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7 STATE OF CALIFORNIA
DEPARTMENT OF RESOURCES RECYCLING & RECOVERY
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10 In the matter of:

11 R & L RECYCLE, INC.

12
13 TPID NO: 1787089

14
15 RESPONDENT

Case No. IH16-004-TIR

**STIPULATION FOR ISSUANCE OF
ADMINISTRATIVE DECISION FOR
REVOCAION OF WASTE TIRE
HAULER REGISTRATION, WASTE TIRE
HAULER PENALTIES, AND WASTE
TIRE STORAGE ADMINISTRATIVE
PENALTIES**

16 AGENCY NO: 2016-000016-REV

17 AGENCY NO: 2016-011183-ADC
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21 **INTRODUCTION AND PROCEDURAL HISTORY**

22 The California Integrated Waste Management Board (CIWMB) is now the
23 California Department of Resources Recycling and Recovery (CALRECYCLE).
24 CALRECYCLE succeeded to CIWMB's authority on January 1, 2010, pursuant to Public
25 Resources Code (PRC) section 40401(a)(1). The parties to this STIPULATION FOR
26 ISSUANCE OF ADMINISTRATIVE DECISION FOR REVOCATION OF WASTE TIRE
27 HAULER REGISTRATION, WASTE TIRE HAULER PENALTIES, AND WASTE TIRE
28 STORAGE ADMINISTRATIVE PENALTIES (hereafter, "Stipulation") are CALRECYCLE

1 and R & L Recycle, Inc. (RESPONDENT) (hereafter, referred to collectively as "the
2 Parties").

3 On April 21, 2016, CALRECYCLE served an Accusation For The Revocation of
4 Waste Tire Hauler Registration And Administrative Complaint For Waste Tire Hauler
5 Penalties and an Administrative Complaint For Waste Tire Storage Administrative
6 Penalties on RESPONDENT. On May 5, 2016, RESPONDENT filed a "Request For A
7 Hearing/Notice Of Defense" for the Accusation For The Revocation Of Waste Tire
8 Hauler Registration And Administrative Complaint For Waste Tire Hauler Penalties. On
9 May 12, 2016, RESPONDENT filed a "Request For A Hearing/Notice Of Defense" for
10 the Administrative Complaint For Waste Tire Storage Administrative Penalties. A
11 hearing was scheduled for August 2, 3, and 4, 2016, in Sacramento, California.

12 On June 16, 2016, CALRECYCLE filed a Notice of Motion and Motion to
13 Consolidate Cases for purposes of hearing only; said motion was granted on July 20,
14 2016.

15 The property owner, Irene Pestana and Michael J. Kelly, Jr., Co-Trustees of the
16 Marital Trust Established Under the Pestana 1986 Family Trust Agreement Dated May
17 15, 1986, was also served with the Administrative Complaint for Waste Tire Storage
18 Administrative Penalties and named a Respondent in that complaint, but was dismissed
19 without prejudice on July 20, 2016.

20 In order to avoid the time, expense, and uncertainties attendant with litigation, the
21 remaining Parties, CALRECYCLE and R & L RECYCLE, INC., hereby submit this
22 Stipulation as final resolution of all issues raised in both above-referenced accusations.
23 In submitting this Stipulation, the Parties understand, acknowledge, and agree to the
24 facts and terms of this Stipulation as set forth herein.

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26 **STIPULATED FACTUAL FINDINGS**

27 1. The Accusation For The Revocation Of Waste Tire Hauler Registration
28 And Administrative Complaint For Waste Tire Hauler Penalties was executed by

1 Catherine V. Nystrom, Attorney for CALRECYCLE, acting in her official capacity. The
2 Administrative Complaint For Waste Tire Storage Administrative Penalties was
3 executed by Heather L. Hunt, Attorney III for CALRECYCLE, acting in her official
4 capacity.

5 2. CALRECYCLE has the authority to permit, regulate, and conduct
6 enforcement actions regarding waste tire facilities and waste tire haulers within the
7 State of California pursuant to PRC sections 42800 et seq., 42950 et seq. and attendant
8 regulations contained in Title 14 of the California Code of Regulations (“CCR”).
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10 **FACTS UNDERLYING THE ACCUSATION FOR THE REVOCATION OF WASTE**
11 **TIRE HAULER REGISTRATION AND ADMINISTRATIVE COMPLAINT FOR WASTE**
12 **TIRE HAULER PENALTIES**

13 3. A “Used or Waste Tire Hauler” or “Hauler” is defined as, “any person
14 engaged in the transportation of used or waste tires, or tire casings, including haulers
15 that [CALRECYCLE] approved as exempt from registration pursuant to PRC section
16 42954.” (Title 14 CCR section 18450(a)(37)).

17 4. A “Waste Tire Hauler Registration” is defined as, “the documents,
18 including the decal and registration form, issued by [CALRECYCLE] which authorizes
19 the holder of the documents to legally haul waste or used tires within California for the
20 period of issuance.” (14 CCR section 18450(a)(40)).

21 5. Pursuant to PRC section 42808(b), “Major waste tire facility” means a
22 waste tire facility where, at any time, 5,000 or more waste tires are or will be stored,
23 stockpiled, accumulated or discarded.”

24 6. PRC section 42824 provides that “it is unlawful to direct or transport waste
25 tires to a major waste tire facility or to accept waste tires at a major waste tire facility
26 unless the operator has obtained a major waste tire facility permit.”

27 7. Pursuant to PRC section 42951(b), “A registered waste and used tire
28 hauler shall only transport waste or used tires to a facility that is permitted, excluded,

1 exempted, or otherwise authorized by [CALRECYCLE], by statute, or by regulation, to
2 accept waste and used tires, or to a facility that lawfully accepts waste or used tires for
3 reuse or disposal.”

4 8. The “California Uniform Waste and Used Tire Manifest” is a form
5 developed by CALRECYCLE pursuant to PRC section 42961.5 and is also referred to
6 as the “Comprehensive Trip Log” or “CTL.” The CTL form is incorporated in the
7 regulations by 14 CCR section 18450(a)(11), and must be filled out completely and
8 accurately, including providing the Tire Program Identification (TPID) number for the
9 location of delivery or pick-up of each load of waste tires.

10 9. Pursuant to PRC section 42961.5(c)(2), “Any waste and used tire hauler
11 hauling waste or used tires for offsite handling, altering, storage, disposal, or any
12 combination thereof, shall complete the California Uniform Waste and Used Tire
13 Manifest as required by [CALRECYCLE]. The waste and used tire hauler shall provide
14 the manifest to the waste or used tire facility operator who receives the waste or used
15 tires for handling, altering, storage, disposal, or any combination thereof. Each waste
16 and used tire hauler shall submit to [CALRECYCLE], on a quarterly schedule, a legible
17 copy of each manifest. The copy submitted to the board [CALRECYCLE] shall contain
18 the signatures of the generator and the facility operator.”

