December 4, 2018

**NOTICE OF VIOLATION (NOV)**

Owner: Lisa Gardener

Owner Address: 4012 Gayle St. San Diego, CA 92115

Case Number: 02408574

LSHHP Inspector: Robert Cox

Date of Inspection: November 16, 2018

Property Location: 2231 Albatross St.

Dear Mrs. Gardener:

Representatives from the City of San Diego Environmental Services Department’s Lead Safety and Healthy Homes Program (LSHHP) conducted an inspection of the above-referenced premises on November 16, 2018. Lead-based paint hazards are known to cause serious and permanent harm to the health of young children and adults. Therefore, you are required by law to plan and carry out the elimination of all identified lead hazards.

1. **San Diego Municipal Code (SDMC)**

In accordance with the San Diego Municipal Code (SDMC), this notice serves to inform you that the following specific code violations were identified and are required to be corrected within the timeframe and per the conditions stated below (Complete code sections are available in Enclosure 3, Part I).

**SDMC §Section 54.1004(a)**: It is unlawful for any responsible person to create or maintain a lead hazard.

**SDMC §Section 54.1004(b)**: It is unlawful for any responsible person to fail to reduce or eliminate a lead hazard.

1. **Specific Lead Hazard Violation Elements**

**Deteriorated Paint on Surfaces Not Subject to Friction and Impact**.

The following components are classified as lead containing and have deteriorated paint that is **not** subject to impact or friction. These surfaces can be treated by paint film stabilization or other abatement method.

1. A and D sides exterior wooden walls and trim
2. A side garage door and door casing
3. C side exterior stucco wall
4. A, C and D sides exterior window components (some of the windows were not accessible due to height and were classified as positive based upon similar component readings)
5. D side exterior ceiling

The cause of all the paint deterioration is from deferred maintenance.

**Contaminated Dust**

**Contaminated Dust** was identified on exterior floor surfaces around the garage. Similar areas that have not been tested are classified as positive based on these results. The following areas are classified as positive for dust contamination:

* All exterior horizontal surfaces around the garage are classified as positive for lead dust contamination.

See Enclosure 1, *Lead Hazard Report* for more detailed information on samples collected, areas inspected and hazards identified.

**3. Actions Required of You** (Referenced forms are available in Enclosure 2)

* 1. Before lead abatement measures are taken, complete the enclosed *Lead Hazard Removal Work Plan* included in Enclosure 2, and turn in to the inspector assigned to your case by **December 14, 2018.**  Failure to obtain LSHHP approval for a Work Plan before beginning lead abatement activities may result in civil penalties being issued to you.
	2. You will be required to take corrective actions called “lead abatement” measures using lead-safe work practices as defined by EPA and HUD, and in accordance with Cal/OSHA lead regulations. The specific lead hazard violation elements identified in Section 2 must be abated and cleared by **February 2, 2019.**
	3. After the lead abatement work is completed and a thorough cleanup of the work areas has been performed, you must arrange for a “clearance inspection” of the areas where lead hazards were found. Provide this office with the following by **February 2, 2019**:
		1. A copy of a clearance inspection report completed by a state-certified Lead Inspector/Assessor or Project Monitor
		2. A completed City of San Diego Form *ES-127 (Lead Paint Activity Visual Inspection Form)*
		3. A signed copy of the attached Minimum Lead Hazard Clearance Testing Protocol

Pre-Existing Structural Defects and Conditions

Any pre-existing structural defect (such as a roof leak, termite damage, or other structural damage), must be corrected prior to the repair of the deteriorated paint. If you need additional time to make such repairs, a request for an extension must be submitted in writing. The request must contain the reason(s) the corrections could not be completed by the date specified, and a summary of your efforts to address this notice in a timely manner with dates any supporting documentation of your efforts (including but not limited to: copies of receipts; financial statements; phone call records; and contractor quotes). The request must include a phone number that you can be reached during the day, be signed and dated and received in our office no later than **January 18, 2019**. You will be notified of LSHHP’s decision within 7 days of receipt in our office. The sender is responsible for assuring receipt of all requests.

**FAILURE TO COMPLY**

**1. Failure to comply with this NOV will result in a re-inspection fee to recover costs for additional City services, in accordance with SDMC Section 13.0103. A bill for these costs will be mailed to you immediately following the first inspection after the deadline for compliance stated in this NOV, with additional bills to follow any additional subsequent inspection(s).**

**2. Failure to comply with this Notice of Violation may also result in further enforcement actions, such as administrative citations, administrative abatement, civil penalties, recordation of the Notice of Violation, withholding of future municipal permits, and/or prosecution via criminal complaint or civil injunction.**

**3. The Lead Hazard Report for your property is attached to this notice.**  **SDMC Section 54.1010 and federal law requires you to provide a copy of this Report to current occupants of the property, to any future prospective tenants, and to any prospective new owners of the property. Please retain a copy of the Report for your records.**

To assist you in developing a work plan to correct this violation notice, and ensure you have all the information you need to make informed decisions, please contact me at 858-492-5015 or Rcox@sandiego.gov as soon as possible.

Sincerely,

Robert Cox

Lead Safety and Healthy Homes Inspector, Environmental Services Department

Enclosures: 1. Required Forms

1. Supplemental Information Package

Upon request, this information will be provided in alternate formats

**Enclosure 1**

**Lead Hazard Report**

**Required Forms**

1. Lead Hazard Removal Work Plan
2. Minimum Lead Hazard Clearance Testing Protocol

**Enclosure 3**

**Supplemental Information Package**

1. Relevant Government Regulations
2. Lead Waste Disposal Guidance