BEFORE THE TUOLUMNE COUNTY LOCAL SOLID WASTE HEARING PANEL OR HEARING OFFICER

Petition for Hearing Regarding LEA Failure to Act

Public Resources Code sections 44307 and 44310

Statement of Issues and Request for Expedited Interim Protection

Site: 18955 Industry Way, Sonora, California 95370

APN: 097-090-010

Facility status: Unpermitted

SWIS number: 55-AA-0017

Petitioners: Dorriya Anderson, Craig Anderson, James Roberts, JoAnn Roberts, Frank Fernandez, Antonio Fernandez, Jim Fernandez, Julie Britt and Patricia Reh

Counsel: M. Renée Orth, SBN 241847, P.O. Box 213, Standard, California 95373, telephone (310) 995-1582, Renee@ReneeOrth.com

Related action: Anderson et al. v. Slaton et al., Tuolumne County Superior Court No. CV68663

Request for Hearing

Petitioners request the hearing required by Public Resources Code section 44307 to review the Tuolumne County Local Enforcement Agency's failure to perform duties imposed by Division 30 of the Public Resources Code and its implementing regulations. This request includes the statement of issues required by Public Resources Code section 44310. Petitioners request written notice within 15 days, a hearing no later than 30 days after receipt, and a written decision within five days after the hearing concludes.

The request is urgent. The LEA identified material at the Site that may present a respirable-asbestos concern, promised on May 11, 2026 to initiate third-party sampling, and stated that removal would require planning, effective dust control, testing of designated material, and documentation. More than four months later the has apparently not followed through with mandated testing. Meanwhile, suspect material has been removed, including on May 26, September 4 and September 9, 2026 without compliance with the LEA May 11, 2026 abatement requirements. Petitioners ask the hearing officer to require immediate preservation and protection measures pending the merits hearing.

Petitioners and Beneficial Interest

1. Dorriya Anderson and Craig Anderson own and reside at 18850 Rugged Trail, Sonora, near the Site.
2. James Roberts and JoAnn Roberts own residential property at 18879 Rugged Trail Road, near and downgradient of the Site. Their property includes a retention pond receiving surface water from the direction of the Site.
3. Frank Fernandez and Antonio Fernandez own and/or reside at 18970 Industry Way, adjacent to the Site.
4. Jim Fernandez and Julie Britt own property at 18971 Industry Way. They relocated because dust, diesel exhaust, and other emissions affected their health and use of the property.
5. Patricia Reh owns and resides at 18861 Rugged Trail Road, immediately adjacent to the Site.
6. Petitioners have experienced dust and particulate deposition, noise and vibration, altered drainage and sediment, physical property damage, and concern regarding exposure to asbestos-containing

material, and heavy metals and other pollutants from serpentine and unidentified materials brought to the Site. They are persons authorized to petition under section 44307 and are beneficially interested in lawful inspection, characterization, and enforcement at the Site.

Jurisdiction and Timeliness

7. Section 44307 requires the enforcement agency to hold a hearing upon a petition from any person asking it to review an alleged failure to act as required by Part 4, Part 5, or Part 6 of Division 30, or a regulation adopted by CalRecycle under those parts.

8. Section 44310, subdivision (a)(1)(B), requires a failure-to-act petition within 30 days after the petitioner discovered or reasonably should have discovered the facts supporting the allegation.

9. On August 19, 2026, Wes Mindermann, Chief of CalRecycle's Engineering Support Branch, informed counsel that CalRecycle staff had no new sampling information or update and that the LEA reported it was working to obtain Site access to perform sampling at some future date. This communication first disclosed to Petitioners that, more than three months after the May 11 directive, the promised sampling had not occurred and the LEA had not secured access. (Exhibit H.)

10. On or about September 4 and September 9, 2026, serpentine-adhered asphalt was removed. Petitioners contend the removals violated the May 11 conditions and written evidence-preservation demands. (Exhibit I.) County representatives reportedly stated that the County lacked authority to prevent removal because it occurred on private property. Crushed asphalt remains onsite uncovered.

11. On September 14, 2026 counsel for petitioners received the LEA’s response to her California Public Records Act request aimed at records reflecting the LEA’s enforcement of its May 11, 2026 directive. The response consisted of one document – the May 11, 2026 letter. (Exhibit G.) Apparently the LEA has taken no steps, at least none that involved the creation of records, to enforce its May 11 directive.

12. This petition is timely as to each newly discovered and continuing failure described above. The September removals are additional, independently recent facts demonstrating the LEA's continuing failure to inspect, preserve evidence, escalate enforcement, and secure compliance. Each day the LEA fails to enforce, inspect, complete the promised sampling, or exercise its statutory enforcement authority constitutes a new and independent act of non-action, independently triggering the 30-day filing window.

Statement of Facts

13. The Site is approximately 2.49 acres at 18955 Industry Way, Sonora, APN 097-090-010. It is surrounded by residences, several within less than 100 feet. The County's LEA has described the Site in writing as an Unpermitted Inert Debris Solid Waste Disposal Site. (Note, petitioners dispute the unsubstantiated categorization of the Site material as “inert”.)

14. Beginning no later than 2021, the Site received, stored, processed, crushed, and placed concrete, asphalt, dirt, rock, demolition and unknown debris from offsite sources. The activity generated dust, noise, vibration, and truck traffic near Petitioners' homes.

15. The Tuolumne County Air Pollution Control District collected two samples of green serpentine rock at the Site on December 21, 2021. Precision Micro-Analysis Report No. 220111004 reported 1.50 percent and 2.25 percent chrysotile and tremolite asbestos — exceeding both the federal NESHAP threshold of 1.0 percent (40 C.F.R. Part 61, Subpart M) and the state Asbestos Airborne Toxic Control Measure threshold of 0.25 percent (17 CCR § 93105). (Exhibit A.)

16. One month after receiving those asbestos results, on February 11, 2022, Bill Sandman of the Air Pollution Control District sent an internal email to Brian Bell (Chief Building Official), Quincy Yaley (Community Development Director), and Kim MacFarlane, with Kent Rasmussen and Kelle Schroeder of the APCD CC'd. Mr. Sandman stated that the operator "hasn't been as truthful the last couple months as we would have liked." The operator had claimed that serpentine was limited to "just a couple of small loads on the south end"; in fact, Mr. Sandman reported, "He actually has serpentine on almost the entire property where equipment and traffic moves in and out." Mr. Sandman further stated that the operator's claim that he used water for dust suppression when crushing with his excavator "is not a factual statement either." Mr. Sandman asked Bell whether the operator was in compliance with CDD, Building, and Public Works regulations. Bell replied that, speaking for CDD, "there are currently no violations of the Tuolumne County Ordinance Code on this parcel, that CDD has responsibility for." (Exhibit K.)

17. On March 19, 2024, County Code Compliance issued an Opportunity to Correct finding that the Site was operating a construction and demolition or inert-debris recycling facility and a possible engineered fill facility. The notice required correction by May 22, 2024 and stated that noncompliance would result in a Notice and Order, penalties, and potential abatement. (Exhibit B.) The deadline passed without the stated escalation. In July 2024, CalRecycle provided the LEA with a model cease-and-desist order from a similar illegal disposal site case in Merced County, and discussed with the LEA the issuance of such an order for this Site. (Exhibit L.) The LEA did not issue a cease-and-desist order. Public Resources Code section 44002(b) provides that when the enforcement agency determines a person is operating without a required permit, the enforcement agency "shall immediately issue a cease and desist order." The LEA had by this time identified the Site as operating an unpermitted construction-and-demolition/inert-debris facility, yet the mandatory order was never issued. Moreover, the operation of the Site had not changed in any material way since 2021, accordingly the LEA's determination that the Site was operating illegally was over 2 years late.

18. During a joint Site visit on September 18, 2024, the operator stated that he kept no records of material sources, volumes, or tonnages, required no testing of incoming material, and had no analytical data. The LEA identified organic debris near or in the fill, warned that unprocessed asphalt could contain serpentine and asbestos, directed cessation of processing, and stated that it might take samples. The operator and its counsel agreed to cease filling, processing, and stockpiling except for stabilization. The operation continued. (Exhibit C.)

19. On May 14, 2025, the LEA confirmed that the Site was an Unpermitted Inert Debris Solid Waste Disposal Site and required Notification-tier authorization before processing could resume. The LEA required an application, operating plan, stability and maintenance plan, plot map, and post-closure land-use plan. (Exhibit D.) The required authorization was not completed. When the County shared its May 2025 letter to the operator with CalRecycle, CalRecycle staff

immediately raised concerns. Stephanie Young, Senior Waste Management Engineer in CalRecycle's Closed, Illegal, and Abandoned Sites section, wrote internally: "is the LEA allowing them to continue to use the site for disposal operations under the building department or if they get a processing permit? We advised that the fill must cease and be closed in place. But I don't think I got that from this letter." Eric Kiruja, CalRecycle supervisor, confirmed: "It sure looks like the letter states that activities covered under the building permit are good to continue (contrary to our understanding that activities should cease and go through proper closure)." (Exhibit M and M-2.) CalRecycle staff found the County's approach to be "very suspicious" and directed staff to document the discrepancy. Despite this, the LEA did not revise its position or issue a closure order.

20. In its September 12, 2025 letter to CalRecycle, the LEA claimed past oversight and proposed protections for final resolution. The first identified protection was a Notice of Action to be attached to the deed, run with the property, disclose the fill, and limit development above and around it. The LEA also proposed final grading, compaction, monitoring, and inspection. (Exhibit E.) A search of the Official Records of Tuolumne County shows that no Notice of Action has been recorded as of September 15, 2026.

21. On December 19, 2025, the LEA established operating limits: no onsite crushing or grinding, source-separated intake only, a 15-cubic-yard storage maximum for excluded handling, recordkeeping where applicable, and no additional Type A inert-debris fill. The LEA continued to call the existing fill unpermitted. (Exhibit F.) The December 19 letter appears to have been contrary to CalRecycle directive that the Site be closed.

22. On May 11, 2026, the LEA issued a directive addressing uncrushed asphalt with serpentine adherence, crushed material containing serpentinite, and “crushed concrete”. It stated that serpentinite may contain asbestos and that the material may pose a respirable-asbestos concern. Note, petitioners do not accept the LEA’s categorization of material as “crushed concrete”.

23. The May 11 directive required removal of uncrushed serpentine-adhered asphalt to an approved facility with effective dust control, advance submission of the removal plan and destination, and receipts verifying lawful disposal or recycling. For crushed serpentinite-containing material, the letter required asbestos sampling before determining disposal or allowable use. It stated that the EHD would initiate sampling, arrange a third-party consultant, split samples, maintain chain of custody, and use a California-certified approved laboratory. It also stated that the crushed-concrete pile would be sampled for crystalline silica and that the EHD would contact the owners shortly to schedule collection. (Exhibit G.)

24. Approximately two weeks after the May 11 directive, in late May 2026, material the LEA had categorized as "crushed concrete" was removed from the Site. Petitioners observed no LEA intervention and received no evidence of advance characterization, an approved removal plan, chain-of-custody sampling, compliant dust controls, disposal receipts, or documentation concerning the destination. Despite being notified as the removal was occurring, the LEA failed to take any action to enforce its May 11 directive. Petitioners have reason to believe that the removed pile included industrial "clinker" material originating from chimneys at a Sierra Pacific Industries cogeneration wood-mill facility, rather than ordinary clean concrete. If confirmed, such material would not qualify as inert debris and may constitute hazardous waste requiring

