



County of San Diego

AMY HARBERT
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY
HAZARDOUS MATERIALS DIVISION
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HEATHER BUONOMO, REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

October 26, 2021

Samad Attisha, CEO
S.E.C.V. INC.
7640 University Ave, Suite A
La Mesa, CA. 91942

Dear Mr. Attisha,

On August 23, 2021 Leon Wirschem, a representative of the Department of Environmental Health & Quality (DEHQ) Hazardous Materials Division (HMD) met with you, Samad "Sam" Attisha, Vince Kattoula, District Attorney Investigators (DAIs) Mike Rabell and Robert Rounds, Gerardo Vargas with Planning and Development Services (PDS) Code Enforcement, Tony Torres and Milad Yacoub with the DEHQ Local Enforcement Agency (LEA) at your property located at 42748 Old Highway 80, Jacumba, CA 91934, APN: 613-080-40-00. Each agency discussed their reason for being present. The DEHQ Hazardous Materials Division (HMD) was present due to current allegations of unauthorized disposal of hazardous waste from a business on Magnolia Avenue in El Cajon dumped onto this property in Fall 2020. HMD also has an outstanding Notice of Violation for this property related to historical operations. You explained that this property was bought at tax assessor auction and after acquiring property the previous owner, Dan Miller, was contacted and was asked to remove his property. According to our conversation the property was accessed using a daisy chain lock. At that time, Miller or his employees removed functioning RV's, equipment, and other valuables. Miller reportedly offered you, Sam Attisha, a check in good faith for disposal of wastes on site, but that check was written to the wrong person and could not be used to aid in the cleanup. At the same time of property removal, a large amount of construction material waste was dumped onto this property.

Vince Kattoula showed me photos of the property prior to the dumping's. We then proceeded to that area of the property. While surveying the piles, some areas were identified with potential asbestos containing materials. Other piles of broken and unbroken fluorescent light tubes were also observed. I was informed there were some drums and other containers abandoned with unknown contents, including one on the far North of the property. DEHQ representatives proceeded to that area where we observed a drum labeled as racing fuel. This container was found to be approximately 1/3 full and was suspected to contain fuel/oil and water. The drum measured several hundred parts per million (ppm) on the photoionization detector (PID) indicating volatile organic hydrocarbons (VOCs) present. Guidance was provided for proper disposal using a registered hazardous waste hauler. Just south of this location and just north of the northernmost asphalt pile several abandoned wastes were observed including

automotive and household products, lead acid batteries and cleaning chemical. A sample was collected of cleaning chemical, field pH 13-14. The laboratory confirmed pH of 12.8, indicating the waste is a Federal RCRA D002 regulated corrosive waste.

DEHQ representatives returned to the area of the property near the entrance where there was an auto shop. We visited this area and observed a sign labeled Used Oil Collection Center near the facility entrance. At this location an abandoned drum was observed to contain waste. The drum was sampled, determined to contain red dye diesel fuel and water. Other wastes were also observed in this area.

We then visited the area of the property with piles of construction debris and fluorescent bulbs. A mercury vapor analyzer was used and detected mercury near the ground surface near some of the broken bulbs. Two samples were collected in this area, sample headspace monitored and ranged from 90 to >200 ug/m³ (device max) to indicate mercury has been released. Air monitoring at 1' above headspace had no measurable readings. Two unbroken 4' tubes were also collected as evidence. These wastes were determined to be M005 regulated mercury listed wastes. Laboratory tests confirmed the presence of mercury.

Nearby the pile of fluorescent bulbs were other piles which appeared to contain construction debris. A total of 9 samples were taken from 4 different piles to include a variety of broken up construction debris and included drywall, insulation, asphalt shingle and other white crumbly materials. Samples were taken to lab for analysis to determine if they contained asbestos. The samples collected did not contain asbestos according to the lab reports.

In summary, several wastes on site need to be properly contained, labeled, and disposed as hazardous waste. Based on the site visit and sample analyses there have been violations of the hazardous waste regulatory requirements, some of them summarized below. You may also want to refer to the Notice of Violation from inspection on March 25, 2021, to address compliance issues.

Violation 1: Failed to properly dispose of hazardous waste at an authorized facility. Disposal of hazardous wastes and universal wastes (UW) to an unauthorized point. HSC 25189.5(a); 25201(a), 22 CCR 66273.31(a), 66273.8(b). This was cited after the March 25, 2021, inspection (Violations 8, 10).

Corrective Action: Within 30 days provide a plan that ensures all Universal and Hazardous wastes including fluorescent bulbs and impacted soil, automotive wastes, cleaning chemicals, non-empty propane tanks, treated wood waste and chemicals such as those in the green bin (see attached photos) will be properly contained and legally disposed in a timely manner. There may also be some abandoned automotive wastes on your property outside the fence line. Soil below the bulb pile contains mercury and would normally be containerized for disposal as hazardous waste depending on analytical results for Title 22 metals and/or Toxicity Characteristic Leaching Procedure at a state certified hazardous waste testing laboratory. Provide DEHQ a copy of any analytical results used for your hazardous waste determination and all disposal records including hazardous waste manifests or bills of lading for any recycling. Provide written documentation of return to compliance upon completion.

Violation 2: Failed to manage universal waste in a manner to prevent release(s) to the environment. 22 CCR 66273.33; 66273.33.5. This was cited after the March 25, 2021, inspection (Violation 5).

Corrective Action: Ensure proper containment is provided for fluorescent bulbs as soon as possible. Handle bulbs in a manner that ensures bulbs are not broken to prevent any additional release of mercury. Provide written documentation of return to compliance upon completion.

Violation 3: Failed to properly minimize a release of hazardous waste, contain/label hazardous wastes. 22CCR 66265.31, 22CCR 66262.34(a)&(d)(2), 40 CFR 262.16. This was cited after the March 25, 2021, inspection (Violations 4, 6, 7, 9).

Corrective Action: As soon as possible provide leakproof containers and proper Hazardous Waste labeling for all hazardous wastes on site to prevent additional releases. Hazardous wastes on site include abandoned or disposed hazardous materials meeting any of the hazardous waste listings or characteristics. Provide written documentation of return to compliance upon completion.

Should you have any questions regarding this Official Notice, please contact Kelly Robertson, Enforcement Supervisor, at (619)778-2167 or Kelly.Robertson@sdcounty.ca.gov

Sincerely,

Leon Wirschem

Leon Wirschem, EHS III
Department of Environmental Health & Quality
Hazardous Materials Division

Enclosures: Photographs taken August 23, 2021, Analytical results and asbestos test results
Ecc:

Todd Abbott, Attorney for Dan Miller's Companies, tmabbottlaw@gmail.com
Anthony Torres, LEA, DEHQ
Gerardo Vargas, PDS Code Enforcement