September 13, 2018

**NOTICE OF VIOLATION**

VIA REGULAR, CERTIFIED MAIL, E-MAIL TO JAMES.BOLT@HPINVESTORS.COM

HP Investors

James Bolt

335 15th Street

San Diego, CA 92101

SUBJECT: Notice of Violation Case 02398253 – 3312 Dale St., San Diego CA 92104

Dear Mr. Bolt:

On September 6, 2018 representatives from the City of San Diego Environmental Services Department Lead Safety and Healthy Homes Program (LSHHP) conducted a visual inspection of the work practices (i.e., appropriate containment of presumed lead debris) at the above-referenced premises. In accordance with the San Diego Municipal Code, this is to notify you that the following violations were found and must be corrected within the time frames and conditions stated below.

## Code Violations

The specific code sections in violation include, but may not be limited to, the following:

**SDMC, Section 54.1003 Definitions**. *Lead hazard* means: (1) the existence of *deteriorated paint* over a surface area larger than *de minimis levels* in the interior or *exterior* of a *dwelling unit* or *structure* constructed prior to January 1, 1979; or (2) the existence of *deteriorated paint*, in the interior or *exterior* of a *dwelling unit* or *structure* constructed prior to January 1, 1979, over a surface area smaller than *de minimis levels* but which, as determined by an e*nforcement official,* is likely to endanger the health of the public or the occupants of the *dwelling unit* or *structure*; or (3) the disturbance of *lead-based paint* or *presumed lead-based paint* without *containment barriers*; or (4) the creation or maintenance of any other condition which may result in persistent and quantifiable *lead* exposure; or (5) the presence of *lead-contaminated dust* or *lead-contaminated soil*.

**SDMC, Section 54.1004(a).** It is unlawful to create and/or maintain a lead hazard or allow a lead hazard to remain upon any property, premises, surfaces, dwelling unit, structure, steel structure, or appurtenances.

**SDMC, Section 54.1004(b).** It is unlawful to fail to reduce or eliminate a lead hazard.

**SDMC, Section 54.1005(a).** Any person who disturbs or removes paint (in any quantity) that is greater than 1000 ppm or 0.5 mg/cm2 shall use lead-safe work practices.

**SDMC, Section 54.1005(b).** Any person who disturbs or removes paint in a pre-1979 structure (in any quantity) that has not been tested in advance by a State certified inspector/assessor and verified to contain less than 1000 ppm or 0.5 mg/cm2 shall assume paint to be lead-based paint (LBP) and use lead-safe work practices.

**SDMC, Section 54.1005(e).** The failure to use *lead-*safe work practice standards as set forth in section 54.1006 shall constitute a violation of Division 10. The *lead-*safe work practice standards set forth in Division 10 are in addition to, and are not a substitute for, any requirements under state or federal law.

**SDMC, Section 54.1006(a).** Non-compliance with federal regulations (40CFR Part 745, Subpart E) when LBP or presumed LBP is disturbed in a residential structure.

**SDMC, Section 54.1006(g).** Waste generated from activities which disturb LBP or presumed LBP must be considered hazardous and disposed of lawfully.

**SDMC, Section 54.1006(h-1).** A visual inspection by the *renovator* (using form ES-127) is required upon completion of activities that have disturbed paint (in any quantity) known or presumed to be greater than 1000 ppm or 0.5 mg/cm2.

**SDMC, Section 54.1006(h-2).** A clearance inspection by a certified lead inspector/assessor is required upon completion of activities that have disturbed LBP or presumed LBP over quantities set forth in Appendix A.

**SDMC, Section 54.1012(b)(3).** A responsible person in violation of San Diego lead regulations may be required to attend an approved lead-safe work practice training course.

**Title 17 of the California Code of Regulations (17CCR 35000 *et seq.*)** defines lead hazards as deteriorated lead-based paint (LBP), lead-contaminated dust, lead-contaminated soil, **disturbing LBP or presumed LBP without containment,** or any other nuisance which may result in persistent and quantifiable lead exposure.

## Specific Elements

The lead safe work practices were not utilized and paint that was disturbed was not properly contained during a renovation at the above listed property thus constituting a lead hazard pursuant to SDMC, Section 54.1003, 54.1004, 54.1005 and 54.1006.

## Requirements

In order to comply with the law, you are required to meet the conditions and time frames stated below:

### Effective Immediately:

#### Stop the work being done that is disturbing paint.

#### Clean the area that has been impacted by any paint dust or debris in a lead-safe manner

#### Arrange for lead abatement of the lead hazard(s) created by these unsafe work practices. Corrective actions must be performed using lead-safe work practices.

### After the lead abatement work is completed and a thorough cleanup of the work areas has been performed:

#### Complete a copy City of San Diego Form ES-127 (Lead Paint Activity Visual Inspection Form) provided in the enclosed “Supplemental Information Package”.

#### Arrange for a “clearance inspection” by a state-certified Lead Inspector/Assessor or Project Monitor.

### **By September 23, 2012,** provide this office with a copy of each of the following documents :

#### The completed City of San Diego Form *ES-127* referenced above.

#### A clearance inspection report completed by a state-certified Lead Inspector/Assessor or Project Monitor

#### The attached Minimum Lead Hazard Clearance Testing Protocol, completed and signed by the Inspector/Assessor or Project Monitor who conducted the clearance.

### **In accordance with SDMC, Section 54.1012(b)(3), By October 13, 2018*,*** register to take an initial EPA Certified Renovator Training. Visit the EPA website at www.epa.gov/lead to locate an EPA Certified training provider.

### **By November 12, 2018,** submit a copy of your EPA Certified Renovator Certificate to this office.

## Ongoing

Disturbing painted surfaces on buildings and structures built prior to 1979 must be done in accordance Sections 54.1005 and 54.1006 of the City of San Diego’s Lead Hazard Control Ordinance. Visit [www.SDHealthyHomes.org](http://www.SDHealthyHomes.org) to learn more about this ordinance.

Contractors that disturb painted surfaces in housing built prior to 1978 and any child occupied facility must be certified in accordance with the EPA Renovation, Repair, and Painting (RRP) rule. EPA Certified Firms are required to assign an EPA Certified Renovator to projects where painted surface are disturbed in these buildings. This rule is enforced by the EPA with penalties of up to $37,500 per day per occurrence. Visit the EPA website at [www.epa.go/lead](http://www.epa.go/lead) to learn more about RRP Rule, obtain an EPA Certified Firm and Certified Renovator Certifications. The EPA has up to 90 days to process your Certified Firm application.

## Administrative Citation

An administrative citation is not being assessed at this time.

## Failure to comply

Failure to comply with this Notice of Violation may result in further enforcement actions such as administrative citations, administrative abatement, civil penalties, reinspection fees, or prosecution via criminal complaint or civil injunction. Reinspection fees will be issued to recover costs for additional inspection services in accordance with San Diego Municipal Code, Section 13.0104. The bill for this service will be mailed to you immediately following any required reinspection. The reinspection fee schedule shall be filed in the Rate Book of City Fees and Charges in the City Clerk’s office.

Please contact me at (858) 573-1261 or asantifer@sandiego.gov as soon as possible to discuss your plans to comply with the requirements set forth in this notice.

Sincerely,

Amanda Santifer

Lead Safety and Healthy Homes Inspector, Environmental Services Department

Enclosure: 1. Supplemental Information Package

This information will be made available in alternative formats upon request.