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8
9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:

12
13 CHASSIS & TIRES REPAIR, INC.

14
15 RESPONDENT

16
17 TPID NO.: 1208904-01

ADMINISTRATIVE DECISION
FOR WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES

PUBLIC RESOURCES CODE
SECTION 42950, ET SEQ.

18 AGENCY NO: 2015-011178-ADC

19 INTRODUCTION AND PROCEDURAL HISTORY

20 The California Integrated Waste Management Board (CIWMB) is now the California
21 Department of Resources Recycling and Recovery (CALRECYCLE). CALRECYCLE
22 succeeded to CIWMB's authority on January 1, 2010, pursuant to Public Resources Code
23 (PRC) section 40401(a)(1).

24 On February 25, 2016, CALRECYCLE issued an ADMINISTRATIVE COMPLAINT FOR
25 WASTE TIRE HAULER ADMINISTRATIVE PENALTIES (Administrative Complaint) to Chassis
26 & Tires Repair, Inc. (RESPONDENT), which included penalties in the amount of \$47,000.00.
27 Effective service of the Administrative Complaint was completed on March 7, 2016.
28 RESPONDENT was provided with 15 days from the date of

1 receipt of the Administrative Complaint to request a hearing and file a "Notice of
2 Defense/Request for Hearing" with CALRECYCLE to refute the allegations contained therein.
3 RESPONDENT did not file a "Notice of Defense/Request for Hearing;" This constitutes a
4 default pursuant to Government Code section 11520. CALRECYCLE takes action against
5 RESPONDENT based upon evidence and affidavits that may be used without any notice to
6 RESPONDENT.

7
8 **FACTUAL FINDINGS**

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

11 2. A "Waste or Used Tire Hauler" or "Hauler" is defined as, "any person engaged in
12 the transportation of waste or used tires, or tire casings, including haulers that [CALRECYCLE]
13 approved as exempt from registration pursuant to PRC section 42954." (14 CCR section
14 18450(a)(37).)

15 3. PRC section 42951(a) states, "[e]very person who engages in the transportation
16 of waste or used tires shall hold a valid waste and used tire hauler registration waste tire
17 hauler registration, unless exempt as specified in Section 42954."

18 4. Pursuant to PRC section 42956(b), "any person who operates a vehicle . . . that
19 transports 10 or more tires without a valid and current waste and used tire hauler registration,
20 as issued by [CALRECYCLE] . . . , shall be subject to the enforcement actions specified in
21 Article 4 (commencing with [PRC] Section 42962)."

22 5. Title 14 CCR section 18454(a) requires that, "any person hauling 10 or more
23 used or waste tires shall apply for a waste tire hauler registration, unless exempt." Subsections
24 (c) and (d) further provide that, "the initial waste tire hauler registration is valid from [sic] the
25 date of issuance to January 1 of the following year" "The waste tire hauler is not authorized
26 to haul used or waste tires after the January 1 expiration date unless the waste tire hauler has
27 applied to renew the waste tire hauler registration prior to expiration and has received the
28 [CALRECYCLE] issued renewal registration card(s) and vehicle decal(s)."

1 6. Pursuant to PRC section 42955(d), A waste tire hauler registration application
2 shall include:

3 (d) A bond in favor of the State of California in the amount of ten thousand
4 dollars (\$10,000). Proof of bond renewal shall be submitted with the application
for annual renewal of a waste and used tire hauler registration.

5 7. Pursuant to 14 CCR section 18456.1(b), "The surety bond shall remain in full
6 force and effect during all registration periods. Failure to maintain an adequate bond pursuant
7 to [PRC] section 42955(d), shall result in automatic cancellation of the waste tire hauler
8 registration. The cancelled registration may be reinstated by [CALRECYCLE] when a new
9 surety bond is posted."

10 8. PRC section 42961.5(c)(2) requires:

11 Any waste and used tire hauler hauling waste or used tires for offsite
12 handling, altering, storage, disposal, or any combination thereof, shall
13 complete the California Uniform Waste and Used Tire Manifest as
required by [CALRECYCLE].

14 9. The "California Uniform Waste and Used Tire Manifest" is a form developed by
15 CALRECYCLE pursuant to PRC section 42961.5 and is also referred to as the
16 "Comprehensive Trip Log" or "CTL." The CTL form is incorporated in the regulations by 14
17 CCR section 18450(a)(11), and must be filled out completely and accurately, including
18 providing the Tire Program Identification (TPID) number for the location of delivery or pick-up
19 of each load of waste tires.

20 10. Title 14 CCR section 18460.2, subsections (b), (d), (e), and (h), provide that a
21 registered waste tire hauler shall complete a new CTL for each pick-up or delivery of any
22 waste or used tires, shall not transport waste or used tires without a properly completed CTL
23 form, shall not transport waste or used tires without having a completed copy of the CTL form
24 in the vehicle transporting the waste or used tires, shall leave one completed copy of the CTL
25 form with the waste or used tire generator or end-use facility, and shall keep a copy of the
26 completed CTL form.

