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8
9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:)	ADMINISTRATIVE COMPLAINT
)	FOR WASTE TIRE HAULER
)	ADMINISTRATIVE PENALTIES
13 MNE TRUCKING INC. DBA SIBRIAN)	
14 TRUCKING)	PUBLIC RESOURCES CODE
)	SECTION 42950, ET SEQ.
15 TPID NO: 1594888-01)	AGENCY NO: 2014-011160-ADC
)	
17 RESPONDENT)	

18
19 **INTRODUCTION**

20 This Administrative Complaint For Waste Tire Hauler Administrative Penalties is issued
21 by the California Department of Resources Recycling and Recovery to MNE Trucking Inc. dba
22 Sibrian Trucking (RESPONDENT) seeking \$2,000.00.

23 The California Integrated Waste Management Board (CIWMB) is now the California
24 Department of Resources Recycling and Recovery (CALRECYCLE). CALRECYCLE
25 succeeded to CIWMB's authority on January 1, 2010, pursuant to Public Resources Code
26 (PRC) section 40401(a)(1). Pursuant to PRC section 42851(a), CALRECYCLE is authorized
27 to issue an administrative accusation to a person on whom civil liability may be imposed. This
28 Administrative Complaint is so issued based on the following facts.

STATEMENT OF FACTS

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2 1. CALRECYCLE has authority to regulate and conduct enforcement actions
3 regarding Waste Tire Facilities and Waste and Used Tire Haulers within the State of California
4 under PRC sections 42800 et seq., 42950 et seq., and attendant regulations contained in Title
5 14 of the California Code of Regulations (CCR).

6 2. PRC section 42951(a) states, “[e]very person who engages in the transportation
7 of waste or used tires shall hold a valid waste and used tire hauler registration, unless exempt
8 as specified in section 42954.”

9 3. RESPONDENT has never been issued a Waste and Used Tire Hauler
10 Registration.

11 4. A review of the Waste Tire Management System (WTMS) revealed that on May
12 30, 2013, RESPONDENT picked up a load of 864 waste tires from Sky View Terrace Storage
13 located at 12089 Lopez Canyon, Sylmar, CA.

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Comprehensive Trip Log	Violation	Passenger Tire Equivalent	Violation Date	Facility
4091384-A	Unregistered Hauler, more than 100 waste/used tires	864	May 30, 2013	Sky View Terrace Storage

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20 5. On October 8, 2009, RESPONDENT had been issued a Common Carrier
21 Exemption, but allowed it to expire on December 31, 2009 without renewing the exemption.
22 Jean Whalen, inspector for CALRECYCLE’s Tire Hauler Compliance Unit, advised
23 RESPONDENT to either become registered or renew their Common Carrier exemption prior to
24 hauling any more loads of 10 or more waste or used tires in California. RESPONDENT has
25 since re-applied for the Common Carrier Exemption and was issued an exemption on August
26 22, 2013 which will expire on December 31, 2018. However on May 30, 2013, RESPONDENT
27 was not in possession of a valid Waste and Used Tire Hauler Registration or was otherwise
28 exempt from the Waste and Used Tire Hauler Registration requirements.

- 1 (a) Intentionally, or negligently violates any permit, rule, regulation, standard, or
2 requirement pursuant to Chapter 19 of the Public Resources Code relating to the
3 generation, transportation or disposal of used or waste tires.
- 4 (b) The aiding or abetting, or allowing of any violation, or noncompliance with any
5 permit, rule, regulation, standard, or requirement pursuant to Chapter 19 of the
6 Public Resources Code relating to the generation, transportation or disposals of
7 used or waste tires.
- 8 (c) Any violation of, or noncompliance with any order issued by [CALRECYCLE] or
9 by a hearing officer or a court relating to the generation, transportation or
10 disposal of used or waste tires.
- 11 (d) Any false statement, misrepresentation, or omission of a significant fact or other
12 required information in the application for a waste tire hauler registration,
13 Manifest Form, Unregistered Hauler & Comprehensive Trip Log Substitution
14 Form, or in information regarding these matters subsequently reported to
15 [CALRECYCLE].

16 Furthermore, Title 14 CCR section 18464 allows CALRECYCLE to impose
17 administrative penalties in accordance with the penalty table therein.

18 9. Title 14 CCR section 18464 authorizes the following penalties for each first
19 offense violation of PRC section 42951(a): (1) \$500 - \$750 for the unregistered hauling of 21-
20 40 tires per load; (2) \$500 - \$1000 for the unregistered hauling of 41-100 tires per load; (3)
21 \$1,000 - \$2,000 for the unregistered hauling of more than 100 tires per load.

22 10. RESPONDENT knowingly committed one violation of unregistered hauling of
23 more than 100 tires per load, totaling a \$2,000.00 penalty.

24 11. As required by Title 14 CCR section 18465, in determining an appropriate
25 administrative penalty for RESPONDENT, CALRECYCLE has taken into consideration the
26 following factors:

- 27 (1) The nature, circumstances, extent, and gravity of the violation.
- 28 (2) Evidence that the violation or violations was willful or negligent.

- 1 (3) The good or bad faith exhibited by the party.
2
3 (4) History of violation of the same or similar nature.
4 (5) The extent to which the party has cooperated with the CalRecycle in remediating
5 or injury caused by his or her violation.
6 (6) The extent that the party has mitigated or attempted to mitigate any damage or
7 injury caused by his or her violation.
8 (7) Evidence of any financial gain resulting from the violation.
9 (8) Such other matters as justice may require.
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11 12. Accordingly, CALRECYCLE hereby requests that a waste tire hauler
12 administrative penalty be assessed against RESPONDENT in the sum of \$2,000.00.
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14 **RIGHT TO HEARING**

15 You are hereby notified that pursuant to the provisions of PRC section 42961.1, and
16 Government Code section 11505 that you are entitled to a hearing to refute the allegations
17 against you contained in this ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER
18 ADMINISTRATIVE PENALTIES. **If you wish to have a hearing on this matter, you must**
19 **complete and return the enclosed REQUEST FOR HEARING/ NOTICE OF DEFENSE to**
20 **our Legal Office within 15 days of receipt of this Administrative Complaint. Failure to**
21 **complete and return the REQUEST FOR HEARING/NOTICE OF DEFENSE within 15 days**
22 **will be deemed a waiver of your right to a hearing.**

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1 Pursuant to the above referenced Public Resources Code and Government Code
2 sections, discovery requests by any party must be made within 30 days after the service of this
3 ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER ADMINISTRATIVE
4 PENALTIES.

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6 Dated this 21st day of July, 2014.

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9 HEATHER L. HUNT
10 Attorney III for
11 Department of Resources Recycling and
12 Recovery (CalRecycle)
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