



COUNTY OF SAN DIEGO SOLID WASTE HEARING PANEL

MINUTE ORDER OF WRITTEN DECISION TUESDAY, AUGUST 25, 2026, 9:00 A.M. San Diego County Administration Center 1600 Pacific Highway, Room 302, San Diego, 92101

SECV Inc., through its Authorized Representative, Samad Attisha (“Moving Party”) requested a hearing (filed June 9, 2026) to appeal the San Diego County Local Enforcement Agency’s (“LEA”) alleged failure to comply with the law when it issued its April 1, 2026 Notice and Order Re Penalty Assessment No. EA-2026-01 (hereinafter “NOPA”), which established a time schedule for SECV Inc. to bring the subject property (APN: 613-080-40-00: 42748 Old Highway 80, Jacumba, CA 91934, hereinafter “Property”) in compliance and ordered administrative penalties upon noncompliance with the with NOPA.

Notice of time and place of hearing was given as required by law.

The hearing was originally held July 9, 2026. At that time, Solid Waste Hearing Panel Member John Snyder recused himself based on a financial conflict, pursuant to Rule 5 of the Solid Waste Hearing Panel Rules and Regulations. In accordance with County Administrative Code section 860.2(3), the Clerk of the Board was notified of the recusal and appointed County Hearing Officer Robert Pearman to sit on the Panel as an Alternate.

The hearing was continued to August 25, 2026.

ACTION ON CONFLICT OF INTEREST/REQUEST FOR RECUSAL: ON MOTION of Alternate Member Robert Pearman, seconded by Member Jurg Hueberger, the Solid Waste Hearing Panel denied the Moving Party’s Conflict of Interest/Request for Recusal asking to disqualify LEA Counsel Gregory Lusitana.

Evidence to support finding: The Solid Waste Hearing Panel heard evidence and arguments from both the Moving Party and the LEA prior to taking action. The Moving Party did not allege and there was no evidence to support a prior or current attorney-client relationship between Mr. Lusitana and either Mr. Attisha or SECV Inc., or the prior

exchange of confidential information between Mr. Lusitana and either Mr. Attisha or SECV Inc.

ACTION ON APPEAL: ON MOTION of Alternate Robert Pearman, as modified by Chairman Desmond, and the modified motion seconded by Alternate Robert Pearman, the Solid Waste Hearing Panel made the following findings and decision:

1. Found the Moving Party had not complied with the LEA's orders 1 through 4 as stated on page 9 of the NOPA.
2. Upheld the NOPA with modifications to both the LEA's orders 1 through 4, and the administrative penalties, as stated on page 9 of the NOPA. The NOPA was modified in the following manner:

MODIFIED ORDERS:

1) Submit a corrective action plan (plan) designed and stamped by a California licensed civil or environmental engineer within one-hundred and eighty days (180) calendar days of August 25, 2026. The plan shall describe in detail, site investigation and remediation activities that will determine how disposed solid wastes will be removed from the site and/or recycled and include estimated timelines for completing the site investigation and remediation activities. The corrective action plan shall include an implementation schedule with estimated timelines for completing the remediation activities.

2) Submit a Community Health and Safety Plan for the proposed site investigation and remediation activities within one-hundred and eighty days (180) calendar days of August 25, 2026, to minimize potential community exposures to dust and other potential hazards from site excavation activities and/or releases of which may migrate off-site and ensure community awareness associated with the excavation activities.

3) Upon receipt of LEA approval for the corrective action plan and Community Health and Safety Plan, begin implementing the corrective action plan as described in the implementation schedule, with the understanding that the time needed for LEA to review and approve the submitted plans shall not be counted against the 180-day compliance deadline.

4) Complete and submit an LEA application that includes an initial processing fee of four (4) hours at the approved Environmental Health Specialist hourly rate, currently \$784.00 for fiscal year 25/26, with the corrective action plan and Community Health and Safety Plan.

MODIFIED PENALTIES:

The Solid Waste Hearing Panel reevaluated the LEA's NOPA administrative penalty amount based on the factors set forth in Public Resources Code Section 45016. Based on

its evaluation of the factors, the Solid Waste Hearing Panel reduced the penalty from \$750 per day to \$700 per day.

The penalties are calculated as follows: Penalties begin accruing on June 8, 2021. SECV Inc. would not incur penalties from June 9, 2026 through the effective date of the Solid Waste Hearing Panel's decision. Penalties would resume accruing on the effective date of the Solid Waste Hearing Panel's decision.

If the Moving Party complies with the NOPA orders 1 through 4 as modified by the Solid Waste Hearing Panel, within one-hundred and eighty days (180) calendar days of August 25, 2026, then all assessed penalties shall be abated in their entirety.

If the Moving Party does not fully comply with the NOPA orders 1 through 4 as modified by the Solid Waste Hearing Panel, within one-hundred and eighty days (180) calendar days of August 25, 2026, then all assessed penalties shall be imposed.

Evidence to support finding:

Both parties presented evidence and argument in support of their position, in addition to their submitted written materials. The Panel heard testimony from witnesses and received documentary evidence from both parties.

The Panel took official notice of Public Resources Code sections 40122, 40162, 44310, 45032, 45000, and Civil Code 3483, and County of San Diego Administrative Code section 860.8.

Evidence supported upholding the NOPA and that Moving Party had not complied with Orders. Evidence presented to re-evaluate the factors set forth in Public Resources Code Section 45016 and determine modified penalties were merited along with modified timing for compliance with the orders.

SO ORDERED.

Date: August 31, 2026

The County of San Diego Solid Waste Hearing Panel