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8 STATE OF CALIFORNIA

9 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

10 In the matter of:

11 EAST BAY TIRE COMPANY
12 REGISTERED WASTE TIRE HAULER
13 TPID NO: 1000787-01
14

ADMINISTRATIVE DECISION FOR
WASTE TIRE HAULER PENALTIES

15 AGENCY No: 2007-011007-ADC

16 RESPONDENT.
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19 INTRODUCTION

20 Pursuant to Public Resources Code (PRC) section 42950 et seq., on May 12, 2008,
21 the California Integrated Waste Management Board ("CIWMB") served an Administrative
22 Complaint on EAST BAY TIRE COMPANY ("RESPONDENT"). CIWMB received
23 RESPONDENT's request for a hearing on May 16, 2008. In order to avoid the costs and
24 uncertainties of litigation, the CIWMB and RESPONDENT negotiated a Stipulation For
25 Issuance of Administrative Decision For Waste Tire Hauler Penalties (Stipulation) to
26 resolve the issues in the Administrative Complaint. Pursuant to the Stipulation, and good
27 cause appearing therefore, the following Stipulated Factual Findings and Conclusions of
28 Law are made, and the following Stipulated Order is issued.

1 **STIPULATED FACTUAL FINDINGS**

2 1. The Administrative Complaint was executed by Wendy Breckon, Senior Staff
3 Counsel, CIWMB, acting in her official capacity.

4 2. RESPONDENT has been a registered tire hauler each year since 2001.

5 3. On 10 occasions, between August 15, 2007 through November 30, 2007,
6 RESPONDENT submitted incorrect and/or incomplete CTL forms as follows:

7

CTL Receipt Number	Error Type
3051379	Missing Load Type
3051380	Missing Load Type
3051487	Missing Load Type
3084551	Missing TPID Number
3390279	Missing TPID Number/Missing Load Type
3390280	Missing TPID Number/Neither Pickup nor Delivery Checked
3390282	Missing TPID Number
3405901	Missing TPID Numbers
3405906	Missing Decal Number/Missing License Plate Number
3405957	Missing Load Types

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17 **STIPULATED LEGAL CONCLUSIONS**

18 4. The CIWMB has authority to regulate and conduct enforcement actions
19 regarding Waste Tire Haulers within the State of California under Public Resources Code
20 sections 42950 et seq. and attendant regulations contained in Title 14 of the California
21 Code of Regulations ("CCR").

22 5. RESPONDENT is in violation of PRC section 42961.5 and 14 CCR section
23 18460.2.

24 6. The negotiated penalty of \$1,000 (One Thousand Dollars), where \$750
25 (Seven Hundred and Fifty Dollars) of the penalty is held in abeyance for two years subject
26 to the terms of the Stipulation, is within CIWMB's discretion pursuant to Public Resources
27 Code section 42962.

28 / / /

1 **ORDER**

2 The CIWMB approves of, and adopts the terms of the Stipulation, and the following order is
3 hereby made:

4 7. Pay an administrative penalty of \$250 (Two Hundred and Fifty Dollars) within
5 thirty days of the issuance of this Decision, in accordance with the terms of the stipulation.

6 8. For the two year time period subsequent to the issuance of this Decision,
7 comply with all California Waste and Used Tire Manifest requirements, as provided in PRC
8 section 42961.5 and maintain a manifest error rate of less than two percent (2%).
9

10 The effective date of this Decision is 6-17-08.

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12
13 Dated: 6-17-08



MARGO REID BROWN

Chair

California Integrated Waste Management Board