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8  
9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11 IN THE MATTER OF:

12 JUAN RAMIREZ DBA JJ SAHUAYO TIRES;

13 AKA J & J SAHUAYO TIRES

14 TPID NO: 1351452-01

15 RESPONDENTS.

ADMINISTRATIVE COMPLAINT FOR  
WASTE TIRE HAULER  
ADMINISTRATIVE PENALTIES, PUBLIC  
RESOURCES CODE SECTION 42960

16 AGENCY NO. 2008-011084-ADC

17  
18 INTRODUCTION

19 This Complaint for Penalty is issued by the California Integrated Waste  
20 Management Board (CIWMB) to JUAN RAMIREZ DBA JJ SAHUAYO TIRES AKA J & J  
21 SAHUAYO TIRES (RESPONDENT), a waste tire hauler whose mailing address is 5170  
22 East Imperial Highway, Unit A, Lynwood, California 90262, seeking twenty-seven  
23 thousand dollars (\$27,000.00). Section 42962 of the Public Resources Code (PRC)  
24 authorizes the CIWMB to administratively impose penalties for violations of any  
25 provision of PRC section 42960 et seq. This complaint is so issued based on the  
26 following facts:

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California Integrated Waste Management Board, Administrative Complaint, JUAN RAMIREZ DBA JJ SAHUAYO TIRES

1 **STATEMENT OF FACTS**

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

6 2. The Waste and Used Tire Hauler Registration expires annually on January  
7 1, pursuant to 14 CCR 18455.

8 WASTE TIRE HAULER REGISTRATION

9 3. RESPONDENT applied for and obtained from CIWMB, a Waste and  
10 Used Tire Hauler Registration (hauler registration) for the years 2005, 2006, 2007, and  
11 2008 in accordance with PRC sections 42955 and implementing regulations.

12 4. Prior Unregistered Hauling: RESPONDENT failed to apply for the 2007  
13 hauler registration prior to January 1, 2007, and in fact, RESPONDENT did not apply for  
14 the 2007 hauler registration until March 15, 2007.

15 5. Recent Unregistered Hauling: RESPONDENT failed to apply for the 2008  
16 hauler registration prior to January 1, 2008. In fact, RESPONDENT did not apply for the  
17 2008 hauler registration until April 2008. As a result, CIWMB issued a cancellation  
18 letter on January 3, 2008 to RESPONDENT informing him that he did not have a current  
19 registration and could not haul 10 or more waste or used tires. Despite being an  
20 unregistered hauler, RESPONDENT continued to haul waste or used tires in violation of  
21 Public Resources Code section 42951.

22 6. RESPONDENT hauled more than 10 waste tires as an unregistered  
23 hauler on the following twelve occasions in violation of PRC section 42951:

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Transaction Date	CTL	Receipts A, B, C	Passenger Tire Equivalents
04/18/2006	3028642	C	141
05/19/2006	3028661	A	115
11/28/2006	3201334	C	100
01/23/2007	3316627	B	130
05/03/2007	3201653	C	96
06/01/2007	3557605	C	98
08/01/2007	3512451	C	97
09/07/2007	3512470	A	93
10/11/2007	3201358	B	102
01/02/2008	3557162	A	130
01/02/2008	3246773	C	60
01/10/2008	3557175	C	46
01/18/2008	3557020	A	47
01/24/2008	3316625	A	86
02/12/2008	3557076	B	67
02/14/2008	3557079	A	136
02/29/2008	3557086	A	96
03/04/2008	3557037	B	134
03/13/2008	3557097	C	Undetermined Amount
3/18/2008	3561098	A	148
03/18/2008	3512481	B	79
Missing	3557049	C	74

In aggravation, RESPONDENT was warned on April 25, 2005, April 3, 2006, and May 28, 2008, by CIWMB Letters of Violation that it failed to submit manifests to CIWMB in accordance with PRC section 42961.5(c)(2).

