

1 CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
2 Waste Permitting, Compliance and Mitigation Division  
3 1001 I Street, 10<sup>th</sup> Floor  
4 P. O. Box 4025  
5 Sacramento, CA 95812-4025  
6 Telephone: (916) 341-6331  
7 Facsimile: (916) 319-7298

8 STATE OF CALIFORNIA

9 CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

10 In the matter of:

11 SUK CHA CERDA, DBA: D & D TIRES, LLC  
12 A REGISTERED WASTE AND USED TIRE  
13 HAULER

14 TPID NO: 1241217

15 RESPONDENT.

ADMINISTRATIVE DECISION  
FOR WASTE TIRE HAULER  
ADMINISTRATIVE PENALTIES

PUBLIC RESOURCES CODE  
SECTION 42950, ET SEQ.

AGENCY No: 2014-000540-PEN

16 INTRODUCTION

17 The California Department of Resources Recycling and Recovery (CalRecycle)  
18 has authority to regulate and conduct enforcement actions regarding Waste Tire  
19 Haulers within the State of California under Public Resources Code (PRC) section  
20 42962 et seq. and attendant regulations contained in Title 14 of the California Code of  
21 Regulations (CCR).

22 To avoid the uncertainties of litigation, the California Department of Resources  
23 Recycling and Recovery ("CALRECYCLE") sent a Proposed Streamlined Penalty Letter  
24 ("Stipulation, Decision, and Order") on September 19, 2014, to Suk Cha Cerda, dba:  
25 D & D Tires, LLC, ("RESPONDENT") a waste tire hauler, to resolve violations through a  
26 monetary settlement of one hundred dollars (\$100.00).  
27  
28

1 On October 2, 2014, RESPONDENT paid the one hundred dollar (\$100.00)  
2 penalty, but failed to sign the stipulated agreement. Several attempts have been made  
3 to contact this hauler but have proven unsuccessful.

4 Pursuant to RESPONDENT's check #6650 being paid in the full amount, and  
5 good cause appearing therefore, the following Factual Findings and Conclusions of Law  
6 are made, and the following Order is issued:

### 7 **FACTUAL FINDINGS**

8 1. On April 24, 2014, Tire Enforcement Agency (TEA) Inspector Jose Avila  
9 with the Contra Costa County Environmental Health Department conducted an  
10 inspection of the Manuel Vargas site located at 3024 Giant Road, San Pablo, CA [Tire  
11 Program Identification (TPID) number 1786505] and spoke with the facility manager,  
12 Robert Flores. This property had multiple businesses in separate suites/lots. Mr. Flores  
13 informed Inspector Avila that one of his previous tenants, Manuel Vargas left  
14 approximately 1,000 waste or used tires in one of these suites. Mr. Flores informed  
15 Inspector Avila that he sold 300 of these waste or used tires to Suk Cha Cerda, dba:  
16 D & D Tires, LLC. located at 629 23<sup>rd</sup> Street, Richmond, CA (TPID 1241217). Mr. Flores  
17 was unable to provide any type of documentation for the 300 waste or used tires that  
18 were picked up by D & D Tires, LLC. Inspector Avila informed Mr. Flores of the  
19 manifesting requirements and referred the incident to CalRecycle's Tire Hauler  
20 Compliance Unit.

21 2. On April 29, 2014, Inspector Avila spoke with Mr. Cerda who told the  
22 inspector that he purchased 200 waste or used tires from Mr. Flores on April 1, 2014  
23 and that he did not leave a Comprehensive Trip Log (CTL) form receipt for the tires.  
24 Inspector Avila explained to Mr. Cerda that he was required to manifest all pickups and  
25 deliveries of waste or used tires as a registered waste tire hauler. Mr. Cerda stated that  
26 he would hand deliver a CTL receipt to Mr. Flores.

27 3. On April 30, 2014, Mr. Flores telephoned Inspector Avila that he received  
28 CTL #4891292-B from D & D Tires, LLC. for the pickup on April 1, 2014. A review of

1 CalRecycle's Waste Tire Management System (WTMS) showed that this CTL form was  
2 never received by CalRecycle within 90 days as required by PRC §42961.5(c)(2).

3 4. D & D Tires, LLC. has been a registered waste tire hauler since 2008 and  
4 has been issued two Letters of Violation (LOVs) regarding the non-submission of CTL  
5 forms. Listed in the table below are the violations and penalties that were assessed to  
6 the hauler.

7 Comprehensive Trip Log	Violation	Transaction Date	Violation Date	Penalty Assessed
8 4891292-B	Failure to complete a CTL receipt and provide it to the generator of waste tires	April 1, 2014	April 1, 2014	\$50
9 4891292-B	Failure to submit a CTL Form to CalRecycle within 90 days of the first tire transaction	April 1, 2014	June 30, 2014	\$50

### 11 LEGAL CONCLUSIONS

12 5. RESPONDENT was in violation of PRC Section 42961.5(c)(2).  
13 CALRECYCLE's authority to assess administrative penalties against RESPONDENT is  
14 set forth in PRC Section 42962 et seq., and in 14 CCR Section 18464.

15 6. Pursuant to PRC §42961.5(c)(2), any waste and used tire hauler hauling  
16 waste or used tires for offsite handling, altering, storage, disposal, or any combination  
17 thereof, shall complete the California Uniform Waste and Used Tire Manifest as  
18 required by CalRecycle. The waste and used tire hauler shall provide the manifest to  
19 the waste or used tire facility operator who receives the waste or used tires for handling,  
20 altering, storage, disposal, or any combination thereof. Each waste and used tire hauler  
21 shall submit to CalRecycle, on a quarterly schedule, a legible copy of each manifest.  
22 The copy submitted to CalRecycle shall contain the signatures of the generator and the  
23 facility operator.

### 24 ORDER

25 THE FOLLOWING ORDER is hereby made:

26 SUK CHA CERDA, dba: D & D TIRES, LLC., paid one hundred dollars  
27 (\$100.00) to CALRECYCLE. CALRECYCLE deposited RESPONDENT, SUK CHA  
28 CERDA, dba: D & D TIRES's, penalty payment of one hundred dollars (\$100.00).

California Department of Resources Recycling and Recovery, Administrative Decision, D & D TIRES, LLC.

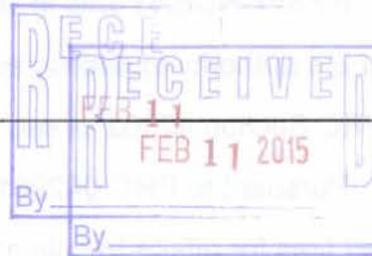
1 Based on CALRECYCLE's understanding that RESPONDENT paid the  
2 full amount of the proposed stipulated penalty, CALRECYCLE is electing not to pursue  
3 additional enforcement action concerning these violations.

4  
5 **RESPONDENT'S RIGHT TO FILE WRITTEN MOTION**

6 Pursuant to Government Code section 11520(c), RESPONDENT has a right to  
7 serve a motion:

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

16 This DECISION shall become effective \_\_\_\_\_



17 Dated this 11 day of February, 2015

18  
19   
20 \_\_\_\_\_  
21 MARK DE BIE, DEPUTY DIRECTOR  
22 WASTE PERMITTING, COMPLIANCE  
23 AND MITIGATION DIVISION  
24 CALIFORNIA DEPARTMENT OF  
25 RESOURCES RECYCLING AND  
26 RECOVERY