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9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11 In the matter of:

12 CIRILO FIGUEROA d/b/a MEXICALI AUTO  
13 SERVICE, AN UNREGISTERED WASTE  
14 AND USED TIRE HAULER  
15 TPID NO: 1080153  
16 RESPONDENT.

ADMINISTRATIVE DECISION FOR  
WASTE TIRE HAULER  
ADMINISTRATIVE PENALTIES,

OAH No: 2007110142

AGENCY No: 2007-010977-ADC

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19 INTRODUCTION

20 The California Integrated Waste Management Board (CIWMB) served an  
21 Administrative Complaint and Request for Hearing on CIRILO FIGUEROA d/b/a  
22 MEXICALI AUTO SERVICE (RESPONDENT) on October 6, 2007. The First Amended  
23 Administrative Complaint was served on November 20, 2007. RESPONDENT requested  
24 a hearing, which was calendared for December 21, 2007. To avoid the uncertainties of  
25 litigation, RESPONDENT negotiated a STIPULATION FOR ISSUANCE OF AMENDED  
26 ADMINISTRATIVE DECISION FOR WASTE TIRE HAULER ADMINISTRATIVE  
27 PENALTIES (Stipulation) with the CIWMB to resolve the issues in the Administrative  
28 Complaint and First Amended Administrative Complaint. The Board Members of the

1 CIWMB hereby adopt the Stipulation. Pursuant to the Stipulation, and good cause  
2 appearing therefore, the following Stipulated Factual Findings and Legal Conclusions are  
3 made, and the following Order is issued:

4 **STIPULATED FACTUAL FINDINGS**

5 1. The Administrative Complaint and First Amended Administrative Complaint  
6 were executed by TAMAR DYSON, Staff Counsel, CIWMB, acting in her official capacity.

7 2. RESPONDENT is responsible for the transportation of waste tires by a  
8 person not holding a valid used or waste tire hauler registration from the CIWMB.

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

13 4. RESPONDENT, who was previously registered as a waste tire hauler with  
14 CIWMB in 2005 and 2006, did not submit a renewal application for 2007. CIWMB notified  
15 RESPONDENT on January 17, 2007 that RESPONDENT'S registration was cancelled  
16 and that it is unlawful to haul waste tires without a CIWMB registration.

17 5. During the period January 2, 2007 through March 23, 2007,  
18 RESPONDENT, an unregistered waste tire hauler, transported waste tires to CRM  
19 Company, LLC, located at 15800 S. Avalon Blvd., Compton, CA 90220 on the following  
20 eleven occasions in the following numbers:

21	<b>Transaction Date</b>	<b>Passenger Tire Equivalents</b>
22	1/02/2007	107
23	1/10/2007	103
24	1/19/2007	96
25	2/05/2007	96
26	2/08/2007	83
27	2/09/2007	100
28	2/16/2007	95

Transaction Date (Continued)	Passenger Tire Equivalents (Continued)
3/01/2007	97
3/06/2007	102
3/13/2007	92
3/23/2007	90

6. On March 27, 2007, CIWMB again notified RESPONDENT that RESPONDENT was no longer registered as a waste tire hauler.

7. On April 3, 2007, RESPONDENT transported tires to CRM Company, LLC, located at 15800 S. Avalon Boulevard, Compton, California 90220, although RESPONDENT still did not have a valid waste tire hauler registration.

8. RESPONDENT claims that he no longer operates a used or waste tire hauling business.

#### STIPULATED LEGAL CONCLUSIONS

9. RESPONDENT is in violation of Public Resources Code (PRC) section 42951 for hauling more than nine (9) tires without a valid CIWMB Used and Waste Tire Registration.

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

11. Pursuant to 14 CCR section 18464, the penalty tables for tire haulers, the negotiated penalty of \$2,500.00 with \$5,000.00 held in abeyance for two (2) years, is within the CIWMB's discretion.

#### ORDER

The CIWMB approves of the terms of the Stipulation and the following Order is hereby made:

CIRILO FIGUEROA, individually and d/b/a MEXICALI AUTO SERVICE is ordered to pay an administrative penalty of two thousand five hundred dollars (\$2,500) to the

In the matter of Figueroa d/b/a Mexicali Auto Service  
(Administrative Decision)

1 CIWMB according to the terms of the Stipulation.

2 This DECISION shall become effective on the date signed.

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4 Signed this 1 day of FEBRUARY, 2008

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MARGO REID BROWN

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Chair

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CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD

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