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BEFORE THE

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

STATE OF CALIFORNIA

In the Matter of: EDDIE L. WILLIAMS OWNER AND OPERATOR, d.b.a. WILLIAMS TIRE SERVICE a.k.a. 24 HOUR TIRE Respondent.	AGENCY NO. 2004-06-AC OAH NO. L2006110441 AMENDED ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES

EDDIE L. WILLIAMS, d.b.a. WILLIAMS TIRE SERVICE, a.k.a. 24 HOUR TIRE (RESPONDENT) and the California Integrated Waste Management Board (CIWMB) attended a hearing at the Office of Administrative Hearings on December 18, 2006, for the purpose of adjudicating an Amended Administrative Complaint for Waste Tire Hauler Penalties. The parties agreed at hearing to the terms of a settlement, and the Administrative Law Judge put the terms of that settlement in the January 20, 2007 Amended Proposed Decision issued by the Office of Administrative Hearings (attached). The Board of CIWMB approved of the terms of

the settlement, and therefore, on March 4, 2007, CIWMB served RESPONDENT with an Administrative Decision adopting the OAH Proposed Decision (CIWMB Decision).

FINDINGS

1. In accordance with the terms of the CIWMB Decision, RESPONDENT was ordered to pay an administrative penalty of $16,000.00. The sum of $12,500.00 was held in abeyance for three years pending compliance with conditions of the CIWMB Decision.

2. Condition number four (on page two of the Amended Proposed Decision) requires that RESPONDENT pay $3,500 to CIWMB in payments of $200.00 per month, due and payable the first day of each month, beginning on March 1, 2007.

3. RESPONDENT made one payment of $200.00 on March 27, 2007, and failed to make further payments.

4. On May 23, 2007, CIWMB sent a Notice of Default by certified mail to RESPONDENT. Subsequently, RESPONDENT requested a waiver of monthly payments until September 2007.

5. On June 13, 2007, CIWMB sent a certified letter notifying RESPONDENT of CIWMB's approval of RESPONDENT'S request for a waiver of monthly payments until September 2007. The June 13, 2007, CIWMB letter also advised that:

a. If RESPONDENT failed to remit payment within five days of the due date, this would result in an immediate default,

b. RESPONDENT would not be accorded a hearing in the matter, and

c. An Amended Administrative Decision would be issued ordering RESPONDENT to pay the amount of penalties currently held in abeyance in addition to what RESPONDENT currently owes.

6. RESPONDENT failed to make payments in September, October and

November and is currently three months behind in making payments.

7. On November 7, 2007, CIWMB sent a Notice of Default by certified mail, and by U.S. Mail, to RESPONDENT. RESPONDENT has not responded to this Notice of Default.

LEGAL CONCLUSION

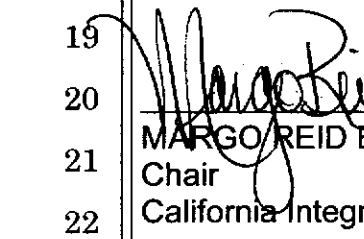
RESPONDENT failed to make payments as indicated by the terms of the CIWMB Decision. Therefore, RESPONDENT is in default of the CIWMB Decision as described at paragraph six of page four of the Amended Proposed Decision. As a result, in addition to the $3,300 currently due the CIWMB, the stay is lifted on the $12,500.00 in penalties that was held in abeyance, and the $12,500.00 is also currently due and owing to the CIWMB, making the total amount owed to the CIWMB $15,800.00.

ORDER

The following Order is hereby made:

RESPONDENT is ordered to immediately pay $15,800.00 to the CIWMB.

This DECISION shall become effective December 6, 2007.



DATED: 12/6/07

MARGO REID BROWN
Chair
California Integrated Waste Management Board