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8
9 STATE OF CALIFORNIA

10 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

11 In the matter of:

12 REFUGIO R. PUENTE, OWNER;
13 ROBERT PUENTE, OPERATOR; R.
14 PUENTE TRUCKING INC. a/k/a PUENTE
15 TRUCKING.
16 TPID NO: 1368217-01

17
18 RESPONDENTS

ADMINISTRATIVE DECISION
PURSUANT TO STIPULATION FOR
WASTE TIRE HAULER
ADMINISTRATIVE PENALTIES

AGENCY No: 2006-010935-ADC

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20 The California Integrated Waste Management Board ("CIWMB") served an
21 Administrative Complaint and Request for Hearing form on Robert Puente d/b/a Puente
22 Trucking Inc., on July 9, 2006. REFUGIO R. PUENTE, OWNER AND ROBERT
23 PUENTE, OPERATOR; R. PUENTE TRUCKING INC. a/k/a PUENTE TRUCKING
24 ("RESPONDENTS") negotiated a Stipulation for Issuance of Administrative Decision
25 ("stipulation") with the CIWMB to resolve the issues in the Administrative Complaint.
26 Pursuant to the stipulation entered into by and between the CIWMB and
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1 RESPONDENTS and good cause appearing therefore, the following Stipulated Factual
2 Findings and Conclusions of Law are made, and the following Stipulated Order is
3 issued:
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5 **STIPULATED FACTUAL FINDINGS**

6 1. The Administrative Complaint was executed by WENDY BRECKON,
7 Senior Staff Counsel, CIWMB, acting in her official capacity.

8 2. REFUGIO R. PUENTE, OWNER AND ROBERT PUENTE, OPERATOR;
9 R. PUENTE TRUCKING INC. a/k/a PUENTE TRUCKING, are responsible for the
10 transportation of waste tires by a person not holding a valid waste tire hauler registration
11 from the CIWMB.

12 3. The CIWMB has authority to regulate and conduct enforcement actions
13 regarding Waste Tire Haulers within the State of California under PRC section 42950 et
14 seq. and attendant regulations contained in Title 14 of the California Code of
15 Regulations (CCR).

16 4. The CIWMB issued a letter of violation on June 14, 2000, informing
17 RESPONDENTS that if RESPONDENTS haul 10 or more waste tires, a CIWMB
18 registration is required by law.

19 5. Despite the letter of violation sent to RESPONDENTS, RESPONDENTS
20 hauled waste tires as an unregistered waste tire hauler in complete disregard of the
21 applicable waste tire hauler registration requirements as follows:

Manifest Number	Date of Transaction	Number of Tires
M9-1670617	12/27/04	21
M4-1670471	3/8/05	14
M4-1670661	3/26/05	34
M7-1670904	5/2/05	27
M2-1826063	8/04/05	11

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1 **STIPULATED LEGAL CONCLUSIONS**

2 6. RESPONDENTS are in violation of PRC section 42951, which makes it
3 unlawful to engage in the transportation of waste tires unless holding a valid Waste Tire
4 Hauler Registration, unless exempted as specified in PRC section 42954

5 7. The CIWMB's authority to assess administrative penalties against
6 RESPONDENTS as a waste tire hauler is set forth in PRC section 42962 and in Title 14
7 of the California Code of Regulations section 18464.

8 8. Pursuant to 14 California Code of Regulations section 18464, the waste
9 and used tire hauler penalty tables, the negotiated penalty of \$2,500.00, with \$1,500.00
10 stayed for two (2) years, is within CIWMB's discretion.

11 **ORDER**

12 Based on the aforementioned factual findings and legal conclusion the following
13 ORDER is hereby made:

14 a. REFUGIO R. PUENTE, OWNER AND ROBERT PUENTE,
15 OPERATOR; R. PUENTE
16 TRUhttp://www.yolocounty.org/org/HR/empopps/eptc.htmCKING INC. a/k/a PUENTE
17 TRUCKING are ordered to pay an administrative penalty of \$1,000.00 (one thousand
18 dollars) to the CIWMB according to the terms of the Stipulation.

19 b. RESPONDENTS shall apply for a waste tire hauler registration and
20 bond within 30 days of the date of this Decision Pursuant to the terms of the Stipulation.

21 This DECISION shall become effective September 18, 2006

22 Dated this 18th day of September, 2006.

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25 
26 MARGO REID BROWN
27 Chair
28 CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD