a
14 waste tire facility where, at any time, 5,000 or more waste tires are or will be stored,
15 stockpiled, accumulated, or discarded."

16 5. On July 6, 2009, CALRECYCLE issued Golden By-Products a new waste
17 tire facility permit for a "Major Waste Tire Facility," (hereafter, referred to as "Major
18 WTFP") authorizing a maximum permitted capacity of 1,500 tons of whole tires and
19 primary shreds (altered waste tires larger than 2 inches in diameter) (150,000
20 passenger tire equivalents (PTE¹)), and 8,500 tons of other material, as that material is
21 described in the Major WTFP.

22 6. From November 6, 2013, and until the present, Golden By-Products has
23 stored in excess of 150,000 PTE of whole waste tires and/or altered waste tires on the
24 Site.

25 7. On November 6, 2013, at 1:30 pm, Merced County Environmental Health
26 inspectors Esperanza Cabrera-Clark, Paul Wrighton, and supervisor Vickie Jones,
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28 ¹ "Passenger Tire Equivalents" (PTE) is defined as, "the total weight of altered waste tires, in pounds,
divided by 20 pounds." (Cal. Code regs. tit. 14, section 17225.770.)

1 along with CalRecycle inspectors Steve Dolan, Robert Baumann, Peder Kryski, Jean
2 Whalen, and Mathew Vipond performed a routine inspection of the Site. Also in
3 attendance performing a separate fire safety inspection of the site was Merced County
4 Fire Marshal, Hank Moore. As documented in Inspection Report #I1-1206501, Merced
5 County and CalRecycle inspectors determined that a total whole waste tire and altered
6 waste tire (greater than two inches in diameter) count of approximately 466,868 PTE
7 were being stored on the Site. Golden By-Products was issued a Notice of Violation for
8 violations specific to its Major WTFP capacity limits, storage of waste tires outdoors,
9 and other terms and conditions of its Major WTFP, and was provided a compliance
10 deadline date of March 3, 2014.

11 8. On March 5, 2014, Merced County inspector Esperanza Cabrera-Clark
12 and CalRecycle Inspectors Steve Dolan, Robert Baumann, Jean Whalen, Mathew
13 Vipond, and Dustin Schiavo performed a re-inspection of the Site. Also in attendance
14 during this inspection were Margie Comotto and Kevin Taylor, of CalRecycle's
15 permitting division. As documented in Inspection Report #IW-1010048, Merced County
16 and CalRecycle inspectors determined that a total whole waste tire and altered waste
17 tire (greater than two inches in diameter) count of approximately 565,514 PTE were
18 being stored on the Site. Golden By-Products was cited for violations specific to its
19 Major WTFP capacity limits, storage of waste tires outdoors, and other terms and
20 conditions of its Major WTFP. Violations noted during the November 6, 2013 inspection
21 were still outstanding. Inspection Report #IW-1010048 was mailed to Golden By-
22 Products first-class United States Postal Service (USPS) certified mail on March 14,
23 2014.

24 9. On March 14, 2014, CalRecycle issued Cleanup and Abatement Order
25 (hereafter, referred to as "CAO") 2014-011034-CAO to Golden By-Products for violating
26 waste tire storage laws and regulations, and for capacity violations related to Golden
27 By-Products' Major WTFP. Golden By-Products was served with the CAO on or around
28 March 17-18, 2014. The CAO ordered Golden By-Products to, "*remove all waste tires*

1 *in excess of 1,500 tons or 150,000 passenger tire equivalents from the premises within*
2 *30 days from the date of service of this Cleanup and Abatement Order (CAO)."*

3 (Emphasis added.) The CAO also ordered Golden By-Products to do the following,
4 "[b]eginning March 24, 2014, maintain daily incoming and outgoing tonnage records for
5 all waste/PTE tires until you obtain compliance with section one [of the CAO] above . . .
6 submit [above records] to Geralda Stryker of my [CALRECYCLE] staff . . . by close of
7 business on Friday of each week for the duration."

