



## **COUNTY OF LAKE**

**COMMUNITY DEVELOPMENT DEPARTMENT**

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2212 FAX 707/263-2225

# **NOTICE OF VIOLATION**

**LAKE COUNTY ZONING ORDINANCE  
LAKE COUNTY ZONING ORDINANCE 21-61  
USE PERMIT # 85-27**

**A CASE NUMBER: PL090112-02**

**OWNER(S) NAME: Bottle Rock Power Corporation**

**VIOLATION ADDRESS: 7385 High Valley Road, Cobb, CA 95426**

**MAILING ADDRESS: PO Box 326, Cobb, CA 95426**

**ASSESSORS PARCEL NUMBER: 013-002-03, 04, 05**

**B. VIOLATION(S) ZONING ORDINANCE CHAPTER 21 USE PERMIT # 85-27**

- **Condition I.7 – a use permit modification was not applied for nor approved to construct a pipe pad to the west of the Francisco pipeyard.**
- **Condition B.7 – functional impermeable retaining levees at least 18” in height and 3’ thick to retain potentially hazardous materials on the drill site are not present in working order.**
- **Condition C.1 – the sumps at all three drilling sites are not constructed to standards for use in excess of one (1) year, which requires sumps to be double-lined with leachate collection systems consistent with Subchapter 15, Chapter 3, Title 23 of the CA Administrative Code.**
- **Condition C.2 – three feet of freeboard was not maintained in the Francisco sump, and drill cuttings were placed directly on the drill pad.**
- **Condition C.3 – contingency plan is not in place that includes a list of surface water users downstream of the Francisco Pad to Clear Lake.**

- **Condition C.4 – a contingency plan is not in place to address emergencies due to breaks or unexpected deformation of pipelines and supports.**
- **Condition C.5 – prior to reactivating use of the sumps, a written engineering report on the condition of the sumps was not submitted to the Planning Department.**
- **Condition M.8 – annual reports summarizing compliance activities during the previous year have not been submitted.**
- **Condition M.16 – updated financial assurances have not been provided to cover the cost of site reclamation and/or accidents.**
- **Condition II.G – page 4 of Attachment 1-item c.- integrity of the Meadow was violated through placement of drilling mud**

### **C. CORRECTIVE ACTION(S) REQUIRED TO ABATE VIOLATIONS**

Condition I.7 – Remove the pipe pad and restore and revegetate the site to its original condition through the grading permit process.

Condition B.7 – Repair/install the required levees according to the required standards.

Condition C.1 – Sumps should be abandoned according to Condition C.6 or replaced to comply with required standards.

Condition C.2 – insure all contractors are aware of condition requirements for all future operations, and refrain from storing cuttings on the well pads in the future.

Condition C.3 – submit required contingency plan.

Condition C.4 – submit required contingency plan.

Condition C.5 – submit engineering report on the condition of the sumps and recommendations for any needed repairs. Conduct down-gradient soil testing below each sump to determine if any sump liner breaching has occurred.

Condition M.8 – submit report for 2008 and for each year hereafter.

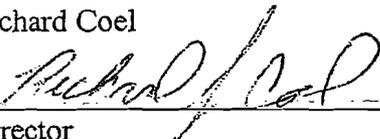
Condition M.16 – submit surety bond in a form satisfactory to the County that is adjusted for current Consumer Price Index.

Condition II.G – all foreign materials shall be removed from the Meadow, the site recontoured, and soil testing conducted and results submitted to the Community Development Department

**D THESE VIOLATIONS MUST BE CORRECTED/ABATED BY March 1, 2009. FAILURE TO CORRECT THE VIOLATIONS COULD SUBJECT THE RESPONSIBLE PARTY(IES) TO CRIMINAL AND ADMINISTRATIVE PENALTIES FOR EACH DAY THE VIOLATION CONTINUES, AND COULD RESULT IN THE IMPOSITION OF A LIEN ON THE PROPERTY.**

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Richard Coel



Director

COMMUNITY DEVELOPMENT DEPARTMENT

DATED: 1/12/2009

**RIGHT TO APPEAL**

**LAKE COUNTY ZONING ORDINANCE SECTION 21-58**

**SECTION 21-58.1 Allows for anyone to file an appeal of the Community Development Director's decision to the Planning Commission.**

**Appeals of decisions of the Community Development Director shall be made in writing and shall state the basis of the appeal. Such appeals shall be in writing and shall be filed within seven (7) days after the Director's decision. Appeals shall be filed with the Secretary to the Planning Commission, 255 N. Forbes Street, Lakeport, CA 95453.**

**Notice of a hearing shall be given to the appellant by mail and posted at least ten (10) days prior to said hearing.**