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8
9 STATE OF CALIFORNIA
10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11 In the Matter of:

12 IN THE MATTER OF:

13 GERARD YOUNG, ANITA YOUNG, BRIAN
14 RIDLEY DBA BRIAN'S USED TIRES AKA
15 BRUCE'S USED TIRES AKA BTS AKA ALL
16 TIRE RECYCLING AND DOES 1-10

17 TPID NO: 1584774-01

18 RESPONDENTS.
19
20

ADMINISTRATIVE DECISION FOR THE
DENIAL OF WASTE AND USED TIRE
HAULER REGISTRATION

PUBLIC RESOURCES CODE SECTION
42960

AGENCY NO. 2009-000045-DEN

21 Pursuant to Public Resources Code (PRC) section 42960 the California
22 Integrated Waste Management Board ("CIWMB") served an Amended Statement of
23 Issues for the Denial of the Waste and Used Tire Hauler Registration dated August 25,
24 2009. RESPONDENT did not file a Request for Hearing. The matter shall be
25 determined as a default pursuant to 14 California Code of Regulations (CCR) section
26 18466 and Government Code section 11520. The CIWMB takes action against
27 RESPONDENT based upon evidence and affidavits that may be used without any
28 notice to RESPONDENT.

1 **FACTUAL FINDINGS**

2 1. The Statement of Issues for the Denial of the Waste and Used Tire Hauler
3 Registration was executed by WENDY BRECKON, Senior Staff Counsel, CIWMB,
4 acting in her official capacity.

5 2. The California Integrated Waste Management Board ("CIWMB") has
6 authority to regulate and conduct enforcement actions regarding Waste Tire Haulers
7 within the State of California pursuant to PRC section 42960, and has the authority to
8 inspect, permit, regulate and conduct enforcement actions against Waste Tire Facilities
9 within the State of California under PRC section 42800, et seq., and attendant
10 regulations contained in 14 California Code of Regulations ("CCR").

11 3. RESPONDENTS collected waste or used tires from customers, and then
12 illegally hauled the tires to an unpermitted waste tire facility or otherwise unauthorized
13 facilities in violation of PRC sections 42823, 42824, and 42834. The above-referenced
14 unpermitted or other unauthorized, waste tire facilities are located at 1610 Monterey
15 Road, San Jose, California.

16 4. On or about June 8, 2009, in Agency Case No. 2008-000039-DEN,
17 CIWMB and GERARD YOUNG and ROBERT TAULBEE DBA ALL-TIRE RECYCLING
18 executed a stipulation, which was approved by the Board in its June 16, 2009 decision.
19 This Decision suspended GERARD YOUNG and ROBERT TAULBEE DBA ALL-TIRE
20 RECYCLING's waste and used tire hauler registration from July 14, 2009 to January 13,
21 2010 for violations of California's Uniform Waste and Used Tire Manifest System
22 requirements of PRC section 42961.5 and Waste and used Tire Storage laws pursuant
23 to PRC section 42808 et seq.

24 5. RESPONDENT GERARD YOUNG and his wife, ANITA YOUNG,
25 subsequently caused the subject waste and used tire hauler application to be filed with
26 CIWMB. On July 6, 2009, CIWMB received a Waste and Used Tire Hauler Application
27 (Application) for "Bruce's Used Tires". An amended Application was submitted on July
28 13, 2009, for "Brian's Used Tires".

1 6. GERARD and ANITA YOUNG were instrumental in filing the applications.
2 Ms. YOUNG was the primary point of contact for BRIAN'S USED TIRES. Ms. YOUNG
3 called CIWMB to provide updated information for the application. RESPONDENT
4 GERARD YOUNG also admitted to directing his wife, ANITA YOUNG, to help with the
5 tire hauler paperwork. The phone number, (831) 537-6509, on the BRIAN'S USED
6 TIRES amended application belongs to RESPONDENT GERARD YOUNG.

7 7. On numerous occasions, when CIWMB staff attempted to speak with
8 RESPONDENT BRIAN RIDLEY concerning his waste and used tire hauler application,
9 RESPONDENT ANITA YOUNG returned his calls.

10 8. The application received by CIWMB on July 6, 2009, and the amended
11 application received by CIWMB on July 13, 2009, contained three vehicles, CA License
12 Plate numbers 7M51280, 8K03547, and 9D00329, that RESPONDENTS represented
13 were registered with the Department of Motor Vehicles (DMV) to Bruce's Used Tires
14 and Brian's Used Tires respectively, that were in fact registered with DMV to All Tire
15 Recycling at its address: 804 Shevlin Drive in El Cerrito, CA. Once CIWMB alerted
16 RESPONDENT ANITA YOUNG that the vehicles were not registered to Brian's Used
17 Tires, the DMV registration of the vehicles was changed to Brian's Used Tires on July
18 15, 2009.

19 9. RESPONDENTS represented that the signatures signed under penalty of
20 perjury on the Applications received by CIWMB on July 6, 2009 and July 13, 2009, were
21 both the signature of Brian Ridley when in fact the signatures were from two different
22 persons.

23 10. On July 22, 2009, Inspector Due of the City of San Jose inspected an
24 unpermitted waste tire facility pursuant to PRC section 42808 with more than 500 waste
25 tires located at 1610 Monterey Road, San Jose, in California. Two of above-mentioned
26 vehicles, with CA License Plate numbers 7M51280 and 8K03547, currently registered to
27 admitted he as the owner or operator of the site, and was directing used or waste tires
28 from the site for disposal by another registered hauler.

1 11. RESPONDENTS failed to obtain a CIWMB tire program identification
2 number (TPID) pursuant to 14 CCR section 18459.1 for the site located at 1610
3 Monterey Road, San Jose, in California. This TPID number allows CIWMB to regulate
4 waste tire storage sites.

5 LEGAL CONCLUSIONS

6 12. CIWMB has the discretion to deny the waste and used tire hauler
7 registration application of GERARD YOUNG, ANITA YOUNG, BRIAN RIDLEY DBA
8 BRIAN'S USED TIRES AKA BRUCE'S USED TIRES AKA BTS AKA ALL TIRE
9 RECYCLING in accordance with PRC section 42960, based on the above-mentioned
10 facts and for the following violations of law:

11 a. RESPONDENTS created and operated unpermitted waste tire facilities
12 in violation of 14 CCR section 18420(a).

13 b. RESPONDENTS were responsible for continuing the operation of or
14 attempting to continue the operation of the hauling business, All Tire
15 Recycling, after the Board issued a Decision pursuant to PRC section
16 42960 ordering it to suspend all hauling operations. This is a violation of
17 14 CCR section 18457.

18 c. RESPONDENTS misrepresented information on a waste and used tire
19 hauler registration application in violation of PRC section 42960(a)(4) by:

20 1) stating that three trucks registered with DMV to All-Tire

21 Recycling, Inc. were instead registered to "Bruce's Used Tires"
22 on the Application received by CIWMB on July 6, 2009, and

23 2) stating that three trucks registered with DMV to All-Tire

24 Recycling, Inc. were instead registered to Brian's Used Tires on
25 the Application received by CIWMB on July 13, 2009; and

26 3) representing that the signatures signed under penalty of

27 perjury on the Applications received by CIWMB on July 6, 2009

28 and July 13, 2009, were both the signature of Brian Ridley.

1 d. RESPONDENTS violated 14 CCR section 18459.1 for the site located
2 at 1610 Monterey Road, San Jose, in California, by failing to obtain a TPID
3 number.

4 **ORDER**

5 13. Good cause appearing, and in accordance with the provisions of
6 Government Code Section 11520, subdivision (a). THE FOLLOWING ORDER is
7 hereby made:

- 8 1. RESPONDENT'S application to renew his waste and used tire registration is
9 denied for one year.
10 2. RESPONDENTS must use registered waste and used tire haulers to legally
11 haul waste or used tires.

12
13 **RESPONDENT'S RIGHT TO FILE WRITTEN MOTION**

14 Pursuant to Government Code section 11520(c) RESPONDENT has a right to
15 serve a motion:

16 Within seven days after service on the respondent of a decision based on the
17 respondent's default, the respondent may serve a written motion requesting
18 that the decision be vacated and stating the grounds relied on. The agency
19 in its discretion may vacate the decision and grant a hearing on a showing of
20 good cause. As used in this subdivision, good cause includes, but is not
21 limited to, any of the following: (1) Failure of the person to receive notice
22 served pursuant to Section 11505. (2) Mistake, inadvertence, surprise, or
23 excusable neglect.

24 This DECISION shall become effective 7 October 2009.

25 
26 MARGO REID BROWN
27 Chair
28 CALIFORNIA INTEGRATED
WASTE MANAGEMENT
BOARD