8 10. On April 29, 2014, Merced County inspector Esperanza Cabrera-Clark
9 and CALRECYCLE Inspectors Steve Dolan, Robert Baumann, Peder Kryski, Jean
10 Whalen, Mathew Vipond, Dustin Schiavo, and Nikki Castagneto performed a follow-up
11 inspection of the Site to determine compliance with the CAO. Also in attendance during
12 this inspection was Geralda Stryker, supervisor, CalRecycle Waste Tire Compliance –
13 Central Unit. As documented in Inspection Report #IW-1011032, Merced County and
14 CalRecycle inspectors determined that a total whole waste tire and altered waste tire
15 (greater than two inches in diameter) count of approximately 946,400 PTE were being
16 stored on the Site. Golden By-Products was in violation of the CAO and was cited for
17 violations specific to its Major WTFP capacity limits, storage of waste tires outdoors,
18 vector control measures, and other terms and conditions of its Major WTFP. Report
19 #IW-1011032 was sent electronic mail to Steve Krauss of Golden By-Products on May
20 12, 2014, and USPS first-class mail on May 13, 2014.

21 11. On June 4, 2014, Merced County Inspector Esperanza Cabrera-Clark and
22 CalRecycle Inspectors Robert Baumann, Mathew Vipond, Dustin Schiavo, Peder Kryski,
23 Jean Whalen, Billy Yos performed another follow-up inspection of the Site to determine
24 compliance with the CAO. Also in attendance during this inspection was Geralda
25 Stryker, supervisor, CalRecycle Waste Tire Compliance – Central Unit. As documented
26 in Inspection Report #IW-1011790, Merced County and CalRecycle inspectors
27 determined that a total whole waste tire and altered waste tire (greater than two inches
28 in diameter) count of approximately 614,697 PTE were being stored on the Site. Golden

1 By-Products was in violation of the CAO and was cited for violations specific to its Major
2 WTFP capacity limits, storage of waste tires outdoors, and other terms and conditions of
3 its Major WTFP. Inspection Report #IW-1011790 was sent via electronic mail to Steve
4 Krauss, Brett Barstow, and Karen Barstow of Golden By-Products on June 17, 2014,
5 and via first-class USPS mail on June 25, 2014.

6 12. On June 24, 2014, Merced County inspector Esperanza Cabrera-Clark
7 and CalRecycle Inspectors Robert Baumann, Peder Kryski, Jean Whalen, Mathew
8 Vipond, Nikki Castagneto, Mary LeClaire, Billy Yos, and Nai Teurn performed a pre-
9 permit inspection of the Site and a follow-up inspection to determine compliance with
10 the CAO. Also in attendance performing a separate fire safety inspection of the site was
11 Merced County Fire Marshal, Hank Moore. As documented in Inspection Report #IW-
12 1011953, Merced County and CalRecycle inspectors determined that a total whole
13 waste tire and altered waste tire (greater than two inches in diameter) count of
14 approximately 686,027 PTE were being stored on the Site. Golden By-Products was in
15 violation of the CAO and was cited for violations specific to its Major WTFP capacity
16 limits, storage of waste tires outdoors, fire prevention measures, and other terms and
17 conditions of its Major WTFP. Inspection Report #IW-1011953 was sent electronic mail
18 and first-class USPS mail to Steve Krauss of Golden By-Products on June 27, 2014.

19 13. Golden By-Products' Major WTFP expired on July 6, 2014.

20 14. On July 17, 2014, Merced County inspector Esperanza Cabrera-Clark and
21 CALRECYCLE Inspectors Robert Baumann, Jean Whalen, Mathew Vipond, Nikki
22 Castagneto, Dustin Schiavo, Billy Yos, and Nai Teurn performed an inspection of the
23 Site to determine compliance with state minimum standards and waste tires laws as set
24 forth in Chapter 16 of the Pub. Resources Code. Also in attendance during this
25 inspection was Geralda Stryker, supervisor, CalRecycle Waste Tire Compliance –
26 Central Unit. As documented in Inspection Report #IW-1012530, Merced County and
27 CalRecycle inspectors determined that a total whole waste tire and altered waste tire
28 (greater than ¼ inches in diameter) count of approximately 611,860 PTE were being

1 stored on the Site. Golden By-Products was issued a Notice of Violation for violations
2 specific to storage of waste tires outdoors, fire prevention measures, improper tire pile
3 storage, insufficient separation between tire piles and flammable materials, surface
4 water drainage issues, and failure to remove tires from rims upon arrival at the facility.
5 Inspection Report #IW-1012530 was sent USPS first-class mail on August 15, 2014,
6 and electronic mail to Karen Barstow of Golden By-Products on August 19, 2014.

