

1 ELLIOT BLOCK SBN 116999  
Chief Counsel  
2 TAMAR DYSON SBN 116750  
Staff Counsel  
3 Attorneys for Complainant  
4 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
1001 I Street, 23<sup>rd</sup> Floor  
5 P. O. Box 4025  
6 Sacramento, CA 95812-4025  
Telephone: (916) 341-6083  
7 Facsimile: (916) 319-7217

8  
9 **STATE OF CALIFORNIA**  
10 **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

11  
12 In the matter of:

13 LAKIN TIRE WEST, INC;  
14 A WASTE AND USED TIRE HAULER  
15 TPID NO: 1000659-01  
16 RESPONDENT.

ADMINISTRATIVE DECISION  
PURSUANT TO STIPULATION FOR  
WASTE TIRE HAULER  
ADMINISTRATIVE PENALTIES

AGENCY No: 2008-011088-ADC

17  
18  
19 **INTRODUCTION**

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

24 LAKIN TIRE WEST, INC., ("RESPONDENT") was served with the FIRST  
25 ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER ADMINISTRATIVE  
26 PENALTIES ("Administrative Complaint") on June 4, 2009. To avoid the uncertainties  
27 of litigation, RESPONDENT negotiated a STIPULATION FOR ISSUANCE OF  
28

1 ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE  
2 PENALTIES ("Stipulation") to resolve the issues contained in the Administrative  
3 Complaint.

4 The Board Members of the CIWMB hereby adopt the Stipulation. Pursuant to the  
5 Stipulation, and good cause appearing therefore, the following Stipulated Factual  
6 Findings and Legal Conclusions are made, and the following Order is issued:

7 **STIPULATED FACTUAL FINDINGS**

- 8 1. The Administrative Complaint was executed by TAMAR DYSON, Staff  
9 Counsel, CWIMB, acting in her official capacity.
- 10 2. As detailed in the Administrative Complaint:
- 11 a. On 9 occasions, between September 29, 2007 and March 19, 2007,  
12 RESPONDENT submitted incorrect and/or incomplete Manifest forms in violation  
13 of PRC section 42961.5; and
- 14 b. On 6 occasions during the period October 1, 2007 through February  
15 11, 2008, RESPONDENT failed to submit manifests to the CIWMB, as required  
16 by PRC section 42961.5(c)(2) and 14 CCR Section 18459.2.1.(a)(1); and
- 17 c. Out of a random sampling of 2,840 EDT Manifests submitted by  
18 RESPONDENT, 668 were not submitted to the CIWMB within 90 days as  
19 required by PRC section 42961.5(c)(2) as well as 14 CCR Section  
20 18459.2.1.(a)(1).

21 **STIPULATED CONCLUSIONS OF LAW**

- 22 3. RESPONDENT is in violation of Public Resources Code Section 42961.5  
23 as well as 14 CCR Section 18459.2.1. The CIWMB's authority to assess administrative  
24 penalties against RESPONDENT is set forth in PRC Section 42962 et seq., and in 14  
25 CCR Section 18464.
- 26 4. Pursuant to 14 CCR Section 18464, the penalty tables for waste tire  
27 facilities, the penalty of sixty eight thousand and three hundred dollars (\$68,300.00) to  
28 be paid accordance with the terms of the Stipulation is within the CIWMB's discretion

1 and satisfies the criteria of 14 CCR Section 18465.

2 **ORDER**

3 The CIWMB approves of, and adopts the terms of the Stipulation, and the  
4 following Order is hereby made:

5 LAKIN TIRE WEST, INC., is ordered to pay sixty eight thousand and three  
6 hundred dollars (\$68,300.00) to the CIWMB according to the terms of the  
7 Stipulation.

8  
9  
10 This DECISION shall become effective as of the date signed below:

11  
12 Dated this 29<sup>th</sup> day of September, 2009.

13  
14  
15   
16 MARGO REID BROWN, Chair  
17 CALIFORNIA INTEGRATED WASTE  
18 MANAGEMENT BOARD  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

