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8 STATE OF CALIFORNIA
9 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

10
11 IN THE MATTER OF:
12 DANIEL GOMEZ DBA COAST TIRE
13 RECYCLING
14 TPID NO: 1552814
15 RESPONDENT

STATEMENT OF ISSUES FOR THE
DENIAL OF WASTE AND USED TIRE
HAULER REGISTRATION

PUBLIC RESOURCES CODE SECTION
42960

AGENCY NO. 2009-000049-DEN

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18 This California Integrated Waste Management Board (CIWMB) is seeking the
19 DENIAL for one year of the waste and used tire registration application of DANIEL
20 GOMEZ DBA COAST TIRE RECYCLING (RESPONDENT), whose mailing address is
21 720 North Palisades Drive, Santa Maria, California 93454 in accordance with Public
22 Resources Code (PRC) 42960. This denial of registration is so issued based on the
23 following facts:

24 **STATEMENT OF FACTS**

25 1. The CIWMB has authority to inspect, permit, regulate and conduct
26 enforcement actions against Waste Tire Facilities (WTF) within the State of California
27 under Public Resources Code (PRC) section 42800, et seq., and attendant regulations
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1 contained in Title 14 of the California Code of Regulations (CCR).

2 2. RESPONDENT Has been a registered waste and used tire hauler since
3 February 13, 2001.

4 3. On or after May of 2009, DANIEL GOMEZ DBA COAST TIRE
5 RECYCLING (hereinafter "RESPONDENT") unlawfully operated at least three Minor or
6 Major Waste Tire Facilities at three separate locations in violation of PRC sections
7 42834 and 42824. RESPONDENT failed to apply for a waste tire facility permit prior to
8 operating all three waste tire facilities in violation of 14 CCR section 18420.

9 **ILLEGAL WASTE TIRE FACILITY AT 1220 WEST MAIN STREET**

10 4. On May 12, 2009, CIWMB Inspector Steve Dolan, conducted an
11 inspection of 1220 West Main Street, in Santa Maria, California 93454. The inspector
12 determined that more than 6,000 waste tires were stored illegally at this site creating a
13 Major Waste Tire Facility in violation of PRC section 42824, and issued a Notice of
14 Violation (Inspection Report I6-1059908). On June 16 2009, Inspector Dolan conducted
15 a follow-up inspection and issued a Notice of Violation because he determined that 750
16 waste tires were illegally stored at this site creating a Minor Waste Tire Facility in
17 violation of PRC section 42834 (Inspection Report I1-1095517).

18 5. On August 13, 2009, CIWMB issued Cleanup and Abatement Order No.
19 2009-010981-CAO (CAO) requiring the removal of the waste tires located at 1220 West
20 Main Street, Santa Maria, CA 93454, within thirty (30) days of service of the CAO. On
21 November 9, 2009, Inspector Dolan conducted a re-inspection and documented that
22 this site was in compliance with waste tire storage laws.

23 **ILLEGAL WASTE TIRE FACILITY AT 1270 WEST MCCOY LANE**

24 6. On October 18, 2009, CIWMB Inspector Steve Dolan conducted an
25 inspection at 1270 W. McCoy Lane, Santa Maria, California. The Inspector found more
26 than 4,900 waste tires stored illegally at this site, and issued a Notice of Violation
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1 (Inspection Report no. I1-1059845). On November 9, 2009, Inspector Dolan conducted
2 a follow-up inspection, and verified all waste tires had been removed from this site.

3 **ILLEGAL WASTE TIRE FACILITY AT 1440 JASON WAY**

4 7. On November 9, 2009, CIWMB Inspector Steve Dolan conducted an
5 inspection at 1440 Jason Way, Orcutt, CA 93455. The Inspector determined that more
6 than 2,800 waste tires were stored on the site creating an illegal Minor Waste Tire
7 facility in violation of PRC section 42834. A Notice of Violation (NOV) was issued to
8 RESPONDENT (Inspection Report I9-1068077).

9 **FAILURE TO MANIFEST**

10 8. RESPONDENT failed to manifest loads of waste tires to the three illegal
11 waste tire facilities discussed in paragraphs 4 through 7 above in violation of PRC
12 section 42961.5.

13 9. **Other Disciplinary Action:** On September 14, 2009, CIWMB issued a
14 Decision and Order for \$400 in waste tire hauler penalties pursuant to a Stipulation with
15 DANIEL GOMEZ, OWNER of COAST TIRE RECYCLING for manifesting violations.
16 Specifically, on eight occasions between January 1, 2009 and January 31, 2009,
17 COAST TIRE RECYCLING failed to submit completed manifest forms to the CIWMB
18 within ninety (90) days in violation of PRC section 42961.5.

19 **ALLEGATIONS OF SPECIFIC VIOLATIONS**

20 10. CIWMB is requesting the denial of the RESPONDENT's waste tire hauler
21 registration for one year pursuant to PRC section 42960 based on the above-mentioned
22 facts and for the following violations:

- 23 a. RESPONDENT violated PRC section 42834 and PRC section
24 42824. On and after July 1, 1994, it is unlawful to direct or transport
25 waste tires to a minor waste tire facility or to accept waste tires at a minor
26 waste tire facility unless the operator has obtained a minor waste tire
27 facility permit. Daniel Gomez DBA COAST TIRE RECYCLING has been
28

1 unlawfully operating Minor/Major Waste Tire Facilities at three separate
2 locations as alleged in paragraphs 4 through 7 above.

3 b. RESPONDENT violated PRC section 42961.5 when they failed to
4 submit completed California Uniform Waste and Used Tire Manifests
5 (manifests) as required by the board for the illegal waste tire facilities
6 alleged in Paragraphs 4 through 7 above.

7
8 **RIGHT TO HEARING**

9 11. You are hereby notified that pursuant to the provisions of section 42960 of
10 the California Public Resources Code and Government Code section 11506, that you
11 are entitled to a hearing to refute the allegations against you contained in this Statement
12 of Issues. **If you wish to have a hearing on this matter, you must complete and**
13 **return the enclosed REQUEST FOR HEARING to our Legal Office within 30 days**
14 **of receipt of this notice. Failure to complete and return the REQUEST FOR**
15 **HEARING within 30 days will be deemed a waiver of your rights to a hearing.**

16 Pursuant to the above referenced Public Resources Code and Government Code
17 sections, discovery requests by any party must be made within thirty days after the
18 service of this Denial of Waste and Used Tire Hauler Registration.

19
20 Dated this 24th day of November, 2009.

21 
22 Wendy Breckon
23 Senior Staff Counsel
24 California Integrated Waste
25 Management Board

1 STATE OF CALIFORNIA

2 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

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5 IN THE MATTER OF:

REQUEST FOR A HEARING

6 DANIEL GOMEZ DBA COAST TIRE

7 RECYCLING

AGENCY NO. 2009-000049-DEN

8 TPID NO: 1552814

9 RESPONDENT
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11
12 I, DANIEL GOMEZ, in the above-entitled proceeding, acknowledge receipt of a copy
13 of the STATEMENT OF ISSUES FOR THE DENIAL OF THE WASTE AND USED TIRE
14 HAULER REGISTRATION PUBLIC RESOURCES CODE SECTION 42960. I hereby
15 request a hearing to permit me to present my defense to the charges contained in said
16 STATEMENT OF ISSUES FOR THE DENIAL OF THE WASTE AND USED TIRE HAULER
17 REGISTRATION PUBLIC RESOURCES CODE SECTION 42960.

18 All correspondence concerning this proceeding should be sent to the following
19 address:
20 (If you are represented by an attorney, all correspondence concerning this matter will be sent
21 to the attorney.)

22 Address: _____ Telephone: _____

23 City: _____ State: _____ Zip Code: _____

24 Signature: _____

25 Date: _____
26
27
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1 **Send to:**

2 **CIWMB Legal Office**
3 **Attention: Yvette Cox**
4 **P.O. Box 4025 – MS 23-A**
5 **Sacramento, Ca 95812-4125**

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LINDA S. ADAMS
SECRETARY FOR ENVIRONMENTAL
PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SCHWARZENEGGER
GOVERNOR

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RIGHT TO A HEARING

You 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.**

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 STATEMENT OF ISSUES FOR THE DENIAL OF THE WASTE AND USED TIRE HAULER REGISTRATION PUBLIC RESOURCES CODE SECTION 42960.

You may be present at the hearing.



INTEGRATED
WASTE
MANAGEMENT
BOARD



1. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel.
2. You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you.
3. 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.
4. 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.
5. 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.
6. Continuances are not favored. If you need a continuance, write or call immediately to the Office of Administrative Hearings,

2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833-4231, (916) 263-0550. That agency has control of continuances. Requests without good cause will be denied.

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2 WENDY BRECKON SBN 182952
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3 Attorneys for Complainant
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11 IN THE MATTER OF:

12 DANIEL GOMEZ DBA COAST TIRE

13 RECYCLING

14 TPID NO: 1552814

15 RESPONDENT
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REQUEST FOR DISCOVERY

(Government Code Section 11507.6)

RESOURCES CODE SECTION 42960

AGENCY NO. 2009-000049-DEN

18
19 TO: DANIEL GOMEZ DBA COAST TIRE RECYCLING; ("RESPONDENT"),
20 under Government Code Section 11507.6, the California Integrated Waste Management
21 Board (CIWMB) requests the following from each of you:

22 1. The names and addresses of all witnesses to the extent known by you,
23 including, but not limited to, those you intend to call to testify at the hearing, and

24 2. An opportunity to inspect and copy all of the following matters under
25 Government Code Section 11507.6(a)-(f) that are in your possession, custody or
26 control:

27 (a) A statement of any person, or regarding any entity named in the initial
28 pleading when it is claimed in the pleading that any respondent's act or omission
regarding this person or entity is the basis for this administrative proceeding;

1 (b) A statement pertaining to the subject matter of the pleading made by any
2 party to another party or person;

3 (c) Statements of witnesses proposed to be called to testify and of other
4 persons having personal knowledge of the acts, omissions, or events that are the basis
5 for the proceeding, not included in (a) or (b) above;

6 (d) All writings, including but not limited to reports and things that you propose
7 to offer in evidence;

8 (e) Any other writing or thing that is relevant and would be admissible in
9 evidence.

10 (f) Investigative reports made by or on behalf of you or any other party
11 pertaining to the subject matter of the proceedings, to the extent that these reports:

12 (1) Contain the names and addresses of witnesses or of
13 persons having personal knowledge of the acts, omissions, or events that
14 are the basis for the proceedings, or

15 (2) Reflect matters perceived by the investigator in the course of
16 his or her investigation, or

17 (3) Contain or include by attachment any statement or writing
18 described in (a) to (e) above, or a summary thereof.

19 3. This request is not intended to require inspection, copying or production of
20 any writing which is privileged from disclosure by law or protected as attorney's work
21 product.

22 4. This is a continuing request for discovery of any of the above stated
23 matters that may come into your possession at any time before the hearing.

24
25 Dated this 24th day of November, 2009

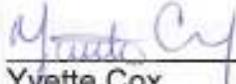


26
27 WENDY BRECKON
28 Senior Staff Counsel
California Integrated Waste
Management Board

1 Roger M. Hubbard, Attorney for Coast Tire Recycling
2 426 Garcellus Avenue
3 Suite 303
4 Santa Maria, CA 93454
5 (805) 925-3012

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.

8 Executed on the 24th day of November, 2009, at Sacramento, California.

9 
10 Yvette Cox
11 Declarant