

1 ELLIOT BLOCK SBN 116999  
Chief Counsel  
2 HEATHER L. HUNT SBN 225861  
3 MARTHA PEREZ SBN 271766  
Attorneys for Complainant  
4 DEPARTMENT OF RESOURCES RECYCLING & RECOVERY  
1001 I Street, 24<sup>th</sup> Floor  
5 P. O. Box 4025  
6 Sacramento, CA 95812-4025  
Telephone: (916) 341- 6494  
7 Facsimile: (916) 319-7579

8  
9 STATE OF CALIFORNIA

10 CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11  
12 In the matter of:

13 ZACATECAS TIRE SERVICE  
14 CORPORATION

15  
16 TPID NO: 1006715-01

17 RESPONDENT.

ADMINISTRATIVE DECISION  
FOR WASTE TIRE HAULER  
ADMINISTRATIVE PENALTIES

PUBLIC RESOURCES CODE  
SECTION 42950, ET SEQ.

18 AGENCY NO: 2012-011139-ADC

19 **INTRODUCTION**

20  
21 The California Department of Resources Recycling and Recovery (CALRECYCLE)  
22 issued an Administrative Complaint for Waste Tire Hauler Administrative Penalties  
23 (Administrative Complaint) and Request for Hearing on ZACATECAS TIRE SERVICE  
24 CORPORATION (RESPONDENT), on March 16, 2013. RESPONDENT had 15 days from the  
25 date of service of the Administrative Complaint to request a hearing. RESPONDENT did not  
26 file a Request for Hearing. This matter shall be determined as a default pursuant to Title 14 of  
27 the California Code of Regulations (CCR) section 18466 and Government Code section  
28 11520.

1 The California Integrated Waste Management Board (CIWMB) is now CALRECYCLE.  
2 CALRECYCLE succeeded to CIWMB's authority on January 1, 2010, pursuant to Public  
3 Resources Code (PRC) section 40401(a)(1). CALRECYCLE takes action against  
4 RESPONDENT based upon evidence and affidavits that may be used as evidence without any  
5 notice to RESPONDENT.

6  
7 **FACTUAL FINDINGS**  
8

9 1. The Administrative Complaint was executed by MARTHA PEREZ,  
10 Staff Counsel, CALRECYCLE, acting in her official capacity.

11 2. Statutory provisions governing the Waste Tire Hauler Registration Programs are  
12 contained in Sections 42950 through 42967 of the Public Resources Code.

13 3. Title 14, CCR section 18449 et seq. specifies the procedures for waste tire hauler  
14 registration and tire manifest system requirements for used and waste tire haulers, retreaders,  
15 used and waste tire generators, and end-use facilities, including reporting and documentation  
16 requirements.

17 4. Pursuant to Title 14, CCR section 18451 (a), waste tire haulers, retreaders,  
18 waste tire generators, and end-use facilities shall comply with these regulations, unless  
19 exempted by PRC section 42954 and applicable procedures set forth in Section 18452.1-  
20 18453.2.

21 5. Pursuant to Title 14, CCR section 18450 (a)(11) and (a)(21), the California  
22 Uniform Used and Waste Used Tire Manifest System form ("Manifest Form"), also referred to  
23 as the "Comprehensive Trip Log" (CTL), shall be completed by the waste tire hauler and shall  
24 accompany each transported shipment of used or waste tires. The Manifest Form was  
25 developed by CALRECYCLE pursuant to PRC section 42961.5.

26 6. Pursuant to Title 14, CCR section 18459.3 (a), the waste tire generator, and end-  
27 use facility shall retain a copy of the completed Manifest Form at their place of business for  
28

1 three (3) years. These records shall be made available to any authorized representative of the  
2 CALRECYCLE upon request.

3  
4 **VIOLATIONS OF THE CALIFORNIA UNIFORM WASTE AND USED TIRE MANIFEST**  
5 **PROGRAM**

6 7. On June 24, 2010, Kieran Au, Tire Grantee of the City of Los Angeles, conducted  
7 an inspection of RESPONDENT ZACATECAS TIRE SERVICE CORPORATION, located at  
8 3635 S. Western Ave., Los Angeles, California, 90018 (the site). Inspector Au noted  
9 RESPONDENT's failure to retain CTLs for three years. As documented in the Waste Tire  
10 Survey & Inspection Report ("Inspection Report") #I1-1140106, Inspector Au advised Jonathan  
11 Garcia (identified as the site manager) to retain the CTLs for three years.

12 8. On May 12, 2011, Jo Ann Frampton, Tire Grantee of the City of Los Angeles,  
13 conducted a re-inspection of the site. As documented in Inspection Report #I1-1162364,  
14 Inspector Frampton issued a Notice of Violation ("NOV") (in Spanish) to RESPONDENT for  
15 failure to retain CTLs for three years. A 30-day compliance deadline of June 12, 2011 was set.  
16 Inspector Frampton indicated to Martin Garcia (identified as the owner) that he was missing  
17 CTLs for 2009 and 2011.

18 9. On August 25, 2011, David Joiner, Tire Grantee of the City of Los Angeles,  
19 conducted a re-inspection of the site to determine compliance with the NOV issued on May 12,  
20 2011. As documented in Inspection Report #I1-1161844, Inspector Joiner issued another  
21 NOV to RESPONDENT for failure to comply with manifesting requirements. A 30-day  
22 compliance deadline of September 25, 2011 was set.

23 10. On September 30, 2011, Jo Ann Frampton, Tire Grantee of the City of Los  
24 Angeles, conducted a re-inspection of the site. As documented in Inspection Report #I1-  
25 1162053, Inspector Frampton issued another NOV for the RESPONDENT'S continued  
26 violations and failure to retain CTLs and noted that RESPONDENT was in the process of  
27 obtaining a tire hauler license with the State of California. Inspector Frampton referred this  
28 matter to CalRecycle Enforcement.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

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

**THE FOLLOWING ORDER** is hereby made:

RESPONDENT, ZACATECAS TIRE SERVICE CORPORATION, is ordered to pay an administrative penalty of \$1,000.00 to CalRecycle within 30 (thirty) days of the date of this Decision.

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

Pursuant to Government Code section 11520(c), RESPONDENT has a right to serve CALRECYCLE with a written motion requesting that the decision be vacated and stating the grounds relied on:

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.

*Gov't Code § 11520(c)*

This DECISION shall become effective on the date signed below.

Dated this 20 day of May 2013.

  
 \_\_\_\_\_  
 MARK DE BIE  
 Deputy Director  
 DEPARTMENT OF RESOURCES,  
 RECYCLING AND RECOVERY  
 (CALRECYCLE)