



1 CALRECYCLE to issue a complaint to any person that may be administratively liable.

2 This complaint is so issued based on the following facts.

3 **STATEMENT OF FACTS**

4 1. CALRECYCLE has authority to inspect, permit, regulate and conduct  
5 enforcement actions against Waste Tire Facilities (WTF) within the State of California  
6 under PRC section 42800, et seq., and attendant regulations contained in Title 14 of the  
7 California Code of Regulations (CCR).

8 2. On October 6, 2005, CALRECYCLE issued WTF Permit number 13-TI-  
9 0147 (permit) allowing RESPONDENT to operate a minor WTF at 600 South L Street,  
10 Imperial CA 92251 (site). According to the terms of the permit, RESPONDENT was  
11 required to comply with applicable waste tire storage and disposal standards contained  
12 in 14 CCR Division 7, Chapter 3, permitting requirements contained in 14 CCR Division  
13 7, Chapter 6, local fire prevention requirements, as set forth by the local fire control  
14 authority, and vector standards. The terms of the permit also required RESPONDENT  
15 to maintain a copy of RESPONDENTS' Emergency Response Plan, and fire and vector  
16 permits and approvals issued by the local authority onsite. Additionally, according to  
17 the terms of the permit, and pursuant to 14 CCR section 18426, the permit would expire  
18 on October 6, 2010, and any renewal application would need to be submitted to  
19 CALRECYCLE on or before September 2, 2009.

20 3. During the time period from October 6, 2005, May 9, 2010,  
21 RESPONDENT was never in possession of a valid major WTF Permit.

22 4. During an inspection of the site on October 11, 2007, and documented in  
23 Inspection Report number I6-1075491, by Daniel Silva, inspector for Imperial County  
24 Division of Environmental Health, in conjunction with the Imperial County Deputy Fire  
25 Marshall, Johnny M. Romero, RESPONDENT was issued a Notice of Violation (NOV)  
26 with a compliance deadline of November 11, 2007, for failing to post their Trip Program  
27 Identification Destination number onsite, for failing to comply with local fire safety  
28 standards, in violation of the permit and 14 CCR section 17351.

1           5.       On November 18, 2008, Mr. Romero sent a letter to RESPONDENT  
2 requiring him to remedy ongoing fire safety issues within 30 days of receipt of said  
3 letter; specifically the correspondence requested that RESPONDENT address the  
4 following: RESPONDENT'S failure to test and maintain fire extinguishers and fire  
5 sprinklers and hose; RESPONDENT'S storage of tires in the east end of the main  
6 building; RESPONDENT'S failure to remove or park all equipment and vehicles orderly  
7 in a designated area; RESPONDENT'S failure to comply with the 2007 California Fire  
8 Code and NFPA Standards pertaining to tires stored indoors; RESPONDENTS' failure  
9 to comply with the 2007 California Fire Code and NFPA Standards pertaining to tires  
10 stored outdoors; RESPONDENT'S failure to maintain designated Fire Lanes at a  
11 minimum of 20 feet wide and accessible at all times.

12           6.       During an inspection of the site on April 2, 2009, and documented in  
13 Inspection Report number I6-1068537, Mr. Silva issued a NOV to RESPONDENT,  
14 because he observed 27,000 waste tires on the site, in violation of the permit, and  
15 creating an unpermitted major WTF, in violation of PRC section 42824. Mr. Silva further  
16 found that RESPONDENT failed to update their Emergency Response Plan, in violation  
17 of the permit and PRC section 42850; failed to store tires in a warehouse that did not  
18 have proper fire equipment or adequate water supply, in violation of 14 CCR section  
19 17351; failed to maintain and provide to Mr. Silva a copy of the operational plan for the  
20 facility, in violation of the permit and 14 CCR section 18432; and failed to comply with  
21 local fire control authority standards as documented in the letter issued to  
22 RESPONDENT on November 18, 2008, and referenced in Paragraph 5 of this  
23 Administrative Complaint, in violation of the permit and 14 CCR section 17350 et. seq..

24           7.       On May 14, 2009, Mr. Silva submitted a referral package to the CIWMB,  
25 advising CIWMB that RESPONDENT continued to store over 4999 waste tires at the  
26 facility without having a major WTF Permit and in violation of the existing minor WTF  
27 Permit, as well as continuing to violate the requirements of the local fire control  
28 authority, the permit, and 14 CCR section 17350 et. seq.

