Investigation Report

Prieto Landscaping LLC,

TG-240933

Stevin Peters

Solid Waste Compliance Investigations

March 2025

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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of this investigation is to determine whether Prieto Landscaping LLC. (Prieto or Company), a permitted common carrier with the Commission operated as a solid waste collection company for compensation on the public highways of the state of Washington without the necessary certificate required for such operations by Revised Code of Washington (RCW) 81.77.040.

Scope

The investigation focuses on information obtained by the Washington Utilities and Transportation Commission (Commission) Staff (Staff) relating to Prieto's collection and transportation of solid waste.

Authority

Under RCW 80.01.040, RCW 81.01.010, and Chapter 81.77 RCW, the Commission is required to regulate persons or companies engaged in transporting solid waste for compensation on public highways in Washington state. RCW 81.04.510 grants the Commission authority to begin special proceedings if it has reason to believe someone is operating without the necessary Commission approval. Relevant laws and rules are included in Appendix A.[1]

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[1] See attachment A for relevant laws and rules.

Overview

Staff determined that Prieto Landscaping LLC (Prieto or Company) violated RCW 81.77.040 between September 5, 2024, and October 24, 2024, by transporting solid waste at least 147 times without the necessary certification. The violations occurred as follows:

- **September 5, 2024, to October 24, 2024**: Prieto disposed of 72 loads of "non-Richland commercial construction/demo" materials at the Horn Rapids Landfill located at 3102 Twin Bridges Road, Richland, Washington.
- **September 5, 2024, to October 24, 2024**: Prieto disposed of 71 loads of municipal solid waste (MSW) materials at the Basin Disposal Transfer Station (1721 Dietrich Road, Pasco, Washington).
- **On or about October 23, 2024**: Prieto placed at least four drop-boxes at residential construction sites to be loaded by contractors. These drop-boxes were likely transported and disposed of at either Horn Rapids Landfill (3102 Twin Bridges Road, Richland, WA) or Basin Disposal Transfer Station (1721 Dietrich Road, Pasco, Washington).

Background

Company Information

The Washington Department of Revenue records show that Prieto is registered with the State of Washington Business Licensing Service under UBI number 604-342-711[2]. The record lists Rosalio Prieto as the governing individual. The company's physical and mailing address is 3526 East A Street, Pasco, Washington 99301.

Commission History

On October 4, 2023, the Company applied for a common carrier permit with the Commission that was subsequently approved on October 11, 2023.[3] The permit has remained active since its issuance. Before this case, the Company had one technical assistance case with the Commission.

Technical Assistance

RCW 43.05.005 expects all regulatory agencies to first seek voluntary compliance before initiating enforcement actions. Under RCW 43.05.010, the Commission provides technical assistance, including:

> (a) Information on the laws, rules, and compliance methods and technologies applicable to the regulatory agency's programs;
>
> (b) Information on methods to avoid compliance problems;
>
> (c) Assistance in applying for permits; and

[2]See attachment B for copy of Department of Revenue Record.
[3]See attachment C for a copy of the common carrier permit issued by the Commission.

(d) Information on the mission, goals, and objectives of the program.

On August 16, 2023, Staff witnessed Prieto disposing of construction waste on multiple occasions at the BDI Transfer Station at 1721 Dietrich Road, Pasco, Washington.[4] Further investigation revealed that Prieto had multiple drop-boxes at Pahlish Homes job sites. Inspection of those drop-boxes showed construction debris being loaded by construction contractors.

On August 24, 2023, Staff mailed a non-compliance letter to Prieto at its registered mailing address (3526 East A Street, Pasco, Washington 99301), with a Spanish translation also provided.[5]

On August 30, 2023, Staff spoke with a company representative, Christian Guerrero. The Company said it was going to do construction cleanup where they would bring a box daily to load all debris and subsequently haul the box away. The company was told it would need a common carrier permit.[6]

On August 31, 2023, Christian emailed Staff requesting to discuss the non-compliance letter.[7]

On September 28, 2023, Lio Prieto contacted staff via phone and requested a callback. Staff called and left a message on October 4, 2023, attempting to return the call.

On October 4, 2023, the Company applied for a common carrier permit, which was subsequently granted on October 11, 2023.