19 10. Pursuant to PRC section 42960(b)(2), CALRECYCLE may suspend,
20 revoke, or deny a waste and used tire hauler registration for a period of three years to
21 five years, or may suspend, revoke, or deny a waste and used tire hauler registration
22 permanently, if the hauler was previously fined pursuant to Chapter 19 or Chapter 16 of
23 Part 3 of Division 30 of the PRC (commencing with section 42800).

24 11. Additionally, and alternatively, pursuant to PRC section 42960(a)(1),
25 CALRECYCLE may suspend, revoke, or deny a waste and used tire hauler registration
26 for a period of up to three years, if the applicant for, or holder of, the registration
27 commits more than three violations of, or fails to comply with any requirements of
28 Chapter 19 or Chapter 16 of Part 3 of Division 30 of the PRC (commencing with section

1 42800), or the regulations adopted pursuant to those provisions, within a one-year
2 period.

3 12. Title 14 CCR section 18451(a) requires waste tire haulers, retreaders,
4 waste tire generators, and end-use facilities to comply with these regulations.

5 13. RESPONDENT has been a waste tire hauler registered by CALRECYCLE
6 since May 30, 2014.

7 14. RESPONDENT was previously fined for violations of California Waste Tire
8 Laws and California Tire Hauler Registration Laws.

9 15. RESPONDENT was never issued a Waste Tire Facility Permit for its
10 waste tire facility at 1596 South 7th Street, Suite C, San Jose, California (site) by
11 CALRECYCLE and therefore is only authorized to store no more than 499 waste and
12 used tires on site at any time.

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14 **Transporting Waste And Used Tires To An Unauthorized Location**

15 16. Between October 27, 2015 and November 11, 2015, RESPONDENT
16 transported at least 13 loads of waste and used tires to its waste tire facility at 1596
17 South 7th Street, Suite C, San Jose, California (the site). This site is not, and has never
18 been, authorized by CALRECYCLE to store more than 499 waste and used tires.
19 RESPONDENT exceeded the amount of waste and used tires allowed at this site
20 creating an unpermitted major waste tire facility. The table below highlights the
21 violations by RESPONDENT:

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CTL Form	Violation	Hauler	Load Date
5675196-C	Delivering waste tires to an unauthorized location	R & L Recycle	11/11/2015
5675186-C	Delivering waste tires to an unauthorized location	R & L Recycle	11/10/2015
5675186-B	Delivering waste tires to an unauthorized location	R & L Recycle	11/10/2015
5675187-C	Delivering waste tires to an unauthorized location	R & L Recycle	11/09/2015
5675148-B	Delivering waste tires to an unauthorized location	R & L Recycle	11/06/2015
5675148-C	Delivering waste tires to an unauthorized location	R & L Recycle	11/05/2015
5675161-B	Delivering waste tires to an unauthorized location	R & L Recycle	11/04/2015
5675162-B	Delivering waste tires to an unauthorized location	R & L Recycle	11/03/2015
5675178-B	Delivering waste tires to an unauthorized location	R & L Recycle	11/02/2015
5675187-A	Delivering waste tires to an unauthorized location	R & L Recycle	10/30/2015
5675173-A	Delivering waste tires to an unauthorized location	R & L Recycle	10/29/2015

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5675145-C	Delivering waste tires to an unauthorized location	R & L Recycle	10/28/2015
5675181-C	Delivering waste tires to an unauthorized location	R & L Recycle	10/27/2015

Submitting Manifest Forms With Errors And/Or Omissions

17. CALRECYCLE conducted three separate audits of RESPONDENT's manifest forms submitted to CALRECYCLE between January 9, 2015 and September 23, 2015, September 24, 2015 and November 8, 2015, and November 9, 2015 and January 4, 2016. CALRECYCLE additionally reviewed manifest forms on site during each site inspection on September 23, 2015, November 9, 2015, and January 5, 2016. CALRECYCLE determined through these audits that 109 manifest forms were submitted to CALRECYCLE with errors and/or omissions, reflecting an approximate error rate of 94 percent in violation of PRC section 42961.5(c)(2). The table below highlights the violations by RESPONDENT:

Comprehensive Trip Log	Violation	Hauler	Load Date
5581666-C	Invalid or missing facility TPID	R & L Recycle	12/19/2015
5373927-C	Invalid or missing facility TPID	R & L Recycle	11/30/2015
5581652-A	Invalid or missing facility TPID	R & L Recycle	11/25/2015
5373922-C	Invalid or missing facility TPID	R & L Recycle	11/23/2015
5373917-A	Invalid or missing facility TPID	R & L Recycle	11/19/2015
5675138-C	Invalid or missing facility TPID	R & L Recycle	11/19/2015
5675200-C	Invalid or missing facility TPID	R & L Recycle	11/16/2015
5675143-A	Invalid or missing facility TPID	R & L Recycle	11/09/2015
5675144-A	Invalid or missing facility TPID	R & L Recycle	11/09/2015
5675146-C	Invalid or missing facility TPID	R & L Recycle	11/09/2015
5675141-A	Invalid or missing facility TPID	R & L Recycle	11/09/2015
5675141-C	Invalid or missing facility TPID		(Receipt A)
5675142-B	Invalid or missing facility TPID	R & L Recycle	11/06/2015
5675174-C	Invalid or missing facility TPID	R & L Recycle	10/29/2015
5675165-B	Loads not marked	R & L Recycle	10/28/2015
5675185-A	Invalid or missing facility TPID	R & L Recycle	10/26/2015
5675063-B	Invalid or missing facility TPID	R & L Recycle	10/23/2015
5675132-C	Invalid or missing facility TPID	R & L Recycle	10/23/2015
5675070	Invalid decal number	R & L Recycle	10/23/2015
5675154-A	Invalid or missing facility TPID	R & L Recycle	10/19/2015
5675106-C	Invalid or missing facility TPID	R & L Recycle	10/16/2015
5675133-B	Invalid or missing facility TPID	R & L Recycle	10/16/2015
5675123-B	Invalid or missing facility TPID	R & L Recycle	10/12/2015

