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8 STATE OF CALIFORNIA

9 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

10 IN THE MATTER OF:

11 BOB TAULBEE AKA ROBERT TAULBEE
12 AND GERARD YOUNG DBA ALL TIRE
13 RECYCLING

14 RESPONDENTS

15 TPID NO: 1512772
16

} ADMINISTRATIVE DECISION
} PURSUANT TO STIPULATION FOR THE
} DENIAL OF WASTE AND USED TIRE
} HAULER REGISTRATION

} PUBLIC RESOURCES CODE SECTION
} 42960

} AGENCY NO. 2008-000039-DEN
17

18 INTRODUCTION

19 The California Integrated Waste Management Board ("CIWMB") has authority to
20 regulate and conduct enforcement actions regarding Waste Tire Haulers within the State of
21 California under Public Resources Code (PRC) Section 42962 et seq. and attendant
22 regulations contained in 14 California Code of Regulations ("CCR").

23 To avoid the uncertainties of litigation, RESPONDENTS have entered into a
24 STIPULATION FOR ISSUANCE OF ADMINISTRATIVE DECISION FOR THE DENIAL OF
25 WASTE AND USED TIRE HAULER REGISTRATION ("Stipulation") to resolve the allegations
26 in the FOURTH AMENDED STATEMENT OF ISSUES FOR THE DENIAL OF WASTE AND
27 USED TIRE HAULER REGISTRATION.
28

1 The CIWMB hereby adopts the Stipulation. Pursuant to the Stipulation, and good cause
2 appearing therefore, the following stipulated factual findings, legal conclusions, and Order is
3 issued:

4 **STIPULATED FACTUAL FINDINGS**

5
6 1. The CIWMB has authority to. inspect, permit, regulate and conduct enforcement
7 actions against Waste Tire Facilities (WTF) within the State of California under Public
8 Resources Code (PRC) section 42800, et seq., and attendant regulations contained in Title 14
9 of the California Code of Regulations (CCR).

10 2. ALL TIRE RECYCLING has been a registered waste tire hauler since June 25,
11 2007. Bob Taulbee aka Robert Taulbee and Gerard Young are partners doing business as All
12 Tire Recycling. The company submitted their 2009 renewal on October 28, 2008. The Waste
13 and Used Tire Hauler Registration expires annually on January 1, pursuant to 14 CCR section
14 18455.

15 3. ROBERT TAULBEE has notice of CIWMB's waste tire storage laws. On August
16 16, 1999, CIWMB entered into a Settlement Agreement and Mutual Compromise of
17 Administrative Complaint No. 99-20AC, with ROBERT TAULBEE, doing business as
18 TAULBEE TIRES resolving violations of 14 CCR section 18420, the failure of the operator of a
19 waste tire facility to obtain a permit from the CIWMB for storing more than 8,500 waste tires at
20 105 Leavesley Road, in Gilroy, California.

21 4. On August 7, 2007, Inspector Wing Suen, Alameda County Environmental Health
22 Department (Local Enforcement Agency) conducted an inspection of ALL TIRE RECYCLING
23 located at 5401 San Leandro Street #C, Oakland California. During the inspection, Inspector
24 Suen counted 4,454 waste tires and determined that they were operating as an unpermitted
25 waste tire facility (WTF). Inspector Suen issued a Notice of Violation (NOV) to ALL TIRE
26 RECYCLING with a compliance date of September 7, 2007 for various manifesting violations
27 and being an unpermitted WTF.

28 5. On September 27, 2007, Inspector Suen conducted a follow-up inspection of that
location and observed approximately 1,500 waste tires. Inspector Suen issued another NOV

1 to ALL TIRE RECYCLING for manifesting violations and being an unpermitted waste tire
2 facility.

3 6. On November 14, 2007, CIWMB staff issued Cleanup and Abatement Order
4 (CAO) 2007-010962-CAO against ALL TIRE RECYCLING ordering them to remove all waste
5 tires from their facility within thirty days from the date of service of the CAO.

6 7. On December 5, 2007, GERARD YOUNG (co-owner of ALL TIRE RECYCLING)
7 notified the CIWMB via an email that the business was going to move to 3740 San Leandro
8 Street in Oakland during the week of December 15, 2007. MR. YOUNG requested that CIWMB
9 Inspector conduct a re-inspection of their site located at 5401 San Leandro Street on
10 December 18, 2007.

11 8. On December 18, 2007, CIWMB Inspector Paul Saldana and County Inspector
12 Suen, conducted a joint inspection of ALL TIRE RECYCLING located at 5401 San Leandro
13 Street and determined that there were no longer any waste tires stored on site.

