

1 California Integrated Waste Management Board
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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE OF CALIFORNIA

In the Matter of:

PASTOR SILVA
OWNER & OPERATOR

RE: /d.b.a. P AND B TIRES

Respondent.

CASE NO.

AGENCY NO. 2004-04-AC

ADMINISTRATIVE DECISION

The California Integrated Waste Management Board ("CIWMB") served an Administrative Complaint and Request for Hearing form on PASTOR SILVA ("RESPONDENT") on October 28, 2004. RESPONDENT did not file a Request for Hearing. The matter shall be determined as a default pursuant to Public Resources Code 42851(b) and Government Code section 11520. The CIWMB takes action against the RESPONDENT based upon evidence and affidavits that may be used without any notice to the RESPONDENT.

FACTUAL FINDINGS

1. The Administrative Complaint was executed by WENDY BRECKON, Staff Counsel, CIWMB, acting in her official capacity.
2. RESPONDENT is responsible for the transporting of used or waste tires by an individual not holding a Waste Tire Hauler Registration.
3. On May 21, 1999, RESPONDENT became registered as a Waste Tire

1 Hauler with the CIWMB. This initial registration expired on December 31, 1999 and
2 was not renewed until February 9, 2000. RESPONDENT renewed his registration
3 on November 28, 2000 for the 2001 calendar year, on November 21, 2001 for the
4 2002 calendar year, and on March 4, 2003 for the 2003 calendar year. No renewal
5 was received for the 2004 calendar year.

6 4. In June 2003, the CIWMB was notified that RESPONDENT'S Waste
7 Tire Surety Bond was being cancelled. On September 16, 2003 the CIWMB notified
8 RESPONDENT that his Waste Tire Hauler Registration was being cancelled.

9 5. In October 2003, the CIWMB sent yearly renewal notices to all haulers
10 registered in the 2003 calendar year. RESPONDENT was sent this notice.

11 6. On January 15, 2004, the CIWMB sent a second cancellation notice to
12 RESPONDENT, reaffirming that P AND B TIRES was not a CIWMB registered
13 hauler.

14 7. On October 14, 2004, KEITH CAMBRIDGE, Program Manager of the
15 CIWMB Waste Tire Hauler Registration & Manifest Program conducted an
16 investigation of RESPONDENT based on information provided by the CIWMB's
17 Waste Tire Management System (WTMS). The investigation showed
18 RESPONDENT continued to haul waste or used tires during calendar year 2004
19 without being a current CIWMB Registered Waste Tire Hauler a violation of PRC
20 section 42951 (a) which makes it unlawful, on or after January 1, 1995, to engage in
21 the transportation of waste tires unless holding a valid Waste Tire Hauler
22 Registration, unless exempted as specified in PRC section 42954.

23 **ORDER**

24 Good cause appearing, Complainant's motion to take action in accordance
25 with the provisions of Public Resources Code 42851 (b) and Government Code
26 Section 11520, subdivision (a) is granted.

27 THE FOLLOWING ORDER is hereby made:
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RESPONDENT, PASTOR SILVA is ordered to pay an administrative penalty of \$2,000.00 (two thousand dollars) to the California Integrated Waste Management Board within 30 (thirty) days of the date of this decision.

This DECISION shall become effective February 15, 2005.



DATED: 2/15/05

ROSARIO MARIN
Chair
California Integrated Waste Management Board