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5675108-B	Invalid or missing facility TPID	R & L Recycle	10/09/2015
5675091-B	Invalid or missing facility TPID	R & L Recycle	10/05/2015
5675091-C	Invalid or missing facility TPID		(Receipt B)
5675103	Invalid license plate number	R & L Recycle	10/05/2015
5675102	Invalid license plate number	R & L Recycle	10/02/2015
5675104	Invalid license plate number	R & L Recycle	10/02/2015
5675100-C	Invalid or missing facility TPID	R & L Recycle	10/01/2015
5675098-A	Invalid or missing facility TPID	R & L Recycle	09/29/2015
5675090-C	Invalid or missing facility TPID	R & L Recycle	09/28/2015
5675087-C	Invalid or missing facility TPID	R & L Recycle	09/25/2015
5675073-B	Invalid or missing facility TPID	R & L Recycle	09/18/2015
5675074-C	Invalid or missing facility TPID	R & L Recycle	09/17/2015
5675054-C	Invalid or missing facility TPID	R & L Recycle	09/07/2015
5675024-C	Invalid or missing facility TPID	R & L Recycle	08/28/2015
5675017-B	Invalid or missing facility TPID	R & L Recycle	08/27/2015
5675021-C	Invalid or missing facility TPID	R & L Recycle	08/18/2015
5675001-B	Invalid or missing facility TPID	R & L Recycle	08/13/2015
5675006-A	Invalid or missing facility TPID	R & L Recycle	08/12/2015
5445211-C	Invalid or missing facility TPID	R & L Recycle	08/09/2015
5445204-B	Invalid or missing facility TPID	R & L Recycle	08/07/2015
5445263-B	Invalid or missing facility TPID	R & L Recycle	08/04/2015
5445215-A	Loads not marked	R & L Recycle	08/03/2015
5445223-B	Loads not marked	R & L Recycle	08/01/2015
5445219-B	Loads not marked	R & L Recycle	07/31/2015
5445238-C	Invalid or missing facility TPID	R & L Recycle	07/23/2015
5445256-A	Facility phone number missing	R & L Recycle	07/18/2015
5445245-C	Loads not marked	R & L Recycle	07/13/2015
5445277-C	Invalid or missing facility TPID	R & L Recycle	07/09/2015
5445279-B	Invalid or missing facility TPID	R & L Recycle	07/09/2015
5445275-A	Invalid or missing facility TPID	R & L Recycle	07/08/2015
5332167-A	Impossible load	R & L Recycle	07/08/2015
5445276-C	Invalid or missing facility TPID	R & L Recycle	07/07/2015
5445286-C	Closed facility	R & L Recycle	07/02/2015
5445408-A	Closed facility	R & L Recycle	06/22/2015
5445426-C	Invalid or missing facility TPID	R & L Recycle	06/19/2015
5445423-B	Invalid or missing facility TPID	R & L Recycle	06/17/2015
5445427-B	Invalid or missing facility TPID	R & L Recycle	06/15/2015
5445430-C	Invalid or missing facility TPID	R & L Recycle	06/15/2015
4995109	Invalid decal number	R & L Recycle	06/13/2015
5445433-A	Invalid or missing facility TPID	R & L Recycle	06/11/2015
5445437-C	Invalid or missing facility TPID	R & L Recycle	06/10/2015
5445441-B	Invalid or missing facility TPID	R & L Recycle	06/08/2015
5445455-B	Invalid or missing facility TPID	R & L Recycle	06/08/2015
5445454-C	Facility phone number missing	R & L Recycle	06/03/2015
5445464-C	Invalid or missing facility TPID	R & L Recycle	05/29/2015
5445476-A	Invalid or missing facility TPID	R & L Recycle	05/27/2015
5445496	Invalid decal number	R & L Recycle	05/27/2015

1	5445485	Invalid decal number	R & L Recycle	05/26/2015
2	5445497	Invalid decal number	R & L Recycle	05/26/2015
3	5445500-C	Invalid or missing facility TPID	R & L Recycle	05/21/2015
4	5445491-C	Invalid or missing facility TPID	R & L Recycle	05/20/2015
5	5391231-A	Invalid or missing facility TPID	R & L Recycle	05/15/2015
6	4995058	Invalid decal number	R & L Recycle	05/15/2015
7	4995032-C	Loads not marked	R & L Recycle	05/14/2015
8	4995029-A	Invalid or missing facility TPID	R & L Recycle	05/13/2015
9	4995022-C	Invalid or missing facility TPID	R & L Recycle	05/05/2015
10	4995016-C	Closed facility	R & L Recycle	04/30/2015
11	4995044	Invalid decal number	R & L Recycle	04/29/2015
12	4995047	Invalid decal number	R & L Recycle	04/29/2015
13	4995048	Invalid decal number	R & L Recycle	04/29/2015
14	4995052	Invalid decal number	R & L Recycle	04/29/2015
15	4995042	Invalid decal number	R & L Recycle	04/28/2015
16	4995041	Invalid decal number	R & L Recycle	04/27/2015
17	4995049	Invalid decal number	R & L Recycle	04/27/2015
18	4995050	Invalid decal number	R & L Recycle	04/27/2015
19	4995046	Invalid decal number	R & L Recycle	04/26/2015
20	4995051	Invalid decal number	R & L Recycle	04/25/2015
21	4995039	Invalid decal number	R & L Recycle	04/24/2015
22	4995040	Invalid decal number	R & L Recycle	04/24/2015
23	4995053	Invalid decal number	R & L Recycle	04/24/2015
24	4995059	Invalid decal number	R & L Recycle	04/24/2015
25	4995064	Invalid decal number	R & L Recycle	04/24/2015
26	4995038	Invalid decal number	R & L Recycle	04/23/2015
27	4995054	Invalid decal number	R & L Recycle	04/22/2015
28	4995065	Invalid decal number	R & L Recycle	04/21/2015
	4995066	Invalid decal number	R & L Recycle	04/21/2015
	4995055	Invalid decal number	R & L Recycle	04/20/2015
	4995057	Invalid decal number	R & L Recycle	04/20/2015
	4995068	Invalid decal number	R & L Recycle	04/20/2015
	4995067	Invalid decal number	R & L Recycle	04/18/2015
	4995056	Invalid decal number	R & L Recycle	04/17/2015
	4995069	Invalid decal number	R & L Recycle	04/17/2015
	4995072	Invalid decal number	R & L Recycle	04/17/2015
	4995070	Invalid decal number	R & L Recycle	04/16/2015
	4995073	Invalid decal number	R & L Recycle	04/16/2015
	4995090	Invalid decal number	R & L Recycle	04/16/2015
	4995091	Invalid decal number	R & L Recycle	04/16/2015
	5332167	Invalid decal number	R & L Recycle	01/09/2015

Knowledge Of Hauling And Manifesting Requirements

18. At the time of RESPONDENT's initial hauler registration and subsequently during the annual hauler registration renewal process, RESPONDENT was provided

1 with instructions regarding the proper completion, retention, and delivery of CTL forms.
2 At the time of RESPONDENT's initial registration and annually during the hauler
3 registration renewal process, RESPONDENT received a hauler package containing the
4 following: (1) instructions on transporting waste/used tires; (2) a complete list of hauler
5 and manifesting regulations (Title 14, California Code of Regulations, Chapter 6); and
6 (3) a training compact disc on the proper storage and transportation of waste/used tires.
7 RESPONDENT was also sent a CTL Guidance Manual, explaining in detail how to
8 properly complete the CTL form, including the requirement to "manifest" (to document
9 on the CTL form) all waste and used tire pickups and deliveries, and a Hauler Alert
10 dated November 18, 2011, informing RESPONDENT of the zero tolerance policy
11 applicable to transporting waste tires to unauthorized locations.
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13 **Prior Fines Issued By CalRecycle**

14 19. On September 3, 2015, CALRECYCLE issued a Decision and Order for
15 penalties in the amount of \$300.00 against RESPONDENT for contracting with an
16 unregistered waste tire hauler (a violation of PRC section 42953) and failing to retain a
17 complete manifest form for the shipment of waste tires (a violation of PRC section
18 42961.5(b) and 14 CCR sections 18459.3 and 18462(b)).
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20 **FACTS UNDERLYING ADMINISTRATIVE COMPLAINT FOR WASTE TIRE**

21 **STORAGE PENALTIES**

22 20. RESPONDENT is responsible for allowing waste tires to be illegally stored
23 at 1596 S 7th Street, Suite C, San Jose, California, (the site) in an amount of 5,000 or
24 more without first obtaining a "major Waste Tire Facility Permit," in violation of PRC
25 section 42823 and for accepting waste tires at the illegal major WT facility site without
26 first obtaining a permit in violation of PRC section 42824.

27 21. PRC section 42808 defines a waste tire facility as:
28 . . . a location, other than a solid waste facility permitted pursuant to this division
that receives for transfer or disposal less than 150 tires per day averaged on an

1 annual basis, where, at any time, waste tires are stored, stockpiled, accumulated,
2 or discarded. "Waste tire facility" includes all of the following:

3 (a) "Existing waste tire facility" means a waste tire facility which is receiving,
4 storing, or accumulating waste tires, or upon which waste tires are discarded, on
5 January 1, 1990.

6 (b) "Major waste tire facility" means a waste tire facility where, at any time, 5,000
7 or more waste tires are or will be stored, stockpiled, accumulated, or discarded.

8 (c) "Minor waste tire facility" means a waste tire facility where, at any time, 500 or
9 more, but less than 5,000, waste tires are or will be stored, stockpiled,
10 accumulated, or discarded. However, a "minor waste tire facility" does not include
11 a tire dealer or an automobile dismantler, as defined in Sections 220 and 221 of
12 the Vehicle Code, who stores waste tires on the dealer's or dismantler's
13 premises for less than 90 days if not more than 1,500 total used or waste tires
14 are ever accumulated on the dealer's or dismantler's premises.

15 (Pub. Resources Code § 42808. Emphasis added.)

16 22. Pursuant to PRC section 42823, "Except [for cement manufacturing plants
17 described in section 42823.5], no person shall establish a new major waste tire facility
18 ...unless the person has obtained a major waste tire facility permit issued by the
19 department."

20 23. 14 CCR section 18423 requires every operator of a new major or minor
21 WT facility to submit a major WT facility permit application to CALRECYCLE.

22 24. Pursuant to PRC section 42824, "... it is unlawful to direct or transport
23 waste tires to a major WTF or to accept waste tires at a major waste tire facility unless
24 the operator has obtained a major waste tire facility permit."

25 25. 14 CCR sections 17350 through 17356 prescribe the minimum storage
26 standards (State Minimum Standards or SMS) required at a WT facility.

27 26. 14 CCR section 17351 sets forth general SMS required at a WT facility as:
28 Pursuant to the California Fire Code. Title 24 of the California Code of
Regulations. sections 3201.1 through 3210.1. 3404.1 through 3408.2. which are
herebv incorporated bv reference. any person storing 500 or more waste tires
shall meet the following requirements:

(a) The operator of the waste tire facility or solid waste facility shall demonstrate
that they have prepared and submitted a fire safetv plan to the fire code official
having iurisdiction over a particular facility for review and approval. The fire
safetv plan shall include provisions for fire department vehicle access. At least
one copy of the most recent. up-to-date fire safetv plan and. if applicable. any
approvals shall be made available at the time of inspection and at the time of
application for a new permit, permit review or permit revision.

1 (b) Communication equipment shall be maintained at all waste tire facilities and
2 solid waste facilities, if they are staffed by an attendant, to ensure that the site
3 operator can contact local fire authority in the event of fire. The telephone
4 number of the local fire authority and location of the nearest telephone shall be
5 posted conspicuously in attended locations.

6 (c) Adequate equipment to aid in the control of fires shall be provided and
7 maintained at the waste tire facility or solid waste facility at all times. At a
8 minimum, the following items shall be maintained on site and in working order at
9 all times:

10 (1) Buildings or structures shall be equipped with portable fire extinguishers in
11 accordance with Section 906 of the California Fire Code;

12 (2) One (1) pike pole or comparable pole at least 10 feet in length to separate
13 burning from non-burning tires;

14 (3) One (1) round point and one (1) square point shovel; and

15 (4) One (1) portable fire extinguisher with a minimum rating of A:40-B:C shall be
16 carried on each piece of fuel-powered equipment used to handle waste tires;.

17 (d) An adequate water supply shall be available for use by the local fire authority.
18 The water supply shall be capable of delivering at least 1,000 gallons per minute
19 for a duration of at least three hours and at least 2,000 gallons per minute for a
20 duration of at least three hours if the sum of altered plus whole waste tires
21 exceeds 10,000. The water supply shall be arranged such that any part of the
22 storage yard can be reached by using not more than 500 feet of hose.

23 (e) The following precautions against fire shall be maintained at the waste tire
24 facility or solid waste facility at all times:

25 (1) No open burning.

26 (2) Open flame, cutting, welding, or heating devices, blow torches, or highly
27 flammable materials, including, but not limited to, inner tubes, are prohibited
28 within 40 feet of waste tires.

(3) No smoking, except in designated areas.

(4) Tire storage piles shall not be located beneath electrical power lines having a
voltage in excess of 750 volts or that supply power to fire emergency systems.

(f) All of the requirements of subsections (a) through (e) above shall apply unless
the local fire authority having jurisdiction over a particular facility determines that
a different requirement is necessary or adequate to meet the intent of these
regulations for fire control and the protection of life and property. This may
include the availability of earth moving equipment or other approved means to
control the tire fire. Any change in, or any new, local fire authority requirements
that affect the requirements in this Article shall be reported to the Department by
the operator within 30 days after their effective date. Any alternative
requirements approved by the local fire authority shall be subject to Department
concurrence at the time of issuance or review of the permit.

1 (Cal. Code Regs., tit. 14 § 17351.)

