

1 ELLIOT BLOCK SBN 116999  
Chief Counsel  
2 WENDY BRECKON SBN 182952  
Senior Staff Counsel  
3 HEATHER HUNT SBN 225861  
Staff Counsel  
4 Attorneys for Complainant  
5 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
6 1001 I Street, 23<sup>rd</sup> Floor  
P. O. Box 4025  
7 Sacramento, CA 95812-4025  
Telephone: (916) 341-6068  
8 Facsimile: (916) 341-6082

9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11  
12 In the Matter of:  
13 IN THE MATTER OF:  
14 TRI-C TIRE RECYCLING, INC.  
15  
16  
17 TPID NO: 1443267-01  
18 RESPONDENT.

ADMINISTRATIVE DECISION FOR THE  
REVOCATION OF MINOR WASTE TIRE  
FACILITY PERMIT

AGENCY NO. 2008-000003-REV  
OAH NO. 2008-060034

19  
20  
21 In the Matter of:  
22 TRI-C TIRE RECYCLING, INC; PERMITEE  
23 RE: TRI-C TIRE RECYCLING, INC. DBA  
24 LESTER TIRE; LESTER TIRE DBA TRI-C  
TIRE RECYCLING, INC.  
25 TPID NO: 1464553-01  
26 ASSESSOR PARCEL NO: 062-0060-041-0  
27 RESPONDENT.

AGENCY NO. 2008-000002-REV  
OAH NO. 2008060070

1  
2 **PROCEDURAL HISTORY**

3 The California Integrated Waste Management Board (CIWMB) issued an  
4 accusation on April 9, 2008, and an amended accusation on July 30, 2008 seeking to  
5 revoke TRI-C TIRE RECYCLING, INC.'s (RESPONDENT) CIWMB Waste and Used  
6 Tire Hauler Registration (registration) for five (5) years in accordance with Public  
7 Resources Code (PRC) section 42960. CIWMB also issued an accusation seeking to  
8 revoke RESPONDENT's CIWMB Waste Tire Permit (permit) at 6241 Turner Road in  
9 Sacramento. RESPONDENT timely appealed both accusations, the cases were  
10 consolidated by order of the Office of Administrative Hearings on July 15, 2008, and a  
11 hearing was scheduled for August 18, 2008.

12 On August 18, 2008, the parties negotiated a Stipulation for Issuance of  
13 Administrative Decision ("Stipulation") to resolve the issues in this consolidated case.  
14 The CIWMB hereby adopts the Stipulation. Pursuant to the Stipulation, and good  
15 cause appearing therefore, the following Stipulated Factual Findings and Conclusions of  
16 Law are made, and the following Stipulated Order is issued for the waste and used tire  
17 hauler registration and the imposition of waste and used tire hauler penalties:

18 **STIPULATED FACTS**

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

23 2. In or about December, 2006, RESPONDENT purchased a tire-related  
24 business located at 6241 Turner Road, Sacramento (referred to as "Lester minor waste  
25 facility permit" in paragraph 32 of the Stipulation. On or about January 8, 2007,  
26 RESPONDENT filed Business License Application number 330834 with the Tax  
27 Collection and Licensing Division, County of Sacramento, under the name "Tri-C Tire  
28

1 Recycling, Inc. *dba* Lester Tire Recycling" for the tire-related business located at this  
2 site. On or about January 17, 2007, Sacramento County denied RESPONDENT's  
3 Business License Application number 330834.

4 3. Thereafter, on February 7, 2007, RESPONDENT failed to disclose to CIWMB  
5 that the County had denied its Business License Application number 330834 in  
6 RESPONDENT's application for a waste tire facility permit for the business located at  
7 6241 Turner Road, Sacramento, California, under the name "Lester Tire *dba* Tri-C Tire  
8 Recycling".

9 4. Based on RESPONDENT's failure to disclose that Sacramento County denied  
10 its Business License application No. 330834, on March 18, 2007, CIWMB issued a  
11 minor waste tire facility permit (TPID No. 1464553) allowing storage of 4,999 waste tires  
12 for the property located at 6241 Turner Road, Sacramento, California.

13 5. If CIWMB had known that Sacramento County had denied RESPONDENT's  
14 license application No. 330834, no waste tire facility permit would have been issued for  
15 the property located at 6241 Turner Road, Sacramento, California.

16 6. On or about March 18, 2007, based on the foregoing allegations, because  
17 RESPONDENT failed to disclose to CIWMB that Sacramento County denied its license  
18 application to conduct business at 6241 Turner Road, RESPONDENT committed a  
19 misrepresentation or omission of a significant fact or other required information in the  
20 application for a waste and used tire hauler registration in violation of PRC section  
21 42960. In mitigation, Respondent represents that its former manager who had sought  
22 the business license and prepared the application for the minor waste tire facility permit,  
23 did not advise Respondent that the business license had been denied.

24  
25 **STIPULATED CONCLUSIONS OF LAW**

26 7. The parties stipulate to the following conclusions of law:  
27  
28

