



County of San Diego

AMY HARBERT
DIRECT

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
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HEATHER BUONOMO, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

December 9, 2021

Certified Mail 7016 1370 0002 4478 6015

Daniel S. Miller
1411 N Magnolia Avenue
El Cajon, CA 92020

**SUBJECT: NOTICE AND ORDER FOR PENALTY ASSESSMENT No. 2021-04 for 42748
OLD HIGHWAY 80 JACUMBA, CA 91934, ASSESSOR PARCEL NUMBER (APN)
613-080-40-00**

Dear Mr. Miller,

The County of San Diego, Department of Environmental Health, Solid Waste Local Enforcement Agency (LEA) is issuing to you the attached Notice and Order for Penalty Assessment (NOPA) for failure to take necessary corrective actions to comply with the directives of the LEA Notice and Order 2018-01 for your property located at 42748 Old Highway 80 Jacumba, CA 91934.

Specifically, the site remains in violation of Public Resource Code, Sections §45000.5(a) and §44002(a)(1) for operating a solid waste disposal site without obtaining a solid waste facility permit. Additionally, the site remains in violation for not meeting the compliance schedule date of April 30, 2019 to remove all solid waste debris for disposal, process and reuse the inert debris stored on-site or transport off-site for disposal or further processing and recycling with an approved facility. Moreover, to not retaining sufficient documentation of the weight or volumes of the solid waste and/or recycled materials removed off-site for reuse or disposal as required under the Notice and Order 2018-01.

With the issuance of the attached NOPA, the LEA is assessing administrative penalties in the amount of one thousand dollars (\$1,000) for each day that the property owner's violation continues beyond the ordered deadline (April 30, 2019) pursuant to PRC §45011. The LEA site evaluation on July 18, 2019 and January 15, 2020 had confirmed the property owner had not ceased and desist all solid waste disposal activities and the inert debris on-site had not been processed, reused, disposed or recycled as directed on the Notice and Order.

Failure to take required corrective actions by the April 30, 2019 has resulted in 303 days past the due date resulting in the immediate assessment of three hundred and three thousand dollars (**\$303,000**) in administrative civil penalties. Failure to comply with the attached Notice and Order Penalty Assessment or to make reasonable progress to comply with the directives of the Order may result in the LEA immediately assessing additional penalties back to the initial issuance date of the

Notice and Order 2018-01 (March 6, 2018) as outlined in the LEA Notice and Order Corrective Action Order dated July 20, 2018.

The LEA has the authority to issue you the attached Notice and Order Penalty Assessment pursuant to Section 45011 of the public Resource Code. Please note that the issuance of this NOPA does not preclude the LEA from taking further legal action to ensure that the violations will be corrected.

A written request for a hearing before a local Hearing Panel concerning the administrative civil penalties being assessed against you may be submitted to the LEA within fifteen days of the receipt of the attached Notice and Order for Penalty Assessment. However, the appeal would be strictly limited to the conditional assessment of the administrative civil penalties and final compliance deadline, not the stipulations contained in the final corrective action orders previously issued by the LEA that you have failed to meet.

If you have any questions, please contact me at (858) 495-5810 or Mr. Anthony Torres of my staff at (858) 694-2608.

Sincerely,



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

Attachment: Notice and Order for Penalty Assessment 2021-04
Request for Hearing Form

- cc: Todd M. Abbott, Esquire
CalRecycle Via LEA Portal
LEA file
- ec: Vince Kattoula, Property Owner Point of Contact (without attachments)
Jose Cortez, Regional Water Quality Control Board (without attachments)
Paul Saldana, CalRecycle Waste Tire Program (without attachments)
William Jacques, Air Pollution Control District (without attachments)
Connor McGee, Planning Development Services (without attachments)
Christine Tolchin, Watershed Protection Program (without attachments)
Kelly Robertson, Certified Unified Program Agency (without attachments)
Heather Buonomo, DEHQ (without attachments)
Greg Lusitania, County Counsel (without attachments)