2 27. 14 CCR section 17352 sets forth requirements for access to and security
3 at a waste tire facility, as follows:

4 (a) Signs – For waste tire facilities and solid waste facilities open to the public a
5 sign shall be posted at the facility entrance stating the name of the operator,
6 operating hours, and site rules.

7 (b) Attendant - An attendant shall be present when the waste tire facility or solid
8 waste facility is open for business if the facility receives tires from persons other
9 than the operator of the facility.

10 (c) Access - An access road to the waste tire facility or solid waste facility shall
11 be maintained passable for emergency equipment, fire apparatus, and vector
12 control vehicles at all times. Unauthorized access shall be strictly controlled.

13 (Cal. Code Regs., tit. 14 § 17352.)

14 28. 14 CCR section 17353 sets forth requirements for vector control at a WT
15 facility, as follows:

16 (a) All waste tires shall be stored in a manner which prevents the breeding and
17 harborage of mosquitoes, rodents, and other vectors by any of the following
18 means:

19 (1) Cover with impermeable barriers other than soil to prevent entry or
20 accumulation of precipitation; or

21 (2) Use of treatments or methods to prevent or eliminate vector breeding as
22 necessary, provided the control program is approved as appropriate and effective
23 by the local vector control authority, if such authority exists. If no local vector
24 control authority exists, the local Environmental Health Department or other local
25 agency with authority over vector control shall approve the vector control plan.
26 Any control program approved by the local vector control authority shall be
27 subject to Department concurrence at the time of issuance or review of the waste
28 tire facility permit.

29 (Cal. Code Regs., tit. 14 § 17353.)

30 29. 14 CCR section 17354 sets forth requirements for the outdoor storage of
31 waste tires at a WT facility, as follows:

32 (a) Waste tires stored outdoors shall be stored as prescribed in the subsections
33 below, and pursuant to the California Fire Code, Title 24 of the California Code of
34 Regulations, sections 3405.1 through 3405.9, which are hereby incorporated by
35 reference.

36 (b) All of the requirements in subsections (c) through (j) below shall apply to the
37 storage of waste tires unless, for any particular requirement, the local fire
38 authority having jurisdiction over a particular facility determines that a different
39 requirement is necessary or adequate to meet the intent of these regulations for

1 the prevention of fire and the protection of life and property. Any change in, or
2 any new, local fire authority requirements that affect the requirements in this
3 Article shall be reported to the Department by the operator within 30 days after
4 their effective date. Any alternative requirements approved by the local fire
5 authority shall be subject to Department concurrence at the time of issuance or
6 review of the permit.

7 (c) Storage of waste tires shall be restricted to individual piles that do not exceed
8 5,000 square feet of contiguous area. Pile width shall not exceed 50 feet. Any
9 pile shall not exceed 50,000 cubic feet in volume or 10 feet in height.

10 (d) Tire storage piles containing less than 500 waste tires shall be located no
11 closer than 10 feet from lot lines or buildings; however, tire piles containing less
12 than 500 waste tires may be stored within 10 feet of lot lines or buildings after the
13 operator has obtained approval from the fire code official. Waste tire piles
14 containing less than 500 waste tires shall not exceed 6 feet in height when within
15 20 feet of any property line, building, or perimeter fencing. Side slopes shall not
16 exceed 60 degrees.

17 (e) Tire storage piles containing 500 or more waste tires shall be located at least
18 50 feet from lot lines and buildings, unless the facility is a waste tire facility
19 described in subsections (1) through (4) below.

20 (1) Where the waste tire facility has obtained approval from the fire code official
21 and the waste tires are stored at an exempt or excluded site defined in 14 CCR
22 section 17225.822, tire storage piles may be located within 50 feet but no closer
23 than 10 feet from lot lines or from buildings.

24 (2) Where the waste tire facility has obtained approval from the fire code official
25 and the waste tires are stored at a permitted minor waste tire facility, tire storage
26 piles may be located closer than 50 feet but no closer than 10 feet from lot lines
27 and 50 feet from buildings.

28 (3) Where wastes tires are stored at a minor waste tire facility that was issued a
minor waste tire facility permit prior to January 1, 2011, tire storage piles may be
located closer than 50 feet but no closer than 10 feet from lot lines and 50 feet
from buildings.

(4) In no case shall the waste tire storage piles exceed 6 feet in height when
within 20 feet of any lot line or perimeter fencing, and side slopes shall not
exceed 60 degrees.

(f) Any individual waste tire pile shall be separated from any other waste tire pile,
combustible ground vegetation, stored used tires, waste tire material, or products
made from tires, by a distance of at least 40 feet.

(g) Waste tire piles shall not be located under bridges, elevated trestles,
elevated roadways, or stored in an area where they may be subjected to
immersion in water during a 100-year storm unless the owner or operator
demonstrates that the waste tire facility or solid waste facility will be designed
and operated so as to prevent waste tires from migrating off-site.

(h) At a waste tire facility or solid waste facility storing more than 150,000 cubic
feet of waste tires, adjacent individual waste tire piles shall be considered a
group, and the aggregate volume of storage piles in a group shall not exceed
150,000 cubic feet. Each group shall be separated from any other group by a
distance of at least 75 feet.

1 (i) Tires must be removed from rims immediately upon arrival at the waste tire
2 facility or solid waste facility. Tires temporarily attached to rims awaiting removal
shall be stored separate from other waste tires.

3 (j) The waste tire facility or solid waste facility shall be designed and constructed
4 to provide protection to bodies of water from runoff of pyrolytic oil resulting from a
potential tire fire.

5
6 (Cal. Code Regs., tit. 14 § 17354.)

7 30. 14 CCR section 17356 sets forth the requirements for the indoor storage
8 of waste tires at a WT facility as follows:

9 (a) Waste tires stored indoors shall be stored in the manner prescribed in the
10 subsections below, and pursuant to the California Fire Code, Title 24 of the
11 California Code of Regulations, sections 3201.1 through 3210.1, 3403.1 through
12 3403.4 and 3409.1, which are hereby incorporated by reference:

13 (1) Waste tires stored adjacent to or along one wall shall not extend more than
14 25 feet from such wall.

15 (2) Waste tire piles shall not exceed 50 feet in width in any one direction. Where
16 waste tires are stored on-tread, standing side by side in rows, the dimension of
the pile in the direction of the wheel hole shall not be more than 50 feet.

17 (3) Waste tires shall not be stored in exits or enclosures for stairways or ramps,
18 or in boiler rooms, mechanical rooms, or electrical equipment rooms.

19 (4) Waste tires shall not be stored within 2 feet or less from the ceiling in
20 nonsprinklered areas of a building.

21 (5) Waste tires shall not be stored within 18 inches or less below sprinkler head
22 deflectors in sprinklered areas of a building.

