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8 STATE OF CALIFORNIA

9 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

10
11 In the Matter of:

12 IN THE MATTER OF:

13 LETICIA ZALDIVAR AKA LETICIA HOLGUIN

14 DBA B & M TIRES;

15
16 TPID NO: 1562904-01

17 RESPONDENT.

AMENDED ACCUSATION FOR THE
REVOCATION OF WASTE AND USED
TIRE HAULER REGISTRATION

PUBLIC RESOURCES CODE SECTION
42960 and GOVERNMENT CODE
SECTION 11503

AGENCY NO. 2009-000006-REV
OAH NO. 2009-120786

18
19 INTRODUCTION

20 The California Department of Resources Recycling and Recovery
21 (CALRECYCLE) former California Integrated Waste Management Board (CIWMB) is
22 seeking to revoke the CALRECYCLE Waste and Used Tire Hauler Registration
23 (registration) of LETICIA ZALDIVAR DBA B & M TIRES (RESPONDENT) for five (5)
24 years in accordance with Public Resources Code (PRC) section 42960. CalRecycle
25 succeeded to CIWMB's authority on January 1, 2010, pursuant to PRC section
26 40401(a)(1). This revocation of registration is so issued based on the following facts
27 alleged on information and belief.
28

STATEMENT OF FACTS

1
2 1. CALRECYCLE has authority to regulate and conduct enforcement actions
3 regarding Waste Tire Haulers within the State of California under PRC section 42950 et
4 seq. and attendant regulations contained in Title 14 of the California Code of
5 Regulations (CCR).

6 2. RESPONDENT applied for and obtained from CALRECYCLE a 2009
7 Waste and Used Tire Hauler Registration, which is effective from January 22, 2009
8 through December 31, 2009, in accordance with PRC sections 42955 and 42956, and
9 implementing regulations (2009 Registration).

10 3. RESPONDENT misrepresented information on the CALRECYCLE waste
11 tire hauler application as follows:

12 a. RESPONDENT stated that four vehicles were registered with Department of
13 Motor Vehicles to B&M Tires, when in fact the Department of Motor Vehicles
14 records indicated that none of the vehicles were registered to B&M Tires. This
15 is a misrepresentation of a significant fact required to be provided in the
16 application for a waste and used tire hauler registration pursuant to PRC
17 section 42960(a)(4).

18 b. RESPONDENT represented to CALRECYCLE on the waste and used tire
19 registration application that her name was LETICIA ZALDIVAR when in fact
20 her name is LETICIA HOLGUIN. This is an omission of a significant fact
21 required to be provided in the application for a waste and used tire hauler
22 registration pursuant to PRC section 42960(a)(4).

23 c. RESPONDENT represented to CALRECYCLE on the waste and used tire
24 registration application that a vehicle with California license plate no.
25 "9E02348" instead had a license plate number of "RO3346". This is a
26 misrepresentation of a significant fact required to be provided in the
27 application for a waste and used tire hauler registration pursuant to PRC
28 section 42960(a)(4). As a result of this misrepresentation, CALRECYCLE
issued a decal for this vehicle which was observed on August 20, 2009.

1 4. RESPONDENT used its 2009 Registration to collect waste or used tires from
2 its customers, and then to illegally haul the tires to an unpermitted waste tire facility
3 thereby creating or contributing in the creation of an unpermitted waste tire facility at
4 11051 Pendleton Street, Sun Valley, California. LETICIA ZALDIVAR allowed trucks to
5 transport waste or used tires onto the unpermitted facility in violation of PRC section
6 42951(b). On July 1, 2009, LETICIA ZALDIVAR signed a lease for the storage of used
7 tires and initialed the pages "LH". The lease provides that its purpose is the storage of
8 used tires not to exceed 500 and truck parking.

9 a. On or about August 12, 2009, RESPONDENT LETICIA HOLGUIN stored
10 over 500 waste or used tires in various vehicles, including license plate number
11 8F35947, at 11051 Pendleton Street, in Sun Valley, California, creating an
12 unpermitted minor waste tire facility in violation of PRC section 42834.

13 b. On or about December 4, 2009, RESPONDENT LETICIA HOLGUIN
14 stored over 1,000 waste or used tires in various vehicles at 11051 Pendleton
15 Street, Sun Valley, California, creating an unpermitted major waste tire facility in
16 violation of PRC section 42834.

17 5. On at least one occasion prior to August 12, 2009, RESPONDENT failed
18 to submit Comprehensive Trip Log receipts (CTLs) to CALRECYCLE manifesting the
19 used and waste tires hauled to 11051 Pendleton Street, Sun Valley, California, in
20 violation of PRC section 42961.5.

21 6. On at least one occasion from August 12, 2009 through December 4,
22 2009, RESPONDENT failed to submit CTLs to CALRECYCLE manifesting the used and
23 waste tires hauled to 11051 Pendleton Street, in Sun Valley, California, in violation of
24 PRC section 42961.5.

25 7. LETICIA ZALDIVAR AKA LETICIA HOLGUIN continued to operate
26 LETTY'S TIRES in violation of a March 4, 2009, Board Decision ordering LETTY'S
27 TIRES's waste and used hauler registration to be suspended for nine months, from
28 January 1, 2009 to September 30, 2009. LETICIA HOLGUIN was responsible for
registering B&M TIRES with CALRECYCLE as well as PAOLA'S TIRES. LETICIA

1 HOLGUIN was in a position of ownership or management with LETTY'S TIRES as her
2 signature appears on the surety bond issued to LETTY'S TIRES. In violation of the
3 Stipulation and 14 CCR sections 18457(d) and/or 18457(e), LETICIA HOLGUIN used
4 trucks registered with CALRECYCLE under LETTY'S TIRE to haul used and waste tires
5 for PAOLA'S TIRES and/or B&M TIRE.

6 8. On or about June 12, 2009 to June 20, 2009, RESPONDENT hauled 14
7 loads of waste and/or used tires to Mitsubishi Cement Plant, located at 5808 State
8 Highway 18, Lucerne Valley, California 92313, using a vehicle with California license
9 plate no. 9EO2438, that was not registered with CALRECYCLE. This is a violation of
10 14 CCR section 18831, CALRECYCLE form 60, for failure to provide this vehicle
11 information on the waste and used tire hauler application. It is also a violation of 14
12 CCR section 18454(f) in that the registration card and/or decal issued to a specific
13 vehicle shall not be used for any vehicle not listed by the registered hauler.

14 9. In violation of PRC section 42961.5, RESPONDENT failed to submit
15 manifests to CALRECYCLE indicating that RESPONDENT hauled 14 loads of waste
16 and/or used tires from June 12, 2009 to June 20, 2009, to Mitsubishi Cement Plant,
17 located at 5808 State Highway 18, Lucerne Valley, California 92313, using a vehicle
18 with California license plate no. 9EO2438, that was not registered with CALRECYCLE.

19 10. On or about May 20, 2010, Ziba Atai, Tire Enforcement Agent for Los
20 Angeles County observed a truck with license plate number, 8W05036, unloading trucks
21 at 23870 Pine Street, Newhall, California, and counted approximately 600 waste or
22 used tires on site. The truck was registered with CALRECYCLE to RESPONDENT. In
23 phone call during the ensuing inspection, LETICIA ZALDIVAR indicated managerial
24 status of the property by admitting "they" had only recently moved onto the property;
25 thus RESPONDENT created an unpermitted minor waste tire facility by allowing the
26 transport of waste or used tires onto the property in violation of PRC section 42834 and
27 PRC section 42951(b).

- 1 g. CALRECYCLE has the authority to revoke a waste and used tire hauler
2 application for up to three years by committing, aiding, or abetting any
3 violations of this chapter pursuant to PRC section 42960(a)(2).
- 4 h. CALRECYCLE has the authority to revoke a waste and used tire hauler
5 application for up to three years for committing any misrepresentation or
6 omission of a significant fact or other required information in the application
7 for a waste and used tire hauler registration.
- 8 i. CALRECYCLE has authority to revoke a waste and used tire hauler
9 application for a period of three to five years if the hauler's registration has
10 been previously revoked or denied or a penalty imposed pursuant to PRC
11 section 42960(b)(1) and (2). In this case, LETICIA ZALDIVAR AKA
12 HOLGUIN participated in the operation of LETTY'S TIRES. On March 4,
13 2009, LETTY'S TIRES's waste and used tire hauler registration was
14 previously denied and an administrative penalty was imposed.

15 **RIGHT TO HEARING**

16 You were notified that pursuant to the provisions of section 42960 of the
17 California Public Resources Code and Government Code section 11506, that you are
18 entitled to a hearing to refute the allegations against you contained in this AMENDED
19 ACCUSATION FOR THE REVOCATION OF WASTE AND USED TIRE HAULER
20 REGISTRATION. You requested a hearing in a timely fashion. A hearing is scheduled
21 for June 28, 29 and 30, 2010, at the Office of Administrative Hearings, 320 West Fourth
22 Street, Suite 630, Los Angeles, California 90013.

23
24 Dated this 15th day of June, 2010.



25 Heather L. Hunt
26 Staff Counsel III
27 Department of Resources
28 Recycling and Recovery