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9 STATE OF CALIFORNIA

10 CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11
12 In the matter of:

13 CHINA AHEAD TRUCKING, INC.

14 TPID NO: 1603635-01

15 RESPONDENT.

} ADMINISTRATIVE DECISION
} FOR DENIAL OF WASTE AND USED TIRE
} HAULER REGISTRATION AND WASTE TIRE
} HAULER ADMINISTRATIVE PENALTIES,
} PUBLIC RESOURCES CODE
} SECTION 42950, ET SEQ.

} AGENCY NO: 2012-011134-ADC

17
18 **INTRODUCTION**

19 The California Department of Resources Recycling and Recovery (CALRECYCLE)
20 served an Administrative Complaint for Denial of Waste and Used Tire Hauler Registration and
21 Waste Tire Hauler Administrative Penalties (Administrative Complaint) and Request for
22 Hearing on CHINA AHEAD TRUCKING, INC. (RESPONDENT), on November 9, 2012.
23 RESPONDENT did not file a Request for Hearing. The matter shall be determined as a default
24 pursuant to Title 14 of the California Code of Regulations (CCR) section 18466 and
25 Government Code section 11520. The California Integrated Waste Management Board
26 (CIWMB) is now CALRECYCLE. CALRECYCLE succeeded to CIWMB's authority on January
27 1, 2010, pursuant to Public Resources Code (PRC) section 40401(a)(1). CALRECYCLE takes
28 action against RESPONDENT based upon evidence and affidavits that may be used without

1 any notice to RESPONDENT.

2 **FACTUAL FINDINGS**

3 1. The Administrative Complaint was executed by HEATHER L. HUNT,
4 Staff Counsel III, CALRECYCLE, acting in her official capacity.

5 2. On October 9, 2012, the CALRECYCLE Tire Hauler Compliance Unit received a
6 Waste Tire Hauler Registration Application for the 2013 calendar year from RESPONDENT.

7 3. RESPONDENT was a registered waste tire hauler for the 2011 calendar year,
8 however, RESPONDENT failed to apply for a waste tire hauler registration for the 2012
9 calendar year before the January 1 expiration date.

10 4. On January 4, 2012, RESPONDENT, was issued a notification letter from
11 CALRECYCLE stating that their 2011 waste tire hauler registration was cancelled and advising
12 RESPONDENT not to haul waste or used tires.

13 5. On January 10, 2012, CALRECYCLE received a faxed copy of RESPONDENT'S
14 Waste Tire Hauler Registration Application for the 2012 calendar year.

15 6. On February 6, 2012, Cathy Blair, Inspector with CALRECYCLE, received a
16 photocopy of three (3) Comprehensive Trip Log (CTL) receipts dated January 10 and 11, 2012
17 from Global Waste Management, Inc., showing pickups of three separate loads of more than
18 100 waste or used tires, and documented in CTL receipt numbers, 4462082-A, 4462082-C and
19 4462080-C. These pickups by RESPONDENT were completed when they were an
20 unregistered waste tire hauler during the month of January 2012.

21

22 Comprehensive Trip Log	Violation	Transaction Date	Passenger Tire Equivalents	Facility
24 4462082-A	Unregistered Tire Hauler, 25 more than 100 waste/used 26 tires	January 10, 2012	2,400	Global Waste Management, Inc.
27 4462082-C	Unregistered Tire Hauler, 28 more than 100 waste/used tires	January 11, 2012	2,400	Global Waste Management, Inc.

1 12. No evidence of mitigation, extenuation or rehabilitation is offered.
2

3 **ORDER**

4 Good cause appearing, Complainant's motion to take action in accordance with the
5 provisions of Government Code Section 11520, subdivision (a) is granted.

6 THE FOLLOWING ORDER is hereby made:

7 RESPONDENT, CHINA AHEAD TRUCKING, INC., is ordered to pay an administrative
8 penalty of \$6,500.00 to CalRecycle within 30 (thirty) days of the date of this Decision and is
9 denied their Waste and Used Tire Hauler Registration for a period of five years.

10
11 **RESPONDENT'S RIGHT TO FILE WRITTEN MOTION**

12 Pursuant to Government Code section 11520(c) RESPONDENT has a right to serve
13 CALRECYCLE with a motion:

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

- 19 (1) Failure of the person to receive notice served pursuant to Section 11505.
20 (2) Mistake, inadvertence, surprise, or excusable neglect.

21 This DECISION shall become effective on the date signed below.

22 Dated this 26 day of December 2012.

23 
24 _____
25 MARK DE BIE
26 Deputy Director
27 DEPARTMENT OF RESOURCES,
28 RECYCLING AND RECOVERY
(CALRECYCLE)