

1 ELLIOT BLOCK SBN 116999  
Chief Counsel  
2 HEATHER L. HUNT SBN 225861  
Attorneys for Complainant  
3 DEPARTMENT OF RESOURCES RECYCLING & RECOVERY  
4 1001 I Street, 24<sup>th</sup> Floor  
P. O. Box 4025  
5 Sacramento, CA 95812-4025  
6 Telephone: (916) 341- 6068  
7 Facsimile: (916) 319-7677

8 STATE OF CALIFORNIA  
9 DEPARTMENT OF RESOURCES RECYCLING & RECOVERY

11 <b>In the matter of:</b>	}	<b>ADMINISTRATIVE DECISION PURSUANT</b>
12		<b>TO STIPULATION FOR THE DENIAL OF</b>
13 <b>TOBY RAMOS TIRE SERVICE, INC.</b>		<b>THE WASTE TIRE HAULER</b>
14 <b>TPID NO: 1465923-01</b>		<b>REGISTRATION AND ADMINISTRATIVE</b>
15		<b>PENALTIES</b>
16 <b>RESPONDENT.</b>		<b>PUBLIC RESOURCES CODE SECTIONS</b>
17		<b>42960; 42961</b>
18		<b>GOVERNMENT CODE SECTION 11504</b>
		<b>AGENCY NO. 2015-000139-DEN</b>

19 **INTRODUCTION AND PROCEDURAL HISTORY**

20 The California Department of Resources Recycling and Recovery  
21 (CALRECYCLE) has authority to regulate and conduct enforcement actions regarding  
22 Waste Tire Facilities and Waste and Used Tire Haulers within the State of California  
23 pursuant to Public Resources Code (PRC) sections 42800 et seq., 42950 et seq., and  
24 attendant regulations contained in Title 14 of the California Code of Regulations (CCR),  
25 Division 7, Chapter 3 and Chapter 6.

26 This Administrative Decision Pursuant to Stipulation For The Denial Of The Waste  
27 Tire Hauler Registration And Administrative Penalties is based on the Stipulation For  
28 Issuance Of Administrative Decision For The Denial Of The Waste Tire Hauler

1 Registration And Administrative Penalties (Stipulation) signed by TOBY RAMOS  
2 (RESPONDENT) on March 5, 2015.

3 On January 15, 2015, a STATEMENT OF ISSUES FOR THE DENIAL OF THE  
4 WASTE TIRE HAULER REGISTRATION (hereafter, "Statement of Issues") was issued  
5 to RESPONDENT. RESPONDENT was served with the Statement of Issues on January  
6 19, 2015. RESPONDENT was provided with 15 days from the date of receipt of the  
7 Statement of Issues to request a hearing and file a "Notice of Defense/Request for  
8 Hearing" with CALRECYCLE to refute the allegations contained therein.  
9 RESPONDENT's due date to request a hearing was February 3, 2015. On January 29,  
10 2015, Martha Perez, Attorney for CALRECYCLE, received an email from RESPONDENT  
11 in which RESPONDENT acknowledged receipt of the Statement of Issues and requested  
12 CALRECYCLE to consider settling the case.

13 Pursuant to the Stipulation, and good cause appearing therefore, the following  
14 Stipulated Factual Findings and Legal Conclusions are made, and the following Order is  
15 issued:

16  
17 **STIPULATED FACTUAL FINDINGS**

18 1. PRC section 42960 (a)(1) authorizes CALRECYCLE to suspend, revoke, or  
19 deny a waste and used tire hauler registration for a period of up to three years, if the  
20 applicant for, or holder of the registration commits more than three violations of, or fails  
21 to comply with, the requirements of Chapter 16 (commencing with PRC section 42800 et  
22 seq.), Chapter 19 (commencing with PRC section 42950 et seq.), or the regulations  
23 adopted pursuant to these provisions.

24 2. CALRECYCLE may deny an application of a new or renewed waste tire  
25 hauler registration by issuing a statement of issues in accordance with Government  
26 Code section 11504. (14 CCR section 18457(b).)

27 3. CALRECYCLE shall notify the applicant for, or holder of the registration, of  
28 the suspension, revocation, or denial, and the effective date of the suspension or

1 revocation by serving a statement of issues. (PRC section 42961(a).)

2 4. PRC section 42951(a) states, “[e]very person who engages in the  
3 transportation of waste or used tires shall hold a valid waste and used tire hauler  
4 registration, unless exempt as specified in Section 42954.”

