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12 BEFORE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
13 STATE OF CALIFORNIA

14 In the Matter of:

15 MANUEL GEORGE FARIA, AN
16 UNREGISTERED WASTE TIRE HAULER
17 TPID NO: 1421894

18 RESPONDENT.

19 } **ADMINISTRATIVE DECISION**
20 } **PURSUANT TO STIPULATION**
21 } **FOR WASTE AND USED TIRE HAULER**
22 } **PENALTIES**

23 } **AGENCY No: 2007-010974-ADC**

24 The California Integrated Waste Management Board (CIWMB) has authority to
25 regulate and conduct enforcement actions regarding Waste Tire Haulers within the State
26 of California under Public Resources Code section 42950 et seq. and attendant
27 regulations contained in Title 14 of the California Code of Regulations (CCR).

28 The CIWMB served an Administrative Complaint and Request for Hearing form on
29 MANUEL GEORGE FARIA (RESPONDENT), on January 7, 2008.

30 To avoid the uncertainties of litigation, RESPONDENT negotiated a Stipulation for

1 Issuance of Administrative Decision (Stipulation) with the CIWMB to resolve the issues in
 2 the Administrative Complaint. The CIWMB hereby adopts the Stipulation. Pursuant to
 3 the terms of the Stipulation, and good cause appearing therefore, the following
 4 Stipulated Factual Findings and Conclusions of Law are made, and the following
 5 Stipulated Order is issued:
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7 **STIPULATED FACTUAL FINDINGS**

8 1. The Administrative Complaint was executed by WENDY BRECKON,
 9 Senior Staff Counsel, CIWMB, acting in her official capacity.

10 2. RESPONDENT is responsible for the transportation of more than nine
 11 waste or used tires by a person not holding a valid waste tire hauler registration from the
 12 CIWMB.

13 3. RESPONDENT has been illegally hauling waste or used tires without a registration
 14 since March 2002. The CIWMB sent Letters of Violation (LOVs) to RESPONDENT
 15 notifying him of the violations on the following occasions:

<u>Date (LOV)</u>	<u>Violation</u>	<u>Code</u>
3/26/02	Unregistered Vehicle	(PRC) § 42951
3/27/02	Unregistered Vehicle	(PRC) § 42951
6/12/02	Unregistered Vehicle	(PRC) § 42951
7/26/05	Unregistered Vehicle	(PRC) § 42951
2/7/06	Unregistered Vehicle	(PRC) § 42951
6/15/06	Unregistered Vehicle	(PRC) § 42951

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 24 Despite the above-mentioned warnings, RESPONDENT unlawfully transported
 25 waste or used tires, as an unregistered waste tire hauler, on the following dates:

<u>Date (204 forms)</u>	<u>Vehicle</u>	<u>Quantity of Used/Waste (PTEs)</u>	<u>Generator or End Use Facility</u>
3/18/06	5G65094	359	Fink Road Landfill
4/15/06	4G12197	126	Fink Road Landfill
5/25/06	9B30784	551	Golden By-Products
5/26/06	5G65094	660	Golden By-Products
5/26/06	9B30784	238	Golden By-Products

1	5/26/06	9B30784	326	Golden By-Products
2	5/26/06	9B30784	482	Golden By-Products
3	4/4/07	4EX2419	1855	Fink Road Landfill

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STIPULATED LEGAL CONCLUSIONS

4. RESPONDENT is in violation of PRC section 42951, which makes it unlawful to engage in the transportation of waste tires unless holding a valid Waste Tire Hauler Registration, unless exempted as specified in PRC section 42954.

5. The CIWMB's authority to assess administrative penalties against RESPONDENT as a waste tire hauler is set forth in PRC section 42962 and in Title 14 of the California Code of Regulations (CCR) section 18464.

6. Pursuant to PRC section 42962(c) and in Title 14 of the California Code of Regulations section 18464, the penalty tables for waste and used tire haulers, the negotiated penalty of \$4,000.00, with \$2,000.00 held in abeyance for two (2) years, is within the CIWMB's discretion.

ORDER

The CIWMB adopts and approves of the terms of the Stipulation and the following order is hereby made:

- a. MANUEL GEORGE FARIA is ordered to pay an administrative penalty of two thousand dollars (\$2,000) to the CIWMB according to the terms of the Stipulation.
- b. Manuel George Faria is ordered to maintain the waste and used tire hauler registration as long as he continues to haul waste or used tires.

This DECISION shall become effective FEBRUARY 26, 2008

Dated this 26th day of FEBRUARY, 2008



MARGO REID BROWN
Chair
**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

ORDER

The CIWMB adopts and approves of the terms of the Stipulation and the following order is hereby made:

a. MANUEL GEORGE FARIA is ordered to pay an administrative penalty of two thousand dollars (\$2,000) to the CIWMB according to the terms of the Stipulation.

b. Manuel George Faria is ordered to maintain the waste and used the hauler registration as long as he continues to haul waste or used tires.