1           8.       During an inspection on August 26, 2009, and documented in Inspection  
2 Report number I6-1058133, Vance Tracy, Inspector for the Waste Tire and Enforcement  
3 Division of the CIWMB, observed 16,241 waste tires at the site in violation of the permit,  
4 and thereby creating an unpermitted major WTF in violation of PRC section 42824. Mr.  
5 Tracy further found that RESPONDENT failed to store tires in a building that had a  
6 sprinkler system with adequate water supply, in violation of 14 CCR sections 17351 and  
7 local fire control authority requirements, as well as in violation of 14CCR sections  
8 17354, and 17356,.

9           9.       On January 28, 2010, CALRECYCLE issued Cleanup and Abatement  
10 Order number 2009-010984-CAO (CAO) on RESPONDENT. The CAO required  
11 RESPONDENT to reduce the number of waste tires stored on the site to 4,999 or less.  
12 The CAO further required RESPONDENT to cease and desist from creating illegal  
13 WTFs and to comply with "Local Fire Control Authority Requirements for all used and  
14 waste tires." The CAO further required RESPONDENT to submit a complete renewal  
15 application within 60 days of the date of the CAO if RESPONDENT wished to renew the  
16 permit.

17           10.      On February 4, 2010, Linda Garza, office assistant for RESPONDENT,  
18 contacted CALRECYCLE via telephone and spoke with Megan Fisher, of  
19 CALRECYCLE. Ms. Garza advised CALRECYCLE that RESPONDENT had received  
20 the CAO and requested assistance in understanding the terms contained therein; Ms.  
21 Fisher reiterated the terms of the CAO, advising Ms. Garza that RESPONDENT was  
22 required to remove tires on the property in excess of 4,999, and to bring operations into  
23 compliance with state minimum standards, permit requirements, and local fire safety  
24 standards. During the same telephone call, Ms. Fisher spoke to RESPONDENT;  
25 RESPONDENT advised Ms. Fisher that a plumber had attempted to rectify the fire  
26 safety issue, but the issue was unlikely to be resolved. RESPONDENT further advised  
27 Ms. Fisher that he would be unable to afford a sprinkler system as requested by the  
28 local fire control authority.

1           11.    On February 17, 2010, Mr. Tracy spoke with RESPONDENT via  
2 telephone. During that telephone conversation RESPONDENT stated that  
3 RESPONDENT had removed waste tires from the property. Mr. Tracy again advised  
4 RESPONDENT of the requirement to comply with local fire authority standards.  
5 RESPONDENT advised Mr. Tracy that RESPONDENT was considering filing a law suit  
6 against the local fire control authority for the actions they were taking against him.

7           12.    During an inspection of the site on March 9, 2010, and documented in  
8 Inspection Report number I5-1058529, Mr. Tracy observed waste tires being stored in a  
9 facility that did not have an adequate water supply and waste tires being stored in too  
10 close a proximity to fire hazards, in violation of local fire control authority prevention  
11 requirements, the permit and 14 CCR sections 17351 and 17354. Mr. Tracy further  
12 observed rain water accumulating in waste tires stored onsite, in violation of vector  
13 control requirements as set forth in the permit and 14 CCR section 17353(a). Mr. Tracy  
14 granted RESPONDENT an extension to comply with the CAO through May 9, 2010.

15           13.    On June 1, 2010, Juan Rodelo, Jr., of the Imperial County Fire  
16 Department, issued a Notice of Violation/Notice to Comply to RESPONDENT requiring  
17 RESPONDENT to comply with the 2007 California Fire code of NFPA Sections  
18 1,13,101, 221, 230 and 5000 by August 31, 2010. Said Notice specifically required  
19 RESPONDENT to meet requirements pertaining to fire extinguishers, indoor tire pile  
20 dimensions, fire evacuation/safety plan, outdoor tire pile dimensions, tire pile  
21 separation, distance measurements between tire piles and other stored products,  
22 distance measurements between tire piles and lit lines and buildings, storage of tire  
23 piles whose volume exceeds 150,000 cubic feet, location of tire piles, gate access to the  
24 WTF, automatic fire extinguishing system requirements, tire storage in trailers, a  
25 Conditional Use Permit issued to RESPONDENT by the City of Imperial, structures'  
26 compliance with current codes and regulations, all work at the WTF performed by  
27 licensed contractors and submitted the City of Imperial of approval.