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

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

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

9 6. A “Waste or Used Tire Hauler” or “Hauler” is defined as, “any person  
10 engaged in the transportation of waste or used tires, or tire casings, including haulers  
11 that the Department approved as exempt from registration pursuant to Public Resources  
12 Code section 42954.” (14 CCR sections 18450(34) and 18450(37).)

13 7. A “Waste Tire Hauler Registration” is defined as, “the documents, including  
14 the decal and registration form, issued by the Department, which authorizes the holder of  
15 the documents to legally haul waste or used tires within California for the period of  
16 issuance.” (14 CCR section 18450(40).)

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

21 9. Pursuant to PRC section 42961.5(c)(2):

22 Any waste and used tire hauler hauling waste or used tires  
23 for offsite handling, altering, storage, disposal, or any  
24 combination thereof, shall complete the California Uniform  
25 Waste and Used Tire Manifest as required by the board  
26 [CALRECYCLE]. The waste and used tire hauler shall provide  
27 the manifest to the waste or used tire facility operator who  
28 receives the waste or used tires for handling, altering, storage,  
disposal, or any combination thereof. Each waste and used tire  
hauler shall submit to the board [CALRECYCLE], on a quarterly  
schedule, a legible copy of each manifest. The copy submitted  
to the board [CALRECYCLE] shall contain the signatures of the  
generator and the facility operator.

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

4           11. Title 14 CCR section 18460.2, subsections (b), (d), (e), and (h), provide  
5 that a registered waste tire hauler shall complete a new CTL for each pick-up or delivery  
6 of any waste or used tires, shall not transport waste or used tires without a properly  
7 completed CTL form, shall not transport waste or used tires without having a completed  
8 copy of the CTL form in the vehicle transporting the waste or used tires, shall leave one  
9 completed copy of the CTL form with the waste or used tire generator or end-use facility,  
10 and shall keep a copy of the completed CTL form.

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

19           13. Pursuant to 14 CCR section 18455(c), each Waste Tire Hauler Registration  
20 expires annually on January 1 of the following calendar year, and CALRECYCLE must  
21 receive a new application from any Hauler who wishes to continue to operate as a  
22 Hauler no later than 45 days prior to the January 1 expiration date.

23 **THREE COUNTS OF UNREGISTERED HAULING**

24           14. RESPONDENT became a registered waste tire hauler on December 28,  
25 2006. Upon initial registration and during annual renewals, RESPONDENT was  
26 provided with the following: (1) a Hauler Alert informing RESPONDENT of the laws and  
27 regulations surrounding transportation of waste tires to unauthorized locations; (2) a  
28 copy of Title 14 CCR, Chapter 6, Article 8.5 regulations for waste tire hauler registration

1 and manifesting requirements; (3) a tri-fold brochure explaining the hauler, generator,  
2 and end-use facility operator requirements; and (4) a CTL Guidance Manual, Field  
3 Reference Guide, and blank CTL forms.

4 15. Since becoming a registered waste tire hauler on December 28, 2006 (for  
5 the 2007 application year), RESPONDENT has renewed its Waste Tire Hauler  
6 Registration each consecutive year thereafter (2008, 2009, 2010, 2011, 2012, 2013, and  
7 2014). Nevertheless, RESPONDENT was late in renewing its Waste Tire Hauler  
8 Registration with CALRECYCLE during four separate annual renewals – 2009, 2010,  
9 2013, and 2014. CALRECYCLE assessed penalties of \$500.00 on March 15, 2010, for  
10 the first offense violation of unregistered tire hauling following a late renewal, and  
11 penalties of \$2,100.00 on March 21, 2013, for the second offense violation of  
12 unregistered tire hauling following a late renewal.

13 16. On October 1, 2013, CALRECYCLE issued a letter to RESPONDENT  
14 informing RESPONDENT that RESPONDENT's Waste Tire Hauler Registration would  
15 expire at the end of the calendar year and that California regulations require that waste  
16 and used tire haulers renew their registration 45 days prior to the calendar year ending,  
17 or by November 16, 2013. On this same day, CALRECYCLE issued an additional letter  
18 informing RESPONDENT of the "Zero Tolerance" policy applicable to the illegal hauling  
19 of waste or used tires after January 1, 2013 without holding a current and valid Waste  
20 Tire Hauler Registration. The letter warned RESPONDENT that continuing to haul waste  
21 or used tires after the registration cancellation date would subject RESPONDENT to  
22 possible enforcement and punitive actions, including civil fines of up to \$25,000.00 per  
23 day.