27 11. Title 14 CCR section 18463, subsections (a), (b) and (d), provide that any waste
28 tire hauler who intentionally or negligently violates any permit, rule, regulation, standard,

1 requirement, or allows any violation or noncompliance with any permit, rule, regulation,
2 standard, or requirement pursuant to PRC section 42950 et seq. relating to the generation,
3 transportation, or disposal of used or waste tires, shall be liable for a civil penalty.

4 12. RESPONDENT became a registered waste tire hauler on April 22, 2004, and
5 remained a registered waste tire hauler through 2015, until CALRECYCLE cancelled
6 RESPONDENT's waste tire hauler registration.

7 13. At the time CALRECYCLE issued RESPONDENT its initial hauler registration,
8 and subsequently during the annual hauler registration renewal process, RESPONDENT was
9 provided with instructions regarding the proper completion, retention, and delivery of CTL
10 forms. At the time of RESPONDENT's initial registration and annually during the hauler
11 registration renewal process, RESPONDENT was sent a hauler package containing the
12 following: (1) instructions on transporting waste/used tires; (2) a complete list of hauler and
13 manifesting regulations (Title 14, California Code of Regulations, Chapter 6); and (3) a training
14 compact disc on the proper storage and transportation of waste/used tires. RESPONDENT
15 was also sent a CTL Guidance Manual, explaining in detail how to properly complete the CTL
16 form, including the requirement to "manifest" (to document on the CTL form) all waste and
17 used tire pickups and deliveries.

18 14. RESPONDENT has received multiple Letters of Violation (LOVs), specifically
19 LOV's dated June 8, 2004, June 15, 2004, July 3, 2013 and September 25, 2013, regarding
20 the non-submission of CTLs to CALRECYCLE and for errors and omissions.

21 15. On April 22, 2015, RESPONDENT received notification from CALRECYCLE that
22 its waste tire hauler registration had been cancelled for failing to maintain the required surety
23 bond. Said letter informed RESPONDENT that CALRECYCLE had received a "Notice to
24 Cancel Bond Insurance" letter from SAFECO INSURANCE COMPANY OF AMERICA
25 indicating that RESPONDENT's Bond had been cancelled on April 14, 2014. The letter
26 advised RESPONDENT not to haul waste or used tires until re-applying for a new waste tire
27 hauler registration and receiving his new decal(s) for his vehicle(s). The letter also reminded
28 RESPONDENT of the potential for enforcement and punitive actions for a failure to comply,

1 including the imposition of civil penalties and/or citation by law enforcement.

2 16. On August 17, 2015, CALRECYCLE received a new Waste Tire Surety Bond
3 issued by Lexon Insurance Company with an effective date of July 14, 2015, from
4 RESPONDENT. At that time, CALRECYCLE reinstated RESPONDENT's waste tire hauler
5 registration.

6 17. Between April 24, 2015 and July 14, 2015, RESPONDENT illegally hauled at
7 least 39 loads of 10 or more waste or used tires as an unregistered waste tire hauler, as
8 documented on CTLs listed in the table below:

9 Comprehensive Trip Log	Violation	Passenger Tire Equivalent	Load Date	Penalty Assessed
11 5375605-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	51	June 16, 2015	\$500
12 5375606-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	80	June 10, 2015	\$500
13 5375607-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	64	June 09, 2015	\$500
14 5375608-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	74	June 11, 2015	\$500
15 5375611-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	82	May 22, 2015	\$500
16 5375611-C	Unregistered Tire Hauling, 41-100 Waste/Used Tires	62	May 29, 2015	\$500
17 5375612-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	50	May 29, 2015	\$500
18 5375613-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	87	June 02, 2015	\$500
19 5375614-B	Unregistered Tire Hauling, more than 100 Waste/Used Tires	103	June 01, 2015	\$1,000
20 5375616-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	71	June 4, 2015	\$500
21 5375616-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	92	June 12, 2015	\$500
22 5375623-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	63	May 6, 2015	\$500
23 5375624-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	50	May 8, 2015	\$500
24 5375625-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	50	May 12, 2015	\$500
25 5375625-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	60	May 13, 2015	\$500
26 5375625-C	Unregistered Tire Hauling, more than 100 Waste/Used Tires	110	May 13, 2015	\$1,000
27 5375627-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	64	May 11, 2015	\$500
28 5375628-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	60	May 26, 2015	\$500

1	5375629-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	50	May 20, 2015	\$500
2	5375630-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	41	May 15, 2015	\$500
3	5375630-C	Unregistered Tire Hauling, 41-100 Waste/Used Tires	91	May 15, 2015	\$500
4	5375631-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	45	May 19, 2015	\$500
5	5375633-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	94	May 08, 2015	\$500
6	5375635-C	Unregistered Tire Hauling, 41-100 Waste/Used Tires	65	May 20, 2015	\$500
7	5375648-A	Unregistered Tire Hauling, more than 100 Waste/Used Tires	105	April 24, 2015	\$1,000
8	5375648-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	70	April 30, 2015	\$500
9	5684601-B	Unregistered Tire Hauling, more than 100 Waste/Used Tires	104	June 19, 2015	\$1,000
10	5684602-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	60	July 01, 2015	\$500
11	5684602-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	49	July 02, 2015	\$500
12	5684603-A	Unregistered Tire Hauling, 21-40 Waste/Used Tires	34	June 26, 2015	\$500
13	5684603-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	60	June 29, 2015	\$500
14	5684604-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	70	June 24, 2015	\$500
15	5684605-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	48	June 23, 2015	\$500
16	5684606-B	Unregistered Tire Hauling, 41-100 Waste/Used Tires	70	June 29, 2015	\$500
17	5684608-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	46	July 6, 2015	\$500
18	5684609-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	50	July 9, 2015	\$500
19	5684609-B	Unregistered Tire Hauling, 21-40 Waste/Used Tires	21	July 10, 2015	\$500
20	5684613-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	75	July 10, 2015	\$1,000
21	5684614-A	Unregistered Tire Hauling, 41-100 Waste/Used Tires	54	July 13, 2015	\$500

