



County of San Diego

AMY HARBERT
ACTING DIRECT

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
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REBECCA LAFRENIERE, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

March 3, 2021

Certified Mail # 7001 0320 0000 7437 7618

Mr. Samad Attisha
SECV Inc.
7640 University Avenue, Suite A
La Mesa, CA 91942

NOTICE AND ORDER 2021-01 (CEASE AND DESIST ORDER), 42748 OLD HIGHWAY 80, JACUMBA, CA 91934. APN: 613-080-40-00, SWIS# 37-CR-0132.

Dear Mr. Attisha,

The County of San Diego Department of Environmental Health and Quality (DEHQ) is the certified Solid Waste Local Enforcement Agency (LEA) for the County of San Diego (excluding the City of San Diego) and is responsible for the implementation of the Public Resources Code (PRC) and Titles 14 and 27 of the California Code of Regulations (CCR) at solid waste facilities and operations. Under this authority, the LEA is responsible for inspecting and verifying solid waste collection, handling and storage activities to determine if a solid waste facility permit or LEA oversight is required for any proposed solid waste handling operation or facility.

The LEA has determined that this site is accepting solid waste and operating an illegal disposal site without a permit in violation of PRC §44002. Also, operating a Limited Volume Transfer Operation (LVTO) and a Construction, Demolition and Inert Debris (CDI) processing facility in violation of 14 CCR Section §18103.1 Filing Requirements and §17383.4 Small Volume Construction and Demolition/Inert Debris Processing Operation.

As you are aware, the former property owner, Daniel Miller Family Trust had been issued a Notice and Order 2018-01 Corrective Action Order (Order) for operating an illegal disposal site in violation of PRC §44000.5 without a permit and PRC §44002 operating a solid waste facility without a permit. The Daniel Miller Family Trust (Miller) had not returned to compliance with the Order prior to the sale of the property. As the current property owner, a new Corrective Action Order will be issued to you. The Corrective Action Order will require that all illegally buried waste be excavated and removed from the site for legal recycling in a fully permitted disposal facility. Please be aware that on-site activity to prepare excavated wastes for transport **will** require further notification to the LEA, **workplan and LEA application.**

As the owner of a parcel that is accepting solid waste and operating a Small Volume CDI debris processing operation, Limited Volume Transfer Operation, and Illegal Disposal Site located at 42748 Old Highway 80 Jacumba, CA 91934, you are hereby ordered to immediately **cease and desist** the

acceptance of solid waste and the operations of a Construction, Demolition and Inert Debris operation, and a Limited Volume Transfer Operation activities in violation of section §44002 of the PRC and 14 CCR Division 7 Chapters 3.0.

In addition, the LEA has registered this illegal disposal site with the California Department of Resource Recycling and Recovery (CalRecycle) and has been issued a Solid Waste Information System (SWIS) number that requires quarterly site inspections.

FINDINGS

The LEA has been working with the County Planning and Development Service (PDS) Code Compliance to conduct a joint inspection on the property to evaluate site activities. Mr. Michael Johnson with Code Enforcement provided the LEA the email address of Mr. Vince Kattoula as the identified point of contact for the property owner. On June 24, 2020, Anthony Torres with the LEA emailed Mr. Kattoula the corrective actions required for the illegal disposal site and the need to schedule a site inspection. Mr. Torres also provided Mr. Kattoula a copy of the Notice and Order 2018-01 issued to the Daniel Miller Family Trust. On July 10, 2020, Mr. Johnson contacted Mr. Kattoula about the site inspection to include the Department of Environmental Health, now the Department of Environmental Health and Quality.

On August 28, 2020, Mr. Kattoula documented difficulties getting Mr. Miller off the property due to COVID-19 and a court closure eviction to Mr. Miller, and he requested a drive by be performed for the inspection and any pictures taken of the material be provided to Mr. Kattoula. On September 30, 2020, Mr. Johnson provided Mr. Kattoula and the LEA with the results of their drive by inspection and included a series of photographs that illustrated the operation of a solid waste processing and transfer operation.

On December 18, 2020, Ms. Melissa Porter with the LEA conducted a drive by inspection at 42748 Old Highway 80 Jacumba, CA 91934. Based on her observations, the property owner is receiving municipal solid waste, electronic waste, appliances, waste tires and metal from off-site sources along the front of the property. The property owner is also allowing the processing, generation, consolidating and transferring of municipal solid waste debris and recyclable material within the property for disposal and/or recycling. This is consistent with the photographs that were provided to the LEA back on September 30, 2020. In addition, these activities were not authorized to the previous property owner (Daniel Miller Family Trust). The operation of a Limited Volume Transfer Operations (LVTO) and a Small Volume CDI (CDI) Processing Operation will require the submission of the Enforcement Agency Notification (EAN) Form and application fees described below.

These operations would also be subject to routine unannounced quarterly inspections and an annual Health Permit Fee for each operation (currently \$2,638 for Fiscal Year 2020-2021) in addition to the application fees for each operation (currently \$662.00 for Fiscal Year 2020-2021) for a total amount of \$6,600.

ORDER

It is hereby ordered that Mr. Samad Attisha as property owner/operator 42748 Old Highway 80 Jacumba, CA 91934:

1. Immediately cease and desist receiving any solid waste.
2. Immediately cease the operation of a Small Volume CDI Debris Processing Operation and a Limited Volume Transfer Operation.