23 (6) Where the top of the storage of waste tires is greater than six feet in height,
24 waste tires shall be stored in accordance with the following:

25 (A) Waste tire facilities and solid waste facilities with an indoor storage area
26 between 500 square feet and 2,500 square feet shall maintain aisles with access
27 to exits and fire access doors in accordance with the following requirements:

28 (1) In sprinklered buildings aisles shall be a minimum of 44 inches wide.

(2) In nonsprinklered buildings aisles shall be a minimum of 96 inches wide.

(3) The required aisle width shall extend from floor to ceiling.

(B) Waste tire facilities and solid waste facilities with an indoor storage area
exceeding 2,500 square feet shall maintain aisles with access to exits and fire
access doors in accordance with the following requirements:

(1) In nonsprinklered buildings aisles shall be a minimum of 96 inches wide.

1 (2) In sprinklered buildings where the waste tire piles are accessible to the public
aisles shall be a minimum of 96 inches wide.

2 (3) In sprinklered buildings where the waste tire piles are not accessible to the
public aisles shall be a minimum of 44 inches wide.

3 (4) The required aisle width shall extend from floor to ceiling.

4 (C) For waste tire facilities or solid waste facilities with a storage area of 500
square feet or less, the dimensions of the waste tire piles shall not exceed 50
5 feet in any direction.

6 (D) For waste tire facilities or solid waste facilities with a storage area greater
than 500 square feet the dimensions of the waste tire piles shall not exceed 50
7 feet in any direction, 30 feet in height, and 75,000 cubic feet in volume.

8 (E) No waste tire facility or solid waste facility shall store waste tires in an area
greater than 500,000 square feet.

9 (F) Waste tire facilities and solid waste facilities with an indoor storage area
10 greater than 500 square feet shall be equipped with an automatic fire
extinguishing system that has been described by the operator in the fire safety
11 plan required by section 17351(a).

12 (G) Waste tire facilities and solid waste facilities with an indoor storage area
greater than 2,500 square feet shall be equipped with smoke and heat vents that
13 have been described by the operator in the fire safety plan required by section
17351(a).

14 (b) For purposes of determining the square footage of storage space described in
15 subsection (a) above, the aggregate of all waste tire storage areas within a
building which are designated, intended, proposed or actually used for storing
16 waste tires at a maximum height of more than six feet shall be used, unless such
areas are separated from each other by 1-hour fire barriers that have been
17 approved by the local fire code official. Openings in 1-hour fire barriers shall be
protected by opening protectives having a 1-hour fire protection rating.

18 (c) The requirements in subsections (a) and (b) above shall apply unless the
19 local fire authority having jurisdiction over a particular facility determines that a
different requirement is necessary or adequate to meet the intent of these
20 regulations for fire control and the protection of life and property. Any change in,
or any new, local fire authority requirements that affect the requirements in this
21 Article shall be reported to the Department by the operator within 30 days after
their effective date. Any requirements approved by the local fire authority shall be
22 subject to Department concurrence at the time of issuance or review of the
permit.

23
24 (Cal. Code Regs., tit. 14 § 17356.)

25
26 31. At no time has RESPONDENT been in possession of either a minor or a
27 major WT facility permit for the site, and at no time has RESPONDENT met the
28 requirements for an exemption or exclusion from the permitting requirement.

1 Therefore, at no time has RESPONDENT been authorized to store more than 499 WT
2 at the site.

3 32. During an inspection of the site on April 16, 2015, and documented in
4 CALRECYCLE's Survey and Inspection Report (Inspection Report) number IW-
5 1022222, CALRECYCLE inspectors Randy Friedlander and Ivan Palenyy determined
6 that 1480 waste tires were being stored onsite. Because RESPONDENT was not
7 authorized to store more than 499 waste tires onsite, this site was deemed an illegal
8 minor WT facility.

9 33. During an inspection of the site on September 23, 2015, and documented
10 in Inspection Report number IW-1028518, CALRECYCLE inspectors Randy Friedlander
11 and Jean Whalen determined that 140,699 waste tires were being stored onsite,
12 creating an illegal major WT facility. Inspectors Friedlander and Whalen issued a Notice
13 of Violation to RESPONDENT for operating a major WT facility without a major WT
14 facility permit and directed RESPONDENT to reduce its WT count to 499 or below by
15 November 6, 2015.

16 34. During the same inspection on September 23, 2015, Inspectors
17 Friedlander and Whalen also issued violations for the following sections of Title 14 of
18 the California Code of Regulations: 17351(a), (b), (c)(2), (c)(3), (d)(3), (f); 17352; 17353;
19 17354(a), (b), (c), (d), (e), (f), (h), (j); 17356(a)(1), (a)(2), (a)(3), (a)(7)(A), (a)(7)(D), a(8),
20 a(9), a(10), (b), and (c). Inspector Whalen also noted multiple violations of the WT
21 hauler laws in Chapter 19 of Division 30, Part 3, of the PRC and attendant regulations.

22 35. During an inspection of the site on November 9, 2015, and documented in
23 Inspection Report number IW-1030609, CALRECYCLE inspectors Rob Baumann and
24 Jean Whalen determined 96,013 WT to be onsite. Inspectors Baumann and Whalen
25 issued a Notice of Violation to RESPONDENT for operating a major WT facility without
26 a major WT facility permit.

27 36. During the same inspection on November 9, 2015, Inspectors Baumann
28 and Whalen also issued violations for the following sections of Title 14 of the California

1 Code of Regulations: 17351(a), (b), (c)(2), (c)(3), (d)(3), (f); 17353; 17354(a), (b), (c),
2 (d), (e), and (j). Inspector Whalen also noted multiple violations of WT Hauler laws in
3 Chapter 19 of Division 30, Part 3, of the PRC and attendant regulations.

4 37. On December 8, 2015, CALRECYCLE served RESPONDENT with
5 Cleanup and Abatement Order number 2015-011051-CAO (the CAO) for the site. The
6 CAO ordered RESPONDENT to “[r]emove all waste and used tires from this site within
7 15 days from the date of service of this [CAO.]” The CAO further ordered to
8 RESPONDENT, “At no time may you accept additional waste or used tires at this site
9 for the next 45 days.”

10 38. During an inspection of the site on January 5, 2016, and documented in
11 Inspection Report number IW-1032943, CALRECYCLE inspectors Randy Friedlander,
12 Rob Baumann, and Jean Whalen determined 87,464 WT remained at the site, in
13 violation of the CAO and creating an illegal major WT facility. Inspectors Friedlander,
14 Baumann, and Whalen issued a Notice of Violation to RESPONDENT for operating a
15 major WT facility without a major WT facility permit. The inspectors also again advised
16 RESPONDENT that it was required to remove all waste and used tires pursuant to the
17 CAO.