24 17. On December 9, 2013, Carla Fontanilla, Program Technician with the Tire  
25 Hauler Compliance Unit, spoke with Emily Ramos of TOBY RAMOS TIRE SERVICE,  
26 INC. concerning the ordering of blank CTL forms. During this phone conversation, Ms.  
27 Fontanilla advised Ms. Ramos that RESPONDENT would be fined if RESPONDENT  
28 hauled with an expired Waste Tire Hauler Registration.

1 18. On January 2, 2014, a hauler cancellation letter was issued to  
2 RESPONDENT. The letter informed RESPONDENT that his Waste Tire Hauler  
3 Registration had expired at the end of the 2013 calendar year, and therefore was  
4 effectively cancelled. The letter reminded RESPONDENT of the potential for  
5 enforcement action and punitive actions for a failure to comply, including the imposition  
6 of civil penalties and/or citation by law enforcement.

7 19. On January 7, 2014, RESPONDENT's Waste Tire Hauler Registration  
8 Application (signed and dated January 6, 2014) was received and processed by  
9 CALRECYCLE. Effective January 7, 2014, CALRECYCLE renewed RESPONDENT's  
10 Waste Tire Hauler Registration for the 2014 calendar year.

11 20. On or about March 7, 2014, Keith Cambridge, Supervisor of the Tire Hauler  
12 Compliance Unit, conducted a review of the Unregistered Tire Hauler Report maintained  
13 in the Waste Tire Management System (WTMS). A review of the report revealed that  
14 RESPONDENT transported at least three loads of 10 or more waste or used tires on  
15 January 3, 5, and 6, 2014, during the time that RESPONDENT was not a registered  
16 Waste Tire Hauler. The table below highlights the hauling violations by RESPONDENT:

Comprehensive Trip Log	Violation	Passenger Tire Equivalents	Violation Date	Facility
4743888-A	Unregistered Tire Hauling, more than 100 waste or used tires	114	January 3, 2014	Team Kia of El Cajon
4743888-B	Unregistered Tire Hauling, between 21-40 waste or used tires	29	January 5, 2014	Spirit Auto Center
4743888-C	Unregistered Tire Hauling, between 41-100 waste or used tires	48	January 6, 2014	Perry Ford of National City LLC

24 **FIVE COUNTS OF MANIFESTING VIOLATIONS**

25 21. On or about April 7, 2014, Keith Cambridge, Supervisor of the Tire Hauler  
26 Compliance Unit, conducted a further review of CTL records maintained in WTMS. As  
27 shown in the table below, the review of CTL records indicated that RESPONDENT  
28 picked up and transported more than 7,000 waste tires (or passenger tire equivalents

1 (PTE)) over a six-month time period (from March 3, 2013 to November 15, 2013);  
 2 however, only 230 waste tires (230 PTE) were delivered during that same six-month time  
 3 period. RESPONDENT completed only one CTL form showing the delivery of 230 PTE  
 4 to Otay Landfill during this period. Therefore, at least five loads of waste or used tires  
 5 were not manifested in accordance with PRC section 42961.5(c)(2).<sup>1</sup>