7 15. On August 15, 2014, CalRecycle issued a subsequent Cleanup and
8 Abatement Order 2014-011036-CAO (hereafter, referred to as "August 2014 CAO") to
9 Golden By-Products for violating waste tire storage laws and regulations, including but
10 not limited to, violations of state minimum standards and storing 5,000 or more waste
11 tires on the site without a valid Major waste tire facility permit. Golden By-Products was
12 served with the CAO on or around August 19, 2014. The August 2014 CAO ordered
13 Golden By-Products to, "*reduce and maintain the number of waste tires onsite to 0*
14 *(zero), in accordance with the following: (1) Remove all waste tires from the premises*
15 *immediately, in accordance with PUB. RESOURCES CODE section 42845(a)(2). (2) At*
16 *no time may you accept additional waste tires at this site, . . . for as long as this site*
17 *remains in violation.*" (Emphasis added.)

18 CONCLUSIONS OF LAW

19 16. Golden By-Products violated PRC section 42845, cleanup, abate the
20 effects of waste tires, or take other remedial action as necessary upon ordered by the
21 Department [CalRecycle] in the CAO and the August 2014 CAO, PRC section 42850(a),
22 complying with the terms and conditions of the Major WTFP, Title 14 CCR section
23 17353(a), vector control measures, and Title 14 CCR section 17354, outdoor storage
24 requirements, including pile size, fire lane, and rim removal requirements.

25 ORDER

26 CalRecycle hereby approves of and adopts the Stipulation, including the
27 stipulated factual background and the stipulated order, including the terms and
28 conditions regarding satisfaction of penalty, and the general terms and conditions. The

1 following Order is hereby made:

2 1. Golden By-Products shall not accept any waste tires at the Site, until all of
3 the following conditions are met:

4 a. CalRecycle inspectors perform an inspection of the Site and CalRecycle
5 provides written notice to Golden By-Products verifying the following:

6 i. The facility is storing less than 2,000 tons (200,000 PTE) of "whole
7 waste tires" and less than 6,500 tons of "altered waste tires," as
8 those terms are defined below;

9 ii. Whole waste tires at the Site are restricted to individual piles not
10 exceeding 5,000 square feet of contiguous area. Piles do not
11 exceed 50,000 cubic feet in volume nor 10 feet in height. Whole
12 waste tires are separated from vegetation and other potentially
13 flammable materials by no less than 40 feet.

14 b. CalRecycle provides written notice to Golden By-Products verifying the
15 following:

16 i. Golden By-Products has provided acceptable written
17 documentation to CalRecycle showing that Golden By-Products
18 has made arrangements to take up to 500 tons (5,000 PTE) of
19 waste tires per week, for 10 weeks, to landfills or other facilities
20 authorized to take waste tires. Written documentation includes, but
21 is not limited to: (1) letter(s) from landfills or other facilities agreeing
22 to accept waste tires, or (2) contract(s) from landfills or other
23 facilities agreeing to accept waste tires.

24 2. A failure to comply with the requirements set forth in paragraph 1.a. and
25 1.b. above will result in a partial default of this Stipulation and Golden By-Products must
26 immediately cease accepting waste tires at the Site. In addition, Golden By-Products
27 may not apply for a Major Waste Tire Facility Permit for three years from the effective
28 date of the Administrative Decision issued pursuant to this Stipulation.

1 3. CalRecycle may revoke Golden By-Products' authorization to accept
2 waste tires at the Site at any time, by providing written notice to Golden By-Products.

3 4. Beginning on or before November 17, 2014, Golden By-Products shall
4 store no more than 2,000 tons (200,000 PTE) of whole waste tires and 6,500 tons of
5 altered waste tires at the Site. Failure to comply with this term will result in an automatic
6 partial default penalty of \$10,000 against Golden By-Products and in favor of
7 CalRecycle

8 5. Beginning on or before November 17, 2014, Golden By-Products shall
9 comply with the whole waste tire storage requirements as specified above in paragraph
10 1.a.ii. Failure to comply with this term will result in an automatic partial default penalty of
11 \$25,000 against Golden By-Products and in favor of CalRecycle.

12 6. Beginning on or before December 2, 2014, Golden By-Products shall store
13 no more than 1,000 tons (100,000 PTE) of whole waste tires and 6,500 tons of altered
14 waste tires at the Site. Failure to comply with this term will result in an automatic partial
15 default penalty of \$50,000 against Golden By-Products, and in favor of CalRecycle.

16 7. Effective immediately, Golden By-Products shall contact CalRecycle's
17 enforcement staff within 24 hours of any event resulting in substantial downtime at the
18 Site, excluding routine maintenance. At minimum, Golden By-Products shall contact Bill
19 Albert, CalRecycle Tire Enforcement Section manager, at (916) 341-6430 and email at
20 Bill.Albert@CalRecycle.ca.gov.

21 8. Effective immediately, Golden By-Products shall contact CalRecycle's
22 enforcement staff within 24 hours of any major accident or incident of fire at the Site. At
23 minimum, Golden By-Products shall contact Bill Albert, CalRecycle Tire Enforcement
24 Section manager, at (916) 341-6430 and email at Bill.Albert@CalRecycle.ca.gov.

25 9. Golden By-Products agrees to continue providing weekly updates on daily
26 incoming and outgoing tonnage records for all waste tires/PTE to CalRecycle, as
27 ordered in the March 14, 2014 CAO (2014-011034-CAO).

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1 10. On or before January 1, 2015, Golden By-Products shall apply for a major
2 waste tire facility permit (hereafter, referred to as "Major WTFP") subject to the following
3 conditions:

4 a. Golden By-Products will submit a Major WTFP application (hereafter,
5 referred to as "permit application") to CalRecycle pursuant to the
6 requirements set forth in Title 14 California Code of Regulations ("CCR"),
7 Division 7, Chapter 6, Article 2 (Filing an Application) and Article 4 (Permit
8 Application);

9 b. Golden By-Products will meet all state minimum standard requirements as
10 outlined in Title 14 CCR, Division 7, Chapter 3, Article 5.5 (Waste Tire
11 Storage and Disposal Standards) including but not limited to, an adequate
12 water supply capable of delivering at least 2,000 gpm for a duration of at
13 least three hours if the sum of altered plus whole waste tires exceeds
14 10,000 PTE; and

15 c. Golden By-Products will increase its financial assurance mechanisms in
16 its permit application to at least \$160,000, with a "surety bond," as that
17 term is defined in Title 14 CCR section 18471(a)(7), to ensure adequate
18 financial ability to conduct closure activities of the Major Waste Tire
19 Facility. If Golden By-Products is unable to secure a surety bond for
20 \$160,000, Golden By-Products must submit to CalRecycle acceptable
21 written documentation showing inability to secure the \$160,000 surety
22 bond. At all such times as Golden By-Products does not have a \$160,000
23 surety bond, Golden By-Products must have an open escrow account to
24 cover the costs associated with closure activities of the Major Waste Tire
25 Facility. Golden By-Products must secure the \$160,000 surety bond within
26 six months from applying for the Major WTFP. A violation of this condition
27 constitutes a partial default.

28 d. CalRecycle will have 30 days to accept the permit application as

1 complete, or reject the permit application.

2 e. CalRecycle may reject the permit application for any of the following:

3 i. Golden By-Products' failure to meet the requirements as specified
4 above in paragraph 10.a., 10.b. and 10.c.

5 ii. Golden By-Products' failure to meet any of the terms and conditions
6 of this Stipulation.

7 iii. Golden By-Products' failure to submit a permit application that
8 reflects the Site's current operation.

9 iv. Golden By-Products' failure to maintain whole waste tire storage
10 limits at or below 1,000 tons (100,000 PTE) and 6,500 tons of
11 altered waste tires.

12 f. If CalRecycle rejects the permit application, CalRecycle will notify Golden
13 By-Products, in writing, enumerating the grounds for rejection. Golden By-
14 Products will have 30 days to cure a rejected permit application. Failure to
15 cure a rejected permit application within 30 days, will result in an
16 automatic partial default penalty of \$2,500 against Golden By-Products,
17 and in favor of CalRecycle.

18 g. March 15, 2015 is the deadline for the permit application to be accepted
19 by CalRecycle.

20 11. If after March 15, 2015, CalRecycle has not accepted the application as
21 complete, Golden By-Products shall reduce the number of whole waste tires and altered
22 waste tires at the Site to less than 499 PTE. Golden By-Products will have 60 days from
23 March 15, 2015 to clean up, remove, and abate the effects of waste tires at the Site to
24 less than 499 PTE. Golden By-Products may enact its cleanup bond to pay for cleanup
25 costs associated with landfill fees, hauling costs, equipment rental cost, and fuel and
26 power costs. •

27 12. In the event Golden By-Products is required to clean up, remove and
28 abate the effects of waste tires at the Site and does not do so and waste tires are

1 cleaned up, abated, or any other necessary remedial action is taken by CalRecycle,
2 Golden By-Products shall grant access to CalRecycle, or any authorized agent of
3 CalRecycle, to enter onto the site upon which waste tires are unlawfully stored,
4 stockpiled, or accumulated, to perform all necessary cleanup, abatement, or remedial
5 work as authorized under Pub. Resources Code § 42846. Golden By-Products shall be
6 liable to CalRecycle to the extent of the costs actually incurred in cleaning up the waste
7 tires, abating the effects thereof, or taking any other remedial actions to remediate the
8 site.