18 39. During the same inspection on January 5, 2016, Inspectors Friedlander,
19 Baumann and Whalen also issued violations for the following sections of Title 14 of the
20 California Code of Regulations: 17351(a), (b), (c)(2), (d)(3), (f); 17353; 17354(a), (b),
21 (c), (d), (e), and (j). Inspector Whalen also noted multiple violations of WT Hauler laws
22 in Chapter 19 of Chapter 19 of Division 30, Part 3, of the PRC and attendant
23 regulations.

24 40. During an inspection of the site on February 17, 2016, and documented in
25 Inspection Report number IW-1034844, CALRECYCLE inspectors Randy Friedlander,
26 Rob Baumann, and Jared Weathers determined 83,082 WT remained at the site, in
27 violation of the CAO and creating an illegal major WT facility. Inspectors Friedlander,
28 Baumann, and Weathers issued a Notice of Violation to RESPONDENT for operating a

1 major WT facility without a major WT facility. The inspectors also again advised
2 RESPONDENT that they were required to remove all waste and used tires pursuant to
3 the CAO.

4 41. During the same inspection on February 17, 2016, Inspectors Friedlander,
5 Baumann and Weathers also issued violations for the following sections of Title 14 of
6 the California Code of Regulations: 17351(a), (b), (c)(2), (d), (f); 17353(a); 17354(a), (b),
7 (c), (d), (e), (f), (h), and (j). The inspectors also noted multiple violations of WT Hauler
8 laws in Chapter 19 of Chapter 19 of Division 30, Part 3, of the PRC and attendant
9 regulations.

10 42. Since February 17, 2016, RESPONDENT has removed all waste and
11 used tires from the site.

12 43. Between September 23, 2015, and January 5, 2016, RESPONDENT
13 accepted WT at the site on at least 13 occasions while the site was operating as an
14 illegal major WT facility, in violation of PRC section 42824, as documented in the table
15 below:

CTL Form	Violation	Hauler	Load Date
5675196-C	Delivering waste tires to an unauthorized location	R & L Recycle	11/11/2015
5675186-C	Delivering waste tires to an unauthorized location	R & L Recycle	11/10/2015
5675186-B	Delivering waste tires to an unauthorized location	R & L Recycle	11/10/2015
5675187-C	Delivering waste tires to an unauthorized location	R & L Recycle	11/09/2015
5675148-B	Delivering waste tires to an unauthorized location	R & L Recycle	11/06/2015
5675148-C	Delivering waste tires to an unauthorized location	R & L Recycle	11/05/2015
5675161-B	Delivering waste tires to an unauthorized location	R & L Recycle	11/04/2015
5675162-B	Delivering waste tires to an unauthorized location	R & L Recycle	11/03/2015
5675178-B	Delivering waste tires to an unauthorized location	R & L Recycle	11/02/2015

5675187-A	Delivering waste tires to an unauthorized location	R & L Recycle	10/30/2015
5675173-A	Delivering waste tires to an unauthorized location	R & L Recycle	10/29/2015
5675145-C	Delivering waste tires to an unauthorized location	R & L Recycle	10/28/2015
5675181-C	Delivering waste tires to an unauthorized location	R & L Recycle	10/27/2015

STIPULATED CONCLUSIONS OF LAW

The Parties stipulate to the following conclusions of law:

44. RESPONDENT knowingly violated PRC section 42951(b) by transporting at least 13 loads of waste or used tires to an unauthorized location.

45. RESPONDENT knowingly violated PRC section 42961.5(c)(2) by submitting at least 109 manifest forms with errors and/or omissions to CALRECYCLE between January 9, 2015 and January 5, 2016.

46. For at least 148 days between September 23, 2015, and February 17, 2016, RESPONDENT violated PRC section 42823 by creating a major WT facility without first obtaining a major WT facility permit.

47. On at least 13 occasions, RESPONDENT violated PRC section 42823 by accepting waste tires at the site while the site was operating as an illegal major WT facility.

STIPULATED ORDER

The Parties stipulate to the following terms and conditions in full and complete settlement of all issues in both above-referenced matters:

48. Pursuant to the terms and conditions of this Stipulation, and subject to the limitations hereunder, RESPONDENT stipulates to an administrative penalty against RESPONDENT and in favor of CALRECYCLE in the sum of \$1,079,000.00 for the violations set forth in this Stipulation. Payment of the penalty shall be satisfied in the following manner:

1 (a) RESPONDENT shall pay \$50,000.00 to CALRECYCLE in accordance
2 with the following:

3 i. RESPONDENT shall make installment payments to CALRECYCLE of
4 \$200.00, each month with the first payment due on the 30th day after
5 the effective date of the Administrative Decision issued pursuant to
6 this Stipulation, for one year (Year One). At the end of Year One,
7 RESPONDENT shall make monthly installment payments to
8 CALRECYCLE of \$1,000.00 for the following year (Year Two). At end
9 of Year Two, RESPONDENT shall make monthly installment
10 payments in the amount of \$3,000.00 until the total amount of said
11 payment totals \$50,000.00.

12 ii. If any payment by RESPONDENT is not mailed to CALRECYCLE by
13 the due date, and if RESPONDENT fails to cure the missed
14 payment(s) within twenty (20) days of said missed payment
15 RESPONDENT shall be found in partial default of this Stipulation.
16 The partial default amount due shall be calculated to include the
17 amount owed from the missing payment(s) plus a 10% late penalty
18 and interest. CALRECYCLE may seek recovery of this amount
19 through RESPONDENT's Waste and Used Tire Hauler Registration
20 Bond.

21 iii. All payments shall be made to CALRECYCLE, Attn: Richard Guess,
22 at P. O. Box 4025, Sacramento, CA 95812-4025, or to such other
23 person and/or place as CALRECYCLE or its agent may from time to
24 time designate in writing.

25 49. The remainder of the penalty, \$1,029,00.00 shall be held in abeyance for
26 a period of five years. Portions of the remainder shall become immediately due and
27 payable if CALRECYCLE makes a determination that RESPONDENT partially defaulted
28 on the terms of this Stipulation. The abeyance amount of \$1,029,000.00 less any

1 amounts already remitted to CALRECYCLE shall cease to be due following five years
2 after the issuance of the corresponding Decision.

3 50. RESPONDENT stipulates to a six-month suspension of its Waste and
4 Used Tire Hauler Registration to be observed starting on January 1, 2017, and ending
5 on July 1, 2017. At the end of the six-month period, on July 1, 2017, RESPONDENT
6 may submit a Waste Tire Hauler Registration Application. However, during that six-
7 month suspension period, a Waste Tire Hauler, that is registered with CALRECYCLE
8 and is separate and distinct from RESPONDENT may deliver waste and used tires to a
9 location operated by RESPONDENT or Lisa Vosters or Randy Vosters. RESPONDENT
10 may transfer those waste or used tires to another trailer operated by a separate and
11 distinct Waste Tire Hauler that is registered with CALRECYCLE, without the waste or
12 used tires touching the ground. Then, the receiving Waste Tire Hauler may remove the
13 waste and used tires from RESPONDENT's location.

