



AUGUST 27, 2015 – HAND DELIVERY REFUSED
AUGUST 28, 2015 – HAND DELIVERED

Mr. Jim Ratto
Mr. James Salyers
North Bay Corporation aka Redwood Empire Disposal and Timber Cove Recycling
P.O. Box 1916
Santa Rosa, CA 95402

Subject: North Bay Corporation aka Redwood Empire Disposal and Timber Cove Recycling Cease and Desist Order (LEA Order # 15-01)

Dear Mr. Ratto and Mr. Salyers:

The Local Enforcement Agency (LEA) is issuing you a Cease and Desist Order for violation of Public Resources Code Sections 44002, operating a solid waste facility without a valid permit and California Code of Regulations (CCR), Title 14, Section 17402.5, which requires a recycling center meet the following criteria: (1) all incoming materials must be separated for reuse; (2) putrescible waste in the incoming materials must be less than 1%; and the residual amount of solid waste in the separated for reuse materials be less than 10%.

You are required to cease and desist all activities that require a solid waste facility permit until you modify all operations to meet the criteria of a recycling center under CCR, Title 14, Section 17402.5 or until a solid waste facility permit that authorizes these activities is issued by the LEA.

Please contact me at (707) 565-6521 if you have any questions or would like to schedule a meeting.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine Sosko".

Christine Sosko, Director
Local Enforcement Agency Program Manager

c: Rita Scardaci, Director of Health Services
Jeff Berk, Sonoma County Counsel
Sue Markie, CalRecycle
Nevin Yates, CalRecycle

Attachment: LEA Order # 15-01

**CEASE AND DESIST ORDER
FOR NORTH BAY CORPORATION
LEA ORDER # 15-01**

Public Resources Code (PRC), Section 45005
Title 14, California Code of Regulations (14 CCR), Section 18304, et. seq.

TO RESPONDENTS:
Operator
North Bay Corporation
Attn: James Ratto, Owner/Operator
P.O. Box 1916
Santa Rosa, CA 95402-1916
Hand Delivered: August 27, 2015

Property Owners:
Redwood Empire Realty LLC
Attn: James Ratto
P.O. Box 1916
Santa Rosa, CA 95402-1916

James Ratto
P.O. Box 1916
Santa Rosa, CA 95402-1916

FACILITY:
Redwood Empire Disposal
3400 Standish Avenue
Santa Rosa, CA 95407
Assessor's Parcel Number 134-102-046

Timber Cove Recycling
3417 Standish Avenue
Santa Rosa, CA 95407
Assessor's Parcel Number 134-102-057

ISSUING AGENCY:
County of Sonoma
Department of Health Services
Environmental Health and Safety
Local Enforcement Agency
625 5th St.
Santa Rosa, CA 95404

DATE OF ISSUANCE: August 27, 2015

Statutory and Regulatory Authority:

The Sonoma County Department of Health Services, is designated as the Local Enforcement Agency (LEA) and certified by the California Department of Resources, Recycling and Recovery (Cal Recycle), pursuant to Division 30 of the Public Resources Code (PRC), section 43200 et seq and Title 14 of the California Code of Regulations (14 CCR), sections 18051 and 18084 to enforce state solid waste laws under PRC, Division 30 and regulations under Title 14, Division 7 and Title 27, Division 2 in Sonoma County.

LEA has authority under the Public Resources Code and the California Code of Regulations, Title 14 to issue this Order.

The LEA has the authority, pursuant to PRC section 45005, to order a person who is operating or proposes to operate a solid waste facility in an unauthorized manner, in violation of Division 30 of the PRC, who is operating without a solid waste facility permit or in violation of a solid waste statute or regulation to immediately cease and desist.

Facts:

On August 4, 2015, in response to a solid waste complaint from a member of the public which was referred from Department of Toxic Substance Control and CalRecycle, LEA staff conducted a site investigation at 3400 and 3417 Standish Avenue, Santa Rosa, CA 95407. Mr. James Salyers, North Bay Corporation Vice President, was contacted by phone regarding the complaint alleging the operation of an illegal Solid Waste Facility. Mr. Salyers made arrangements for LEA staff to conduct a facility investigation with Rick Holliday and Mike O Brian.

During the August 4, 2015 investigation/inspection, LEA staff observed several large piles of mixed solid waste from both commercial and residential recycling activities, stored at both the 3400 and 3417 Standish Avenue facilities. Residual material was located inside the building and under a canopy while other waste piles were located outside without overhead protection.

During the August 4, 2015 investigation/inspection, North Bay staff stated that the incoming recyclable material collected from the residential curbside customers in the blue bins is at least 50% mixed solid waste and much of the recyclable materials were contaminated with liquid and putrescible wastes.

On August 5, 2015, the LEA sent an email notice to North Bay Corporation requesting the completion of CIWMB Form 607, Voluntary Residual Percentage Reporting Form, to verify compliance as a Recycling Center as determined in CCR Title 14.

On August 7, 2015, North Bay Corporation submitted the Voluntary Residual Percentage Reporting Forms, to the LEA, certifying that the residual amount for the 3400 Standish Avenue site for July 2015 was 21% and the 3417 Standish Avenue site for July 2015 was 27%.

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On August 26, 2015, the LEA provided a copy of the August 4, 2015 investigation/inspection to North Bay Corporation, which cited the 3400 and 3417 Standish Avenue sites are not meeting the requirements of a Recycling Center and operating as an illegal solid waste facility with residual amounts in excess of 10%. (Exhibit III)

On August 26, 2015, the LEA conducted a reinspection at the 3400 and 3417 Standish Avenue sites in Santa Rosa, CA. During the reinspection, LEA staff observed several large piles of mixed solid waste from both commercial and residential recycling activities, green waste piles, and construction and demolition debris, stored at 3400 and 3417 Standish Avenue facilities.

On August 27, 2015, the LEA provided a copy of the August 26, 2015 reinspection to North Bay Corporation, which determined that the sites located at 3400 and 3417 Standish Avenue are not compliant with the requirements of a Recycling Center and operating as an illegal solid waste facility. (Exhibit IV)

Violations of Statute and Regulations:

CCR Title 14, Section 17402.5 (d) (2) states that Recycling Centers shall meet the following requirement: (1) A recycling center shall only receive material that has been separated for reuse prior to receipt. (2) The residual amount of solid waste in the separated for reuse material shall be less than 10% of the amount of separated for reuse material received by weight. (3) The amount of putrescible wastes in the separated for reuse material shall be less than 1% of the amount of separated for reuse material received by weight, and the putrescible wastes in the separated for reuse material shall not cause a nuisance, as determined by the EA.

The facility being operated by the North Bay Corporation is defined as a Solid Waste Facility under PRC section 40194, which states that a Solid Waste Facility includes a Solid Waste Transfer or Processing Station, a Compost Facility, a Gasification Facility, a Transformation Facility, and a Disposal Site. The facility is deemed to be operating a Transfer Processing Operation or Facility. As such, this facility requires a Solid Waste Facility Permit in accordance with PRC section 44001 in order to operate. CCR Title 27 section 21570 outlines the process for obtaining a solid waste facility permit.

The LEA has determined, based upon the facts above that the North Bay Corporation:

1. Has a residual greater than 10% and has failed to meet the requirements of a Recycling Center under CCR 14 section 17402.5 and is therefore subject to the Transfer/Processing requirements under CCR Title 14 Article 6.0.
2. Is in violation of PRC section 44002 for operating a Solid Waste Facility without a permit.

Specific Actions:

The North Bay Corporation shall take the specific actions ordered in the following compliance table by the dates set forth below:

Violation:	Actions to be taken by owner:	Compliance Deadlines:
PRC 44002	1. Cease and desist operating as a Solid Waste Facility/operation by modifying all operations to meet the criteria for a Recycling Center as set forth in CCR Title 14 Section 17402.5, which requires: all incoming materials to be separated for reuse; the putrescible waste in the incoming materials to be less than 1%; and the residual amount of solid waste in the separated for reuse material to be less than 10%.	1. Immediate and ongoing compliance is ordered.
PRC 44002	2. Cease and desist operating as a Solid Waste Facility until a Solid Waste Facility Permit has been issued for this site or the LEA has found that the operations meet the criteria of a Recycling Center as set forth in CCR Title 14 Section 17402.5, which requires: all incoming materials to be separated for reuse; the putrescible waste in the incoming materials to be less than 1%; and the residual amount of solid waste in the separated for reuse material to be less than 10%.	2. Immediate and ongoing compliance is ordered.
PRC 44002	3 (A). All solid waste materials must be removed to an approved facility, and no additional solid waste shall be received at the site until 1 and/or 2 above have been fully satisfied. 3 (B). Submit tonnage receipts for the material above verifying transport to a permitted facility.	3 (A). Within 10 days from receipt of this Order. 3 (B). Within 15 days from this receipt of this Order.
PRC 44002	4. Schedule an inspection with LEA to verify site compliance.	4. Within 15 days from receipt of this Order.

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Terms and Conditions:

Each and every item in the compliance table above shall be fully complied with in the time frame specified above.

The Order does not relieve North Bay Corporation from complying with all other local, state, and federal requirements, nor does it preclude the LEA or CalRecycle from taking any and all actions allowed by law.

Nothing in this Order shall constitute or be construed as a satisfaction or release from liability or any conditions or claims arising as a result of past, current, or future operations. Notwithstanding compliance with the terms of this Order, North Bay Corporation may be required to take further actions as necessary to protect public health and safety, or the environment.

The LEA shall not be liable for injuries or damages to persons or property resulting from acts or omissions by North Bay Corporation or related parties in carrying out activities pursuant to this Order, nor shall the LEA be held as a party to any contract entered into by North Bay Corporation or their agent(s) in carrying out activities pursuant to this Order.

This Order may only be amended in writing by and appropriate representative of the LEA.

Meeting Offered:

On August 25, 2015, the LEA and County Counsel met with North Bay Corporation and their Counsel to provide North Bay with an opportunity to discuss the violations referenced in this Order and to allow North Bay to discuss its concerns and possible actions to try to bring its operations into compliance with the law.

Please contact Christine Sosko, Local Enforcement Agency/Environmental Health Director at (707) 565-6546 if you wish to meet to further discuss this Order.

Notice of Penalties and Remedies:

The North Bay Corporation is notified, pursuant to PRC sections 45010.1, 45011, 45014, and 45023, that a failure to comply with the Specific Actions of this Order may result in one of more of the following penalties:

- Administrative civil penalties may be sought of up to \$5,000 per day per violation, pursuant to Division 30 PRC section 45011;
- Civil penalties may be sought of up to \$10,000 per day violation per violation in judicial civil penalties, pursuant to PRC sections 45023 and 45024.

The LEA may petition the Sonoma County Superior Court to enjoin the violations and impose other appropriate injunctive relief pursuant to PRC section 45014. Continued violation after obtaining injunctive relief may be punishable as Contempt of Court.

Please Take Notice:

Failure to remedy the violation(s) by the required date(s) may result in CalRecycle expending available funds to perform any cleanup, abatement, or remedial work required under the circumstances set forth in PRC section 45000 which, in the judgment of CalRecycle, is required by the magnitude of endeavor or the need for prompt action to protect public health and safety or the environment. If CalRecycle expends funds to perform any cleanup, abatement, or remedial work, CalRecycle may seek cost reimbursement from responsible parties, pursuant to PRC section 48020 et seq.

Failure to allow or provide CalRecycle or its contractor with access to enter onto the property and perform all necessary cleanup, abatement, or remedial work may result in CalRecycle pursuing a warrant from the court to permit reasonable access to the property to perform the activity(ies), pursuant to PRC section 44100.

Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations. Notwithstanding compliance with the terms of this Notice and Order, the owner and operator may be required to take further actions as necessary to protect the public health, safety, or the environment.

CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the owner or operator or related parties in carrying out activities pursuant to this Order, nor shall CalRecycle be held as a party to any contract entered into by the owner or operator or their agent(s) in carrying out activities pursuant to this Order.

Right to appeal:

Please take note that pursuant to PRC section 44307, you have the right to appeal this Order to a Hearing Panel/Hearing Officer. If you wish to appeal this Order please do the following:

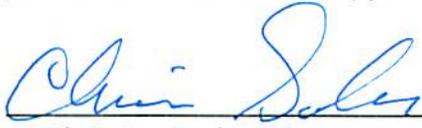
1. Request a hearing from the Sonoma County Solid Waste Independent Hearing Panel/Hearing Officer by submitting a completed Notice of Defense (Attachment 1) along with the written statement of issues providing the reason(s) why you should not be subject to the enforcement action, to the LEA, postmarked within 15 days of receipt of this Notice. (PRC section 44310)
2. Be available to participate in an appeal hearing before the Hearing Panel/Hearing Officer.

Pursuant to PRC section 45030, you have a right to appeal the Hearing Panel/Hearing Officer's decision to CalRecycle within 10 days from the date of issuance of a written decision by the Hearing Panel or if no decision is issued, within 45 days from the request for a hearing was received by the LEA.

North Bay Corporation Cease and Desist
August 27, 2015

An appeal of the Cease and Desist Order does not stay the effect of any provision of this Order. However, Pursuant to PRC section 45017, you may petition to CalRecycle, in writing, to stay the effect of this Order, or portion, pending the completion of administrative appeals before the Hearing Panel or CalRecycle.

Date: August 27, 2015

By: 
Christine Sosko, Director
Local Enforcement Agency

Attachments: Exhibit I Declaration- Notice of Defense; Jennifer Lyle
Exhibit II Declaration – Notice of Defense; Marty Isom
Exhibit III Complaint Investigation Report, Dated August 26, 2015
Exhibit IV Complaint Investigation Report, Dated August 27, 2015

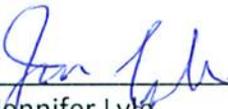
C: Susan Markie, CalRecycle
Nevin Yates, CalRecycle
Rita Scardaci, Sonoma County DHS
Jeff Berk, Sonoma County Counsel

Declaration

I, Jennifer Lyle, declare under penalty of perjury that the following is true and correct:

The information and allegations contained above are based on my personal knowledge or information and belief is declared by my personal knowledge to be correct. This knowledge was obtained by site inspection on August 4, 2015 and August 26, 2015, review of site records and review of the LEA site files.

Dated: 8/27/15



Jennifer Lyle
Senior Environmental Health Specialist
LEA/Solid Waste Program

Declaration

I, Marty Isom, declare under penalty of perjury that the following is true and correct:

The information and allegations contained above are based on my personal knowledge or information and belief is declared by my personal knowledge to be correct. This knowledge was obtained by site inspection on August 4, 2015 and August 26, 2015, review of site records and review of the LEA site files.

Dated: 8/27/15



Marty Isom
Senior Environmental Health Specialist
LEA/Solid Waste Program



COMPLAINT INVESTIGATION REPORT

August 26, 2015

James Ratto
Jim Salyers
North Bay Corporation
P.O. Box 1916
Santa Rosa, CA 95402

Re: Recycling Centers at 3400 and 3417 Standish Ave., Santa Rosa APN: 134-102-046 and 134-102-057

The Sonoma County Department of Health Services, is designated as the Local Enforcement Agency (LEA) and certified by the California Department of Resources, Recycling and Recovery (Cal Recycle), pursuant to Division 30 of the Public Resources Code (PRC), section 43200 et seq and Title 14 of the California Code of Regulations (14 CCR), sections 18051 and 18084 to enforce state solid waste laws under PRC, Division 30 and regulations under Title 14, Division 7 and Title 27, Division 2 in Sonoma County.

On August 4, 2015, at 10 am, the LEA received a complaint from Cal Recycle. CalRecycle stated that a solid waste complaint had been submitted to Department of Toxics and Substances Control Database on 7/31/15 at 2:05 pm and then forwarded to Cal Recycle. The complaint alleged an illegal solid waste facility operating at 3535 Standish Avenue, Santa Rosa, CA. The LEA reviewed the online GIS Assessor Parcel information to identify the property owner. There was no recorded property owner at 3535 Standish Ave, in Santa Rosa, California. The LEA contacted the complainant by phone to verify business name and address for the alleged site. The complainant informed the LEA that there were two sites of concern. One was identified as North Bay Corporation/Timber Cove Recycling, located at 3417 Standish Avenue in Santa Rosa, California and the other site, across the street, was identified as North Bay Corporation/Redwood Empire Disposal, located at 3400 Standish Avenue, in Santa Rosa, California.

North Bay Corporation/ Timber Cove Recycling, located at 3417 Standish Avenue, Santa Rosa, CA

On 8/4/15 at 1 pm, the LEA contacted North Bay Corporation to gain inspection access to the properties, which was granted and an onsite complaint investigation was conducted by the LEA at 1:40pm. This site accepts Sonoma County and Marin County residential "blue bin" mixed recyclable material.

During the site investigation, the following items were observed by the LEA:

- A large pile, approximately 50' x 30' x 12', of mixed recyclable material and residual waste was visible from the street spilling out of the building inside the front gate onto the pavement.
- Outside the building, large covered and uncovered piles of bulky broken furniture, rags, film plastic material and small shredded paper material were observed. North Bay representatives informed the LEA that the material was residual waste or mixed solid waste from the sort line and that 50% of the incoming recyclable material from the blue bins is residual waste.
- Residual waste and mixed recyclable material were pushed together into one large pile making it difficult to differentiate materials.
- Several piles of residual waste were observed on site including a bay located at the back of the property under a roofed three sided building.
- Eight roll off bins of waste tires, waste tires stored on the ground, a roll off bin of pressure treated wood, a large pile of mixed metal/wood and hundreds of stacked bales of recyclable material were stored on the property.
- Birds and rats were observed in the mixed recyclable material under the canopy and inside the sort line building.

- Asphalt surfaces and road base throughout the property were in poor condition with broken and crumbling surfaces in many areas.

The residential "blue bin" sort line was operating sporadically during the time of the site investigation due to equipment issues. North Bay representatives stated that due to sort line malfunctions they have been out-hauling mixed recyclable materials, on an as needed basis..

North Bay Corporation/Redwood Empire Disposal, located at 3400 Standish Avenue, Santa Rosa, CA

This site is used for Sonoma and Marin County commercial recycling that includes businesses and multi-unit residential housing.

During the site investigation, the following items were observed by the LEA:

- Stacked recyclable material bales of paper, cardboard, and metals.
- A large amount of residual was scattered along the ground and debris was built up along the fence line.
- A large elongated pile of residual waste (approximately 75' x 15' x 12') and a pile of bulky waste (approximately 20' x 30' x 10'), consisting of broken furniture and household items were noted along the fence line road. The LEA estimated the ratio of residual waste to mixed recyclable materials located on site to be 1:1.
- The commercial sort line was not in operation due to an equipment malfunction.
- A public Buy Back recycling area was observed near the refuse truck fuel pumps.

The LEA met with North Bay Corporation after the site complaint investigation to discuss next steps. The investigation concluded at 4 pm. Photos taken.

On 8/5/2015, a waste tire violation inspection report was issued for the volume of waste tires observed at the 3417 Standish Ave site with a 30 day compliance deadline to correct the waste tire violations.

On 8/5/15, North Bay was requested to provide additional information and complete the "Voluntary Residual Percentage Reporting Form" to verify compliance with CCR, Title 14 and the Three-Part Test requirements for a Recycling Center.

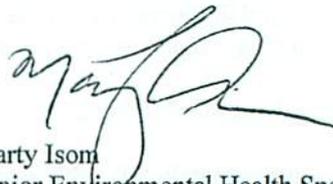
On 8/7/15, the completed "Voluntary Residual Percentage Reporting Form" for 3400 and 3417 Standish Avenue was sent to the LEA via email.

Please contact me at (707)565-6534 or at Jennifer.lyle@sonoma-county.org if you would like to discuss the matter further.

Sincerely,



Jennifer Lyle
Senior Environmental Health Specialist
Sonoma County Local Enforcement Agency



Marty Isom
Senior Environmental Health Specialist
Sonoma County Local Enforcement Agency

C: Lou Ratto, North Bay Corporation
Steve McCaffrey, North Bay Corporation
Rick Holliday, North Bay Corporation
Mike O Brian, North Bay Corporation
Leslye Choate, Sonoma County Environmental Health
Christine Sosko, Sonoma County Environmental Health
Jim Maertz, Permit Resource Management Code Enforcement
Bob Borges, Sonoma County Fire Department
Adrian Diaz, Department of Transportation and Public Works



COMPLAINT INVESTIGATION REPORT

August 27, 2015

James Ratto
Jim Salyers
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P.O. Box 1916
Santa Rosa, CA 95402

Re: Recycling Centers at 3400 and 3417 Standish Ave., Santa Rosa APN: 134-102-046 and 134-102-057

The Sonoma County Department of Health Services, is designated as the Local Enforcement Agency (LEA) and certified by the California Department of Resources, Recycling and Recovery (Cal Recycle), pursuant to Division 30 of the Public Resources Code (PRC), section 43200 et seq and Title 14 of the California Code of Regulations (14 CCR), sections 18051 and 18084 to enforce state solid waste laws under PRC, Division 30 and regulations under Title 14, Division 7 and Title 27, Division 2 in Sonoma County.

On August 4, 2015, the LEA conducted a complaint investigation at North Bay Corporation/Timber Cove Recycling, located at 3417 Standish Avenue in Santa Rosa, California and North Bay Corporation/Redwood Empire Disposal, located at 3400 Standish Avenue, in Santa Rosa, California. On August 26, 2015, the LEA conducted a reinspection of the North Bay Corporation sites to evaluate the current site conditions. Below is a list of LEA observations from the August 26, 2015 reinspection:

North Bay Corporation/ Timber Cove Recycling, located at 3417 Standish Avenue, Santa Rosa, CA

On 8/26/15 at 1:10 pm, The LEA contacted North Bay Corporation to gain inspection access for the properties, which was granted and an onsite complaint investigation reinspection was conducted by the LEA at 1:25pm. This site accepts Sonoma County and Marin County residential "blue bin" mixed recyclable material.

During the reinspection, the following items were observed by the LEA:

- A large pile, approximately 50' x 30' x 12', of mixed recyclable material and residual waste was visible from the street spilling out of the building inside the front gate onto the pavement.
- Outside the building, large covered and uncovered piles of bulky broken furniture, rags, film plastic material and small shredded paper material were observed. Residual waste and mixed recyclable material were pushed together into one large pile making it difficult to differentiate materials.
- Several piles of residual waste were observed on site including a bay under the open three sided building. A North Bay representative informed the LEA that some of the residual material contains broken glass and the mixed residual material is sent to a separate recycler to separate and remove the glass material so it can be recycled.
- Roll off bins of waste tires, waste tires stored on the ground, green waste material, separated construction demolition debris, a large pile of mixed metal/wood, broken appliances and hundreds of stacked bales of recyclable material were stored on the property.
- Birds were observed in the mixed recyclable material outside the sort line building.
- Asphalt surfaces and road base throughout the property were in poor condition with broken and crumbling surfaces in many areas.
- The residential "blue bin" sort line was operating during the time of the site investigation.

North Bay Corporation/Redwood Empire Disposal, located at 3400 Standish Avenue, Santa Rosa, CA

This site is used for Sonoma and Marin County commercial recycling that includes businesses and multi-unit residential housing.

During the reinspection, the following items were observed by the LEA:

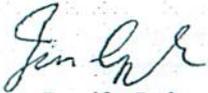
- Stacked recyclable material bales of paper, cardboard, and metals.
- A large amount of residual was scattered along the ground and debris was built up along the fence line.
- A large elongated pile of residual waste (approximately 100' x 15' x 12') and a pile of bulky waste (approximately 40' x 30' x 20'), consisting of broken furniture and household items were noted along the fence line road. The LEA estimated the ratio of residual waste to mixed recyclable materials located on site to be 1:1.
- The commercial sort line was in operation during the time of this site investigation.

The LEA met with North Bay Corporation after the site complaint investigation to discuss next steps. The investigation concluded at 2:15 pm. Photos taken.

On 8/26/15, a Complaint Investigation Report for the 8/4/15 site investigation was hand delivered to North Bay representatives.

Please contact me at (707)565-6534 or at Jennifer.lyle@sonoma-county.org if you would like to discuss the matter further.

Sincerely,



Jennifer Lyle
Senior Environmental Health Specialist
Sonoma County Local Enforcement Agency



Marty Isom
Senior Environmental Health Specialist
Sonoma County Local Enforcement Agency

c: Lou Ratto, North Bay Corporation
Steve McCaffrey, North Bay Corporation
Rick Holliday, North Bay Corporation
Mike O Brian, North Bay Corporation
Leslye Choate, Sonoma County Environmental Health
Christine Sosko, Sonoma County Environmental Health