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8 STATE OF CALIFORNIA

9 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

10
11 In the matter of:) ADMINISTRATIVE COMPLAINT
12) FOR WASTE TIRE HAULER
13 TIGRAN MATEVOSYAN DBA) ADMINISTRATIVE PENALTIES
14 UNIVERSAL TIRE & WHEELS CENTER) PUBLIC RESOURCES CODE
15 TPID NO: 1279168-01) SECTION 42950, ET SEQ.
16) AGENCY NO: 2014-011161-ADC
17)
18)
RESPONDENT)

19 **INTRODUCTION**

20 This Administrative Complaint For Waste Tire Hauler Administrative Penalties
21 (hereafter, "Administrative Complaint") is issued by the California Department of Resources
22 Recycling and Recovery (CALRECYCLE) to Tigran Matevosyan dba Universal Tire & Wheels
23 Center (RESPONDENT) seeking \$8,750.00. The California Integrated Waste Management
24 Board ("CIWMB" or also referred to as, the "Board") is now the California Department of
25 Resources Recycling and Recovery (CALRECYCLE). CALRECYCLE succeeded to CIWMB's
26 authority on January 1, 2010, pursuant to Public Resources Code (PRC) section 40401(a)(1).

27 Pursuant to PRC section 42962(c) and Title 14 California Code of Regulations (CCR)
28 section 18463, CALRECYCLE is authorized to issue administrative civil penalties to any

1 person on whom civil liability may be imposed. This Administrative Complaint is so issued
2 based on the following facts.

3 **STATEMENT OF FACTS**

4 1. CALRECYCLE has authority to regulate and conduct enforcement actions
5 regarding Waste Tire Facilities and Waste and Used Tire Haulers within the State of California
6 under PRC sections 42800 et seq., 42950 et seq., and attendant regulations contained in Title
7 14 of the California Code of Regulations (CCR), Chapter 6.

8 2. PRC section 42951(a) states, “[e]very person who engages in the transportation
9 of waste or used tires shall hold a valid waste and used tire hauler registration, unless exempt
10 as specified in Section 42954.”

11 3. PRC section 42952(a) states, in relevant part:

12 Except as provided in Section 42954, a person engaged in transporting
13 waste or used tires shall comply with all of the following requirements:

14 (1) The person shall be registered as a waste and used tire hauler with
15 the department [CALRECYCLE].

16 4. A “Used or Waste Tire Hauler” or “Hauler” is defined as, “any person engaged in
17 the transportation of used or waste tires, or tire casings, including haulers that the Department
18 approved as exempt from registration pursuant to Public Resources Code section 42954.”
19 (Title 14 CCR section 18450(34).)

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

24 6. Pursuant to PRC section 42961.5(c)(2):

25 Any waste and used tire hauler hauling waste or used tires for
26 offsite handling, altering, storage, disposal, or any combination thereof,
27 shall complete the California Uniform Waste and Used Tire Manifest as
28 required by the board [CALRECYCLE]. The waste and used tire hauler

1 shall provide the manifest to the waste or used tire facility operator who
2 receives the waste or used tires for handling, altering, storage, disposal,
3 or any combination thereof. Each waste and used tire hauler shall submit
4 to the board [CALRECYCLE], on a quarterly schedule, a legible copy of
5 each manifest. The copy submitted to the board [CALRECYCLE] shall
6 contain the signatures of the generator and the facility operator.

7 7. The "California Uniform Waste and Used Tire Manifest" is a form developed by
8 the Department [CALRECYCLE] pursuant to PRC section 42961.5 and is also referred to as
9 the "Comprehensive Trip Log" or "CTL." (14 CCR section 18450(11).)

10 8. Title 14 CCR section 18454(a) requires that, "any person hauling 10 or more
11 used or waste tires shall apply for a waste tire hauler registration, unless exempt." Subsections
12 (c) and (d) further provide that, "the initial waste tire hauler registration is valid form [sic] the
13 date of issuance to January 1 of the following year" . . . "[t]he waste tire hauler is not
14 authorized to haul used or waste tires after the January 1 expiration date unless the waste tire
15 hauler has applied to renew the waste tire hauler registration prior to expiration and has
16 received the Department issued renewal registration card(s) and vehicle decal(s)."