9 13. At all such times as Golden By-Products is in substantial compliance with
10 the terms and conditions set forth in this Stipulation, Golden By-Products will remain a
11 reliable contractor and shall not be required to declare on a CalRecycle Form 168 that
12 any of the events listed in that form have occurred.

13 14. Golden By-Products shall pay \$200,000 to CalRecycle in the following
14 manner:

- 15 a) Golden By-Products shall pay to CalRecycle the initial sum of \$20,000 on or
16 before the 30th day after the effective date of the Administrative Decision
17 issued pursuant to this Stipulation.
- 18 b) Golden By-Products shall make 12 monthly payments to CalRecycle of
19 \$1,000 starting on or before the 60th day after the effective date of the
20 Administrative Decision issued pursuant to this Stipulation. Thereafter,
21 Golden By-Products shall make monthly payments to CalRecycle of \$4,000,
22 until the total amount of said payments, together with the initial \$20,000
23 payment, totals \$200,000.
- 24 c) All payments shall be sent to: CalRecycle, Attn: Richard Guess, P.O. Box
25 4025, Sacramento, CA 95812-4025, or to such person and/or place as
26 CalRecycle or its agent may from time to time designate in writing.
- 27 d) If any payment by Golden By-Products is not mailed to CalRecycle by the due
28 date, and if Golden By-Products fails to cure the missed payment(s) within

1 twenty (20) days of said missed payment, Golden By-Products shall be found
2 in partial default of this Stipulation and shall pay an automatic partial default
3 penalty of \$10,000.

4 15. The remaining administrative penalty of \$765,000 shall be suspended and
5 stayed for a period of five years. The stayed penalty shall be deemed terminated and
6 shall not be paid by Golden By-Products following the five-year period, absent a default
7 as described below, or a violation of the waste tire laws, rules, and regulations set forth
8 in Chapter 16 (commencing with Pub. Resources Code § 42800 et seq.), Chapter 19
9 (commencing with Pub. Resources Code § 42950 et seq.), and Title 14 CCR Division 7.

10 16. **Full Default:** Unless otherwise specified, Golden By-Products is in full
11 default of this Stipulation if Golden By-Products fails to comply with the terms and
12 conditions set forth in this Stipulation. In the event that CalRecycle discovers a default
13 of this Stipulation, CalRecycle shall notify Golden By-Products by issuing a Notice of
14 Default. Golden By-Products will have 30 days from the date of issuance of the Notice
15 of Default to respond to CalRecycle's allegations and provide evidence refuting
16 CalRecycle's claim of default. CalRecycle will review all counterarguments and
17 evidence provided by Golden By-Products and will make a determination as to whether
18 a default occurred, and if appropriate, shall issue a Supplemental Administrative
19 Decision ordering the remaining abeyance penalty amount due and payable. Golden
20 By-Products may appeal CalRecycle's determination within 30 days of the issuance of
21 the Supplemental Administrative Decision. Any and all appeals shall be heard by
22 CalRecycle's Director or the Director's designee.

23 17. **Partial Default:** In the event of a partial default, CalRecycle shall notify
24 Golden By-Products by issuing a Notice of Default and shall state the amount of
25 penalties due. Golden By-Products will have 30 days from the date of issuance of the
26 Notice of Default to respond to CalRecycle's allegations and provide evidence refuting
27 CalRecycle's claim of default. Upon review of counter arguments, CalRecycle shall
28 either advise Golden By-Products that it has determined no default occurred, or shall

1 issue an invoice ordering Golden By-Products to pay the specific penalty within 30 days.
2 If Golden By-Products is in partial default of the Stipulation and is ordered to pay a
3 partial default fine AND fails to do so within 30 days, the failure to pay shall constitute a
4 full default of the Stipulation and the remaining abeyance penalty amount shall become
5 due and payable.

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This Administrative Decision shall become effective as of the date signed below.

Dated: 10/13/2014



MARK DE BIE
Deputy Director
DEPARTMENT OF RESOURCES,
RECYCLING AND RECOVERY
(CALRECYCLE)