

BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
STATE OF CALIFORNIA

In the Matter of:

SC PRODUCTS, INC., OPERATOR  
PROPERTY OWNER

Re: Peg Leg Road Waste Tire Site

Facility No. 37-TI-1262  
APN # 142-170-07-00

Respondent.

Case No. 2002-010403-ADH

OAH No. L2002110678

**DECISION**

On January 9, 2003, in San Diego, California, Alan S. Meth, Administrative Law Judge, State of California, Office of Administrative Hearings, heard this matter.

Jody Feldman, Staff Counsel, represented complainant.

Gus Deddes represented respondent.

The matter was submitted on January 9, 2003.

**FACTUAL FINDINGS**

1. On November 18, 2002, Jody Feldman, Staff Counsel, California Integrated Waste Management Board (hereafter, "Board"), filed a Complaint for Penalty against respondent SC Products, Inc., owner and operator of Peg Leg Road Waste Tire Site, seeking a \$2,000.00 civil penalty.

2. Stephen Dolan is an employee of the Board and assigned to the waste tire enforcement unit. In August 2000, he received information from the California Highway Patrol of a site in the Borrego Springs area that contained waste tires. On August 31, 2000, Dolan conducted an inspection of the site. In one section of the property, he observed approximately 116 tires, including 16 large, off-road tires used on heavy equipment. In

another area of the property, he observed approximately 900 tires laid out in a row, with about 100 of them being large, off-road tires.

Dolan conducted an investigation to determine ownership of the property. After checking with the local enforcement agency and the county recorder, he determined that respondent SC Products, Inc. was the owner. There was no operator of the property. Dolan obtained a mailing address (a post office box) and on September 14, 2000, sent respondent a letter and a copy of his report advising respondent it was in violation of Public Resources Code section 42833 and Title 14, California Code of Regulations, section 18420 for failing to have a permit for a minor waste tire site, and numerous regulations relating to fire prevention measures, facility access and site security, vector control, and storage of waste tires. On behalf of the Board, he requested respondent to reduce the number of waste tires stored at the location to less than 500 or to obtain a waste tire permit by October 31, 2000. He also advised respondent that all waste tires removed from the facility must be manifested on a Waste Tire Manifest form during shipment on a public road, all vehicles must display the Waste Tire Hauler Sticker on the driver's side door, and the Waste Tire Registration Certificate must be kept in the cab of each vehicle transporting waste tires. Dolan received no response to the letter.

3. Dolan inspected the property again on October 9, 2001 and found nothing had changed; the tires were still in the same location. He therefore sent a Clean Up and Abate Order to respondent by certified mail. Deddes signed the return receipt requested card acknowledging receipt of the document. The order required respondent to cease acceptance of any waste tires at the site, and to remove all waste tires from the premises by January 15, 2002, pursuant to a schedule. He advised respondent if these actions were not completed or complied with by the dates specified, the Board could petition a superior court to enforce the order and to obtain civil penalties.

4. Dolan returned to the Peg Leg Road Waste Tire Site on October 9, 2002 and found nothing had changed.

5. Neither SC Products, Inc. nor Deddes applied for a waste tire permit from the Board and the Board has not issued a waste tire permit to respondent or Deddes.

6. When the Board served the Complaint for Penalty by certified mail on respondent, Deddes signed the return receipt requested card.

7. The Peg Leg Road Waste Tire Site does not contain the fire prevention measures, facility access and storage, vector control measures, and safety measures required by the regulations.

8. The Peg Leg Road property was conveyed to respondent by grant deed dated July 2, 1979, and recorded in the official records of the San Diego County recorder on August 7, 1979.

9. On July 30, 1992, respondent entered into a land lease with John Porter which provided that Porter would lease the Peg Leg Road property for six years. Deddes signed the lease on behalf of respondent as the secretary. Thereafter, Porter brought in the tires and placed them on the property, intending to use them for flood control purposes. After 1998, Porter vacated the property. Deddes knew Porter had brought the tires to the property and knew they remained on the property after the lease expired.

10. Deddes testified at the hearing he believes the waste tires are located on property that is not owned by respondent, and he referred to a survey. He failed to establish the waste tires are located on property not owned by respondent.

### LEGAL CONCLUSIONS

1. Cause to impose a civil penalty on respondent SC Products, Inc. for violating Public Resources Code section 42834 for accepting waste tires at a waste tire facility without a permit, was established by Findings 2 through 5.

2. Cause to impose a civil penalty on respondent SC Products, Inc. for violating Title 14, California Code of Regulations, section 18420 for operating a waste tire facility without obtaining a permit from the Board, was established by Findings 2 through 5.

3. Cause to impose a civil penalty on respondent SC Products, Inc. for violating Title 14, California Code of Regulations, section 17351 for failing to comply with fire prevention measures, was established by Findings 2, 3, 4, and 7.

4. Cause to impose a civil penalty on respondent SC Products, Inc. for violating Title 14, California Code of Regulations, section 17352 for failing to prevent unauthorized entry to the site, was established by Findings 2, 3, 4, and 7.

5. Cause to impose a civil penalty on respondent SC Products, Inc. for violating Title 14, California Code of Regulations, section 17353 for failing to comply with vector control measures, was established by Findings 2, 3, 4, and 7.

6. Cause to impose a civil penalty on respondent SC Products, Inc. for violating Title 14, California Code of Regulations, section 17354 for failing to properly store the waste tires, was established by Findings 2, 3, 4, and 7.

7. Cause to impose a civil penalty on respondent SC Products, Inc. for failing to comply with the Clean Up and Abatement Order, was established by Findings 2, 3, and 4.

8. In consideration of the nature, circumstances, extent and gravity of the repeated violations, the absence of any effort by respondent to prevent, abate or clean up the conditions posing a threat to the public health or safety or the environment, and the prophylactic effect that imposition of a civil penalty will have on respondent, it is determined a civil penalty in the amount of \$2,000.00 is reasonable.

ORDER

1. The Board's request for a civil penalty in the amount of \$2,000.00 is granted.
2. Respondent SC Products, Inc. shall pay the sum of \$2,000.00 to the Board within 30 days of the issuance of this decision.

DATED: \_\_\_\_\_

---

ALAN S. METH  
Administrative Law Judge  
Office of Administrative Hearings