California Integrated Waste Management Board, Administrative Complaint, JUAN RAMIREZ DBA JJ SAHUAYO TIRES

1           8.       On or before June 18, 2008, until on or after July 9, 2008, RESPONDENT  
2 created and maintained an unpermitted minor waste tire facility pursuant to PRC  
3 section 42808 consisting of approximately 2000 waste tires, in violation of PRC section  
4 42834 and PRC section 42951(b), on a fenced vacant lot across the street from 945  
5 South Washington Avenue in San Bernardino, California 92408. A City inspector  
6 observed RESPONDENT dumping waste tires at this site on the following occasions:

- 7           a.       On June 19, 2008, RESPONDENT used a CIWMB registered truck  
8                 with a sign stating "J&J Sahuayo Tires" with license plate no. 7K97395,  
9                 dumped approximately 150 waste tires on the unpermitted minor waste  
10                tire facility located at the fenced vacant lot across the street from 945  
11                South Washington Avenue in San Bernardino, California 92408.  
12           b.       On June 24, 2008, RESPONDENT used a CIWMB registered truck  
13                 with a sign stating "J&J Sahuayo Tires" with license plate no. 7K97395  
14                 dumped approximately 200 waste tires on the unpermitted minor waste  
15                 tire facility located at the fenced vacant lot across the street from 945  
16                 South Washington Avenue in San Bernardino, California 92408.

17           9.       RESPONDENT failed to complete a manifest in violation of PRC section  
18 42961.5 for one delivery of more than 10 waste tires on July 8, 2008, using a CIWMB  
19 registered truck, license plate no. 7K97395, to the unpermitted waste tire facility located  
20 at the vacant lot across the street from 945 South Washington Avenue in San  
21 Bernardino, California 92408.

22           10.       RESPONDENT failed to complete a manifest in violation of PRC section  
23 42961.5 for one pick-up of at least 400 waste tires weighing 4.01 tons, on July 9, 2008,  
24 using a CIWMB registered truck, license plate no. 7K97395, from the unpermitted waste  
25 tire facility located at the vacant lot across the street from 945 South Washington  
26 Avenue in San Bernardino, California 92408.



- i. failing to complete manifests (comprehensive trip logs) as described above in paragraphs 9, and 10;
- ii. failing to submit manifests to CIWMB as described above in paragraphs 7 and 11;
- iii. omitting information in the manifests as described above in paragraph 11.

**PENALTIES**

13. The CIWMB's authority to assess administrative penalties against RESPONDENTS as a waste tire hauler is set forth in PRC section 42962(c), which states:

In addition to the civil penalty which may be imposed pursuant to subdivision (a), the board may impose civil penalties administratively in an amount not to exceed five thousand dollars (\$5,000) for each violation of a separate provision or for continuing violations for each day that violation continues, on any person who intentionally or negligently violates any permit, rule, regulation, standard, or requirement issued adopted pursuant to this chapter. . .

14. Under this section, RESPONDENTS are subject to a separate administrative penalty of up to \$5,000.00, for each occasion upon which they have hauled waste tires without a valid Waste Tire Hauler Registration. Furthermore, 14 CCR section 18464 allows the imposition of penalties in accordance with that penalty table.

15. In setting an appropriate administrative penalty, the CIWMB has taken into consideration the nature, extent and gravity of the violations, and the complete disregard of applicable statute and regulation by RESPONDENTS. The CIWMB now requests that administrative penalty liability be assessed against RESPONDENT in the sum of twenty-seven thousand dollars (\$27,000.00).

1 **RIGHT TO HEARING**

2 16. You are hereby notified that pursuant to the provisions of section 42960 of  
3 the California Public Resources Code and Government Code section 11506, that you  
4 are entitled to a hearing to refute the allegations against you contained in this  
5 Administrative Complaint. **If you wish to have a hearing on this matter, you must**  
6 **complete and return the enclosed REQUEST FOR HEARING to our Legal Office**  
7 **within 15 days of receipt of this notice. Failure to complete and return the**  
8 **REQUEST FOR HEARING within 15 days will be deemed a waiver of your rights to**  
9 **a hearing.**

10 Pursuant to the above referenced Public Resources Code and Government Code  
11 sections, discovery requests by any party must be made within thirty days after the  
12 service of this Administrative Complaint.