On October 17, 2023, Staff telephoned the Company and left a voicemail message indicating Staff had received information that the Company still had drop-boxes on site.[8]

On October 17, 2023, Staff sent a closure email to the Company indicating that the Company was provided technical assistance on solid waste regulations. The Company modified its business practices to conduct construction clean-up services, wherein the Company's employees would be loading the drop boxes and subsequently transporting them for disposal.[9]

On March 27, 2024, Staff received an illegal hauler report showing that Prieto had a drop-box at 11024 Court Street, Pasco, Washington.[10]

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[4] See attachment Q for the email Staff received with information of drop-boxes from Huesitos Landscaping dated October 13, 2023.
[5] See attachment D for a copy of the letter dated August 24, 2023, mailed to the Company.
[6] See attachment E for a copy of the phone conversation note on August 30, 2023.
[7] See attachment F for a copy of the email from the Company on August 31, 2023.
[8] See attachment G for a copy of the voice message note Staff left the Company on October 17, 2023.
[9] See attachment H for closure email Staff sent to the Company on October 17, 2023.
[10] See attachment I for the illegal hauler report received by Staff on March 27, 2024.

On July 31, 2024, Staff spoke with Lio Prieto via phone and sent a follow-up email addressing the open drop-boxes, which included steps that would need to be completed by August 29, 2024, to become compliant.[11]

On August 29, 2024, Staff had a phone call with Lio Prieto. Lio said that he would remove all drop-boxes from DR Horton homes in Pasco. He was informed that he must remove all drop-boxes providing illegal transportation of waste, not just drop-boxes from the DR Horton homes. Staff clarified that the Company could not leave drop boxes at any job site under its current permit. Lio confirmed that he would remove all drop-boxes from the sites no later than September 3, 2024. He was then informed that any future reports may result in enforcement action including monetary fines of up to $1,000 per box. Lio stated he understood and would comply. A follow-up email was sent confirming this information.[12]

On September 5, 2024, a closure email was sent to Lio Prieto covering the information discussed in the previous conversations and expectations for compliance as a construction cleanup service. This concluded with the technical assistance case for Prieto.[13]

Current Investigation

On October 23, 2024, Staff received an email from Becky Flores, from Dreamscape Masonry & Garden, LLC, indicating that Prieto continued to provide trash hauling services in violation of Commission regulations. Becky said that Prieto had removed the logos from their drop-boxes and provided photos that appeared to validate that claim. Staff initiated a new investigation with this information.[14]

On October 28, 2024, Staff received an email from Rebecca Francik of Basin Disposal with information that Prieto was again providing illegal solid waste transportation services. The email contained four images and addresses of Prieto drop-boxes containing construction debris.[15]

On October 28, 2024, Staff received an email from Mark Chidester of the Richland Solid Waste Division. This was a response to a request from Staff dated October 25, 2024, requesting information on Prieto's disposal activities at the Horn Rapids Landfill located at 3102 Twin Bridges Road, Richland, Washington. The record indicates that Prieto disposed of a material labeled "NRCOMTON" 72 times between September 5, 2024, and October 24, 2024. Mark clarified that "NRCOMTON" is "Non-Richland commercial construction/demo."[16]

On March 4, 2025, Staff provided technical assistance to Lio Prieto who was inquiring about an alternative cleanup business model. Staff informed the Company that its proposed new cleanup

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[11] See attachment J for a copy of the phone conversation note dated July 31, 2024.
[12] See attachment K for a copy of the phone/email conversation note dated August 29, 2024.
[13] See attachment L for a copy of the closure email sent to the Company on September 5, 2024.
[14] See attachment M for the email Staff received from Becky Flores on October 23, 2024.
[15] See attachment N for the email Staff received from Rebecca Francik on October 28, 2024.
[16] See attachment O for the email Staff received from Mark Chidester of Richland Solid Waste on October 28, 2024.

business model would likely be considered solid waste transportation and would require a solid waste certificate. [17]

Staff Findings and Recommendations

Staff Findings:

Staff determined that Prieto knowingly violated RCW 81.77.040, on **at least 147 occasions,** by engaging in the business of transporting solid waste for compensation without obtaining the necessary certificate from the Commission. Specifically, between September 5, 2024, and October 24, 2024, Prieto operated as a solid waste collection company, as follows:

1. **September 5, 2024, to October 24, 2024**: Prieto disposed of 72 loads of "non-Richland commercial construction/demo" materials at the Horn Rapids Landfill located at 3102 Twin Bridges Road, Richland, Washington.
2. **September 5, 2024, to October 24, 2024**: Prieto disposed of 71 loads of municipal solid waste (MSW) materials at the Basin Disposal Transfer Station (1721 Dietrich Road, Pasco, Washington).
3. **On or about October 23, 2024:** Prieto placed at least four drop-boxes at residential construction sites, allowing contractors to load them with construction debris. The drop-boxes were subsequently transported for disposal, most likely to Horn Rapids Landfill or Basin Disposal Transfer Station (1721 Dietrich Road, Pasco, Washington).

In this investigation, Staff documented Prieto's violations of RCW 81.77.040 after providing significant technical assistance on compliance with Commission regulations. The following factors were considered in determining the recommended penalty:

1. **How serious or harmful the violations are to the public:** These violations pose a serious risk to public safety and the environment. Uncertified solid waste companies create safety concerns for the public and pollute land, air, and water, lowering land values and harming environmental quality. Ensuring Companies transporting solid waste have the required training, equipment, and resources is in the public interest. Additionally, illegal transport operations harm revenues for certified solid waste companies that must comply with these regulations.
2. **Whether the violations were intentional:** Between August 16, 2023, and September 5, 2024, Staff provided Prieto significant technical assistance on their regulatory violations and provided information on how to become compliant. Rather than complying, Prieto continued to operate illegally immediately after the conclusion of the technical assistance case. In addition, one of the photographs provided to Staff was of a Prieto drop-box where the identifying label was missing. Staff believes this may have been done

[17] See attachment P for the email conversation between Staff and the Company on March 4, 2025.

intentionally to evade detection. Staff considers Prieto not operating in good faith based on this evidence, which intentionally violated Commission regulations.

3. **Whether the Company self-reported the violations**: The violations were not self-reported by the Company.
4. **Whether the Company was cooperative and responsive**: During the first investigation where technical assistance was given, Staff found the Company to be cooperative and responsive.
5. **Whether the Company promptly corrected the violations and remedied the impacts**: Staff has no knowledge of Prieto changing its business practices to comply with Commission regulations.
6. **The number of violations:** Staff documented at least 147 separate violations.
7. **The number of customers affected:** The documented violations affect certificate holders and customers in Benton and Franklin Counties.
8. **The likelihood of recurrence**: Given the ongoing nature of these issues, Staff believes the Company would likely continue to operate if not for Commission enforcement actions despite being provided technical assistance.
9. **The Company's past performance regarding compliance, violations, and penalties:** As noted, the Company received technical assistance before enforcement action, but did not voluntarily comply.
10. **The Company's existing compliance program**: Staff has no record of an existing compliance program for the Company.
11. **The size of the Company**: Staff does not have specific information on the Company's size, but believes it to be a smaller company, local to the Tri-Cities area.

Staff Recommendations:

Due to Prieto's actions in placing drop-boxes and transporting at least 147 loads of waste after being given an opportunity to comply, Staff finds the Company to have violated RCW 81.77.040 on 147 occasions.

Given Prieto's repeated non-compliance despite prior technical assistance, Staff recommends that the Commission institute a classification proceeding under RCW 81.04.510 to assess whether Prieto is operating as a solid waste carrier for compensation in Washington State without the required certificate. Additionally, Staff recommends that the Commission file a complaint seeking penalties of up to $1,000 per violation, as authorized by RCW 81.04.380. In this case, Staff recommends the Commission issue a penalty of $147,000, as authorized by law..

Attachments

Attachment A- Relevant Rules and
Attachment B - Deparment of Rever
Attachment C - Common Carrier Per
Attachment D - Non-Compliance Let
Attachment D - Non-Compliance Let
Attachment E - Phone Note Dated A
Attachment F - Email from Christian
Attachment G - Voice Note Dated O
Attachment H - Clousre Email to the
Attachment I - Illegal Hauler Repor
Attachment J - Phone Note Dated J
Attachment K - Email to Company D
Attachment K - Phone Note Dated A
Attachment L - Closure Email to Co
Attachment M - Email from Becky Flo
Attachment M - Prieto Dumpster Phc
Attachment N - BDI Transfer Station Dat
Attachment N - Email from Rebecca
Attachment O - Horn Rapids Landfil
Attachment O - Email from Mark Chi
Attachment P - Email Conversation
Attachment Q - Email from Huesitos

End of Report