14 9. On February 26, 2008, CIWMB Inspector Paul Saldana and County Inspector
15 Suen conducted an inspection of ALL TIRE RECYCLING at its new location at 3740 San
16 Leandro Street site address. The inspector marked an Area of Concern in the inspection
17 report regarding manifesting errors. These errors include, missing manifests, TPID number,
18 and phone numbers.

19 10. On October 29, 2008, CIWMB inspectors Tom Cunningham and Bill Motmans
20 and County inspector Suen conducted an inspection of the 3740 San Leandro Street site. The
21 inspectors determined that more than 1500 waste tires were on the site, and estimated the
22 total waste tire count at 4,765. Inspector Suen issued a Notice of Violation for the following:

- 23 a. failure to maintain manifests on the site for three years,
- 24 b. storing more than the 1,500 waste tires on an unpermitted facility, and
- 25 c. for failure to not post a sign with the name of the company posted at the
26 location.

27 Inspector Suen requested that MR. GERARD YOUNG provide the manifests after they
28 completed their inspection on October 29, 2008.

1 11. On December 4, 2008, County Inspector Eva Chu inspected the subject waste
2 tire facility at 3740 San Leandro Street, with CIWMB inspectors, and determined that more
3 than 1500 waste tires were being stored without a permit. On December 12, 2008, County
4 Inspector Chu estimated that less than 1,500 waste tires were on the subject waste tire facility.

5 12. MR. YOUNG has knowledge of manifesting regulations. A review of the Waste
6 Tire Management System (WTMS) showed that on August 8, 2007 GERARD YOUNG
7 attended a manifest training provided by CIWMB staff in Sacramento. MR. YOUNG was also
8 provided training documents.

9 13. MR. TAULBEE has knowledge of manifesting regulations. MR. TAULBEE
10 operates or used to operate TAULBEE TIRE CO. CIWMB issued letters of Violation to
11 TAULBEE TIRE CO. concerning errors and omissions in manifests (comprehensive trip logs)
12 on January 13, 2004, June 14, 2004, May 15, 2006, May 25, 2006, August 24, 2006,
13 September 7, 2006, July 24, 2007 and October 25, 2007.

14 14. On March 3, 2009, Administrative Law Judge Ruth S. Astle issued a
15 Proposed Decision which suspended the waste tire hauler registration of Bob Taulbee
16 aka Robert Taulbee and Gerard Young dba All Tire Recycling for a period of three
17 months beginning January 1, 2009 through March 31, 2009, pursuant to Public
18 Resources Code section 42960. The decision enumerated Factual Findings, including
19 No. 15, which stated, in part,

20 "[Respondents] have not been hauling waste tires since January 1, 2009. They
21 have expressed their dedication to doing the paperwork properly. It would not
22 be against the public interest to allow Respondents to continue to haul waste
23 tires."

24 15. On March 12, 2009, a Santa Clara County Environmental Health Inspector
25 advised CIWMB staff that All Tire Recycling had hauled waste tires subsequent to January 1,
26 2009, after CIWMB denied its waste tire hauler registration. RESPONDENTS hauled waste
27 tires using another hauler's temporary waste and used tire hauler registration issued by
28 CIWMB in violation of 14 California Code of Regulations section 18456.4. There is evidence
that this hauling took place for up to a two week period, including on or about February 9,
2009.

- 1 d. RESPONDENTS violated PRC section 42951 and 14 California Code of
2 Regulations section 18456.4 when they hauled used or waste tires without a
3 valid CIWMB waste and used tire registration issued to RESPONDENTS.

4 **ORDER**

5 The CIWMB adopts and approves of the terms of the Stipulation and the following order
6 is hereby made:

- 7 a. CIWMB shall suspend RESPONDENTS' waste and used tire hauler registration
8 for nine (9) months. Three (3) months of this suspension were already served
9 from January 1, 2009 until March 31, 2009. An additional six (6) month
10 suspension shall be served beginning on July 14, 2009.
- 11
- 12 b. RESPONDENTS shall not haul used or waste tires during the suspension period.
13 During the three month abeyance period, and also the period from the date of
14 RESPONDENTS' signatures on the Stipulation until the beginning of the
15 suspension period on July 14, 2009, RESPONDENTS shall only transport waste
16 or used tires to a facility that is permitted, excluded, exempted, or otherwise
17 authorized by the board to accept waste and used tires.
- 18
- 19 c. RESPONDENTS shall manifest all loads of waste and used tires that they haul
20 and retain manifests for three (3) years.
- 21
- 22 d. RESPONDENTS shall not haul used or waste tires without a valid CIWMB waste
23 and used tire registration issued to RESPONDENTS.

24 This DECISION shall become effective June 16, 2009.

25 Dated this 16th day of June, 2009

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MARGO REID BROWN
Chair
CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD