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STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

In the matter of: CARL ATKINSON dba WHEELS, ETC A REGISTERED WASTE AND USED TIRE HAULER TPID NO: 1000077 RESPONDENT.	ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE PENALTIES PUBLIC RESOURCES CODE SECTION 42950, ET SEQ. AGENCY No: 2009-000173-PEN

INTRODUCTION

The California Integrated Waste Management Board (CIWMB) has authority to regulate and conduct enforcement actions regarding Waste Tire Haulers within the State of California under Public Resources Code (PRC) section 42962 et seq. and attendant regulations contained in Title 14 of the California Code of Regulations (CCR).

To avoid the uncertainties of litigation, the California Integrated Waste Management Board ("CIWMB") sent a Proposed Streamlined Penalty Letter ("Stipulation, Decision, and Order") on July 3, 2009, to CARL ATKINSON dba WHEELS, ETC., ("RESPONDENT") a waste tire hauler, to resolve violations through a monetary settlement of two hundred dollars ($200.00).

On August 2, 2009, RESPONDENT paid the two hundred dollars ($200.00) penalty, but failed to sign the stipulated agreement. Instead, RESPONDENT acknowledged his responsibility for the violations, but requested a "rewording" of the stipulated agreement.

Pursuant to RESPONDENT's letter, admitting certain allegations, and good cause appearing therefore, the following Factual Findings and Conclusions of Law are made, and the following Order is issued:

FACTUAL FINDINGS

1. Between August 1 through December 31, 2007, RESPONDENT submitted incorrect and/or incomplete manifests in violation of PRC Section 42961.5. A letter notifying RESPONDENT of the errors and omissions was issued to RESPONDENT on July 27, 2007.

2. CIWMB conducted an audit of RESPONDENT's Comprehensive Trip Log forms ("CTLs") to determine whether the RESPONDENT achieved compliance with the CTL requirements. The audit revealed that RESPONDENT continued to submit incorrect or incomplete CTLs as shown in the table below:

Manifiest/CTL	Receipt	Date	Errors
3900671	Header	1/2/09	Incorrect decal
	B	1/2/09	Both pickup and delivery boxes checked
3900737	A	4/17/09	Load Type unmarked
3900742	C	4/23/09	Incorrect TPID
3900761	Header	5/2/09	Hauler name and address left blank
	C	5/2/09	Load Type unmarked

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LEGAL CONCLUSIONS

3. RESPONDENT is in violation of Public Resources Code Section 42961.5 as well as 14 CCR Section 18460.2. The CIWMB's authority to assess administrative penalties against RESPONDENTS is set forth in PRC Section 42962 et seq., and in 14 CCR Section 18464.

4. Pursuant to PRC section 42961.5(c)(2) any waste and used tire hauler hauling waste or used tires for offsite handling, altering, storage, disposal or any combination thereof, shall complete the California Uniform Waste and Used Tire Manifest as required by CIWMB.

ORDER

THE FOLLOWING ORDER is hereby made:

CARL ATKINSON dba WHEELS, ETC., shall owe two hundred dollars ($200.00) to the Board. CIWMB shall deposit RESPONDENT, CARL ATKINSON dba WHEELS, ETC., penalty payment of two hundred dollars ($200.00). RESPONDENT'S statements in his August 2, 2009 letter, acknowledge his responsibility for the aforementioned violations.

Based on CIWMB's understanding that RESPONDENT stipulated to the violations and paid the proposed stipulated penalty, CIWMB is electing not to pursue additional enforcement action concerning these violations.

RESPONDENT'S RIGHT TO FILE WRITTEN MOTION

Pursuant to Government Code section 11520(c), RESPONDENT has a right to serve a motion:

> Within seven days after service on the respondent of a decision based on the respondent's default, the respondent may serve a written motion requesting that the decision be vacated and stating the grounds relied on. The agency in its discretion may vacate the decision and grant a hearing on a showing of good cause. As used in this subdivision, good cause includes, but is not limited to, any of the following: (1) Failure of the person to receive notice

served pursuant to Section 11505. (2) Mistake, inadvertence, surprise, or excusable neglect.

This DECISION shall become effective AUGUST 24, 2009.

Dated this 24th day of August, 2009

MARGO REID BROWN, Chair
CALIFORNIA INTEGRATED
WASTE MANAGEMENT BOARD