13  
14 Dated this 17<sup>th</sup> day of November, 2008.

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18 Wendy Breckon  
19 Senior Staff Counsel  
20 California Integrated Waste  
21 Management Board  
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1 STATE OF CALIFORNIA  
2 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

3 In the matter of: )

4 JUAN RAMIREZ DBA JJ SAHUAYO TIRES )

AGENCY No: 2008-011084-ADC

5 )  
6 TPID NO: 1351452-01 )

**REQUEST FOR A HEARING**

7 )  
8 RESPONDENT )  
9 )  
10 )

11 I, \_\_\_\_\_, in the above-entitled proceeding, acknowledge receipt of a  
12 copy of the ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER ADMINISTRATIVE  
13 PENALTIES, PUBLIC RESOURCES CODE SECTION 42960.

14 I hereby request a hearing to permit me to present my defense to the charges  
15 contained in said ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER  
16 ADMINISTRATIVE PENALTIES, PUBLIC RESOURCES CODE SECTION 42950, ET SEQ.

17 All correspondence concerning this proceeding should be sent to the following  
18 address:

19 (If you are represented by an attorney, all correspondence concerning this matter will be sent  
20 to the attorney.)  
21

22 Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

23 City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

24 Signature: \_\_\_\_\_

25 Date: \_\_\_\_\_

26 Please send to:

27 CIWMB Legal Office  
28 Attention: Gloria Bell  
P.O. Box 4025, MS 23-A  
Sacramento, CA 95812-4125



LINDA S. ADAMS  
SECRETARY FOR ENVIRONMENTAL  
PROTECTION

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SCHWARZENEGGER  
GOVERNOR

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025  
(916) 341-6000 • WWW.CIWMB.CA.GOV

MARGO REID BROWN  
CHAIR  
MBROWN@CIWMB.CA.GOV  
(916) 341-6051

## RIGHT TO A HEARING

Your are hereby notified that pursuant to the provisions of 14 California Code of Regulations section 18466 and Government Code section 11505 that you are entitled to a hearing to refute the allegations against you contained in the ADMINISTRATIVE COMPLAINT. **If you wish to have a hearing on this matter, you must complete and return the enclosed REQUEST FOR HEARING to our Legal Office within 15 days of receipt of this notice. Failure to complete and return the REQUEST FOR HEARING within 15 days will be deemed a waiver of your right to a hearing.**

WESLEY CHESBRO  
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JDANZINGER@CIWMB.CA.GOV  
(916) 341-6024

ROSALIE MULÉ  
RMULE@CIWMB.CA.GOV  
(916) 341-6016

## HEARING PROCEDURES

If you request one, a hearing will be conducted before an Administrative Law Judge of the Office of Administrative Hearings of the Department of General Services, at one of their office locations throughout the State, upon the charges made in the ADMINISTRATIVE COMPLAINT.

1. You may be present at the hearing.
2. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney



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to represent you at public expense. You are entitled to represent yourself without legal counsel.

3. You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you.
4. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by applying to the Office of Administrative Hearings.
5. Pursuant to 1 California Code of Regulations, section 1032, parties are entitled, upon request, to be provided with the assistance of an interpreter if they do not proficiently speak or understand the English language. If you require the assistance of an interpreter, timely notice of this fact should be given to our office so that appropriate arrangements can be made.
6. You are hereby further notified that pursuant to the provisions of 14 CCR section 17050 et seq. the violations alleged against you may cause you to be placed on the CIWMB's Unreliable Contractors, Subcontractors, Borrowers, and Grantees list. Placement on this list may prohibit you from obtaining contracts, loans, or grants from the CIWMB for a period up to three years.
7. Continuances are not favored. If you need a continuance, write or call immediately to the Office of Administrative Hearings, 320 West Fourth Street, Room 630, Los Angeles, CA 90013, (213) 576-7200. That agency has control of continuances. Requests without good cause will be denied.