disposal under CUPA and DTSC oversight. The removal of this material without prior sampling prevented the very characterization that would have determined whether it was subject to hazardous-waste control law. On information and belief, the operator carried out this removal to avoid that determination. The LEA's continued classification of Site material as "inert debris" is inconsistent with the regulatory burden of proof. Title 14, California Code of Regulations, section 17382 provides that the burden of proving that an activity qualifies for an exclusion from solid waste facility permitting "shall be on the owner or operator." Here the Site operator maintained no source records, no weight tickets, no analytical data, and no documentation of any kind that would support an inert classification for any material at the Site. The only laboratory testing ever performed — the January 2022 asbestos analysis — affirmatively disqualified the serpentine-bearing material from inert status. The APCD documented in February 2022 that the operator was misrepresenting the extent of the contamination. Yet the LEA continued to treat the material as inert, accepted the operator's unverified "concrete" label for material that may have been industrial combustion residuals from a cogeneration facility, and allowed the removal of that material before performing the crystalline-silica testing its own May 11, 2026 directive required. In doing so, the LEA inverted the burden of proof section 17382 places on the operator and regulated the Site based on unverified assumptions rather than evidence.

25. On August 19, 2026, CalRecycle disclosed that it had no sampling update and that the LEA was only then working to obtain access for future sampling. The LEA has not identified an inspection warrant application, administrative order, notice and order, subpoenaed technical report, escalating enforcement measure, or referral sufficient to secure access and preserve representative material. CalRecycle's own internal timeline, prepared by its Closed, Illegal, and Abandoned Sites section in July 2025, documents that CalRecycle staff "were trying to guide the LEA as best as we could throughout this process, but ultimately, it is the LEA's responsibility to follow through with their actions." (Exhibit N.) The timeline confirms that CalRecycle discussed issuing a cease-and-desist with the LEA in July 2024, provided the model order, coordinated multi-agency meetings, requested documents the LEA was slow to provide, and repeatedly followed up on enforcement steps the LEA committed to but did not complete.

26. On July 26, 2026, Petitioners' counsel submitted a California Public Records Act request to the LEA specifically following up on the May 11, 2026 directive. The request sought all testing and sampling records, removal plans, compliance records, and inter-agency communications concerning the directive. On or about September 14, 2026, the County provided what it represented as its complete response to this request. The response consisted of a single document: the May 11, 2026 directive itself. (Exhibit G.) No testing or sampling records, removal plans, compliance records, inter-agency communications, inspection reports, or any other enforcement documentation was produced. Petitioners read this response as confirmation that the LEA has taken no enforcement action whatsoever in response to its own May 11, 2026 directive beyond issuing the directive itself.

27. Petitioners are informed and believe that some removed material has been delivered to a facility in Jamestown operated by Jim Hatler and believed to be doing business as Sierra Rock Products, Inc., where it is being integrated into inventory intended for resale. Once undocumented, uncharacterized material is commingled into a third party's product, its evidentiary value — and

the ability to determine whether hazardous or nonqualifying material was handled — is destroyed.

28. Further serpentine-adhered asphalt was removed on or about September 4 and September 9, 2026. Petitioners contend the removal occurred without compliance with the May 11 requirements and after preservation demands arising from pending litigation. Petitioners are seeking temporary judicial relief in Anderson v. Slaton, Tuolumne County Superior Court No. CV68663, to prevent further removal and to preserve and test material at its destination. (Exhibit J.)

29. The County's reported position that it lacks authority because the Site is private conflicts with its own May 11 directive and with the investigative and enforcement authority supplied by Public Resources Code sections 44100, 44101, 45000, and related regulations. If consent is refused, section 44101 authorizes inspection under a duly issued warrant; section 44100 also supplies procedures for access to perform ordered corrective work. Furthermore, the LEA was at the Site on September 4 and could have taken a sample of the material that was in the process of being removed by the Site operators, but it chose not to.

30. Crushed asphalt believed to contain serpentine remains onsite uncovered. Because the Site received materials from undocumented sources and the operator admitted that he kept no source, volume, tonnage, or analytical records, removal before representative sampling risks loss of the evidence needed to determine whether hazardous or nonqualifying material was handled or disposed.

