

**CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
WASTE TIRE HAULER/MANIFESTING VIOLATIONS
STIPULATION, DECISION, AND ORDER**

Complainant, the California Department of Resources Recycling and Recovery (CDRRR) and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations alleged below. The parties stipulate to the following facts and violations of law:

CDRRR ENFORCEMENT ORDER NUMBER: 2012-000366-PEN

RESPONDENT: 24 HR Tire Sales & Service
5705 Portage Street
Yorba Linda, CA 92887

PUBLIC RESOURCES CODE (PRC) SECTIONS VIOLATED §42951 (a); §42956 (a); & §42961.5 (c) (2)

TITLE 14, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED §18451(a); in particular §18456.3. (d)

DESCRIPTION OF VIOLATIONS:

On January 11, 2012 and January 17, 2012, **24 Hour Tire Sales & Service**, either transported or allowed the transportation of at least two loads of waste/used tires in vehicles not authorized by CDRRR to transport waste/used tires. On January 25, 2012, **24 Hour Tire Sales & Service**, hauled at least one load of waste/used tires to a location without completing a manifest form. Further, on that same date, the operator failed to carry the waste tire hauler registration certificate in the vehicle and failed to permanently affix the current tire hauler decal to the lower right corner of the windshield.

On February 22, 2012, **24 Hour Tire Sales & Service** failed to notify CDRRR of changes in information provided on registration application; specifically, the operator failed to notify CDRRR that the operator moved two months prior to this date.

Pursuant to 30 PRC §42951(a), every person who engages in the transportation of waste or used tires shall hold a valid waste and used tire hauler registration, unless exempt as specified in Section 42954. Further, pursuant to PRC §42956 (a), every hauler shall carry the used or waste tire hauler registration certificate in the vehicle and permanently affix the tire hauler decal to the lower right hand corner of the windshield.

Additionally, in accordance with PRC §42961.5 (c)(2), any waste and used tire hauler hauling waste or used tires for offsite handling, altering, storage, disposal, or any combination thereof, shall complete the California Uniform Waste and Used Tire Manifest as required by the Department. The waste and used tire hauler shall provide the manifest to the waste or used tire facility operator who receives the waste or used tires for handling, altering, storage, disposal, or any combination thereof. Each waste and used tire hauler shall submit to the Department, on a quarterly schedule, a legible copy of each manifest. The copy submitted to the Department shall contain the signatures of the generator and the facility operator.

Lastly in accordance with 14 CCR §18456.3 (d), every registered waste tire hauler shall notify the Department on a form CalRecycle 60 of any change in the business name, business owner, facility address, mailing address, phone number, or vehicle ownership. Notice shall be given no more than ten (10) days after the change.

DATE(S) OF VIOLATION: January 11, 17 and 25, 2012, (2 counts) and February 22, 2012

STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE

TOTAL MONETARY PENALTY: \$450 **NUMBER OF COUNTS:** 5

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Public Resources Code and/or Title 14, California Code of Regulations (CCR) described above and on Exhibit 1 attached, have occurred and request that the California Department of Resources Recycling and Recovery resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* at the bottom of this form and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order made payable to the California Department of Resources Recycling and Recovery in the amount of the penalty described above. I understand that if there are not sufficient funds in my bank account when the check is deposited, CDRRR has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed.

RESPONDENT has freely and voluntarily entered into this Stipulation, Decision, and Order (hereinafter "Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained herein, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified, or otherwise changed except by a writing executed by each of the parties hereto.

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulation, Decision, and Order, is the date that the Department Director signs it.

Dated: 6/20/12 Signature: [Handwritten Signature]

Printed Name: Rowan D. Leik

Job Title: Owner

Name and Address of Business Entity: 27th St 9471 Palm Cir PM, Los Angeles, CA

Any DBAs: 24th St HR

For California Department of Resources Recycling and Recovery Use Only

STATEMENT BY DIRECTOR:

The foregoing stipulation has been adopted by the California Department of Resources Recycling and Recovery as its final decision and order and is effective upon execution below by the Director of the California Department of Resources Recycling and Recovery.

IT IS SO ORDERED:

Dated: 6/28/12

[Handwritten Signature]
Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division
California Department of Resources Recycling and Recovery