Comprehensive Trip Log	Load Date	Pickup (PTEs)	Delivery (PTEs)	Facility Name
4743815-A	03/03/2014	172	0	Paradise Chevrolet Cadillac, Inc.
4743815-B	03/03/2014	58	0	John Hein Mazda
4743815-C	03/04/2014	61	0	North County Ford, Inc.
4743861-A	10/15/2013	121	0	Rock Auto Group, Inc.
4743861-B	10/18/2013	105	0	Perry Chrysler Dodge Jeep Ram of National City
4743862-B	10/07/2013	51	0	John Hein Mazda
4743862-C	10/12/2013	57	0	Courtesy Chevrolet
4743870-A	10/30/2013	88	0	Perry Ford of Poway, LLC.
4743870-B	10/30/2013	28	0	North County Ford, Inc.
4743870-C	10/30/2013	16	0	Bob Baker Volkswagen
4743871-A	10/25/2013	28	0	First Transit, Inc. #55826
4743871-B	10/29/2013	179	0	City Chevrolet-VW
4743871-C	10/29/2013	88	0	Pacific Nissan
4743873-A	10/22/2013	94	0	North County Ford, Inc.
4743873-B	10/22/2013	43	0	Bob Baker Volkswagen
4743878-A	12/04/2013	27	0	Perry Ford of National City, LLC.
4743878-B	12/04/2013	19	0	City of San Diego Fire Department
4743878-C	12/04/2013	15	0	First Transit, Inc. #55826
4743879-A	11/05/2013	35	0	Perry Ford of National City, LLC.
4743879-B	11/05/2013	50	0	Perry Chrysler Dodge Jeep Ram Of National City
<b>4743879-C</b>	<b>11/13/2013</b>	<b>0</b>	<b>230</b>	<b>Otay Landfill</b>
4743880-A	11/01/2013	110	0	John Hein Mazda
4743880-B	11/05/2013	39	0	Fuller Honda
4743880-C	11/05/2013	148	0	Fuller Ford
4743881-A	11/26/2013	60	0	Bob Baker Volkswagen
4743881-B	11/27/2013	111	0	Pacific Nissan
4743882-A	11/22/2013	80	0	Perry Ford of Poway, LLC.
4743882-B	11/25/2013	90	0	Courtesy Chevrolet
4743882-C	11/25/2013	60	0	City Chevrolet-VW
4743883-A	11/25/2013	33	0	First Transit, Inc. #55826
4743883-B	11/26/2013	50	0	Spirit Auto Center
4743883-C	11/26/2013	51	0	North County Ford, Inc.
4743884-A	11/19/2013	71	0	Cox Communications
4743884-B	11/19/2013	50	0	Perry Ford of National City, LLC.

<sup>1</sup> At an absolute maximum, a 53' trailer is capable of holding 1,400 waste and/or used tires. Therefore, 7,000 PTE divided by 1,400 equates to a minimum of at least five loads of waste or used tires that were delivered.

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4743884-C	11/19/2013	47	0	Perry Chrysler Dodge Jeep Ram of National City
4743885-A	12/13/2013	78	0	Team Kia of El Cajon
4743885-B	12/04/2013	27	0	Fuller Honda
4743885-C	12/04/2013	120	0	Fuller Ford
4743888-A	01/03/2014	114	0	Team Kia of El Cajon
4743888-B	01/05/2014	29	0	Spirit Auto Center
4743888-C	01/06/2014	48	0	Perry Ford of National City, LLC.
4810972-A	03/06/2014	104	0	Team Kia of El Cajon
4810972-B	03/06/2014	76	0	Perry Ford of National City, LLC.
4810972-C	03/06/2014	102	0	Perry Chrysler Dodge Jeep Ram Of National City
4810973-A	03/04/2014	18	0	Bob Baker Volkswagen
4810973-B	03/04/2014	85	0	Perry Ford of Poway, LLC.
4810973-C	03/04/2014	26	0	First Transit, Inc. #55826
4810982-A	02/14/2014	51	0	Bob Baker Volkswagen
4810982-B	02/18/2014	97	0	Team Kia of El Cajon
4810982-C	02/25/2014	122	0	Fuller Honda
4810983-A	02/13/2014	44	0	Perry Ford of National City, LLC.
4810983-B	02/13/2014	14	0	Perry Chrysler Dodge Jeep Ram of National City
4810983-C	02/14/2014	55	0	North County Ford, Inc.
4810984-A	02/12/2014	245	0	Paradise Chevrolet Cadillac, Inc.
4810984-B	02/12/2014	109	0	John Hein Mazda
4810984-C	02/13/2014	75	0	Perry Ford of Poway, LLC.
4810985-A	02/06/2014	29	0	Perry Ford of National City, LLC.
4810985-B	02/06/2014	23	0	Perry Chrysler Dodge Jeep Ram of National City
4810986-A	01/31/2014	80	0	Courtesy Chevrolet
4810987-A	01/28/2014	38	0	City of San Diego Fire Department
4810987-B	01/29/2014	76	0	Team Kia of El Cajon
4810988-A	01/29/2014	22	0	South County Buick GMC
4810988-B	01/29/2014	82	0	Perry Chrysler Dodge Jeep Ram of National City
4810988-C	01/30/2014	36	0	Cox Commercial Fleet Services
4810989-A	01/29/2014	43	0	Fuller Honda
4810989-B	01/29/2014	42	0	Fuller Ford
4810989-C	01/29/2014	55	0	Perry Ford of National City, LLC.
4810990-A	01/24/2014	100	0	Perry Chrysler Dodge Jeep Ram of National City
4810990-B	01/28/2014	124	0	City Chevrolet-VW
4810990-C	01/28/2014	33	0	Pacific Nissan
4810991-A	01/23/2014	112	0	Perry Ford of Poway, LLC.
4810991-B	01/23/2014	24	0	Bob Baker Volkswagen
4810991-C	01/23/2014	33	0	North County Ford, Inc.
4810992-A	01/21/2014	53	0	John Hein Mazda
4810992-B	01/22/2014	298	0	Rock Auto Group, Inc.
4810992-C	01/23/2014	86	0	EJE, Inc.
4810994-A	01/21/2014	80	0	Paradise Chevrolet Cadillac, Inc.
4810994-B	01/21/2014	92	0	Paradise Chevrolet Cadillac, Inc.
4810996-A	02/25/2014	103	0	City Chevrolet-VW
4810996-B	02/25/2014	52	0	Scottsdale Auto Lease, Inc.

