

1 ELLIOT BLOCK SBN 116999
Acting Chief Counsel
2 WENDY BRECKON SBN 182952
Senior Staff Counsel
3 Attorneys for Complainant
4 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1001 I Street, 23rd Floor
5 P. O. Box 4025
6 Sacramento, CA 95812-4025
Telephone: (916) 341-6068
7 Facsimile: (916) 341-6082

8 STATE OF CALIFORNIA
9 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

10 In the Matter of:

11 EDWIN ORTIZ d/b/a GUERO'S TIRES,
12 OPERATOR

13
14 TPID No: 1373993

15 RESPONDENT.

ADMINISTRATIVE DECISION
FOR WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES

No: 2005-010929-ADC

16
17 The California Integrated Waste Management Board ("CIWMB") served an
18 Administrative Complaint and Request for Hearing form on EDWIN ORTIZ d/b/a
19 GUEROS'S TIRES (RESPONDENT), on May 12, 2006. RESPONDENT failed to file a
20 Request for Hearing within fifteen days of service of the Administrative Complaint pursuant
21 to Government Code 11505 (a). The matter shall be determined as a default pursuant to
22 Government Code section 11520. The CIWMB takes action against RESPONDENT based
23 upon evidence and affidavits that may be used without any notice to RESPONDENT.

24 **FACTUAL FINDINGS**

25 1. The Administrative Complaint was executed by WENDY BRECKON, Staff
26 Counsel, CIWMB, acting in her official capacity.

27 2. EDWIN ORTIZ d/b/a GUEROS'S TIRES, is responsible for waste tires being

28 ///

1 stored at 9517 Main Street (a/k/a Weedpatch Highway), Lamont, Kern County, California,
2 Assessor's Parcel Number 178-320-47-00 (Subject Property). This site is not a permitted
3 Waste Tire Facility (WTF).

4 3. This site was storing approximately 800 tires without a minor waste tire permit
5 and was in violation of Title 14, California Code of Regulations (CCR), section 18420(a) –
6 Applicability, which requires every operator of a minor or major waste tire facility (WTF) that
7 stores, stockpiles, accumulates or discards waste tires to acquire a permit, and 14 CCR
8 section 17354 – vector control and outside storage regulations.

9 4. On December 21, 2004, the Kern County Environmental Health Services
10 Department, a Waste Tire Enforcement Grantee ("Inspector") of the CIWMB, conducted a
11 Waste Tire Facility Inspection of GUERO'S TIRES and observed approximately 700 waste
12 tires on the site. The tires were stored in a manner that violated the standards for facility
13 access and security, storage, fire prevention, and vector control.

14 5. A review of CIWMB records revealed that no application for a minor waste tire
15 facility was ever received from RESPONDENT.

16 6. A written report of the inspection and a Letter of Violation, dated December
17 28, 2004, was addressed and posted by U.S. Mail by the Kern County Environmental
18 Health Services Department INSPECTOR to Samuel Gutierrez, former Operator of Guero's
19 Tires, requesting that a Corrective Action Plan be submitted to the Grantee by January 28,
20 2005.

21 7. On March 23, 2005, the Grantee conducted a follow-up Waste Tire Facility
22 Inspection of GUERO'S TIRES and observed approximately 700 waste tires still on the site.
23 The tires were stored in a manner that violated the standards for facility access and security,
24 storage, fire prevention and vector control.

25 8. A written report of the inspection and a "Warning: Notice of Violation," dated
26 April 29, 2005, was addressed and posted by U.S. Mail by the Grantee to EDWIN ORTIZ,
27 Operator of GUERO'S TIRES requesting that a Corrective Action Plan be submitted to the
28

///

1 Grantee by May 15, 2005.

2 9. On May 23, 2005, the CIWMB conducted a Waste Tire Facility Inspection of
3 Guero's Tires and observed approximately 800 waste tires on the site. The tires were stored
4 in a manner that violated the standards for facility access and security, storage, fire prevention
5 and vector control.

6 10. Clean Up & Abatement Order 2005-010926-CAO dated July 15, 2005, was
7 issued by the CIWMB to JAMES HOLTZCLAW , Property Owner, AND EDWIN ORTIZ,
8 Operator of GUERO'S TIRES requesting that EDWIN ORTIZ, Operator either obtain a WTF
9 permit or remove all waste tires from his location by August 18, 2005. Copies of destination
10 receipts and waste tire manifests were to be submitted to the CIWMB on or before August 31,
11 2005.

12 11. On September 8, 2005, LEW ELLIOTT of the CIWMB conducted a follow up
13 Waste Tire Facility Inspection of this location and determined that more than 150 waste tires
14 were still located on site, and no copies of destination receipts and waste tire manifests and/or
15 WTF Permit application were received by the CIWMB for the 550 waste tires removed from the
16 site.

17 **ADMINISTRATIVE DECISION**

18 Good cause appearing therefore, the following Order is hereby made:

- 19 1) RESPONDENT, EDWIN ORTIZ d/b/a GUEROS'S TIRES; is ordered to pay an
20 administrative penalty of \$5,000.00 (five thousand dollars) to the California
21 Integrated Waste Management Board within 30 (thirty) days of the date of this
22 decision.

23 This DECISION shall become effective June 21, 2006.

24
25 DATED: 6.21.06

26 
MARGO REID BROWN

27 Chair
28 California Integrated Waste Management Board