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8
9 STATE OF CALIFORNIA
10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11 In the matter of:

12 JAMES POWERS,
13 d/b/a B & D TIRE SERVICE,
14 a/ka/ B & D TIRES,
15 OPERATOR
16 TPID NO: 1006219-01

17
18 RESPONDENT.

} ADMINISTRATIVE DECISION
FOR WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES,
AGENCY No: 2005-010925-ADC
OAH No. 2006030710

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20 The California Integrated Waste Management Board ("CIWMB") served an Administrative
21 Complaint and Request for Hearing form on James Powers d/b/a B & D Tire Service a/k/a
22 B & D Tires, ("RESPONDENT"), on February 13, 2006. RESPONDENT negotiated a
23 Stipulation for Issuance of Administrative Decision ("settlement agreement") with the CIWMB
24 to resolve the issues in the Administrative Complaint. Pursuant to the settlement agreement
25 entered into by and between the CIWMB and RESPONDENT and good cause appearing
26 therefore, the following Stipulated Factual Findings
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1 and Conclusions of Law are made, and the following Stipulated Order is issued:

2 **STIPULATED FACTUAL FINDINGS**

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

5 2. JAMES POWERS d/b/a B & D TIRE SERVICE a/k/a B & D TIRES, is responsible
6 for the transportation of waste tires by a person not holding a valid waste tire hauler
7 registration from the CIWMB.

8 3. The CIWMB has authority to regulate and conduct enforcement actions regarding
9 Waste Tire Haulers within the State of California under PRC section 42950 et seq. and
10 attendant regulations contained in Title 14 of the California Code of Regulations (CCR).

11 4. On February 9, 2004, RESPONDENT purchased B & D TIRE SERVICE a
12 registered Waste & Used Tire Hauler. RESPONDENT failed to submit a Hauler Registration
13 Application to the CIWMB after a change in ownership had taken place.

14 5. On October 18, 2004, a Letter of Violation was issued by the CWIMB to
15 RESPONDENT notifying him of his obligation to register, and the waste and use tire
16 manifesting requirements.

17 6. The Waste Tire Management System (WTMS) indicates that RESPONDENT
18 hauled waste or used tires without obtaining registration with the CIWMB. Six (6) manifests
19 were submitted to the CIWMB showing this waste tire hauler conducted his business
20 transactions in complete disregard of the applicable waste tire hauler registration
21 requirements. The following are manifests and dates showing these transactions after being
22 cancelled:

23 Manifest Number	Date of Transaction	PTE's
24 M9-1670708	04/28/05	85
25 M1-1670709	05/12/05	93
26 M5-1670712	05/28/05	76
27 M5-1670720	07/05/05	73
28 M1-1670728	07/22/05	105