31. A "drainage protection area" and ephemeral creek runs through the Site. In his February 11, 2022 email (Exhibit K), Mr. Sandman of the APCD reported that serpentine covered "almost the entire property where equipment and traffic moves in and out" and that the operator's claim that he used water for dust suppression when crushing "is not a factual statement." Despite this contemporaneous documentation — shared with the CDD Director, the Chief Building Official, and APCD staff — the County took no enforcement action (though as some point the serpentine was covered, but when, with what material and to what depth is unknown to petitioners). Two and a half years later, Director Yaley represented to a complaining resident that "no violations are present on the site."

Duties Requiring Review

32. Public Resources Code section 43209 requires the LEA to enforce applicable provisions and regulations; develop and maintain inspection and enforcement programs; keep enforcement records; consult appropriate health agencies; and maintain an inspection program designed to identify unpermitted facilities, violations of state minimum standards, and facilities that may significantly threaten public health, safety, or the environment.

33. Title 14, California Code of Regulations, section 18081 requires regulated facilities and operations within the LEA's jurisdiction to comply with minimum standards and permit or notification requirements or be under appropriate enforcement action.

34. Title 14, section 18084, subdivision (a), provides that when an LEA finds a facility, operation, or disposal site violates state standards or related solid-waste laws or regulations, the LEA shall enforce the applicable provisions. Section 18084, subdivision (d), treats enforcement as

inappropriate when the operator is not making timely progress and the LEA fails to increase its response through additional action.

35. Title 14, section 18303 requires the enforcement agency to investigate all disposal sites, facilities, and operations where it has reason to believe violations exist, follow its approved Enforcement Program Plan, maintain an investigation record, and summarize the findings and conclusions.

36. Title 14, sections 17383.4 and 17383.7 require Notification-tier authorization for the processing categories the LEA has identified, impose inspection duties, and deem material unlawfully disposed after specified storage periods. Section 17382 places on the owner and operator the burden to prove that an activity qualifies for exclusion and preserves the LEA's inspection and enforcement authority.

37. Public Resources Code section 44002 requires an immediate cease-and-desist order if the LEA determines that activities requiring a solid-waste facilities permit are occurring without one. Public Resources Code section 44000.5 independently prohibits any person from disposing of, transporting, or arranging for the disposal of solid waste except at a permitted facility, and authorizes the LEA to issue a cease and desist order to any person who violates it. Title 14, section 18304 authorizes notices and orders for violations, hazards, pollution, and potential threats to public health, safety, or the environment. Public Resources Code section 45000 authorizes corrective-action orders to abate a nuisance or protect health, safety, or the environment.

38. Public Resources Code sections 44100 and 44101 authorize the LEA to demand technical and monitoring reports, inspect facilities and equipment, obtain an inspection warrant if consent is refused, and pursue access for corrective work after an administrative order and a significant-threat finding. A prolonged effort to obtain voluntary access does not resolve whether the LEA has used the statutory means available to discharge its inspection and enforcement duties.

39. Public Resources Code section 43209, subdivision (b), requires the LEA to request enforcement by the appropriate federal, state, and local agencies of their laws governing solid-waste storage, handling, and disposal. The LEA's May 11 letter invoked its CUPA and hazardous-waste responsibilities. At minimum, the failure to characterize suspect material required documented coordination and referral sufficient to prevent removal of untested material and protect residents.

Statement of Issues

1. Whether the LEA failed to investigate, inspect, document, and enforce after repeatedly determining that the Site was an unpermitted solid-waste disposal site or operation and that violations existed.

2. Whether the LEA failed to implement the sampling and characterization measures stated in its May 11, 2026 directive within a reasonable time, despite known asbestos results, undocumented incoming material, and a stated respirable-asbestos concern.

3. Whether an attempt – assuming there was an attempt – to obtain voluntary access for more than three months, without documented use of inspection-warrant authority or escalating enforcement,

satisfied Public Resources Code sections 43209, 44100, and 44101 and Title 14, sections 18081, 18084, and 18303.

4. Whether the LEA failed to enforce the May 11 removal requirements when material was removed in late May and serpentine-adhered asphalt was removed in September without advance testing, an accepted removal plan, effective dust control, chain of custody, destination documentation, and disposal receipts.

5. Whether the LEA was required to issue a cease-and-desist order under Public Resources Code section 44002 or another notice, order, or corrective-action directive under section 45000 and Title 14, section 18304, and whether it failed to do so.

6. Whether the LEA failed to enforce Notification-tier, storage-time, recordkeeping, inspection, and minimum-standard requirements under Title 14, sections 17382, 17383, 17383.4, and 17383.7.

7. Whether the LEA failed to increase its enforcement response when the operator did not make timely progress, as required for appropriate enforcement under Title 14, section 18084, subdivision (d).

8. Whether the LEA failed to make required referrals or requests for enforcement to the Air Pollution Control District, CUPA, hazardous-waste authorities, CalRecycle, or other agencies under Public Resources Code section 43209, subdivision (b).

9. Whether the LEA failed to implement the protections it proposed to CalRecycle in September 2025, including a recorded Notice of Action, or to adopt and document legally sufficient substitute protections for the acknowledged unpermitted fill.

10. Whether current conditions, including uncovered crushed asphalt and the removal of potentially relevant material before representative sampling, require immediate preservation, testing, access, dust-control, and enforcement measures.

11. Whether the LEA's and other County officials' decision to allow the September 2026 removal of material — including the on-site presence of the LEA Director, the CDD Director, and an APCD official, none of whom halted the removal — constitutes a failure to enforce the requirements of the May 11, 2026 directive and the mandatory provisions identified in this petition.

12. Whether the County's knowledge, documented in the February 11, 2022 APCD email (Exhibit K), that the operator was misrepresenting the extent of serpentine contamination and falsely claiming dust-suppression compliance, required the LEA to reject the operator's subsequent unverified characterizations of Site material and to pursue independent testing.

13. Whether the LEA failed to act on CalRecycle's July 2024 recommendation to issue a cease-and-desist order, despite CalRecycle providing a model order from a comparable case and despite the mandatory language of Public Resources Code section 44002(b).

14. Whether the LEA's approach to the Site, as documented in CalRecycle's own internal communications, was contrary to CalRecycle's guidance that "the fill must cease and be closed in place," and whether the LEA's continued allowance of operations under the pretextual building permit constituted a failure to enforce the applicable provisions of Division 30.

15. Whether the LEA's classification of Site material as "inert debris" was consistent with Title 14, California Code of Regulations, section 17382, which places the burden of proof on the owner or operator, given the operator's admitted absence of source records, the confirmed presence of asbestos exceeding regulatory thresholds, the APCD's documented finding that the operator was untruthful about contamination, and the LEA's failure to test the "crushed concrete" pile for crystalline silica or other constituents before allowing its removal.

16. Whether the LEA's failure to take any action upon being notified that the "crushed-concrete" slated for testing per the May 11, 2026 direction was being removed from the Site in late May 2026 constitutes a failure to enforce the requirements of the May 11, 2026 directive and the mandatory provisions identified in this petition.

Requested Interim Protection

Petitioners request that the hearing officer promptly direct the LEA to use its available authority to prevent further removal, disturbance, processing, concealment, alteration, or disposal of potentially relevant material until representative sampling and documentation occur. This request includes the remaining crushed asphalt, material at any known destination from the May and September removals, and records identifying the haulers, dates, quantities, routes, recipients, and disposition.

Petitioners also request immediate effective dust control and secure covering of exposed suspect material; preservation of representative samples under documented chain of custody; identification and notice to each destination facility; and coordination with CalRecycle, the Air Pollution Control District, CUPA, and any hazardous-waste authority having jurisdiction. The requested interim measures are intended to preserve evidence and prevent exposure while the statutory hearing proceeds.

Requested Decision and Relief

1. Accept this petition as timely and provide the notices, hearing, response, and written decision required by Public Resources Code section 44310.

2. Appoint or identify a currently authorized, neutral hearing officer or hearing panel and disclose the resolution, appointment, qualifications, and procedures governing the hearing.

3. Find that the LEA failed to act as required by the provisions identified in this petition and specify each failure in the written decision.

4. Require the LEA to obtain lawful Site access promptly, using inspection-warrant or other statutory authority if consent is withheld, and to complete a documented inspection and investigation.

5. Require an independent qualified consultant to prepare and implement a statistically and scientifically defensible sampling plan addressing asbestos and other reasonably indicated constituents, including crystalline silica and any contaminants associated with suspected industrial chimney or cogeneration material.

6. Require split samples, documented chain of custody, analysis by appropriately accredited California laboratories, disclosure of raw data and laboratory reports, and a reasonable opportunity for Petitioners to observe or designate a qualified representative.

7. Require the LEA to locate, preserve, and arrange lawful testing of material removed in May and September 2026, including material at any destination, to the extent it remains identifiable and accessible.

8. Require immediate covering, dust suppression, access control, and nondisturbance measures for suspect material pending final characterization and lawful disposition.

9. Determine why the LEA did not issue the cease-and-desist order required by Public Resources Code section 44002(b) following its own determination that the Site is an unpermitted solid waste facility, and require the LEA to issue such an order or explain in writing why the mandatory statutory predicate has not been met, and to issue any other mandatory cease-and-desist order and other notices, orders, penalties, corrective-action directives, or referrals required by law.

10. Require a written compliance schedule with enforceable deadlines, unannounced inspections at the frequency required by law, documented escalation if any deadline is missed, and public disclosure of inspection and enforcement records to the extent permitted by law.

11. Require the LEA to determine whether a Notice of Action or another recorded land-use, closure, or post-closure instrument is required or appropriate, explain why the September 2025 proposal was not implemented, and adopt legally sufficient long-term protections for the unpermitted fill.

12. Require written referrals and coordination with CalRecycle, the Air Pollution Control District, CUPA, the Regional Water Quality Control Board, and other appropriate agencies concerning asbestos, heavy metals, hazardous waste, stormwater, and offsite disposal.

13. Retain jurisdiction to ensure compliance with the decision and provide any further relief within the hearing officer's authority necessary to protect public health, safety, the environment, and the integrity of the administrative record.

14. Award Petitioners their reasonable attorney fees and costs to the extent authorized in this proceeding. If the hearing officer concludes that fee authority lies only in court, acknowledge Petitioners' express reservation of their right to seek fees for work reasonably necessary to this administrative proceeding and any judicial enforcement or review under Code of Civil Procedure section 1021.5, Government Code section 800, and other applicable law.

Related Judicial Proceeding and Reservation of Rights

Petitioners filed *Anderson et al. v. Slaton et al,* Tuolumne County Superior Court No. CV68663, which includes claims against private operators and the County and a petition for writ of mandate. Petitioners are seeking emergency judicial relief concerning preservation and removal of material. This administrative petition invokes the review procedure specific to LEA inaction. Petitioners do not waive any claim, defense, remedy, right to amend, right to judicial review, or request for fees and costs in the pending action or any later proceeding.

Exhibits

A. Precision Micro-Analysis Report No. 220111004 dated January 11, 2022.

B. Opportunity to Correct dated March 19, 2024.

C. CalRecycle Site Observation Report for September 18, 2024.

D. LEA Notification to Slaton dated May 14, 2025.

E. LEA letter to CalRecycle dated September 12, 2025.

F. LEA Enforcement Activity Clarification dated December 19, 2025.

G. LEA Serpentine Removal and Testing Directive dated May 11, 2026.

H. Email from Wes Mindermann to M. Renée Orth dated August 19, 2026.

I. Evidence-preservation correspondence concerning material at the Site.

J. Photographs, videos, declarations, and other evidence of May and September 2026 removals.

K. Internal County email from Bill Sandman (APCD) to Brian Bell, Quincy Yaley, and Kim MacFarlane, with Kent Rasmussen and Kelle Schroeder CC'd, dated February 11, 2022, and Brian Bell's reply, concerning the operator's misrepresentations about serpentine and dust suppression (the "Sandman Email

L. Email from Stephanie Young (CalRecycle) to Debra Larson (LEA) dated July 24-25, 2024, transmitting a model cease-and-desist order for an illegal disposal site.

M. Internal CalRecycle emails dated May 20-27, 2025, documenting CalRecycle staff concerns that the County's May 2025 letter to the operator was "contrary to our understanding that activities should cease and go through proper closure."

N. CalRecycle internal timeline and summary prepared July 3, 2025 by Wes Mindermann, documenting CalRecycle's guidance to the LEA and the LEA's failures to follow through.").

Dated: September 15 2026

Respectfully submitted,

M. Renée Orth

Attorney for Petitioners

Declaration of M Renée Orth

I, M. Renée Orth, declare:

1. I am counsel for petitioners. I have personal knowledge of the matters stated in this declaration and could testify competently to them.
2. On September 15, 2026, I personally searched the Tuolumne County Official Records for documents recorded against APN 097-090-010 from 2021 through September 15, 2026. I found no recorded Notice of Action. I asked the County employee assisting with the records search to confirm my result, and she confirmed that no Notice of Action appeared in the searched records.
3. On August 19, 2026 at 4:29 p.m., I received an email from Wes Mindermann, P.E., Chief of CalRecycle's Engineering Support Branch. Regarding sampling, Mr. Mindermann wrote that CalRecycle staff had no new information or update to share and that the LEA had indicated it was working on obtaining Site access to conduct sampling at some future date. A true and correct copy of that email is attached to the petition as Exhibit H.
4. The May 11, 2026 LEA directive stated that the EHD would initiate sampling, arrange for a third-party consultant to collect composite and split samples under chain of custody, test the crushed serpentinite-containing material for asbestos, and sample the crushed-concrete pile for crystalline silica. The August 19 email was the first information disclosed to Petitioners showing that the promised sampling had not occurred and that access still had not been secured more than three months later.
5. Attached to the petition as Exhibit K is a true and correct copy of an internal County email chain dated February 11, 2022, from Bill Sandman of the Air Pollution Control District ("APCD") to Brian Bell, Quincy Yaley, and Kim MacFarlane, with Kent Rasmussen and Kelle Schroeder CC'd, and Brian Bell's reply. The email documents the APCD's contemporaneous finding that the operator had misrepresented the extent of serpentine contamination at the Site and had falsely claimed compliance with dust-suppression practices. I obtained this document from the APCD through a request under the California Public Records Act.
6. On or about September 14, 2026, I received the County's response to a California Public Records Act request I submitted on July 26, 2026, specifically following up on the LEA's May 11, 2026 directive and seeking all testing, sampling, removal plans, compliance records, and inter-agency communications concerning the directive. The County represented this as its complete response. The only document produced was the May 11, 2026 directive itself. No testing records, sampling records, removal plans, disposal receipts, inspection reports, inter-agency communications, or any other enforcement documentation was included.
7. Exhibits attached to the petition are true and correct copies obtained from the County, CalRecycle, or the identified sender.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 15, 2026 at Sonora, California.

M. Renée Orth

Proof of Service

I am over 18 years of age and not a party to this proceeding. My residence or business address is PO Box 213, Standard, California 95373.

On September 15 2026, I served the Petition for Hearing Regarding LEA Failure to Act, Statement of Issues and Request for Expedited Interim Protection, together with its exhibits, by placing a true copy in a sealed envelope and delivering to the Office of County Counsel for the County of Tuolumne, California, and by electronic mail as follows:

Debbie Larson, Director of Environmental Health and LEA
dlarson@co.tuolumne.ca.us

Clerk of the Board of Supervisors
boardclerk@co.tuolumne.ca.us

Walter Wall, County Counsel
Office of County Counsel
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 15, 2026 at Sonora, California.

M. Renée Orth