14 51. RESPONDENT shall not transport waste or used tires to an unauthorized
15 location.

16 52. RESPONDENT shall enroll in electronic data transfer for submitting their
17 manifest information to CALRECYCLE within 30 days of the issuance of the
18 corresponding Decision. RESPONDENT shall not submit manifest forms with errors
19 and/or omission to CALRECYCLE and shall not have an error rate above 7 percent.

20 53. RESPONDENT shall not create a major or minor WT facility without first
21 obtaining a major WT facility permit.

22 54. RESPONDENT shall comply with all other laws related to waste tire
23 storage and waste tire haulers set forth in PRC section 42800 et seq., PRC section
24 42950 et seq., and Title 14 of the CCR. A violation of any law related to waste tire
25 storage and waste tire haulers that is not described by a separate provision of this
26 Stipulation shall constitute a partial default of this Stipulation.

27 55. The Parties agree the following shall apply to a default of this Stipulation:

28 ///

1 **Default:** If RESPONDENT defaults under any of the terms of this Stipulation the default
2 shall be a partial default. CALRECYCLE shall send a Notice of Default to
3 RESPONDENT; said Notice of Default shall state the paragraphs or provision of this
4 Stipulation of which RESPONDENT is in default and the abeyance amount owed.
5 RESPONDENT shall have 30 days from the date of the issuance of the Notice of
6 Default to provide evidence refuting CALRECYCLE's claim of default. After a review of
7 the evidence provided by RESPONDENT. CALRECYCLE shall make a determination
8 regarding the default and if appropriate shall issue a Supplemental Decision regarding
9 any remaining penalties due, in accordance with the penalties described within this
10 Default section. RESPONDENT may appeal CALRECYCLE's determination and
11 subsequent Supplemental Decision within thirty (30) days of the issuance of the
12 Supplemental Decision; any such appeal shall be heard by CALRECYCLE's Director, or
13 an agent designated by the Director.

- 14 i. Should RESPONDENT create a Major or a Minor Waste Tire Facility
15 without a permit, RESPONDENT shall be given 15 days to cure the
16 violation by reducing the number of waste tires onsite to 499 or less. In
17 the event that RESPONDENT fails to cure the default, a partial penalty of
18 \$50,000.00, shall become immediately due and payable.
- 19 ii. Should RESPONDENT haul waste or used tires during the time period of
20 January 1, 2017, and July 1, 2017, while RESPONDENT's Waste Tire
21 Hauler Registration is suspended, RESPONDENT, as well as Lisa Vosters
22 and Randy Vosters individually, shall be denied Waste Tire Hauler
23 Registrations through January 1, 2021.
- 24 iii. Should RESPONDENT violate provisions of Chapter 16 or Chapter 19 or
25 Part 3 of Division 30 of the PRC and attendant regulations not already
26 described above, a partial penalty in the amounts described by 14 CCR
27 section 18429 and 18464, shall become immediately due and payable.
28

1 56. Nothing shall be implied in this Stipulation that shall preclude
2 CALRECYCLE from using any enforcement mechanism, whether administrative, civil, or
3 criminal, should RESPONDENT commit future violation of waste tire storage laws or
4 waste tire hauler laws.

5 57. RESPONDENT shall abide by all of the terms and condition set forth in
6 this Stipulation.

7 58. No covenant, promise, term, condition, breach or default of or under this
8 Stipulation shall be deemed to have been waived except as expressly so stated in
9 writing by CALRECYCLE. A waiver by CALRECYCLE of any breach or default by
10 RESPONDENT under this Stipulation shall not be deemed a waiver of any preceding or
11 subsequent breach or default by RESPONDENT.

12 59. RESPONDENT has freely and voluntarily entered into this Stipulation and
13 have been afforded the opportunity to consult with counsel prior to entering into this
14 Stipulation. It is expressly understood and agreed that no representations or promises
15 of any kind, other than as contained herein, have been made by any party to induce any
16 other party to enter into this Stipulation, and that said Stipulation may not be altered,
17 amended, modified or otherwise changed except by a writing executed by each of the
18 parties hereto. Each party hereto agrees to execute and deliver any and all documents
19 and to take any and all actions necessary or appropriate to consummate this Stipulation
20 and to carry out its terms and provisions.

21 60. Except as expressly provided herein, RESPONDENT waives the right in
22 the entitled matter to a hearing, any and all appeals, and any and all rights that may be
23 afforded pursuant to the PRC, the Administrative Procedure Act, or any other provision
24 of law regarding the express provisions of this Stipulation.

25 61. This Stipulation shall be binding and inure to the benefit of the successors,
26 heirs and assigns of the respective parties hereto.

27 62. This Stipulation and the corresponding Administrative Decision to be
28 issued constitute the entire understanding of the parties concerning the settlement of

1 this proceeding. There are no restrictions, promises, warranties, covenants,
2 undertakings, or representations other than those expressly set forth herein or
3 contained in separate written documents delivered or to be delivered pursuant hereto,
4 and each party expressly acknowledges that it has not relied upon any restrictions,
5 promises, warranties, covenants, undertakings, or representations other than those
6 expressly contained herein.

7 63. For purposes of this Stipulation, facsimile signatures will be treated as
8 originals until the applicable page(s) bearing non-facsimile signatures have been
9 received by CALRECYCLE.

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1 64. The effective date of this Stipulation is the date of issuance of the
2 Administrative Decision.

3
4 Dated: 8/31/16



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

5
6
7
8
9 Dated: 8-30-16



HEATHER L. HUNT
Attorney III for
DEPARTMENT OF RESOURCES
RECYCLING AND RECOVERY
(CALRECYCLE)

10
11
12
13
14 Dated: 8/30/16



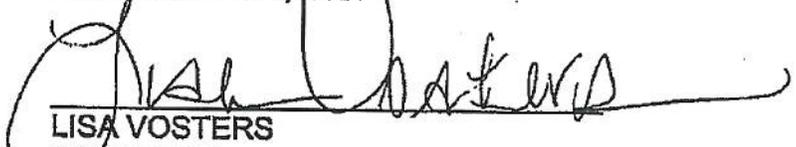
CATHERINE V. NYSTROM
Attorney for
DEPARTMENT OF RESOURCES
RECYCLING AND RECOVERY
(CALRECYCLE)

15
16
17
18
19 Dated: 8-29-16



RANDY VOSTERS
OPERATOR
R & L RECYCLE, INC.

20
21
22
23 Dated: 8-28-16



LISA VOSTERS
OPERATOR
R & L RECYCLE, INC.