# 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:** 2009-000165-PEN

**RESPONDENT:** Howell Tire Company
14034 Valley Forge Court
Fontana, CA 92336

**PUBLIC RESOURCES CODE (PRC) SECTION VIOLATED**: §42951(a)

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

**DESCRIPTION OF VIOLATIONS:**
Between January 6, 2009 and January 7, 2009, **Howell Tire Company**, either transported or allowed the transportation of at least two loads of waste/used tires in vehicles not authorized by CIWMB to transport waste/used tires. The hauler's 2009 renewal application needed to be received at the CIWMB by November 17, 2008, however it was not received until January 8, 2009. This renewal was then processed by CIWMB on the same day it was received, January 8, 2009. Pursuant to section 14 CCR 18455(c), the hauler's renewal application must be received at the CIWMB at least 45 days prior to the January 1st expiration date.

Pursuant to 30 PRC §42951 (a) Every person who engages in the transportation of waste or used tires shall hold a valid waste and used tire hauler registration, unless exempt as specified in Section 42954.

**DATE(S) OF VIOLATION**: January 6, 2009 & January 7, 2009

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

**TOTAL MONETARY PENALTY: $100** **NUMBER OF COUNTS: 2**

**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:** 5-2-09 **Signature:** David T. Howell

Printed Name: DAVID T. Howell
Job Title: owner
Name and Address of Business Entity: Howell Tire Co. 14034 Valley Forge St. Fontana, Ca 92336
Any DBAs:

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

**STATEMENT BY EXECUTIVE DIRECTOR:**

I have reviewed the above stipulation and recommend its approval

**Dated:** 5/12/2009

**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: 5/19/09

**MARGO REID BROWN, CHAIR**

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MAY 07 2009
BY: SMP