3. Within 10 days of receipt of this order, make the necessary arrangements to allow the LEA to conduct an inspection of this site **before March 31, 2021**.
4. Within 30 days of receipt of this order, provide a plan for review and approval that contains the necessary steps to direct haul of all **surface** waste to a permitted solid waste disposal site or approved recycling facility. Retain receipts of all waste and recyclable material removed off-site for submittal to the LEA to document proper disposal. **Submit DEH-LEA application (DEH: LEA-990) including associated fees \$612.00 for plan review and approval.**
5. Within 90 days after the receipt of this order, remove all municipal solid waste, electronic waste, appliances, waste tires, metals, construction and demolition debris, etc. to a permitted solid waste disposal site or recycling facility and provide the LEA with documentation for property management of the municipal solid waste and recyclables.
6. If you desire to operate a Small Volume CDI debris operation and a LVTO, submit within 30 days the following items to the LEA for review and approval:
 - a. Two (2) application packages for each both EA Notification: Small Volume CDI debris processing operation and LVTO (CIWMB Form 169 attached for your convenience).
 - b. For the Small Volume CDI debris processing operation, submit an operations plan pursuant to 14 CCR §17386 – Operations Plans.**
 - c. Two (2) DEH-LEA applications (DEH: LEA-990) including associated fees for LEA review of application package. For a single application, this fee is \$612.00 for each application plus the filing cost for the California Environmental Quality Act Notice of Exemption (\$50.00) for each operation.
 - d. Provide a written notification to the local planning department of the operator's intent to commence **one or both of these** operations.

PLEASE TAKE FURTHER NOTICE THAT:

1. A new Corrective Action Order will be issued to you. The Corrective Action Order will require that all illegally buried waste be excavated and removed from the site for legal recycling or legal disposal in a fully permitted disposal facility. On-site activity to prepare excavated wastes for transport **will require additional workplans to include an excavation/waste management plan, community health and safety plan, and associated fees for LEA review and approval of these plans. The processed and unprocessed inert debris (concrete/asphalt) also constitutes illegal disposal due to exceeding storage timelines and will be subject to future corrective actions for either reuse on-site or for off-site recycling or disposal.**
2. Pursuant to PRC Section 45011, the LEA has authority to administratively impose a civil penalty not to exceed five thousand dollars (\$5,000) for each day on which the violation occurs if compliance is not achieved within the time schedule set forth in the Notice and Order 13-03 to immediately Cease and Desist.

3. Pursuant to PRC Section 45014, 45023, and 45024, upon failure to comply with this Notice and Order 2021-01 to Cease and Desist, the LEA may petition the Superior Court to impose, assess, and recover civil penalties not to exceed ten thousand dollars (\$10,000) per day against any person who:
 - (a) Owns or operates a solid waste facility and who intentionally or negligently violates or causes or permits another to violate the terms and conditions of a solid waste facility permit or a standard, requirement, or order applicable to a solid waste facility;
 - (b) Operates a solid waste facility without a solid waste facility permit.
4. Pursuant to PRC Section 44307, an operator/owner has the right to appeal the Notice and Order to the LEA Hearing Panel within 15 days of receipt of the Notice and Order.

Nothing in this Notice and Order shall constitute or be construed as a satisfaction or release from liability for any condition or claims arising as a result of past, current or future operations of the Owner/Operator. Notwithstanding compliance with the terms of this Notice and Order, the Owner/Operator may be required to take further actions as are necessary to protect human health and safety and the environment.

This Notice and Order does not relieve the Operator and/or Owner from complying with all other local, state, and federal requirements. Permits or authorizations issued by the LEA and notifications accepted by the LEA pursuant to State law do not substitute for any necessary local jurisdiction's land use permits, and to not override any local zoning restrictions. Both local jurisdiction approvals and LEA approvals are needed, and your activities will be illegal unless both are obtained.

This Notice and Order may only be amended in writing by an appropriate representative of the County of San Diego, Solid Waste Local Enforcement Agency.

If you have any questions, make arrangements for a LEA site inspection or wish to meet with the LEA regarding this Cease and Desist Order please contact me at 858-495-5810.

Sincerely,



Ricardo M. Serrano, MS, REHS
Supervising Environmental Health Specialist
Solid Waste Local Enforcement Agency

Enclosure: EA Notification form CIWMB 169
LEA Application form DEH-LEA-990
Request for Hearing form LEA-108
Inspection Report 12/18/2020

Cc LEA File

Ec: Abel Martinez, CalRecycle
Vince Kattoula, Point of Contact for Property Owner

Daniel Miller, Previous Property Owner
Connor McGee, Planning Development Services
William Jacques, Air Pollution Control District
Doug Wylie, Regional Water Quality Control Board
Harley Thompson, CalRecycle Waste Tire Program
Christine Tolchin, Watershed Protection Program
Kelly Robertson, Certified Unified Program Agency
Rebecca Lafreniere, DEHQ
Rod Lorang, County Counsel

DECLARATION OF RICARDO M. SERRANO

I, Ricardo M. Serrano, hereby declare that I am informed and believe that the allegations in the attached **Cease and Desist Order** are true. I have been informed of the facts contained in this Cease and Desist Order by my staff that obtained the information through site inspections, personal interviews and file review. I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct, and this declaration was executed on March 3, 2021.



RICARDO M. SERRANO, MS, REHS
Supervising Environmental Health Specialist
Solid Waste Local Enforcement Agency