28

1           14.     During an inspection of the site on June 8, 2010, and documented in  
2 Inspection Report number I1-1134648, Mr. Tracy, again observed that RESPONDENT  
3 continued to store tires in a location that did not have adequate water supply and failed  
4 to provide a "current and valid" fire control plan, in violation of local fire authority control  
5 requirements, the permit, and 14 CCR sections 17351 and 17354. Also during the  
6 inspection, RESPONDENT failed to provide Mr. Tracy with specific documents,  
7 including but not limited to an approved vector control plan, in violation of the permit and  
8 14 CCR section 18447.

9           15.     On September 1, 2010, Jorge Galvan, Planning Manager for the City of  
10 Imperial, issued a NOV to RESPONDENT, for failing to maintain a valid business  
11 license from the City, and to cease and desist all operations immediately. The Notice of  
12 Violation further notified RESPONDENT that the City could not issue a business license  
13 to RESPONDENT until prior violations had been remedied.

14           16.     On October 1, 2010, CALRECYCLE received renewal application forms  
15 from RESPONDENT requesting a renewal of his permit. CALRECYCLE deemed the  
16 application a new application, because the deadline for submitting a renewal application  
17 had passed. Moreover, upon review, CALRECYCLE deemed the application  
18 submission to be incomplete.

19           17.     On October 6, 2010, RESPONDENTS' permit expired pursuant to the  
20 terms stated within the permit and 14 CCR section 18426(a).

21           18.     During an inspection on October 19, 2010, and documented in Inspection  
22 Report number I1-1125421, Mr. Silva observed 3,580 tires on the site and determined  
23 that RESPONDENTS had created an unpermitted minor WTF, in violation of PRC  
24 section 42834. Mr. Silva further observed that RESPONDENT continued to store waste  
25 tires in a location that did not have an adequate water supply, in violation of local fire  
26 authority control requirements and 14 CCR sections 17351 and 17356. Mr. Silva further  
27 observed that RESPONDENT did not possess an approved vector plan for the site, in  
28 violation of 14 CCR 17353(a).

1  
2 **ALLEGATIONS OF SPECIFIC VIOLATIONS**

3 19. For at least two hundred fifty seven (257) days between February 4, 2010,  
4 and October 19, 2010, RESPONDENT failed to comply with the CAO, violated PRC  
5 section 42845, which require any person, upon order of CALRECYCLE, to clean up,  
6 abate or otherwise take remedial action at a waste tire facility.

7 20. On at least one occasion RESPONDENT violated PRC section 42834, by  
8 operating a minor waste tire facility without obtaining permit and 14 CCR section 18423  
9 by operating major or minor WTF without first submitting a completed Permit  
10 application.

11 21. On at least six (6) separate occasions RESPONDENT violated of 14 CCR  
12 17351, by failing to have adequate equipment to aid in the control of fires at the facility,  
13 specifically a dry chemical fire extinguisher, a 2.5 gallon water extinguisher, and dry  
14 chemical extinguishers with a minimum rating of 4A:40BC; failing to demonstrate to the  
15 local fire control authority that the facility possessed water supply capable of delivering  
16 at least 1000 gallons per minute for duration of at least three hours; and failing to  
17 comply with local fire control authority requirements for fire prevention measures.

18 22. On at least two (2) separate occasions RESPONDENT violated 14 CCR  
19 17353(a), by failing to maintain waste tires in a manner that prevents the breeding and  
20 harborage of mosquitoes, rodents, and other vectors and by failing to provide a vector  
21 control plan for the WTF approved by the Imperial County Vector Control District.

22 23. On at least three (3) separate occasions RESPONDENT violated 14 CCR  
23 section 17354 by failing to store waste tires in a manner consistent with outdoor tire  
24 storage requirements.

25 24. On at least two (2) separate occasions RESPONDENT violated 14 CCR  
26 section 17356 by failing to store waste tires in a manner consistent with indoor storage  
27 requirements.

28 25. On at least two (2) separate occasions RESPONDENT violated PRC  
section 42824 by creating a major WTF without first possessing a permit.



- 1 (1) The nature, circumstances, extent, and gravity of the violation.
- 2 (2) Evidence that the violation was willful or negligent.
- 3 (3) The good or bad faith exhibited by the party.
- 4 (4) History of violation of the same or similar nature.
- 5 (5) The extent to which the party has cooperated with the Department in
- 6 remediating or injury caused by his or her violation.
- 7 (6) The extent that the party has mitigated or attempted to mitigate any damage
- 8 or injury caused by his or her violation.
- 9 (7) Evidence of any financial gain resulting from the violation.
- 10 (8) Such other matters as justice may require.

