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8
9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

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12 In the matter of:

13 IGNACIO ALVAREZ; INDIVIDUALLY AND
d/b/a NACHO'S TIRES, WHOLESALE &
14 JUNK TIRES, PICKUP & SCRAP METAL;
a/k/a NACHO'S TIRES AND ALIGNMENT
15 SVC. a/k/a NACHO'S TIRE SERVICE

16
17 TPID NO: 1203699

18 RESPONDENTS.

ADMINISTRATIVE DECISION PURSANT
TO STIPULATION FOR ISSUANCE OF
ADMINISTRATIVE DECISION FOR
WASTE TIRE HAULER PENALTIES

AGENCY No: 2006-010933-ADC

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22 The California Integrated Waste Management Board ("CIWMB") served an
23 Administrative Complaint and Request for Hearing form on Ignacio Alvarez; Individually
24 and d/b/a Nacho's Tires, Wholesale & Junk Tires, Pickup & Scrap Metal; a/k/a Nacho's
25 Tires And Alignment Svc. a/k/a Nacho's Tire Service ("RESPONDENTS"), on July 25,
26 2006. RESPONDENTS negotiated a Stipulation for Issuance of Administrative Decision
27 ("settlement agreement") with the CIWMB to resolve the issues in the Administrative
28 Complaint. Pursuant to the settlement agreement entered into by and between the
CIWMB and RESPONDENTS and good cause appearing therefore, the following

California Integrated Waste Management Board, Administrative Decision, Nacho's Tire Service

1 Stipulated Factual Findings and Conclusions of Law are made, and the following
2 Stipulated Order is issued:

3 **STIPULATED FACTUAL FINDINGS**

4 1. The Administrative Complaint was executed by WENDY BRECKON, Staff
5 Counsel, CIWMB, acting in her official capacity.

6 2. IGNACIO ALVAREZ; INDIVIDUALLY AND d/b/a NACHO'S TIRES,
7 WHOLESALE & JUNK TIRES, PICKUP & SCRAP METAL; a/k/a NACHO'S TIRES AND
8 ALIGNMENT SVC. a/k/a NACHO'S TIRE SERVICE, are responsible for the
9 transportation of waste tires by a person not holding a valid waste tire hauler registration
10 from the CIWMB.

11 3. The CIWMB has authority to regulate and conduct enforcement actions
12 regarding Waste Tire Haulers within the State of California under PRC section 42950 et
13 seq. and attendant regulations contained in Title 14 of the California Code of
14 Regulations (CCR).

15 4. For at least the past three years, RESPONDENTS have been hauling
16 waste and used tires, yet failed to register with the CIWMB as a waste and used tire
17 hauler. On or about October 29, 2004, a Letter of Violation was issued by CIWMB to
18 RESPONDENTS for hauling more than nine waste or used tires without CIWMB
19 registration.

20 5. The Waste Tire Management System (WTMS), the system maintained by
21 the CIWMB in its regular course of business to track tire hauler manifests, indicates that
22 RESPONDENTS continued to haul waste or used tires after the letter of violation was
23 mailed to them. Fifteen manifests were submitted to the CIWMB demonstrating that
24 RESPONDENTS hauled waste tires as an unregistered waste tire hauler in complete
25 disregard of the applicable waste tire hauler registration requirements; nine of these
26 loads exceeded 200 tires. The following are manifests and dates showing these
27 transactions:
28

1 42953 for giving, contracting, or arranging with an unregistered waste and used tire
2 hauler to transport its waste or used tire.

3 8. The CIWMB's authority to assess administrative penalties against
4 RESPONDENT as a waste tire hauler is set forth in PRC section 42962 and in Title 14
5 of the California Code of Regulations section 18464.

6 9. Pursuant to 14 California Code of Regulations section 18464, the waste
7 and used tire hauler penalty tables, the negotiated penalty of \$9,000.00, with \$7,000.00
8 stayed for two (2) years, is within CIWMB's discretion.

9 **ORDER**

10 THE FOLLOWING ORDER is hereby made:

11 IGNACIO ALVAREZ; INDIVIDUALLY AND d/b/a NACHO'S TIRES,
12 WHOLESALE & JUNK TIRES, PICKUP & SCRAP METAL; a/k/a NACHO'S TIRES AND
13 ALIGNMENT SVC. a/k/a NACHO'S TIRE SERVICE are ordered to pay an
14 administrative penalty of \$2,000.00 (Two thousand dollars) to the CIWMB according to
15 the terms of the Stipulation.

16 This DECISION shall become effective 9/27/06.

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18 Dated this 27th day of September 2006.

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22 MARGO REID BROWN
23 Chair
24 CALIFORNIA INTEGRATED WASTE
25 MANAGEMENT BOARD
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