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9 STATE OF CALIFORNIA
10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

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12 In the matter of:
13 JAMES POWERS,
14 d/b/a B & D TIRE SERVICE,
15 a/ka/ B & D TIRES,
16 OPERATOR
17 TPID NO: 1006219-01
18 RESPONDENT.

} SUPPLEMENTAL ADMINISTRATIVE
DECISION FOR WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES

AGENCY No: 2005-010925-ADC
OAH No. 2006030710

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20 The California Integrated Waste Management Board ("CIWMB") served an
21 Administrative Complaint and Request for Hearing form on James Powers d/b/a B & D Tire
22 Service a/k/a B & D Tires, ("RESPONDENT"), on February 13, 2006. RESPONDENT
23 negotiated a Stipulation for Issuance of Administrative Decision ("Stipulation") with the CIWMB
24 to resolve the issues in the Administrative Complaint. Pursuant to the Stipulation,
25 RESPONDENT agreed to a penalty of \$6,000.00 (six thousand dollars). RESPONDENT
26 agreed to pay the sum of \$3,000.00 (three thousand dollars) with an additional \$3,000.00
27 (three thousand dollars) held in abeyance for a period of two (2) years. RESPONDENT
28 agreed to make monthly installment payments of \$250.00 (two hundred fifty dollars) no later
than the 15th of each month, beginning on May 15, 2006 until paid in full. On May 24, 2006, an

1 Administrative Decision was issued adopting this Stipulation. In January 2007,
2 RESPONDENT requested that his monthly payments be reduced to \$125.00 (one hundred
3 twenty five dollars), the CIWMB approved the new payment plan and a letter was sent to
4 RESPONDENT on January 30, 2007 advising him of same. Subsequent to the restructuring of
5 the payment plan, RESPONDENT has failed to make monthly payments as promised and has
6 therefore defaulted on the terms and conditions of the Stipulation. Therefore, RESPONDENT
7 owes the CIWMB \$6,000.00 (six thousand dollars) less any payments already made of
8 \$1,625.00 (one thousand six hundred twenty five dollars).

9 **ORDER**

10 THE FOLLOWING ORDER is hereby made:

11 JAMES POWERS d/b/a B & D TIRE SERVICE a/k/a B & D TIRE is ordered to pay the
12 remaining administrative penalty of \$4,375.00 (four thousand three hundred seventy five
13 dollars) to the CIWMB according to the terms of the Stipulation.

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15 This DECISION shall become effective August 22, 2007

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17 Dated this 22nd day of August, 2007.

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20 MARGO REID BROWN
21 Chair
22 CALIFORNIA INTEGRATED WASTE
23 MANAGEMENT BOARD
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