17 9. Title 14 CCR section 18460.2, subsections (b), (e), (h), provide that a registered
18 waste tire hauler shall complete a new CTL for each pick-up or delivery of any used or waste
19 tires, shall not transport used or waste tires without having a completed copy of the form, and
20 shall keep a copy of the completed CTL form.

21 10. Title 14 CCR section 18463, subsections (a), (b) and (d), provide that any waste
22 tire hauler who intentionally or negligently violates any permit, rule, regulation, standard,
23 requirement, or allows any violation or noncompliance with any permit, rule, regulation,
24 standard, or requirement pursuant to PRC section 42950 et seq. relating to the generation,
25 transportation, or disposal of used or waste tires, shall be liable for a civil penalty.

26 11. On or around November 10, 2011, RESPONDENT submitted a waste and used
27 tire hauler registration application for the 2012 application year. The 2012 hauler registration
28 expired on December 31, 2012.

1 12. On October 1, 2012, CALRECYCLE issued a letter to RESPONDENT informing
2 RESPONDENT that its Waste and Used Tire Hauler Registration would expire at the end of
3 the calendar year and that California regulations require that waste and used tire haulers
4 renew their registration 45 days before the calendar year ends, or by November 16, 2012. On
5 this same day, CALRECYCLE issued an additional letter informing RESPONDENT of the
6 "Zero Tolerance" policy applicable to the illegal hauling of waste or used tires without holding a
7 current and valid CALRECYCLE hauler registration after January 1, 2013. The letter warned
8 RESPONDENT that continuing to haul waste or used tires after the registration cancellation
9 date would subject him to possible enforcement and punitive actions, including civil fines of up
10 to \$25,000.00 per day.

11 13. On January 4, 2013, a hauler cancellation letter was issued to RESPONDENT.
12 The letter informed RESPONDENT that his Waste and Used Tire Hauler Registration had
13 expired at the end of the 2012 calendar year, and therefore was effectively cancelled. The
14 letter reminded RESPONDENT not to haul waste or used tires prior to being issued a current
15 2013 decal and registration certificate. The letter also reminded RESPONDENT of the
16 potential for enforcement and punitive actions for a failure to comply, including the imposition
17 of civil penalties and/or citation by law enforcement.

18 14. On or around March 15, 2013, approximately three months after
19 RESPONDENT's 2012 hauler registration had expired, RESPONDENT submitted a waste and
20 used tire hauler registration application for the 2013 application year. RESPONDENT's 2013
21 hauler registration was renewed on March 20, 2013.

22 **FIVE COUNTS OF UNREGISTERED HAULING**

23 15. On January 24, 2013, Tire Enforcement Agency (TEA) Inspector Jo Ann
24 Frampton, City of Los Angeles Bureau of Street Services, conducted a routine inspection of
25 Universal Tire & Wheels Center located at 5418 W Pico Blvd. Los Angeles, CA. During this
26 inspection, Inspector Frampton documented that RESPONDENT delivered at least five loads
27 of 10 or more waste tires to CRM Co., LLC, between January 1, 2013 and January 23, 2013,
28 during the time that RESPONDENT was not a registered waste and used tire hauler. As

1 documented in Inspection report I1-1216471, RESPONDENT was in violation of Title 14 CCR
 2 sections 18460.2 and 18461.

Weight Ticket No.	Violation	Passenger Tire Equivalents	Date Of Violation	Facility
66703	Unregistered Tire Hauling, 21-40 waste/used tires per load	38	January 7, 2013	CRM Co., LLC
66864	Unregistered Tire Hauling, 41-100 waste/used tires per load	43	January 10, 2013	CRM Co., LLC
66918	Unregistered Tire Hauling, 21-40 waste/used tires per load	40	January 11, 2013	CRM Co., LLC
67091	Unregistered Tire Hauling, 21-40 waste/used tires per load	39	January 17, 2013	CRM Co., LLC
67264	Unregistered Tire Hauling, 21-40 waste/used tires per load	39	January 23, 2013	CRM Co., LLC

