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8 STATE OF CALIFORNIA

9 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

10
11 In the matter of:) ADMINISTRATIVE DECISION
12) FOR WASTE TIRE HAULER
13 TIGRAN MATEVOSYAN DBA) ADMINISTRATIVE PENALTIES
14 UNIVERSAL TIRE & WHEELS CENTER) PUBLIC RESOURCES CODE
15 TPID NO: 1279168-01) SECTION 42950, ET SEQ.
16) AGENCY NO: 2014-011161-ADC
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28)
RESPONDENT

19 **INTRODUCTION**

20 The California Department of Resources Recycling and Recovery (CALRECYCLE)
21 served an Administrative Complaint for Waste Tire Hauler Administrative Penalties
22 (Administrative Complaint) and a Request for Hearing on TIGRAN MATEVOSYAN dba
23 UNIVERSAL TIRE & WHEELS CENTER (RESPONDENT) on July 24, 2014. RESPONDENT
24 had 15 days from the date of service of the Administrative Complaint to request a hearing.
25 RESPONDENT did not file a Request for Hearing. The matter shall be determined as a default
26 pursuant to Title 14 of the California Code of Regulations (CCR) section 18466 and
27 Government Code section 11520.

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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 without any notice to
5 RESPONDENT.

6 FACTUAL FINDINGS

7 1. The Administrative Complaint was executed by MARTHA PEREZ, Staff Counsel,
8 acting in her official capacity.

9 2. Pursuant to PRC section 42951(a), "[e]very person who engages in the
10 transportation of waste or used tires shall hold a valid waste and used tire hauler registration,
11 unless exempt as specified in Section 42954."

12 3. PRC section 42952(a) states, in relevant part:

13 Except as provided in Section 42954, a person engaged in transporting
14 waste or used tires shall comply with all of the following requirements:

15 (1) The person shall be registered as a waste and used tire hauler with
16 the department [CALRECYCLE].

17 4. A "Used or Waste Tire Hauler" or "Hauler" is defined as, "any person engaged in
18 the transportation of used or waste tires, or tire casings, including haulers that the Department
19 approved as exempt from registration pursuant to Public Resources Code section 42954."
20 (Title 14 CCR section 18450(34).)

21 5. Pursuant to PRC section 42956(b), "any person who operates a vehicle . . . that
22 transports 10 or more tires without a valid and current waste and used tire hauler registration,
23 as issued by the board [CALRECYCLE] . . . , shall be subject to the enforcement actions
24 specified in Article 4 (commencing with [PRC] Section 42962)."

25 6. Pursuant to PRC section 42961.5(c)(2):

26 Any waste and used tire hauler hauling waste or used tires for
27 offsite handling, altering, storage, disposal, or any combination thereof,
28 shall complete the California Uniform Waste and Used Tire Manifest as

1 required by the board [CALRECYCLE]. The waste and used tire hauler
2 shall provide the manifest to the waste or used tire facility operator who
3 receives the waste or used tires for handling, altering, storage, disposal,
4 or any combination thereof. Each waste and used tire hauler shall submit
5 to the board [CALRECYCLE], on a quarterly schedule, a legible copy of
6 each manifest. The copy submitted to the board [CALRECYCLE] shall
7 contain the signatures of the generator and the facility operator.

8 7. The "California Uniform Waste and Used Tire Manifest" is a form developed by
9 the Department [CALRECYCLE] pursuant to PRC section 42961.5 and is also referred to as
10 the "Comprehensive Trip Log" or "CTL." (Title 14 CCR section 18450(11).)

11 8. Title 14 CCR section 18454(a) requires that, "any person hauling 10 or more
12 used or waste tires shall apply for a waste tire hauler registration, unless exempt." Subsections
13 (c) and (d) further provide that, "the initial waste tire hauler registration is valid from [sic] the
14 date of issuance to January 1 of the following year" . . . "[t]he waste tire hauler is not
15 authorized to haul used or waste tires after the January 1 expiration date unless the waste tire
16 hauler has applied to renew the waste tire hauler registration prior to expiration and has
17 received the Department issued renewal registration card(s) and vehicle decal(s)."

18 9. Title 14 CCR section 18460.2, subsections (b), (e), (h), provide that a registered
19 waste tire hauler shall complete a new CTL for each pick-up or delivery of any used or waste
20 tires, shall not transport used or waste tires without having a completed copy of the form, and
21 shall keep a copy of the completed CTL form.

22 10. Title 14 CCR section 18463, subsections (a), (b) and (d), provide that any waste
23 tire hauler who intentionally or negligently violates any permit, rule, regulation, standard,
24 requirement, or allows any violation or noncompliance with any permit, rule, regulation,
25 standard, or requirement pursuant to PRC section 42950 et seq. relating to the generation,
26 transportation, or disposal of used or waste tires, shall be liable for a civil penalty.

27 11. On or around November 10, 2011, RESPONDENT submitted a waste and used
28 tire hauler registration application for the 2012 application year. The 2012 hauler registration

1 expired on December 31, 2012.

2 12. On October 1, 2012, CALRECYCLE issued a letter to RESPONDENT informing
3 RESPONDENT that its Waste and Used Tire Hauler Registration would expire at the end of
4 the calendar year and that California regulations require that waste and used tire haulers
5 renew their registration 45 days before the calendar year ends, or by November 16, 2012. On
6 this same day, CALRECYCLE issued an additional letter informing RESPONDENT of the
7 "Zero Tolerance" policy applicable to the illegal hauling of waste or used tires without holding a
8 current and valid CALRECYCLE hauler registration after January 1, 2013. The letter warned
9 RESPONDENT that continuing to haul waste or used tires after the registration cancellation
10 date would subject him to possible enforcement and punitive actions, including civil fines of up
11 to \$25,000.00 per day.

12 13. On January 4, 2013, a hauler cancellation letter was issued to RESPONDENT.
13 The letter informed RESPONDENT that his Waste and Used Tire Hauler Registration had
14 expired at the end of the 2012 calendar year, and therefore was effectively cancelled. The
15 letter reminded RESPONDENT not to haul waste or used tires prior to being issued a current
16 2013 decal and registration certificate. The letter also reminded RESPONDENT of the
17 potential for enforcement and punitive actions for a failure to comply, including the imposition
18 of civil penalties and/or citation by law enforcement.

19 14. On or around March 15, 2013, approximately three months after
20 RESPONDENT's 2012 hauler registration had expired, RESPONDENT submitted a waste and
21 used tire hauler registration application for the 2013 application year. RESPONDENT's 2013
22 hauler registration was renewed on March 20, 2013.

23 **FIVE COUNTS OF UNREGISTERED HAULING**

24 15. On January 24, 2013, Tire Enforcement Agency (TEA) Inspector Jo Ann
25 Frampton, City of Los Angeles Bureau of Street Services, conducted a routine inspection of
26 Universal Tire & Wheels Center located at 5418 W Pico Blvd. Los Angeles, CA. During this
27 inspection, Inspector Frampton documented that RESPONDENT delivered at least five loads
28 of 10 or more waste tires to CRM Co., LLC, between January 1, 2013 and January 23, 2013,

1 during the time that RESPONDENT was not a registered waste and used tire hauler. As
2 documented in Inspection report I1-1216471, RESPONDENT was in violation of Title 14 CCR
3 sections 18460.2 and 18461.

4 **FIVE COUNTS OF MANIFESTING VIOLATIONS**

5 16. Between January 1, 2013 and January 23, 2013, RESPONDENT failed to
6 complete and submit CTL forms to CALRECYCLE within 90 days of the pickup or deliveries of
7 waste and/or used tires. Weight ticket receipts from CRM show the transportation of at least
8 five loads of 10 or more waste or used tires to CRM Co., LLC.; however, RESPONDENT did
9 not complete or submit CTLs to CALRECYCLE for these tire loads.

10 17. On October 30, 2013, December 11, 2013, and again on January 8, 2014,
11 RESPONDENT was afforded an opportunity to resolve the current hauler violations through
12 settlement with CALRECYCLE by agreeing to a streamlined penalty process. RESPONDENT
13 did not return a signed agreement form or submit payment of the reduced penalty.

14
15 **LEGAL CONCLUSIONS**

16 18. RESPONDENT is in violation of PRC sections 42951(a) and 42952(a), for
17 transporting or allowing the transportation of at least five loads of 10 or more waste or used
18 tires during the time period that RESPONDENT did not hold a valid waste and used tire
19 registration and was not registered as a waste and used tire hauler with CALRECYCLE.

20 19. RESPONDENT is in violation of PRC section 42961.5(c)(2), for failing to
21 complete and submit CTL forms to CALRECYCLE within 90 days of the pickups or deliveries
22 of waste and/or used tires.

23 20. RESPONDENT is in violation of Title 14 CCR sections 18454(a) and 18454(d),
24 for hauling five loads of 10 or more used or waste tires after the January 1, 2013 expiration
25 date of RESPONDENT's waste and used tire hauler registration and before applying to renew
26 the waste tire hauler registration and receiving the CALRECYCLE issued renewal registration
27 card(s) and vehicle decal(s).

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1 **ORDER**

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

4 **THE FOLLOWING ORDER** is hereby made:

5 RESPONDENT, TIGRAN MATEVOSYAN dba UNIVERSAL TIRE & WHEELS CENTER
6 is ordered to pay an administrative penalty of \$8,750.00 to CalRecycle within 30 (thirty) days of
7 the date of this Decision.

8
9 **RESPONDENT'S RIGHT TO FILE WRITTEN MOTION**

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

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

- 18
- 19 (1) Failure of the person to receive notice served pursuant to Section 11505.
 - 20 (2) Mistake, inadvertence, surprise, or excusable neglect.
- 21 (Gov't Code § 11520(c).)

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

23 Dated this 29 day of August 2014.

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