# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
# WASTE TIRE HAULER/MANIFESTING VIOLATIONS
# STIPULATION, DECISION, AND ORDER

Complainant, the California Integrated Waste Management Board and Respondent(s) hereby agree that the stipulation will be a final resolution of the violations alleged below. The parties stipulate to the following facts and violations of law:

**CIWMB ENFORCEMENT ORDER NUMBER:** 2009-000178-PEN

**RESPONDENT:** **Gaona's Tire**
145 S. 2nd Street
La Puente, CA 91744

**PUBLIC RESOURCES CODE (PRC) SECTION VIOLATED**: §42961.5 (c)(2)

**TITLE 14, CALIFORNIA CODE OF REGULATIONS (CCR) VIOLATED**: N/A

**DESCRIPTION OF VIOLATIONS:**
Between November 1, 2008 through April 18, 2009, **Gaona's Tire** submitted incorrect and/or incomplete manifests in violation of PRC Section 42961.5.

Pursuant to PRC §42961.5 (c) (2) Any waste and used tire hauler hauling waste or used tires for offsite handling, altering, storage, disposal, or any combination thereof, shall complete the California Uniform Waste and Used Tire Manifest as required by the board. The waste and used tire hauler shall provide the manifest to the waste or used tire facility operator who receives the waste or used tires for handling, altering, storage, disposal, or any combination thereof. Each waste and used tire hauler shall submit to the board, on a quarterly schedule, a legible copy of each manifest. The copy submitted to the board shall contain the signatures of the generator and the facility operator.

**DATE(S) OF VIOLATION**: November 1, 2008; January 7, 2009 and April 18, 2009

**STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE**

**TOTAL MONETARY PENALTY**: $150 **NUMBER OF COUNTS:** 3

**STATEMENT BY RESPONDENT(S):**

I acknowledge that the violation(s) of the Public Resources Code and/or Title 14, California Code of Regulations (CCR) described above and on Exhibit 1 attached, have occurred and request that the California Integrated Waste Management Board resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* at the bottom of this form and voluntarily waive any and all procedural rights to contest this matter in an Administrative Hearing. I have enclosed a check or money order made payable to the California Integrated Waste Management Board in the amount of the penalty described above. I understand that if there are not sufficient funds in my bank account when the check is deposited, CIWMB has the discretion to determine that this agreement is null and void, and can prosecute this allegation as if no agreement has been executed.

RESPONDENT has freely and voluntarily entered into this Stipulation, Decision, and Order (hereinafter "Stipulation"), and has been afforded the opportunity to consult with counsel prior to entering

into this Stipulation. It is expressly understood and agreed that no representations or promises of any kind, other than as contained herein, have been made by any party to induce any other party to enter into this Stipulation, and that said Stipulation may not be altered, amended, modified or otherwise changed except by a writing executed by each of the parties hereto.

This Stipulation constitutes the entire understanding of the parties concerning the settlement of this proceeding. There are no restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly set forth herein or contained in separate written documents delivered or to be delivered pursuant hereto, and each party expressly acknowledges that it has not relied upon any restrictions, promises, warranties, covenants, undertakings, or representations other than those expressly contained herein.

If necessary, this Stipulation may be executed in counterparts, each of which shall be an original, and all together shall form one agreement. In addition, for purposes of this Stipulation, facsimile signatures will be treated as originals until the applicable page(s) bearing non-facsimile signatures have been received by the parties.

The effective date of this Stipulation, Decision, and Order, is the date that the Board Chair signs it.

**Dated:** 7/20/09 **Signature:** Martin Gaona

Printed Name: Martin Gaona / Isidoro Gaona Rodriguez
Job Title: owner
Name and Address of Business Entity: ~~Martin~~ Gaona Tires, 145 S. 2nd Street La Puente, CA 91744
Any DBAs: _____

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**For California Integrated Waste Management Board Use Only**

**STATEMENT BY EXECUTIVE DIRECTOR:**

I have reviewed the above stipulation and recommend its approval

**Dated:** 7/22/2009 _____

**MARK LEARY, EXECUTIVE DIRECTOR**

**ORDER OF THE BOARD**

The foregoing stipulation has been adopted by the California Integrated Waste Management Board as its final decision and order and is effective upon execution below by the Chair of the California Integrated Waste Management Board.

**IT IS SO ORDERED:**

Dated: 7/29/09 _____

**MARGO REID BROWN, CHAIR**



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BY: SMP