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7 STATE OF CALIFORNIA  
8 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
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10 In the Matter of:

11 WILLIE E. ABERNATHY A/K/A  
12 GENE W. ABERNATHY, OWNER  
13 AND OPERATOR  
14 d/b/a: G&W TRUCKING AND  
15 RECYCLING  
16 FACILITY NO.: 15-TI-1520  
17 RESPONDENT.

ADMINISTRATIVE DECISION FOR  
ADMINISTRATIVE PENALTIES  
ORDER SETTING LIABILITY  
Agency No: 2005-010900-ADH

18  
19 The California Integrated Waste Management Board ("CIWMB") served an  
20 Administrative Complaint and Request for Hearing form on WILLIE E. ABERNATHY  
21 a/k/a GENE W. ABERNATHY, OWNER AND OPERATOR d/b/a G&W TRUCKING  
22 AND RECYCLING (RESPONDENT), on September 14, 2005. RESPONDENT  
23 failed to file a Request for Hearing within fifteen days of service of the Administrative  
24 Complaint pursuant to Government Code 11505 (a). The matter shall be determined  
25 as a default pursuant to Government Code section 11520. The CIWMB takes action  
26 against RESPONDENT based upon evidence and affidavits that may be used  
27 without any notice to RESPONDENT.  
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1 **FACTUAL FINDINGS**

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

4 2. WILLIE E. ABERNATHY a/k/a GENE W. ABERNATHY, OWNER AND  
5 OPERATOR d/b/a G&W TRUCKING AND RECYCLING, is responsible for waste  
6 tires being stored at 18465 Shafter Avenue, Shafter, CA, Kern County, California  
7 (Subject Property). This site is not a permitted Waste Tire Facility (WTF).

8 3. This site is storing approximately 1,500 tires without a minor waste tire  
9 permit and is in violation of PRC section 42834 — Minor unpermitted Waste Tire  
10 Facility, Title 14 CCR, section 17353 — Vector Control, and section 17354—Waste  
11 Tire Storage.

12 4. On April 5, 2004, Mike Aranda of the Kern County Environmental  
13 Health Services Department (a Waste Tire Enforcement Grantee of the CIWMB)  
14 conducted a Waste Tire Facility Inspection of G&W TRUCKING & RECYCLING and  
15 observed approximately 1,500 waste tires on the site. The tires were stored in a  
16 manner that violated the standards for storage, and vector control.

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

19 6. A written report of the inspection and a Letter of Violation, dated April  
20 9, 2004 was addressed and posted by U.S. Mail by Mike Aranda of the Kern County  
21 Environmental Health Services Department (A waste tire enforcement Grantee of  
22 the CIWMB, hereinafter "Grantee") to MARK ABERNATHY , Jr., Owner and WILLIE  
23 ABERNATHY, Operator, of G&W TRUCKING AND RECYCLING, requesting that a  
24 Corrective Action Plan be submitted to the Grantee by May 21, 2004.

25 7. On May 24, 2004, the Grantee conducted a Waste Tire Facility Inspection of  
26 G&W Trucking and Recycling and observed more than 500 waste tires were still on the  
27 site.  
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1 8. A written report of the inspection and a Warning Letter of Violation, dated  
2 June 8, 2004 was addressed and posted by U.S. Mail by the Grantee to  
3 RESPONDENT, requesting that a Corrective Action Plan be submitted to the Grantee  
4 by July 9, 2004.

5 9. CIWMB Waste Tire Enforcement staff inspected the site on August 31,  
6 2004 and observed approximately 1,500 waste tires were still on the site. The tires  
7 were stored in a manner that violated the standards for fire prevention, site security,  
8 storage, and vector control.

9 10. A Clean Up and Abatement Order dated January 13, 2005, was issued by  
10 the CIWMB to RESPONDENT requesting they either obtain a WTF permit or remove all  
11 waste tires from this location by February 4, 2005. Copies of destination receipts and  
12 waste tire manifests were to be submitted to the CIWMB on or before February 11,  
13 2005. No copies of destination receipts and waste tire manifests or WTF Permit  
14 application were received by the CIWMB.

15 11. On February 24, 2005, Lew Elliott of the CIWMB conducted a follow-up  
16 Waste Tire Facility Inspection of this location and determined that more than 1,500  
17 waste tires were still located on site.

18 12. On June 23, 2005, Lew Elliott of the CIWMB conducted a second follow  
19 up Waste Tire Facility Inspection of this location and determined that more than 800  
20 waste tires were still located on site

21 **ADMINISTRATIVE DECISION**

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

- 23 1) RESPONDENT, WILLIE E. ABERNATHY a/k/a GENE W. ABERNATHY,  
24 OWNER AND OPERATOR d/b/a G&W TRUCKING AND RECYCLING0;  
25 is ordered to pay an administrative penalty of \$25,000.00 (Twenty-five  
26 Thousand Dollars) to the California Integrated Waste Management Board  
27 within 30 (thirty) days of the date of this decision.  
28 2) RESPONDENT, WILLIE E. ABERNATHY a/k/a GENE W. ABERNATHY,

1 OWNER AND OPERATOR d/b/a G&W TRUCKING AND RECYCLING, is  
2 ordered to remove all used and waste tires from 18465 Shafter Avenue,  
3 Shafter, CA, Kern County, California. RESPONDENT shall provide to the  
4 CIWMB, destination receipts for all used and waste tires removed.

5 This DECISION shall become effective November 8, 2005.

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8 DATED: 11-8-05



9 ROSARIO MARIN  
10 Chair  
11 California Integrated Waste  
12 Management Board  
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