11 33. Accordingly, CALRECYCLE hereby requests that an administrative  
12 penalty be assessed against RESPONDENT in the sum of two hundred and fifty seven  
13 thousand dollars (\$257,000.00).

#### 14 **RIGHT TO HEARING**

15 You are hereby notified that pursuant to the provisions of PRC section 42962(c)  
16 of the California Public Resources Code and Government Code section 11500 that you  
17 are entitled to a hearing to refute the allegations against you contained in this  
18 Administrative Complaint. **If you wish to have a hearing on this matter, you must**  
19 **complete and return the enclosed REQUEST FOR HEARING to our Legal Office**  
20 **within 15 days of receipt of this notice. Failure to complete and return the**  
21 **REQUEST FOR HEARING within 15 days will be deemed a waiver of your rights to**  
22 **a hearing.**

23 Pursuant to the above referenced Public Resources Code and Government Code  
24 sections, discovery requests by any party must be made within thirty days after the  
25 service of this Administrative Complaint.

26 Dated this 24<sup>th</sup> day of May, 2011.

27  
28   
HEATHER L. HUNT  
Staff Counsel III

1 STATE OF CALIFORNIA  
2 CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING & RECOVERY

3 In the matter of:

**REQUEST FOR A HEARING**

4 NORMAN L. MEEK OWNER and NORMAN  
5 L. MEEK DBA SO. CAL TIRE RECYCLING,  
6 INC., OPERATOR  
7 TPID NO: 1000139  
8 RESPONDENT

AGENCY NO: 2010-000048-ADA

9  
10  
11  
12 I, \_\_\_\_\_, in the above-entitled proceeding, acknowledge receipt of a  
13 copy of the ADMINISTRATIVE COMPLAINT FOR WASTE TIRE STORAGE  
14 ADMINISTRATIVE PENALTIES.

15 I hereby request a hearing to permit me to present my defense to the charges  
16 contained in said ADMINISTRATIVE COMPLAINT FOR WASTE TIRE STORAGE  
17 ADMINISTRATIVE PENALTIES.

18 All correspondence concerning this proceeding should be sent to the following  
19 address:

20  
21 (If you are represented by an attorney, all correspondence concerning this matter will be sent  
22 to the attorney.)

23 \_\_\_\_\_  
24 Address: Telephone:

25 City: State: Zip Code:  
26 \_\_\_\_\_

27 Signature: \_\_\_\_\_

28 Date: \_\_\_\_\_

Please send to:

CalRecycle Legal Office  
Attention: Gloria Bell  
P.O. Box 4025, MS 23-A  
Sacramento, CA 95812-4125



## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

### RIGHT TO A HEARING

Your are hereby notified that pursuant to the provisions of Section 42960 of the California Public Resources Code that you are entitled to a hearing to refute the allegations against you contained in the ADMINISTRATIVE COMPLAINT FOR WASTE TIRE STORAGE ADMINISTRATIVE PENALTIES. **If you wish to have a hearing on this matter, you must complete and return the enclosed REQUEST FOR HEARING to our Legal Office within 15 days of receipt of this notice. Failure to complete and return the REQUEST FOR HEARING within 15 days will be deemed a waiver of your right to a hearing.**

### HEARING PROCEDURES

If you request one, a hearing will be conducted before an Administrative Law Judge of the Office of Administrative Hearings of the Department of General Services, at one of their office locations throughout the State, upon the charges made in the ADMINISTRATIVE COMPLAINT FOR WASTE TIRE STORAGE ADMINISTRATIVE PENALTIES.

1. You may be present at the hearing.
2. You have the right to be represented by an attorney at your own expense.

You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel.



3. You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you.
4. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by applying to the Office of Administrative Hearings.
5. Pursuant to 1 California Code of Regulations, section 1032, parties are entitled, upon request, to be provided with the assistance of an interpreter if they do not proficiently speak or understand the English language. If you require the assistance of an interpreter, timely notice of this fact should be given to our office so that appropriate arrangements can be made.
6. You are hereby further notified that pursuant to the provisions of 14 CCR section 17050 et seq. the violations alleged against you may cause you to be placed on the CalRecycle's Unreliable Contractors, Subcontractors, Borrowers, and Grantees list. Placement on this list may prohibit you from obtaining contracts, loans, or grants from the CalRecycle for a period up to three years.
7. Continuances are not favored. If you need a continuance, write or call immediately to the Office of Administrative Hearings, 1350 Front Street, Suite 3005, San Diego, California 92101 (619) 525-4475. That agency has control of continuances. Requests without good cause will be denied.