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CALAVERAS COUNTY
AGRICULTURE AND ENVIRONMENTAL MANAGEMENT AGENCY

**ENVIRONMENTAL HEALTH
DEPARTMENT**

GOVERNMENT CENTER
891 MOUNTAIN RANCH ROAD
SAN ANDREAS, CALIFORNIA 95249-9709
TELEPHONE 209/754-6399 - FAX 209/754-6722

JEARL D. HOWARD
ADMINISTRATOR

BRIAN S. MOSS
DIRECTOR

August 5, 2004

Mike Nemece
9209 Ospital Road
Valley Springs, CA 95252

Subject: Notice of Violation
APN #050-052-041
9209 Ospital Road

Dear Mr. Nemece:

During discussions with Department Staff and the Director, it was concluded that a "test well" was drilled at an unapproved location in the vicinity of Site #2; a permit was not issued for that location; construction of the "test well" was terminated when drilling encountered a "cavern"; the "test well" was abandoned, and drilling was then initiated at Site #2. Following the installation of the annular seal at Site #2, further development of the well occurred washing away the upper portions of the surface seal and the annular seal.

The following violations occurred in conjunction with the construction of these wells:

- Initiation of drilling without a permit;
- Initiation of drilling on an unapproved site;
- Destruction of a well without a permit;
- Destruction of a well with unauthorized methods and materials, and
- Failure to complete a proper surface seal.

A&A Gross Well Drilling has been advised that drilling without a permit constitutes a violation of Paragraph A, Section 8.20.040 (Permit required) of the Calaveras County Well Ordinance.

A&A Gross Well Drilling has been advised that drilling prior to site approval constitutes a violation of Paragraph A, Section 8.20.039 (Inspections) of the Calaveras County Well Ordinance.

In addition, A&A Gross Well Drilling has been advised that the surface seal as constructed constitutes a violation of Section 8.20.300 (Surface seal) of the Calaveras County Well Ordinance.

Please be advised that the destruction of a well without a permit constitutes a violation of Paragraph A, Section 8.20.040 (Permit required) of the Calaveras County Well Ordinance, which states that:

“No person, whether as principal, servant, agent, employee or attendant, or otherwise, shall commence to dig, bore or drill a well or to deepen, seal, re-perforate, abandon or destroy an existing well in any area of Calaveras County without first having obtained a permit to do such work from the Director. An application for a permit shall be made in such a manner and on such forms as the Director directs.”

Please be advised that the methods and materials used to destruct the “test well” constitutes violations of Paragraph B, Section 8.20.036 (Sealing requirements) of the Calaveras County Well Ordinance, which states, in part, that:

“ The open well may then be filled with approved filler material from the bottom up to 20 feet below the ground surface... The approved sealing material (see Section 8.20.260) shall be installed from the filler material to the top of the casing.”

Please be advised that pursuant to Paragraph A, Section 8.20.160 (License required) of the Calaveras County Well Ordinance, states, in part, that:

“No person shall undertake to...abandon or destroy such a well. Unless the person responsible for that construction, alteration, destruction, or abandonment possesses a C-57 Water Well Contactor’s license in accordance with the California Water Code...”

Directives

You are hereby informed that a Stop Work Order (copy enclosed) has been issued to A&A Gross Well Drilling, effective this date, to cease and desist from well construction activities on the above identified property.

You are hereby directed to take such action as to have the “test well” cleared of debris and properly destroyed.

In addition, you are hereby directed to take such action as to have the surface seal for new well at Site #2 properly installed.

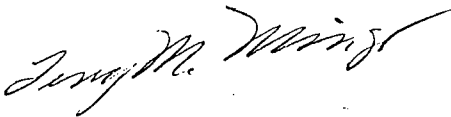
Please be advised that additional well permits shall not be issued for the above identified property pending resolution of the issues herein discussed.

In addition, please be advised that Paragraph A, Section 8.20.530 (Violations) enables the Director, should such action be necessary, to resolve violations through the courts.

“Any act in violation of the provisions of this Chapter and the standards incorporated herein is declared to constitute a public nuisance which shall be punishable as a misdemeanor and is subject to abatement as provided under provisions of the Civil Code or through abatement under and County Ordinance enacted pursuant to Section 25845 of the Government Code. Each and every day a violation exists constitutes a separate violation.”

If you have questions regarding these requirements, please feel free to contact Brian Moss, Director, Environmental Health Department or me at (209) 754-6399.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry M. Mingo".

Terry M. Mingo, REHS
Well Program

enclosure

cc: Brian Moss, Director, Environmental Health Department
A&A Gross Well Drilling
Victoria Erickson, Supervisor, District 5

NOTICE

STOP WORK ORDER

August 5, 2004

A&A Gross Drilling
ATTN: Keith Gross
P.O. Box 178
Woodbridge, CA 95258

Subject: Well Construction
Assessor's Parcel Number (APN) #050-052-041

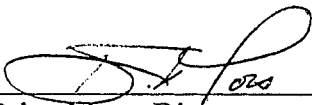
Dear Mr. Gross:

You are hereby notified that effective this date a Stop Work Order is issued to A&A Gross Drilling regarding well construction on the above identified APN. Furthermore, A&A Gross Well Drilling is hereby ordered to cease and desist all well drilling activity on the above identified APN effective immediately.

This action is ordered by the Calaveras County Environmental Health Department pursuant to Paragraph B, Section 8.20.530 (Violations) of the Calaveras County Well Ordinance, which, in part, states:

“In the event work on a well subject to the provisions of this Chapter is being performed in violation of the provisions of this Chapter, the Director shall order the work stopped... No further work shall be done after the posting of the stop order until such time as the stop order is removed by the Director. No person shall remove, deface, or obliterate a posted stop order.”

By order of:



Brian Moss, Director
Environmental Health Department

Date: August 5, 2004