RECEIVED
JUL - 5 2016
BY ACCOUNTING

CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
WASTE TIRE HAULER/MANIFESTING VIOLATIONS
STIPULATION, DECISION, AND ORDER

(YOU MUST SIGN THE OTHER SIDE OF THIS PAGE AND SELECT A PENALTY OPTION IF YOU ACCEPT THIS STIPULATION)

Complainant, the California Department of Resources Recycling and Recovery (CalRecycle) and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations alleged below. The parties stipulate to the following facts and violations of law:

CALRECYCLE ENFORCEMENT ORDER NUMBER: 2015-000580-PEN

RESPONDENT: L & R Tire Disposal, Inc.
1065 Simpson St., Suite A
Kingsburg, CA 93631-2223

PUBLIC RESOURCES CODE (PRC) SECTION VIOLATED: §42961.5(c)(2)

TITLE 14, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED: N/A

DESCRIPTION OF VIOLATIONS:

During an inspection at Carroll's Tire Warehouse, Inc. located at 677 S. Plano Street, Porterville, CA, CalRecycle Inspector Ivan Palenyy observed that **L & R Tire Disposal, Inc.** had repeatedly used the incorrect facility Tire Program Identification (TPID) number for Carroll's Tire Warehouse, Inc. in completing Comprehensive Trip Logs (CTL) forms which is a violation of PRC §42961.5(c)(2).

Pursuant to PRC §42961.5(c)(2), any waste and used tire hauler hauling waste or used tires for offsite handling, altering, storage, disposal, or any combination thereof, shall complete the California Uniform Waste and Used Tire Manifest as required by CalRecycle. The waste and used tire hauler shall provide the manifest to the waste or used tire facility operator who receives the waste or used tires for handling, altering, storage, disposal, or any combination thereof. Each waste and used tire hauler shall submit to CalRecycle, on a quarterly schedule, a legible copy of each manifest. The copy submitted to CalRecycle shall contain the signatures of the generator and the facility operator.

DATE(S) OF VIOLATION: November 5, 2014; December 2 & 26, 2014; January 13, 2015; February 3 & 24, 2015; March 11 & 23, 2015; April 13, 2015; May 7 & 20, 2015; June 3 & 23, 2015; July 9 & 20, 2015; August 10, 2015; and September 1 & 22, 2015

STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE

TOTAL MONETARY PENALTY: $900 **NUMBER OF COUNTS: 18**

Penalty Option 1—$900 RESPONDENT, shall remit to CalRecycle payment in the amount of $900 within 15 days of this letter. By signing this Order, RESPONDENT agrees to Penalty Option 1 unless RESPONDENT affirmatively checks the box for Penalty Option 2 below.
Penalty Option 2—$450 RESPONDENT, shall remit to CalRecycle payment in the amount of $450 within 15 days of this letter. RESPONDENT further agrees to submit CTLs electronically to CalRecycle for each load of waste or used tires RESPONDENT hauls that would require a manifest, for the 12-month period beginning on the date CalRecycle signs this Order. If RESPONDENT fails to submit any required CTL electronically within that 12-month period, or if RESPONDENT fails to complete and return the attached Electronic Data Transfer (EDT) application to CalRecycle within 15 days of receipt of this Order, the full amount of $900, less any amount already paid, will become immediately due and payable. If RESPONDENT signs this Order, but does not affirmatively check the box for Option 2, RESPONDENT agrees to be bound by Penalty Option 1.

FURTHER STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Public Resources Code and/or Title 14, California Code of Regulations (CCR) described above and on Exhibit 1 attached, have occurred and request that the California Department of Resources Recycling and Recovery resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* at the bottom of this form and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order made payable to the California Department of Resources Recycling and Recovery in the amount of the penalty described above. I understand that if there are not sufficient funds in my bank account when the check is deposited, CalRecycle has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed.

RESPONDENT has freely and voluntarily entered into this Stipulation, Decision, and Order (hereinafter "Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained herein, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified, or otherwise changed except by a writing executed by each of the parties hereto.

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulation, Decision, and Order, is the date that the Department Director signs it.

I, as RESPONDENT, hereby select and agree to be bound by: ☐ Penalty Option 1* ☑ Penalty Option 2

* By failing to check either box, RESPONDENT agrees to Penalty Option 1.

Dated: 6-28-16 **Signature:** _____

Printed Name: Jaime Espinosa

Job Title: Pres

Name and Address of Business Entity: 1065 Simpson

Any DBAs: _____

For California Department of Resources Recycling and Recovery Use Only

STATEMENT BY DIRECTOR:

The foregoing stipulation has been adopted by the California Department of Resources Recycling and Recovery as its final decision and order and is effective upon execution below by the Director of the California Department of Resources Recycling and Recovery.

IT IS SO ORDERED:

Dated: 7/15/16

_____

Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division
California Department of Resources Recycling and Recovery