18. Between February 13, 2015 and June 29, 2015, CALRECYCLE conducted an audit of RESPONDENT's manifest forms and determined that RESPONDENT maintained an approximate 94% error rate on his manifest forms. The table below provides the manifesting violations by RESPONDENT:

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Comprehensive Trip Log	Violation	Load date	Penalty Assessed
5375606-A	Load type missing, pickup and delivery not checked	June 5, 2015 (Receipt A)	\$1,500
5375606-B	Load type missing		
5375606-C	Load type missing		
5375608-A	Load type missing	June 11, 2015 (Receipt A)	\$1,500
5375608-B	Load type missing, pickup and delivery not checked		
5375608-C	Load type missing		
5375611-A	Load type missing	May 22, 2015 (Receipt A)	\$1,500
5375616-A	Load type missing	June 4, 2015 (Receipt A)	\$1,500
5375616-B	Load type missing		
5375616-C	Load type missing		
5375626-A	Load type missing, pickup and delivery not checked	June 19, 2015 (Receipt A)	\$1,500
5375626-B	Load type missing, pickup and delivery not checked		
5375626-C	Load type missing		
5375637-A	Load type missing	April 17, 2015 (Receipt A)	\$1,500
5375637-B	Load type missing		
5375637-C	Load type missing, both pickup and delivery checked		
5375638-A	Load type missing	April 22, 2015 (Receipt A)	\$1,500
5375638-B	Load type missing		
5375638-C	Load type missing		
5375644-A	Load type missing, pickup and delivery not checked	April 1, 2015 (Receipt A)	\$1,500
5375644-B	Load type missing		
5375644-C	Load type missing		
5375663-A	Load type missing, pickup and delivery not checked	March 19, 2015 (Receipt A)	\$1,500
5375663-B	Load type missing, pickup and delivery not checked		
5375663-C	Load type missing, pickup and delivery not checked		
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1	5375664-A	Load type missing, pickup and delivery not checked	March 23, 2015 (Receipt A)	\$1,500
2	5375664-B	Load type missing, pickup and delivery not checked		
3	5375664-C	Load type missing, pickup and delivery not checked		
4	5375673-C	Load type and facility business name and address missing,	April 20, 2015 (Receipt C)	\$1,500
5	5375674-B	Load type missing, pickup and delivery not checked	March 12, 2015 (Receipt B)	\$1,500
6	5375674-C	Load type missing, pickup and delivery not checked		
7	5375681-A	Load type missing, pickup and delivery not checked	March 6, 2015 (Receipt A)	\$1,500
8	5375681-B	Load type missing, pickup and delivery not checked		
9	5375681-C	Load type missing, pickup and delivery not checked		
10	5375684-A	Load type missing	February 20, 2015 (Receipt A)	\$1,500
11	5375684-B	Load type missing		
12	5375684-C	Load type missing		
13	5375685-A	Load type missing	February 13, 2015 (Receipt A)	\$1,500
14	5375685-B	Load type missing		
15	5375685-C	Load type missing		
16	5375694-A	Missing facility TPID	February 19, 2015 (Receipt A)	\$1,500
17	5375694-B	Missing facility telephone number		
18	5684606-B	Load type missing	June 29, 2015 (Receipt B)	\$1,500

LEGAL CONCLUSIONS

19. RESPONDENT knowingly violated PRC section 42951(a) by hauling at least 39 loads of 10 or more waste or used tires between April 24, 2015 and July 14, 2015, without possessing a valid waste tire hauler registration.

20. RESPONDENT knowingly violated PRC section 42961.5(c)(2) by submitting at least 17 manifest forms with errors and or omissions to CALRECYCLE between February 13, 2015, and June 29, 2015.

1 **ORDER**

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

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

5 RESPONDENT, Chassis & Tires Repair Co, Inc. is ordered to pay an administrative
6 penalty of \$47,000.00 to CALRECYCLE within 30 (thirty) days of the date of service of this
7 Decision.

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9 **RESPONDENT'S RIGHT TO FILE WRITTEN MOTION**

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

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

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

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

22 Dated this 28 day of March 2016.

23 
24 _____
25 MARK DE BIE
26 Deputy Director
27 DEPARTMENT OF RESOURCES,
28 RECYCLING AND RECOVERY
(CALRECYCLE)