

1 ELLIOT BLOCK SBN 116999
2 Chief Counsel
3 WENDY BRECKON SBN 182952
4 Senior Staff Counsel
5 Attorneys for Complainant
6 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
7 1001 I Street, 23rd Floor
8 P. O. Box 4025
9 Sacramento, CA 95812-4025
10 Telephone: (916) 341-6068
11 Facsimile: (916) 341-6082

12 STATE OF CALIFORNIA

13 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

14 IN THE MATTER OF:

15 JORGE L. HOLGUIN DBA LETTY'S TIRES

16 TPID NO.: 1004521-01

17 RESPONDENT.

18 ADMINISTRATIVE DECISION FOR
19 WASTE TIRE HAULER
20 ADMINISTRATIVE PENALTIES
21 PURSUANT TO STIPULATION

22 AGENCY NO: 2008-000041-DEN

23 OAH NO. 2009010350

24 IN THE MATTER OF:

25 JORGE L. HOLGUIN DBA LETTY'S TIRES

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27 RESPONDENT

28 INTRODUCTION

The California Integrated Waste Management Board (CIWMB) has authority to regulate and conduct enforcement actions regarding Waste Tire Haulers within the

1 State of California under Public Resources Code (PRC) section 42962 et seq. and
2 attendant regulations contained in Title 14 of the California Code of Regulations (CCR).

3 CIWMB issued the Statement of Issues for the Denial of the Waste and Used
4 Tire Hauler Registration pursuant to Public Resources Code section 42960 on
5 December 12, 2008, which was served on RESPONDENT on December 30, 2008. On
6 January 22, 2009, CIWMB served by certified mail the Administrative Complaint for
7 Waste Tire Hauler Penalties pursuant to Public Resources Code section 42962
8 together with a Motion to Consolidate the two cases. The motion was withdrawn, and
9 then renewed at the settlement conference held on February 3, 2009. The Office of
10 Administrative Hearings ordered consolidation of the cases.

11 To avoid the uncertainties of litigation, RESPONDENT negotiated a Stipulation
12 for Issuance of Administrative Decision for Waste Tire Hauler Administrative Penalties
13 ("Stipulation") with the CIWMB to resolve the issues in the Administrative Complaint.
14 Pursuant to the Stipulation, and good cause appearing therefore, the following
15 Stipulated Factual Findings and Conclusions of Law are made, and the following
16 Stipulated Order is issued:

17 **STIPULATED FACTUAL FINDINGS**

- 18 1. The Administrative Complaint was executed by WENDY BRECKON,
19 Senior Staff Counsel, CIWMB, acting in her official capacity.
- 20 2. RESPONDENT has been a registered waste tire hauler since 1999.
- 21 3. On or before October 12, 2008, RESPONDENT hauled at least 1,500
22 waste tires to Sky View Terrace Mobile Home Park, located at 12089 Lopez Canyon
23 Road, Sylmar, California 91342, an unauthorized waste tire destination facility pursuant
24 to PRC section 42951(b), and stored them at this location. RESPONDENT failed to
25 submit to the Board a California Uniform Waste and Used Tire Manifests (manifest or
26 Comprehensive Trip Log) for this load or loads of waste tires pursuant to PRC section
27

1 42961.5 to this unauthorized site. These waste tires subsequently burned in the tire
2 fire that occurred at this location on or about October 12, 2008.

3 4. CIWMB also alleged in the Administrative Complaint other violations
4 including manifesting violations and violations involving hauling to unauthorized
5 facilities. The parties agreed that for these allegations CIWMB could present a prima
6 facia case, and that RESPONDENT could present defenses and/or mitigating factors.

7 **STIPULATED LEGAL CONCLUSIONS**

8 5. RESPONDENT violated PRC section 42834 by transporting waste tires to
9 minor waste tire facilities or by accepting waste tires at minor waste tire facilities when
10 the operator has failed to obtain minor waste tire facility permits.

11 6. RESPONDENT violated Public Resources Code section 42951(b) by
12 hauling used or waste tires to an unpermitted facility.

13 7. RESPONDENT violated PRC section 42961.5, by failing to complete
14 manifests and/or failing to provide accurate information in manifests as required by the
15 board.

16 8. Based on 14 CCR section 18464, and the allegations in the Administrative
17 Complaint, CIWMB has the discretion to impose the negotiated penalty of \$30,000.00
18 where \$20,000.00 of this penalty is owed to CIWMB, and the remaining \$10,000.00 is to
19 be held in abeyance for three years, and will be imposed upon a default of the terms
20 and condition of the Stipulation.

21 **ORDER**

22 The CIWMB approves of, and adopts the terms of the Stipulation, and the
23 following order is hereby made:

24 1. JORGE L. HOLGUIN DBA LETTY'S TIRES is ordered to pay an
25 administrative penalty of \$20,000.00 (twenty thousand dollars) to the CIWMB according
26 to the terms of the Stipulation.
27
28

1 2. JORGE L. HOLGUIN DBA LETTY'S TIRES used and waste tire hauler
2 registration is denied for nine months beginning on January 1, 2009.

3 3. JORGE L. HOLGUIN DBA LETTY'S TIRES shall obtain a waste tire
4 facility permit as a condition precedent to the issuance of a CIWMB used and waste tire
5 hauler registration.

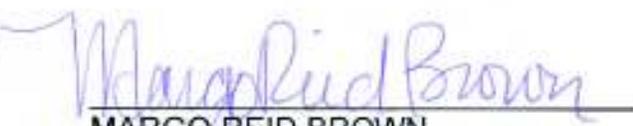
6 4. JORGE L. HOLGUIN DBA LETTY'S TIRES shall provide a complete
7 customer list to CIWMB, including all persons or businesses where RESPONDENT
8 picked up used or waste tires in the 2008 registration year.

9 5. JORGE L. HOLGUIN DBA LETTY'S TIRES shall comply with all waste
10 tire storage and hauler laws, including but not limited to 14 CCR section 18457(d).

11 6. JORGE L. HOLGUIN DBA LETTY'S TIRES shall produce manifests and
12 supporting documents upon request; and

13 7. JORGE L. HOLGUIN DBA LETTY'S TIRES shall comply with the
14 manifesting laws at Public Resources Code section 42961.5 and its implementing
15 regulations.

16
17 Effective 4th day of March, 2009


MARGO REID BROWN
Chair
CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD