

1 ELLIOT BLOCK SBN 116999
Chief Counsel
2 HEATHER L. HUNT SBN 225861
3 MARTHA PEREZ SBN 271766
Attorneys for Complainant
4 DEPARTMENT OF RESOURCES RECYCLING & RECOVERY
1001 I Street, 24th Floor
5 P. O. Box 4025
6 Sacramento, CA 95812-4025
Telephone: (916) 341- 6068
7 Facsimile: (916) 319-7677

8
9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:)	ADMINISTRATIVE DECISION
12)	FOR WASTE TIRE HAULER
13 JORGE JUAREZ DBA LA TIRE)	ADMINISTRATIVE PENALTIES
14 DISPOSAL)	
15 TPID NO: 1739239-01)	PUBLIC RESOURCES CODE
)	SECTION 42950, ET SEQ.
16 RESPONDENT)	AGENCY NO: 2013-011157-ADC
)	

17
18 **INTRODUCTION**

19 The California Department of Resources Recycling and Recovery (CALRECYCLE)
20 served an Administrative Complaint for Waste Tire Hauler Administrative Penalties
21 (Administrative Complaint) and a Request for Hearing on JORGE JUAREZ DBA LA TIRE
22 DISPOSAL (RESPONDENT) on August 14, 2014. RESPONDENT had 15 days from the date
23 of service of the Administrative Complaint to request a hearing. RESPONDENT did not file a
24 Request for Hearing. The matter shall be determined as a default pursuant to Title 14 of the
25 California Code of Regulations (CCR) section 18466 and Government Code section 11520.

26 The California Integrated Waste Management Board (CIWMB) is now CALRECYCLE.
27 CALRECYCLE succeeded to CIWMB's authority on January 1, 2010, pursuant to Public
28 Resources Code (PRC) section 40401(a)(1). CALRECYCLE takes action against

1 RESPONDENT based upon evidence and affidavits that may be used without any notice to
2 RESPONDENT.

3
4 **FACTUAL FINDINGS**

5 1. The Administrative Complaint was executed by HEATHER L. HUNT, Attorney III,
6 acting in her official capacity.

7 2. PRC section 42951(a) requires that every person who engages in the
8 transportation of waste or used tires shall hold a valid waste and used tire hauler registration,
9 unless exempt as specified in section 42954.

10 3. RESPONDENT has been a registered waste and used tire hauler since
11 February, 2004.

12 4. Pursuant to 14 CCR section 18455, each Waste and Used Tire Hauler
13 Registration expires annually on January 1 of the following calendar year, and CALRECYCLE
14 must receive a new application from any hauler who wishes to continue to operate as a hauler
15 no later than 45 days prior to the January 1 expiration date.

16 5. Pursuant to 14 CCR section 18454(c), "The initial waste tire hauler registration is
17 valid from the date of issuance to January 1 of the following year."

18 6. Pursuant to 14 CCR section 18454(d), "The waste tire hauler is not authorized to
19 haul used or waste tires after the January 1 expiration date unless the waste tire hauler has
20 applied to renew the waste tire hauler registration prior to the expiration and has received the
21 Department issues renewal registration card(s) and vehicle decal(s)."

22 7. Between January 1, 2013, and February 21, 2013, RESPONDENT either
23 transported or allowed the transportation of at least five loads of ten or more waste/used tires
24 while not having a valid 2013 Waste Tire Hauler Registration issued by CALRECYCLE.

25 8. On or about October 1, 2012, CALRECYCLE staff mailed Waste Tire Hauler
26 Registration Renewal notices to all registered waste tire haulers, along with a "Zero Tolerance"
27 letter regarding the hauling of waste/used tires without holding a current registration.

28 RESPONDENT was sent their renewal notification and "Zero Tolerance" letter at this time.

1 9. RESPONDENT failed to submit a Waste Tire Hauler Registration prior to January
2 1, 2013, that would allow him to haul for the 2013 calendar year.

3 11. On January 3, 2013, CALRECYCLE sent RESPONDENT a letter advising him
4 not to haul waste or used tires until he renewed his tire hauler registration. The following day,
5 January 4, 2013, CALRECYCLE staff attempted to contact RESPONDENT by phone, but no
6 person answered.

7 12. On January 10, 2013, RESPONDENT faxed his Waste Tire Hauler Registration
8 Application (2013 Application) renewal to CALRECYCLE. Since RESPONDENT had changed
9 addresses, a new waste tire surety bond rider was required, before CALRECYCLE could
10 process the Application. On February 22, 2013, RESPONDENT faxed the bond rider
11 documentation to CALRECYCLE. The 2013 Application was processed that same day, and
12 RESPONDENT was promptly mailed the 2013 decals and registration certificates for his
13 vehicles.

14 13. On March 25, 2013, a review of the Waste Tire Management System (WTMS)
15 revealed that RESPONDENT transported at least five loads of ten or more waste or used tires
16 prior to submitting his 2013 Application, in violation of PRC section 42951(a), as shown in the
17 table below.

18 Comprehensive Trip Log	19 Violation	20 Passenger Tire Equivalents	21 Date of Violation
22 4698017-A	23 Unregistered Hauling, 41-100 waste/used tires	24 74	25 January 4, 2013
26 4698029-A	27 Unregistered Hauling, 41-100 waste/used tires	28 60*	January 28, 2013
4698029-B	Unregistered Hauling, more than 100 waste/used tires	127*	February 1, 2013
4698017-B	Unregistered Hauling, 41-100 waste/used tires	46*	February 5, 2013
4698029-C	Unregistered Hauling, 21-40 waste/used tires	29*	February 5, 2013

*Conversion Factor – number of tons x 100 tires/ton = number of passenger tire equivalents

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1 **LEGAL CONCLUSIONS**

2 14. RESPONDENT is in violation of PRC section 42951(a) for transporting or
3 allowing the transportation of at least five loads of ten or more waste or used tires while not in
4 possession of a valid 2013 Waste Tire Hauler Registration.

5
6 **ORDER**

7 Good cause appearing, Complainant's motion to take action in accordance with the
8 provisions of Government Code Section 11520, subdivision (a) is granted.

9 **THE FOLLOWING ORDER** is hereby made:

10 RESPONDENT, JORGE JUAREZ DBA LA TIRE DISPOSAL is ordered to pay an
11 administrative penalty of \$4,975.00 to CalRecycle within 30 (thirty) days of the date of service
12 of this Decision.

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

15 Pursuant to Government Code section 11520(c), RESPONDENT has a right to serve
16 CALRECYCLE with a written motion requesting that the decision be vacated and stating the
17 grounds relied on:

18 Within seven days after service on the respondent of a decision based on the
19 respondent's default, the respondent may serve a written motion requesting that the
20 decision be vacated and stating the grounds relied on. The agency in its discretion
may vacate the decision and grant a hearing on a showing of good cause. As used
in this subdivision, good cause includes, but is not limited to, any of the following:

- 21 (1) Failure of the person to receive notice served pursuant to Section 11505.
22 (2) Mistake, inadvertence, surprise, or excusable neglect.
23 (Gov't Code § 11520(c).)

24 This DECISION shall become effective on the date signed below.

25
26 Dated this 4 day of September, 2014.

27 
28 MARK DE BIE
Deputy Director
DEPARTMENT OF RESOURCES
RECYCLING AND RECOVERY
(CALRECYCLE)