

DEPARTMENT OF PUBLIC HEALTH



COUNTY OF SAN BERNARDINO
HUMAN SERVICES SYSTEM

ENVIRONMENTAL HEALTH SERVICES

[Redacted]

JAMES A. FELTEN, MPA
Public Health Programs Administrator

THOMAS J. PRENDERGAST, JR., MD
Director of Public Health

DANIEL J. AVERA, REHS
Chief of Environmental Health

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November 12, 2003

Ms. Linda Moulton-Patterson, Chair
California Integrated Waste Management Board

[Redacted]

Mr. Mark Leary, Executive Director
California Integrated Waste Management Board

[Redacted]

Subject: Nursery Products, LLC, Solid Waste Facility Permit 36-AA-0420

On November 7, 2003 our office received a letter from the City Attorney for the City of Adelanto (see attached). Based on this letter the LEA finds the Nursery Product application incomplete and requests the permit be taken off calendar at this time.

If you have any questions, please call me at (909) 387-4688.

Sincerely,

DANIEL J. AVERA, R.E.H.S.
Chief of Environmental Health Services

DJA:aop
Attachment

- cc: CIWMB Boardmembers
 Howard Levenson, Deputy Director-CIWMB
 Mark De Bie, Branch Manager-CIWMB
 Rick Oakley, Adelanto City Manager
 Jim Nehmans, Mayor of Adelanto
 Jeff Meberg, Nursery Products

[Redacted]

Board of Supervisors

BILL POSTMUS First District	DENNIS HANSBERGER Third Dist
PAUL BIANE Second District	FRED AGUIAR Fourth Distr



City of Adelanto

DEPARTMENT OF BUILDING AND SAFETY CODE ENFORCEMENT DIVISION

NOTICE OF VIOLATION

Date Issued: November 14, 2003

LOCATION OF PROPERTY: _____
ASSESSOR'S PARCEL NO: _____

NAME(S) AND ADDRESSES OF PROPERTY OWNER(S) AND/OR INTERESTED PARTIES:

1. Hibiscus Development Company, LLC _____

2. Nursery Products _____

3. Jeff Meburg _____

4. Jeff Meburg _____

During a recent inspection of the property referenced above, violations of the Adelanto Municipal Code, the Uniform Building Code and the conditions of approval of the Conditional Use Permit and Location and Development Plan No. 01-03 were observed. The following items were noted as being in violation and are required to be corrected within the time specified below to avoid further code enforcement action:

1. Fire hydrants have not been installed around the perimeter of the property, 300 feet or less apart, with water pressure not less than 1500 gpm, as required by Planning Commission Condition No. 10 and by the San Bernardino County Fire Department, the City's contract Fire Department. Blue dot identification on final pavement is also required for each hydrant installed. This is an immediate fire-safety issue, which was required to be completed prior to commencement of operation on the property. Compliance with this requirement must be commenced within 72 hours of this notice, or immediate measures must be taken to eliminate any fire-safety hazard on the property, including, but not limited to, cessation of operations on the property, and compliance with any other requirements of the Fire Department.
2. Construction of road improvements required by Planning Commission Condition No. 7, must be complete, including, particularly, pavement of Astor Road and curb and gutter. While this condition may allow the paving width requirement to be adjusted by the City Engineer, the paving and construction requirement has not been waived and must be commenced within ten (10) days of this notice.

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3. Street lighting must be constructed in accordance with City standards on all property perimeters which have adjacent streets, as required by Planning Commission Condition No. 12. Compliance must be commenced for installation of street lighting on Pansy Road within ten (10) days of this notice. All other required street lighting shall be installed concurrently with the completion of road improvements as set forth above.
4. Final inspection and occupancy permit must be obtained for the office/trailer on the property, as required by Planning Commission Condition No. 11 and the Uniform Building Code. You must immediately call for an inspection, and compliance with this requirement must be completed within ten (10) days of this notice, or the office/trailer must be vacated until occupancy has been permitted by the City.
5. Earthen berm required by the project mitigation measures is not at least 6 feet high in all locations. The berm must be reconstructed in accordance with the Planning Commission Mitigation Measure requiring the construction of a 6-8 foot earthen berm, which is a condition of project approval. The project is being operated in a manner which allows runoff from the site onto the public right of way and neighboring properties, and which constitutes a public nuisance. The earthen berm must be constructed to prevent all runoff from the composting operation and from the property. Compliance with this requirement must be commenced within ten (10) days of this notice.
6. Landscaping, including particularly oleander bushes, 6 feet in height, are required to be planted on top of the earthen berm, pursuant to the Planning Commission Mitigation Measure, which is a condition of project approval. This landscaping has not been planted. Compliance with this requirement must be commenced within ten (10) days of this notice.
7. The project approval does not allow treated wood products to be brought onto the property or to be introduced into the composting operation. The composting project approval only allows untreated, clean wood products and bio-solids to be brought onto the property. All treated wood products (including painted wood, laminated, and glued wood products must be removed from the property and from the composting windrows, within ten (10) days of this notice. No treated wood products may be brought onto the project site.
8. The project approval does not allow trash, junk, debris and other garbage to be brought onto the property or to be introduced into the composting operation. All trash (including, but not limited to, plastic bags, plastic products and materials, paper, junk and garbage) must be removed from the property, and from the composting windrows, within ten (10) days of this notice. No trash may be brought onto the project site.
9. The project is required to utilize a process which creates a hard crust over all of the compost windrows, which prevents odors from escaping, and prevents wind-borne dust and debris from leaving the property. The project is not being operated in accordance with the project description, and generates offensive odors, vectors (predominantly flies) and wind-borne dust and debris on surrounding properties and in the public right-of-way. The project must either be brought into compliance with the project description, within thirty (30) days of this notice, or operations must be terminated until such time as the

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project can be operated without creating offensive odors, flies and wind-borne dust and debris.

The above-referenced conditions on the property, and the failure of the project to comply with essential fire-safety and other environmental mitigation conditions constitutes a public nuisance on the property which will be abated by the City.

Prior to correcting the above-referenced deficiencies, you must obtain appropriate permit(s) from the City. The City must also be advised at all times of the measures being taken to achieve compliance.

This letter sets forth several deadlines by which compliance must be achieved or commenced. Failure to comply with any of the above-referenced requirements will result in abatement of the violations by the Code Enforcement Department, or the City Attorney, or their designee(s). Any costs, including administrative costs, attorneys' fees, court costs, and any other expenses borne by the City related to such abatement shall be a personal obligation of the property owner and/or tenant, and may be placed as a lien against the property.

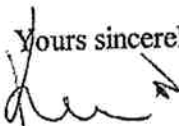
We have reason to believe other violations may exist on the property, and hereby request that you authorize the representatives of the City's Code Enforcement Division, the Fire Department, Department of Building and Safety, and other appropriate City personnel to conduct an inspection of the property within a week following this notice. If we do not receive your permission to conduct the inspection, the City will obtain an administrative inspection warrant, the expense of which will be a charge against the property owner and/or tenant, and may be placed as a lien on the property.

The City has further been informed that the project is being operated outside authorized hours. Hours of operation (including truck traffic delivering and removing composting material to and from the property) are strictly limited by a project mitigation measure to weekdays between the hours of 7:00 a.m. and 8:00 p.m. The operator has agreed to provide truck logs to confirm delivery times. We are requesting that all truck logs for the project be provided to the City within the next ten (10) days. The City will review those logs, and determine whether further action is required.

If you have any questions, you may contact this office at (760) 246-2300, extension 3005. All correspondence should be directed to the undersigned at the City of Adelanto Code Enforcement Division, 11600 Air Expressway, Adelanto, CA 92301.

We would appreciate your immediate attention to the matters set forth herein.

Yours sincerely,



Kevin Murphy, Sr. Code Enforcement Officer

cc: City Attorney
Building Official
City Manager
File