1	4810997-A	02/25/2014	75	0	Fuller Ford
2	4810997-B	02/25/2014	40	0	Perry Ford of National City, LLC.
3	4810997-C	02/25/2014	68	0	Courtesy Chevrolet
4	4810998-A	01/16/2014	180	0	Fuller Ford
5	4810998-B	01/16/2014	67	0	Perry Ford of National City, LLC.
6	4810998-C	01/20/2014	62	0	Courtesy Chevrolet
7	4810999-A	01/14/2014	150	0	EJE, Inc.
8	4810999-B	01/15/2014	116	0	John Hein Mazda
9	4810999-C	01/16/2014	73	0	Fuller Honda
10	4811000-A	01/14/2014	15	0	Cox Commercial Fleet Services
11	4811000-B	01/14/2014	74	0	North County Ford, Inc.
12	4811000-C	01/14/2014	57	0	Bob Baker Volkswagen
13	5017955-A	11/14/2013	11	0	Pete's Road Service, Inc.
14	5017955-B	11/14/2013	100	0	Team Kia of El Cajon
15	5017955-C	11/15/2013	236	0	EJE, Inc.

### LEGAL CONCLUSIONS

The Parties stipulated to the following conclusions of law:

22. On at least three separate occasions, on January 3, 5, and 6, 2014, RESPONDENT violated PRC sections 42951(a) and 42952(a), by transporting 10 or more waste or used tires without holding a valid Waste Tire Hauler Registration issued by CALRECYCLE.

23. RESPONDENT violated PRC section 42961.5(c)(2) and 14 CCR section 18460.2(b) by failing to properly document on a CTL form the pickup and delivery of at least five loads of waste or used tires.

24. RESPONDENT violated 14 CCR sections 18454(a) and 18455(c) by failing to submit a renewal application for a Waste Tire Hauler Registration prior to the January 1, 2014 expiration date, or by November 16, 2013.

25. RESPONDENT's actions meet the requirements set forth in PRC section 42960(a)(1) which authorizes CALRECYCLE to suspend, revoke, or deny a Waste Tire Hauler Registration for a period of up to three years, if the holder of the registration commits more than three violations within a one year period of Chapter 16 (commencing with PRC section 42800 et seq.), Chapter 19 (commencing with PRC section 42950 et seq.), or the regulations adopted pursuant to these provisions.

**ORDER**

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2           1.     CALRECYCLE approves of, and adopts the terms of the Stipulation, and  
3 hereby orders RESPONDENT to comply with the following terms, in accordance with the  
4 Stipulation:

5           2.     Pursuant to the terms and conditions of the Stipulation, and subject to the  
6 limitations hereunder, RESPONDENT stipulates to an administrative penalty against  
7 RESPONDENT, and in favor of CALRECYCLE, in the sum of \$1,500.00, for the  
8 violations set forth in the Stipulation. Payment of the penalty shall be satisfied in the  
9 following manner:

10          (a)    RESPONDENT shall pay \$1,500.00 to CALRECYCLE in accordance with  
11 the following:

- 12                i.   RESPONDENT shall make installment payments to CALRECYCLE  
13                of \$250.00, every other week with the first payment due on the 60<sup>th</sup>  
14                day after the effective date of the Administrative Decision issued  
15                pursuant to the Stipulation, until the total amount of said payments,  
16                totals \$1,500.00. Failure to submit the full payment of the  
17                \$1,500.00 within one year shall constitute a full default of the  
18                Stipulation. CALRECYCLE may seek recovery of this amount  
19                through RESPONDENT's Waste and Used Tire Hauler Registration  
20                Bond.
- 21                ii.   All payments shall be made to CALRECYCLE, Attn: Richard Guess,  
22                at P. O. Box 4025, Sacramento, CA 95812-4025, or to such other  
23                person and/or place as CALRECYCLE or its agent may from time to  
24                time designate in writing. If any payment by RESPONDENT is not  
25                mailed to CALRECYCLE by the due date, and if RESPONDENT  
26                fails to cure the missed payment(s) within twenty (20) days of said  
27                missed payment, RESPONDENT shall be found in partial default of  
28                the Stipulation. The partial default amount due shall be calculated to

1 include the amount owed from the missing payment(s) plus a 10%  
2 late penalty and interest.

3 3. RESPONDENT stipulates to a three-month suspension of its Waste and  
4 Used Tire Hauler Registration to be observed starting on November 1, 2015, and ending  
5 on January 31, 2016, in lieu of a three-year denial of RESPONDENT's Waste and Used  
6 Tire Hauler Registration. The remaining thirty three months of the denial of  
7 RESPONDENT's Waste and Used Tire Hauler Registration shall be held in abeyance for  
8 three years following the date of the issuance of the Administrative Decision and shall  
9 only become active in the event of a default.

10 i. If RESPONDENT hauls used or waste tires between November 1,  
11 2015, through January 31, 2016, said action shall constitute a partial default, and  
12 RESPONDENT's Waste and Used Tire Hauler Registration shall be denied for  
13 thirty three months.

14 ii. If RESPONDENT hauls used or waste tires within the three-year  
15 abeyance period while RESPONDENT is not in possession of a current, valid  
16 Waste and Used Tire Hauler Registration, said action shall constitute a partial  
17 default, and RESPONDENT's Waste and Used Tire Hauler Registration shall be  
18 denied for thirty three months.

19 4. RESPONDENT shall submit an Electronic Data Transfer (EDT) application  
20 within 30 days of the issuance of the Decision. RESPONDENT shall submit all manifests  
21 electronically through EDT for a 12-month period from the date of enrollment in the EDT  
22 program. RESPONDENT shall maintain a manifest error rate of 7% or less for the three-  
23 year abeyance period. Failure to submit an EDT application within the prescribed time-  
24 frame shall constitute a partial default and RESPONDENT's Waste and Used Tire Hauler  
25 Registration shall be denied for thirty three months. Failure to submit all manifests  
26 through EDT for a 12-month period shall constitute a partial default and  
27 RESPONDENT's Waste and Used Tire Hauler Registration shall be denied for thirty  
28 three months. Failure to maintain a manifest error rate of 7% or less for the three-year

1 abeyance period shall constitute a partial default and RESPONDENT's Waste and Used  
2 Tire Hauler Registration shall be suspended for a 1-month period.

3 5. RESPONDENT shall comply with all waste tire laws set forth in PRC  
4 section 42800 et seq., PRC section 42950 et seq., and attendant regulations in Title 14,  
5 CCR. A violation of this term shall constitute a partial default and penalties shall be  
6 assessed pursuant to paragraph 5 of the Stipulation.

7 6. The Parties agree the following shall apply to a full default or partial default  
8 of the Stipulation:

9 **Default:** In the event of a default (full or partial) by RESPONDENT of the  
10 terms/conditions stipulated to, CALRECYCLE will notify RESPONDENT by  
11 issuing a "Notice of Default." RESPONDENT will have 30 days to respond to  
12 CALRECYCLE's allegations and by submitting evidence that shows no default  
13 occurred. CALRECYCLE will review any counterarguments and evidence  
14 provided by RESPONDENT and will either advise RESPONDENT that it has  
15 determined no default occurred, or will issue a Supplemental Decision regarding  
16 penalties or denial of the Waste and Used Hauler Registration that has become  
17 due.

18 i. **Full Default:** A full default shall be found for any violation of the  
19 terms and conditions set forth in the Stipulation, unless otherwise specified.

20 ii. **Partial Default:** Unless otherwise stated above, in the event of a  
21 partial default, CALRECYCLE shall state the amount of penalties due, in  
22 accordance with the penalty amounts prescribed in PRC sections 42850, 42850.1,  
23 42962 and 14 CCR sections 18429 and 18464.

24 7. RESPONDENT shall abide by all of the terms and conditions set forth in  
25 the Stipulation.

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1 The DECISION shall become effective as of the date signed below:  
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4 Dated this 5 day of March, 2015.

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

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