12 **FIVE COUNTS OF MANIFESTING VIOLATIONS**

13 16. Between January 1, 2013 and January 23, 2013, RESPONDENT failed to
 14 complete and submit CTL forms to CALRECYCLE within 90 days of the pickup or deliveries of
 15 waste and/or used tires. Weight ticket receipts from CRM show the transportation of at least
 16 five loads of 10 or more waste or used tires to CRM Co., LLC.; however, RESPONDENT did
 17 not complete or submit CTLs to CALRECYCLE for these tire loads.

Weight Ticket No.	Violation	Transaction Date	Violation Date
66703	Non-submission of CTLs within 90 days of the first tire transaction	January 7, 2013	April 7, 2013
66864	Non-submission of CTLs within 90 days of the first tire transaction	January 10, 2013	April 10, 2013
66918	Non-submission of CTLs within 90 days of the first tire transaction	January 11, 2013	April 11, 2013
67091	Non-submission of CTLs within 90 days of the first tire transaction	January 17, 2013	April 17, 2013
67264	Non-submission of CTLs within 90 days of the first tire transaction	January 23, 2013	April 23, 2013

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1 Pursuant to PRC section 42962(c):

2 In addition to the civil penalty that may be imposed pursuant to subdivision
3 (a), the board [CALRECYCLE] may impose civil penalties administratively
4 in an amount not to exceed five thousand dollars (\$5,000) for each violation
5 of a separate provision or for continuing violations for each day that
6 violation continues, on any person who intentionally or negligently violates
any permit, rule, regulation, standard, or requirement issued or adopted
pursuant to this chapter. . .

7 Title 14 CCR section 18463, provides in relevant part:

8 Any waste tire generator, end-use facility, or waste tire hauler, or any party
9 or person who commits any of the following acts shall be liable for a civil
penalty:

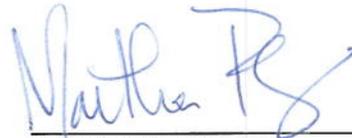
- 10 (a) Intentionally, or negligently violates any permit, rule, regulation, standard, or
11 requirement pursuant to Chapter 19 of the Public Resources Code relating to the
12 generation, transportation or disposal of used or waste tires.
- 13 (b) The aiding or abetting, or allowing of any violation, or noncompliance with any
14 permit, rule, regulation, standard, or requirement pursuant to Chapter 19 of the
15 Public Resource [sic] Code relating to the generation, transportation or disposal
of used or waste tires...
- 16 (c) Any violation of, or noncompliance with any order issued by the Department
17 [CALRECYCLE] or by a hearing officer or a court relating to the generation,
transportation or disposal of used or waste tires.
- 18 (d) Any false statement, misrepresentation, or omission of a significant fact or other
19 required information in the application for a waste tire hauler registration,
20 Manifest Form, Unregistered Hauler & Comprehensive Trip Log Substitution
21 Form, or in information regarding these matters subsequently reported to the
Department [CALRECYCLE].

22 Furthermore, Title 14 CCR section 18464 allows CALRECYCLE to impose
23 administrative penalties in accordance with the penalty table therein.

24 20. Title 14 CCR section 18464 authorizes the following penalties for the second
25 offense violation of PRC section 42951(a): \$750-\$1,250 for the unregistered hauling of 21-40
26 tires per load, and for violations of PRC section 42961.5, including but not limited to: CTL
27 violations, failure to submit the CTL to CALRECYCLE, missing information, incomplete
28 information, and false information, with penalties ranging from \$100-\$500 for each first offense.

1 Pursuant to the above referenced Public Resources Code and Government Code
2 sections, discovery requests by any party must be made within 30 days after the service of this
3 ADMINISTRATIVE COMPLAINT FOR WASTE TIRE HAULER ADMINISTRATIVE
4 PENALTIES.

5 Dated this 22nd day of July, 2014.
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8 MARTHA PEREZ
9 Attorney for
10 Department of Resources Recycling and
11 Recovery (CALRECYCLE)
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