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8  
9 STATE OF CALIFORNIA

10 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

11 In the matter of:

12 NORMAN L. MEEK OWNER and NORMAN  
13 L. MEEK DBA SO. CAL TIRE RECYCLING,  
14 INC., OPERATOR

15 TPID NO: 1000139

16 RESPONDENT

ADMINISTRATIVE DECISION  
PURSUANT TO STIPULATION FOR  
WASTE TIRE STORAGE  
ADMINISTRATIVE PENALTIES

AGENCY NO: 2010-000048-ADA

OAH NO: 2011-060816

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18  
19 **INTRODUCTION**

20 The California Department of Resources Recycling and Recovery  
21 (CALRECYCLE) has authority to regulate and conduct enforcement actions regarding  
22 Waste Tire Haulers and Waste Tire Facilities within the State of California under Public  
23 Resources Code (PRC) sections 42850 et seq. and 42962 et seq., and attendant  
24 regulations contained in 14 California Code of Regulations (CCR).

25 This Administrative Decision Pursuant to Stipulation For Waste Tire Storage  
26 Administrative Penalties is based on the Stipulation for Issuance of Administrative  
27 Decision for Waste Tire Storage Administrative Penalties (Stipulation) signed by  
28 NORMAN L. MEEK, AS NORMAN L. MEEK, INDIVIDUALLY, AND AS, SO. CAL TIRE

1 RECYCLING INC. (RESPONDENTS) on February 7, 2012, and RAJ SINGH,  
2 ATTORNEY, CHILDERS & ASSOCIATES, signed on February 6, 2012.

3 The Administrative Complaint For Waste Tire Storage Administrative Penalties  
4 (Administrative Complaint) was issued to RESPONDENTS on May 24, 2011.

5 RESPONDENTS requested a hearing on June 6, 2011. A hearing was scheduled for  
6 February 8<sup>th</sup> and 9<sup>th</sup>, 2012, in San Diego, California.

7 Pursuant to the Stipulation, and good cause appearing therefore, the following  
8 Stipulated Factual Findings and Legal Conclusions are made, and the following Order is  
9 issued:

10 **STIPULATED FACTUAL FINDINGS**

11 1. On October 6, 2005, the CIWMB issued WTF Permit number 13-TI-0147  
12 (permit) allowing RESPONDENTS to operate a minor WTF at 600 South L Street,  
13 Imperial CA 92251 (the site). According to the terms of the permit, RESPONDENTS  
14 were required to comply with applicable waste tire storage and disposal standards  
15 contained in 14 CCR Division 7, Chapter 3, permitting requirements contained in 14  
16 CCR Division 7, Chapter 6, local fire prevention requirements, as set forth by the local  
17 fire control authority, and vector standards. The terms of the permit also required  
18 RESPONDENTS to maintain a copy of RESPONDENTS' Emergency Response Plan,  
19 and fire and vector permits and approvals issued by the local authority onsite.  
20 Additionally, according to the terms of the permit, and pursuant to 14 CCR section  
21 18426, the permit would expire on October 6, 2010, and any renewal application would  
22 need to be submitted to CIWMB on or before September 2, 2009.

23 2. During the time period from October 6, 2005, to May 9, 2010,  
24 RESPONDENTS were never in possession of a valid major WTF Permit.

25 3. During an inspection of the site on October 11, 2007, and documented in  
26 Inspection Report number I6-1075491, by Daniel Silva, inspector for Imperial County  
27 Division of Environmental Health, in conjunction with the Imperial County Deputy Fire  
28 Marshall, Johnny M. Romero, RESPONDENTS were issued a Notice of Violation (NOV)  
with a compliance deadline of November 11, 2007, for failing to post their Trip Program

1 Identification Destination number onsite, and for failing to comply with local fire safety  
2 standards, in violation of the permit and 14 CCR section 17351.

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

14 5. During an inspection of the site on April 2, 2009, and documented in  
15 Inspection Report number I6-1068537, Mr. Silva issued a NOV to RESPONDENTS,  
16 because he observed 27,000 waste tires on the site, in violation of the permit, and  
17 creating an unpermitted major WTF, in violation of PRC section 42824. Mr. Silva further  
18 found that RESPONDENTS failed to update their Emergency Response Plan, in  
19 violation of the permit and PRC section 42850; failed to store tires in a warehouse that  
20 had proper fire equipment or adequate water supply, in violation of 14 CCR section  
21 17351; failed to maintain and provide to Mr. Silva a copy of the operational plan for the  
22 facility, in violation of the permit and 14 CCR section 18432; and failed to comply with  
23 local fire control authority standards as documented in the letter issued to  
24 RESPONDENTS on November 18, 2008, and referenced in Paragraph 6 of this  
25 Administrative Complaint, in violation of the permit and 14 CCR section 17350 et. seq..

