Mailed out 9-12-08

LINDA S. ADAMS
SECRETARY FOR ENVIRONMENTAL PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

ARNOLD SCHWARZENEGGER
GOVERNOR

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September 12, 2008

Sergio Gomez
Llantera Chicago
3522 Chicago Avenue
Riverside, CA 92507

RE: STIPULATED DECISION AND ORDER

Dear Mr. Gomez:

The California Integrated Waste Management Board (CIWMB) is in receipt of the CIWMB Stipulation, Decision, and Order, 2008-000031-PEN which you have signed and returned. We appreciate your timely response and your willingness to resolve this issue through this Streamlined Penalty Process. Enclosed you will find the Stipulation, Decision, and Order signed by both the Executive Director and the Board Chair.

We are agreeable to your request for a payment plan of $350.00/month to satisfy your financial obligation set forth in the Stipulated Decision and Order. Payments are due on or before September 26th. Any missed payments or a failure to pay may result in the Stipulated Decision and Order being rendered null and void and the re-imposition of additional penalties through the Administrative Hearing process.

In the future, should you have any questions or concerns about the waste tire hauler or manifesting requirements, please call our toll free number at (866) 896-0600 so that we can assist you and minimize the potential for future enforcement action.

Should you have any questions concerning this Stipulation, Decision, and Order, please call Keith E. Cambridge, Supervisor of the Tire Hauler Compliance Section at (916)341-6422

Sincerely,

Ted Rauh, Program Director
Waste Compliance and Mitigation Program

INTEGRATED WASTE MANAGEMENT BOARD

ORIGINAL PRINTED ON 100% POST-CONSUMER CONTENT, PROCESSED CHLORINE FREE PAPER

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: 2008-000031-PEN

RESPONDENT: Llantera Chicago
3522 Chicago Avenue
Riverside, CA 92507

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

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

DESCRIPTION OF VIOLATIONS:
From January 1 to January 11, 2008, Llantera Chicago, either transported or allowed the transportation of waste/used tires on at least 2 occasions in vehicles not authorized by the CIWMB to transport waste/used tires.

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 7, 2008 and January 11, 2008

STIPULATION DUE DATE: 15 DAYS FROM THE DATE OF SERVICE

TOTAL MONETARY PENALTY: $700 **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: 9-02-08 **Signature:** Sergio Gomez

Printed Name: SERGIO GOMEZ
Job Title: OWNER
Name and Address of Business Entity: LLANTERA CHICAGO 3522 CHICAGO AVE
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: 9/8/08 Rubia Black

for **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: 9/8/08 Margo Reid Brown

MARGO REID BROWN, CHAIR

RECEIVED
SEP 5 2008
Smp

STATE OF CALIFORNIA **APPROVAL TRANSMITTAL** **CIWMB 85 (Revised 5/2001)**	CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

This transmittal MUST be on all correspondence that are reviewed/approved /signed by Board Chair, Executive Director or Chief Deputy Director

** Please use the following colored folders: Red Folders for signature - Blue Folder for review **

Name of Document: **Streamlined Penalty Stipulation (Phase 3)/Sergio Gomez, Llantera Chicago**

NOTE: It is the originator's responsibility to enter each reviewer's name and title.

ORIGINATOR	Name: **Stephen Petty**	Division/Section: **WC&MP/CEED**	Date:**9-10-08**	Phone: **(916)341-6691**

ACTION: Please review the attached document, complete and sign the appropriate Reviewer Block and forward to the next Reviewer. If you are the last or only Reviewer, please return to the Originator. PLEASE DO NOT RETAIN FOR MORE THAN 2 WORKING DAYS.

1st Reviewer/Division Liaison	Name: **Keith Cambridge**	**Supervisor/Waste Tire Hauler Compliance Section**	
Comments: ___ Approved ___ Approved with noted changes____ Disapproved _____ Secretary:			
Reviewer's Signature:		Date: 9/10/08	Phone:

2nd Reviewer/Executive Director	Name: **Ted Rauh**	Date Rec'd:___ Log in ID & Initial:_____	
Comments: ___ Approved X Approved with noted changes___ Disapproved _____ Secretary: **Kelly Westenbarger**			
Reviewer's Signature:		Date: 9/10/08	Phone:

3rd Reviewer/	Name:	Date Rec'd:_____ Log in ID & Initial:_____	
Comments:____ Approved ____ Approved with noted changes_____ Disapproved _____ Secretary:_____			
Reviewer's Signature:		Date:	Phone: