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8 STATE OF CALIFORNIA

9 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

10 In the Matter of:

11 VICTOR R. CARLYLE III,  
12 OWNER  
13 RE: VICTOR CARLYLE WASTE TIRE  
14 FACILITY  
15 APN Numbers. 0448-233-04, 0448-233-05,  
16 and 0448-233-09  
17 TPID No: 1354939  
18 RESPONDENT.  
19

ADMINISTRATIVE DECISION  
FOR WASTE TIRE HAULER  
ADMINISTRATIVE PENALTIES

CIWMB No: 2006-010931-ADC

20  
21 The California Integrated Waste Management Board ("CIWMB") served an  
22 Administrative Complaint and Request for Hearing form on VICTOR R. CARLYLE III  
23 ("RESPONDENT"), on May 14, 2006. RESPONDENT failed to file a Request for Hearing  
24 within fifteen days of service of the Administrative Complaint pursuant to Government Code  
25 11505 (a). The matter shall be determined as a default pursuant to Government Code  
26 section 11520. The CIWMB takes action against RESPONDENT based upon evidence  
27 and affidavits that may be used without any notice to RESPONDENT.

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## FACTUAL FINDINGS

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2 1. The Administrative Complaint was executed by WENDY BRECKON, Staff  
3 Counsel, CIWMB, acting in her official capacity.

4 2. VICTOR R. CARLYLE III is responsible for waste tires being stored at  
5 Assessor's Parcel Number 0448-233-04, 0448223-05, and 0448-223-09, Lucerne Valley,  
6 San Bernardino County, California 92356 (Subject Property). This site is not a permitted  
7 Waste Tire Facility (WTF).

8 3. RESPONDENT is storing approximately 836 waste tires, and therefore, this site is a  
9 minor waste tire facility.

10 4. A review of CIWMB records revealed that this is not currently a CIWMB  
11 permitted facility.

12 5. On March 7, 2005, VANCE TRACY, CIWMB inspector, conducted a Waste Tire  
13 Facility Inspection of the subject property and observed more than 500 waste tires on the site.  
14 The tires were stored in a manner that violated the standards for Operating a Minor Waste Tire  
15 Facility without a permit issued by the CIWMB, fire prevention, facility access and security,  
16 vector control measures, and waste tire storage standards.

17 6. A Notice of Violation and inspection report dated March 7, 2005, were mailed to  
18 RESPONDENT, who received these documents on April 1, 2005. The CIWMB requested that  
19 RESPONDENT comply with the law by May 14, 2005.

20 7. Further inspections of the VICTOR CARLYLE WASTE TIRE FACILITY were  
21 performed on May 24, 2005, and July 12, 2005. The inspector observed that no waste tires  
22 had been removed, and that there were more than 500 waste tires on the site for each  
23 inspection.

24 8. On November 12, 2005, the CIWMB served a Cleanup and Abatement Order on  
25 RESPONDENT ordering that he cease acceptance of any waste tires at this site and remove  
26 all waste tires from the subject property by November 15, 2005. Copies of destination receipts  
27 and waste tire manifests were to be submitted to the CIWMB on or before December 2, 2005.  
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1 No copies of destination receipts or waste tire manifests were received by the CIWMB.

2 9. On December 21, 2005, VANCE TRACY of the CIWMB conducted a follow-up  
3 Waste Tire Facility Inspection of this location and determined that no waste tires were removed  
4 from the site since the issuance of the Cleanup and Abatement Order.

5 **ADMINISTRATIVE DECISION**

6 Good cause appearing therefore, the following Order is hereby made:

- 7 1) RESPONDENT, VICTOR R. CARLYLE III, is ordered to pay an administrative  
8 penalty of \$13,500.00 (thirteen thousand, five hundred dollars) to the California  
9 Integrated Waste Management Board within 30 (thirty) days of the date of this  
10 decision.
- 11 2) RESPONDENT, VICTOR R. CARLYLE III, is ordered to remove all used and  
12 waste tires from Assessor's Parcel Number 0448-233-04, 0448223-05, and  
13 0448-223-09, Lucerne Valley, San Bernardino County, California 92356.  
14 RESPONDENT shall provide to the CIWMB, destination receipts for all used and  
15 waste tires removed.

16 This DECISION shall become effective 6/13/06.

17  
18  
19 DATED: 6/13/06



MARGO REID BROWN  
Chair

California Integrated Waste Management  
Board