26 6. On May 14, 2009, Mr. Silva submitted a referral package to the CIWMB,  
27 advising CIWMB that RESPONDENTS continued to store over 4999 waste tires at the  
28 facility without having a major WTF Permit and in violation of the existing minor WTF

1 Permit, as well as continuing to violate the requirements of the local fire control  
2 authority, the permit, and 14 CCR section 17350 et. seq.

3 7. During an inspection on August 26, 2009, and documented in Inspection  
4 Report number I6-1058133, Vance Tracy, Inspector for the Waste Tire and Enforcement  
5 Division of the CIWMB, observed 16,241 waste tires at the site in violation of the permit,  
6 and thereby creating an unpermitted major WTF in violation of PRC section 42824. Mr.  
7 Tracy further found that RESPONDENTS failed to store tires in a building that had a  
8 sprinkler system with adequate water supply, in violation of 14 CCR sections 17351 and  
9 local fire control authority requirements, as well as in violation of 14CCR sections  
10 17354, and 17356.

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

19 9. On February 4, 2010, Linda Garza, office assistant for RESPONDENTS,  
20 contacted CALRECYCLE via telephone and spoke with Megan Fisher, of  
21 CALRECYCLE. Ms. Garza advised CALRECYCLE that RESPONDENTS had received  
22 the CAO and requested assistance in understanding the terms contained therein; Ms.  
23 Fisher reiterated the terms of the CAO, advising Ms. Garza that RESPONDENTS were  
24 required to remove tires on the property in excess of 4,999, and to bring operations into  
25 compliance with state minimum standards, permit requirements, and local fire safety  
26 standards. During the same telephone call, Ms. Fisher spoke to RESPONDENT  
27 NORMAN L. MEEK; RESPONDENT NORMAN L. MEEK advised Ms. Fisher that a  
28 plumber had attempted to rectify the fire safety issue, but the issue was unlikely to be

1 resolved. RESPONDENT NORMAN L. MEEK further advised Ms. Fisher that he would  
2 be unable to afford a sprinkler system as requested by the local fire control authority.

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

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

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

1 compliance with current codes and regulations, all work at the WTF performed by  
2 licensed contractors and submitted the City of Imperial of approval.

3 13. During an inspection of the site on June 8, 2010, and documented in  
4 Inspection Report number I1-1134648, Mr. Tracy, again observed that RESPONDENTS  
5 continued to store tires in a location that did not have adequate water supply and failed  
6 to provide a "current and valid" fire control plan, in violation of local fire authority control  
7 requirements, the permit, and 14 CCR sections 17351 and 17354. Also during the  
8 inspection, RESPONDENTS failed to provide Mr. Tracy with specific documents,  
9 including but not limited to an approved vector control plan, in violation of the permit and  
10 14 CCR section 18447.

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

16 15. On October 1, 2010, CALRECYCLE received renewal application forms  
17 from RESPONDENTS requesting a renewal of RESONDENT SO. CAL TIRE  
18 RECYCLING, INC.'s permit. CALRECYCLE deemed the application a new application,  
19 because the deadline for submitting a renewal application had passed. Moreover, upon  
20 review, CALRECYCLE deemed the application submission to be incomplete.

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

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

1 further observed that RESPONDENTS did not possess an approved vector plan for the  
2 site, in violation of 14 CCR 17353(a).

3 **STIPULATED CONCLUSIONS OF LAW**

4 18. The parties stipulate to the following violations of law:

