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8 STATE OF CALIFORNIA

9 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

10 In the matter of:

11 PARKHOUSE TIRE SERVICE, INC.

12 TPID NO: 1000089-01

13 RESPONDENT.

**AMENDED ADMINISTRATIVE
DECISION PURSUANT TO
STIPULATION FOR WASTE TIRE
HAULER ADMINISTRATIVE
PENALTIES**

AGENCY NO: 2010-011110-ADC

14 **INTRODUCTION**

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19 The California Integrated Waste Management Board (CIWMB) is now the
20 Department of Resources Recycling and Recovery (CalRecycle). CalRecycle
21 succeeded to CIWMB's authority on January 1, 2010, pursuant to PRC section
22 40401(a)(1). CalRecycle has authority to regulate and conduct enforcement actions
23 regarding Waste Tire Haulers within the State of California under Public Resources
24 Code (PRC) section 42962 et seq. and attendant regulations contained in Title 14 of the
25 California Code of Regulations (CCR).

26 CIWMB served an Administrative Complaint and Request for Hearing form on
27 PARKHOUSE TIRE SERVICE, INC. on October 28, 2010, hereinafter, "Respondent".

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2. Of the 125 CTL Receipts received, Mr. Payan observed errors on the following 13, which culminated in a manifest error rate of 10.4% an error rate over the Stipulated 7% as indicated in the following chart:

CTL Receipt Number	Transaction Date	Receipt A, B & C	Error Type
4226409	--	A	Missing Load Date
4171742	08/01/2011	A	Both Pick Up and Delivery Box Checked
3271606	09/15/2011	A	Incorrect Load Date
3271811	09/26/2011	A	Both Pick Up and Delivery Box Checked
4328522	10/07/2011	A	Failed to Submit CTL Receipt to CalRecycle within 90 days
4240823	10/21/2011	C	Failed to Submit CTL Receipt to CalRecycle within 90 days.
4330013	11/01/2011	B	Missing Load Type
4362876	11/21/2011	B	Missing Load Type, Illegible Load Amount
3284922	11/28/2011	B	Both Pick Up and Delivery Box Checked
4370267	12/05/2011	A	Both Pick Up and Delivery Box Checked
4362931	12/06/2011	A	Illegible Load Amount
4328371	12/08/2011	B	Missing Load Type
4362841	12/21/2011	B	Missing Load Type

STIPULATED FACTUAL FINDINGS

3. The Administrative Complaint was executed by HEATHER L. HUNT, Staff Counsel III, CALRECYCLE, acting in her official capacity.

4. As detailed in the Administrative Complaint:

- a. On at least one occasion RESPONDENT failed to comply with PRC section 42951(a), by engaging in the transportation of more than nine waste tires without holding a valid Waste Tire Hauler Registration issued by CALRECYCLE, and without falling under a specific exemption listed in PRC section 42954.
- b. On at least one occasion RESPONDENT failed to comply with PRC section 42951(a), by engaging in the transportation of more than nine waste tires without holding a valid Waste Tire Hauler Registration issued by CALRECYCLE, and without falling into a specific exemption listed in PRC section 42954.

- 1 c. RESPONDENT failed to comply with PRC section 42961.5(c)(2) by
2 failing to submit Comprehensive Trip Logs (CTLs) to
3 CALRECYCLE on a quarterly schedule on 23 separate occasions
4 from March 13, 2009, through April 23, 2010,
5 d. RESPONDENT failed to comply with 14 CCR section 18459.2.1 by
6 failing to submit CTLs to CALRECYCLE within 90 days of the load
7 shipment on the same 23 separate occasions from March 13, 2009,
8 through April 23, 2010.
9

10 **STIPULATED CONCLUSIONS OF LAW**

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12 5. RESPONDENT is in violation of PRC section 42961.5 as well as 14 CCR
13 section 18459.2.1. CALRECYCLE's authority to assess administrative penalties against
14 RESPONDENT is set forth in PRC section 42962 et seq., and in 14 CCR section 18464.

15 6. Pursuant to 14 CCR section 18464, the penalty tables for waste tire
16 facilities, the penalty of \$24,000.00 is within CALRECYCLE's discretion.

17 **ORDER**

18 Good cause appearing, and in accordancw with the provision of Government
19 Code section 11520, subdivision (a). THE FOLLOWING ORDER is hereby made:

20 PARKHOUSE TIRE SERVICE, INC. shall pay the full administrative penalty of
21 \$24,000.00 minus any payments received within 30 days of this Decision.
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23 **RESPONDENT'S RIGHT TO FILE WRITTEN MOTION**

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

26 Within seven days after service on the respondent of a decision based on the
27 respondent's default, the respondent may serve a written motion requesting
28 that the 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

1 limited to, any of the following: (1) Failure of the person to receive notice
2 served pursuant to Section 11505. (2) Mistake, inadvertence, surprise, or
3 excusable neglect.

4 Dated this 11 day of September, 2012.



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7 MARK DE BIE
8 Deputy Director