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9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11
12 In the Matter of:

13 IN THE MATTER OF:
14 TRI-C TIRE RECYCLING, INC.

15
16
17 TPID NO: 1443267-01

18 RESPONDENT.

SUPPLEMENTAL ADMINISTRATIVE
DECISION FOR WASTE AND USED
TIRE HAULER ADMINISTRATIVE
PENALTIES

AGENCY NO. 2008-000003-REV
OAH NO. 2008060034

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21 In the Matter of:

22 TRI-C TIRE RECYCLING, INC; PERMITEE
23 RE: TRI-C TIRE RECYCLING, INC. DBA
24 LESTER TIRE; LESTER TIRE DBA TRI-C
TIRE RECYCLING, INC.

25 TPID NO: 1464553-01

26 ASSESSOR PARCEL NO: 062-0060-041-0

27 RESPONDENT.
28

AGENCY NO. 2008-000002-REV
OAH NO. 2008060070

1 **FACTS IN SUPPORT OF DEFAULT OF STIPULATION**

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3 1. In paragraph 27 of the Stipulation, RESPONDENT agreed to one hundred and
4 twenty thousand dollars (\$120,000.00) in administrative penalties. One hundred
5 thousand dollars (\$100,000.00) of these administrative penalties was to be held in
6 abeyance for three years, and would become payable in the event of default of the
7 stipulation. Twenty thousand dollars (\$20,000.00) was to be paid to CIWMB prior to
8 September 15, 2008. Furthermore, RESPONDENT agreed that "[i]f payment by
9 RESPONDENT hereunder is not received by within ten days of the due date, then
10 RESPONDENT shall be deemed in default of this STIPULATION."

11 2. Paragraph 27(a) of the Administrative Decision states:

12
13 "a) In the event RESPONDENT fails to pay the sum of \$20,000
14 to CIWMB by the due date, or any other amount in accordance
15 with the terms of the Stipulation, CIWMB may determine that a
16 breach of this Stipulation has occurred and demand immediate
17 payment of up to the \$120,000 administrative penalty."

18 3. To date, CIWMB had received no payment from RESPONDENT. Instead, on
19 September 23, 2008, RESPONDENT sent an email requesting a delay in the
20 Stipulation's payment schedule because RESPONDENT claims that their customers are
21 not paying them based on representations made by the CIWMB to their customers. On
22 September 24, 2008, CIWMB responded by email, requesting that RESPONDENT
23 provide specific reasons for needing the delay in writing together with substantiating
24 documentation, and submit them to CIWMB by October 1, 2008. No further
25 correspondence has been received from RESPONDENT.

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1 **LEGAL CONCLUSION**

2 Respondent has violated the terms of the Stipulation by failing to pay the twenty
3 thousand dollars (\$20,000.00) by September 15, 2008. The parties stipulated that
4 failure to comply with the Stipulation would result in a default or breach of the terms of
5 the Stipulation and would subject the Respondent to the waste and used tire hauler
6 penalty amount of one hundred and twenty thousand dollars (\$120,000.00) as
7 described in the Stipulation and Administrative Decision. RESPONDENT's request for
8 further delay in payment is denied because it was not substantiated by supporting
9 documentation.

10 **ORDER**

11 GOOD CAUSE APPEARING THEREFORE, the following order is hereby made:
12 TRI-C TIRE RECYCLING, INC. is ordered to pay an administrative penalty of one
13 hundred and twenty thousand dollars (\$120,000.00) less any payments already
14 received by the CIWMB.

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16 This DECISION shall become effective 11/13/08.

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18 Dated this 14th day of October, 2008.

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21 MARGO REID BROWN
22 Chair
23 CALIFORNIA INTEGRATED WASTE
24 MANAGEMENT BOARD
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1 **DECLARATION OF SERVICE BY CERTIFIED MAIL**

2 Case Name: In the Matter of: TRI-C TIRE RECYCLING, INC. and TRI-C TIRE RECYCLING, INC;

3 PERMITEE RE: TRI-C TIRE RECYCLING, INC. dba LESTER TIRE.

4 TPID Nos' 1464553-01 and 1443267; Agency Case No's. 2008-000002-REV and 2008-000003-REV;

5 OAH No's. 2008-060034 and 2008-060070.

6 I declare:

7 I am employed by the Legal Office of the California Integrated Waste Management Board, which is the
8 office of a member of the California State Bar under which member's direction this service is made. I am
9 18 years of age or older and not a party to this matter. I am familiar with the business practice of the
10 California Integrated Waste Management Board for collection and processing of correspondence for
11 mailing with the United States Postal Service. In accordance with that practice, correspondence placed in
12 the internal mail collection system at the Legal Office of the California Integrated Waste Management
13 Board is deposited with the United States Postal Service that same day in the ordinary course of
14 business.

15 On October 14, 2008, I served the following:

16 **SUPPLEMENTAL ADMINISTRATIVE DECISION FOR WASTE AND USED TIRE**
17 **HAULER ADMINISTRATIVE PENALTIES**

18 by placing a true copy in a sealed envelope with certified mail delivery postage thereon to be fully
19 prepaid, in the internal mail collection system at the California Integrated Waste Management Board,
20 addressed as follows:

21 Addressee(s):

22 Louis Gonzalez
WEINTRAUB GENSHLEA CHEDIAK
23 Law Corporation
400 Capitol Mall, 11th Floor
24 Sacramento, California 95814

25 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

Executed on the 14th day of October, 2008, at Sacramento, California.


Gloria Bell
Declarant