- 5 a. For at least two hundred fifty seven (257) days between February  
6 4, 2010, and October 19, 2010, RESPONDENTS failed to comply  
7 with the CAO, and violated PRC section 42845, which require any  
8 person, upon order of CALRECYCLE, to clean up, abate or  
9 otherwise take remedial action at a waste tire facility.
- 10 b. RESPONDENTS violated PRC section 42834 on at least one  
11 occasion, by operating a minor waste tire facility without obtaining a  
12 permit and 14 CCR section 18423 by operating major or minor  
13 WTF without first submitting a completed Permit application.
- 14 c. RESPONDENTS violated 14 CCR 17351, on at least six (6)  
15 separate occasions by failing to have adequate equipment to aid in  
16 the control of fires at the facility, specifically a dry chemical fire  
17 extinguisher, a 2.5 gallon water extinguisher, and dry chemical  
18 extinguishers with a minimum rating of 4A:40BC; failing to  
19 demonstrate to the local fire control authority that the facility  
20 possessed water supply capable of delivering at least 1000 gallons  
21 per minute for duration of at least three hours; and failing to comply  
22 with local fire control authority requirements for fire prevention  
23 measures.
- 24 d. RESPONDENTS violated 14 CCR 17353(a), on at least two (2)  
25 separate occasions by failing to maintain waste tires in a manner  
26 that prevents the breeding and harborage of mosquitoes, rodents,  
27 and other vectors and by failing to provide a vector control plan for  
28 the WTF approved by the Imperial County Vector Control District.

- 1 e. RESPONDENTS violated 14 CCR section 17354 on at least three  
2 (3) separate occasions by failing to store waste tires in a manner  
3 consistent with outdoor tire storage requirements.
- 4 f. RESPONDENTS violated 14 CCR section 17356 on at least two (2)  
5 separate occasions by failing to store waste tires in a manner  
6 consistent with indoor storage requirements.
- 7 g. RESPONDENTS violated PRC section 42824 on at least two (2)  
8 separate occasions by creating a major WTF without first  
9 possessing a permit.
- 10 h. RESPONDENTS violated PRC section 18420 on at least six (6)  
11 separate occasions by failing to comply with the terms of the  
12 permit.
- 13 i. RESPONDENTS violated 14 CCR section 18447 on at least two (2)  
14 separate occasions by failing to retain required records onsite for  
15 three (3) years.

16 **STIPULATED ORDER**

17 19. CALRECYCLE approves of, and adopts the terms of the Stipulation, and  
18 hereby orders RESPONDENTS to comply with the following terms, in accordance with  
19 the Stipulation:

20 (a) Pursuant to the terms and conditions of the Stipulation, and subject to the  
21 limitations hereunder, RESPONDENTS are ordered to pay an administrative penalty  
22 against RESPONDENTS and in favor of CALRECYCLE in the sum of two hundred fifty  
23 seven thousand dollars (\$257,000.00) for the violations set forth in the Stipulation.

24 Payment of the penalty shall be satisfied in the following manner:

- 25 i) RESPONDENTS shall pay twenty five thousand dollars  
26 (\$25,000.00) to CALRECYCLE in accordance with the following:

- 27 1. RESPONDENTS shall pay to CALRECYCLE the sum of  
28 ten thousand dollars (\$10,000.00) on or before the 30<sup>th</sup>  
day after the corresponding Administrative Decision is

1 issued, and

2 2. RESPONDENTS shall make monthly payments to  
3 CALRECYCLE of four hundred dollars (\$400.00) until the  
4 total amount of said payments together with the ten  
5 thousand dollars (\$10,000.00) set forth in subparagraph  
6 (a)(i)(1) equals twenty five thousand dollars (\$25,000.00).

7 3. All payments shall be made to CALRECYCLE, Attn:  
8 Esther Gallegos, at P. O. Box 4025, Sacramento, CA  
9 95812-4025, or to such other person and/or place as  
10 CALRECYCLE or its agent may from time to time  
11 designate in writing.

12 4. If any payment by RESPONDENTS hereunder are not  
13 mailed by RESPONDENTS to said addressee by the due  
14 date, or a date later issued by CALRECYCLE, and if  
15 RESPONDENTS fail to cure the missed payment(s)  
16 within 20 days of said missed payment, RESPONDENTS  
17 shall be found in partial default of the stipulation.

18 ii) Two hundred thirty two thousand dollars (\$ 232,000.00 dollars) of  
19 this administrative penalty shall be suspended and stayed for a  
20 period of five (5) years. The stayed penalty shall be deemed  
21 terminated and shall not be paid by RESPONDENTS to  
22 CALRECYCLE following the five-year period absent a default as  
23 described below.

24 iii) If RESPONDENTS default on any of the terms set forth in the  
25 Stipulation during the five-year period subsequent to the issuance  
26 of this Administrative Decision, the stay shall be lifted and  
27 RESPONDENTS shall immediately owe CALRECYCLE either all or  
28 part of the stipulated administrative penalty of two hundred fifty

1 seven thousand dollars (\$257,000.00) less any of that amount  
2 already paid to CALRECYCLE.

3 iv) If RESPONDENTS fail to make consecutive monthly payments for  
4 a three-month period, or fail to pay any amount immediately due  
5 arising from a full or partial default of the Stipulation,  
6 CALRECYCLE shall collect on the hauler bond currently issued to  
7 either RESPONDENT NORMAN L. MEEK, or RESPONDENT SO.  
8 CAL TIRE RECYCLING, INC.

9 (b) RESPONDENTS are ordered, within thirty (30) days of the issuance of  
10 this Administrative Decision, to grant an inspector for CALRECYCLE, or an agent  
11 thereof, access to the site to verify that no waste or used tires remain and that the site is  
12 closed;

13 (c) With regard to the 4099 McConnell Road, Brawley CA location,  
14 RESPONDENTS are ordered to do one of the following, and failure to do so may  
15 constitute a full default of the Stipulation and the full remaining amount of two hundred  
16 fifty seven thousand dollars (\$257,000.00) may become immediately due and payable:

17 (i) Within sixty (60) days of the issuance of this Administrative  
18 Decision, remove all waste and used tires from the current property  
19 located at 4099 McConnell Road, Brawley CA 92227 in accordance  
20 with the following:

21 1) All waste and used tires (including whole tires and/or tire  
22 equivalentents) shall be removed by a registered waste tire  
23 hauler. Manifests shall accompany each load of waste and  
24 used tires removed, and RESPONDENTS shall submit the  
25 manifests to CALRECYCLE within one hundred twenty (120)  
26 days of the issuance of the corresponding Administrative  
27 Decision.

28 2) After the sixty-day period has expired, RESPONDENTS  
shall grant an inspector for CALRECYCLE, or an agent



1 constitute a full default and the full remaining amount of two hundred fifty seven  
2 thousand (\$257,000.00) may become immediately due and payable;

3 (h) RESPONDENTS are ordered to not, in any capacity, operate or own a  
4 new or existing major or minor WTF without first obtaining a major or a minor WTF  
5 Permit from CALRECYCLE. If RESPONDENTS apply for a major or a minor WTF  
6 Permit, RESPONDENTS shall immediately pay CALRECYCLE an amount of fifteen  
7 thousand dollars (\$15,000.00) from any remaining abeyance monies still owed. If  
8 RESPONDENTS fail to pay the fifteen-thousand dollars (\$15,000.00) prior to submitting  
9 a completed major or minor WTF Permit, or if RESPONDENTS fail to submit a  
10 completed major or minor WTF Permit prior to operating or owning a new or existing  
11 major or minor WTF, such act shall constitute a full default and the full remaining  
12 amount of two hundred fifty seven thousand dollars (\$257,000.00) shall become  
13 immediately due and payable.

14 (i) Unless specified otherwise in the subsections above, failure to comply  
15 with any of the above terms shall constitute a partial default of the Stipulation and the  
16 abeyance amount determined by CALRECYCLE shall become immediately due and  
17 payable. CALRECYCLE shall base any abeyance amount due on the penalty amounts  
18 set forth in PRC sections 42850, 42850.1, 42962, and 14 CCR sections 18429 and  
19 18464, taking into account the nature, circumstances, extent and gravity of the partial  
20 default.

21 20. Default: If RESPONDENTS default under the terms of the Stipulation,  
22 CALRECYCLE shall send a Notice of Default to RESPONDENTS; said Notice of  
23 Default shall state the paragraphs or provisions of the Stipulation of which  
24 RESPONDENTS are in default and the abeyance amount owed. RESPONDENTS shall  
25 have fifteen (15) days from the date of the issuance of the Notice of Default to provide  
26 evidence refuting CALRECYCLE's claim of default. After a review of the evidence  
27 provided by RESPONDENTS, CALRECYCLE shall make a determination regarding the  
28 default and, if appropriate, shall issue a Supplemental Decision regarding any remaining  
penalties due. RESPONDENTS may appeal CALRECYCLE's determination and

1 subsequent Supplemental Decision within thirty (30) days of the issuance of the  
2 Supplemental Decision; any such appeal shall be heard by CALRECYCLE's Director, or  
3 an agent designated by the Director.

4  
5 The DECISION shall become effective as of the date signed below:  
6

7 Dated this 10 day of February, 2012.  
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9  
10 MARK DE BIE  
11 Deputy Director  
12 DEPARTMENT OF RESOURCES,  
13 RECYCLING AND RECOVERY  
14 (CALRECYCLE)  
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