
North Coast Regional Water Quality Control Board

February 10, 2023

Brian Heim
2525 Madrona Avenue
Saint Helena, CA 95474
brianeheim@yahoo.com
Certified No. 7021 0950 0001 6500 0547

Kyle Hoppes and
Jordan Heim-Hoppes
4658 Hessel Road
Sebastopol, CA 95742
khoppesdpt@gmail.com
Certified No. 7021 0950 0001 6500 0554

Dear Brian Heim, Kyle Hoppes, and Jordan Heim-Hoppes:

Subject: Notice of Violation for Failure to Comply with Health and Safety Code Section 25296.10; Corrective Action Order

Site: Riddell, John, 4658 Hessel Road, Sebastopol, CA,
Cleanups Case #1TSO449

On May 9, 2019 the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) issued you an order pursuant to Health & Safety Code Section 25296.10 and 23 California Code of Regulations (CCR) section 2727 (Order) requiring you to submit a Feasibility Study and Corrective Action Plan (FS/CAP) addendum to address the unauthorized release of a hazardous substance from three underground storage tanks (USTs) at 4658 Hessel Road, Sebastopol, California (Site). You received this Order because you are the former and current owners of the Site.

The FS/CAP was due to the Regional Water Board by August 8, 2019. However, as of the date of this letter, the Regional Water Board has not received the required FS/CAP. As such you are **IN VIOLATION** of the Regional Water Board's Order.

Background

On March 6, 2018, Regional Water Board staff issued a written directive to Mr. Kyle Hoppes (current owner of the property), and Mr. Brian Heim (previous property owner) requesting submittal of a revised FS/CAP Addendum. This FS/CAP Addendum was to address the following items:

- Additional crawl space sampling.
- Remedial evaluation of 1,2-dichloroethane (1,2-DCA) impacts to groundwater
- Trend graphs for all detected constituents and wells and times and estimates to reach water quality objectives.
- Evaluation of the total remaining contaminant mass and the effectiveness of the previously proposed remediation method.

Because you failed to respond to the above-referenced directive, the Regional Water Board issued an Order Pursuant to Health and Safety Code section 25296.10 Corrective Action Requirements dated May 9, 2019. The Order directed you to submit an FS/CAP Addendum to address the petroleum release at the site, to include the elements requested in the March 2018 letter listed above, by August 8, 2019.

On August 16, 2021, Edd Clark & Associates (EC&A) submitted the *Crawl Space, Indoor Air and Outdoor Ambient Air Sampling Report* to the Regional Water Board.

On November 30, 2021, EC&A submitted the *Monitoring Well Destruction, Shallow Soil and Vapor Assessment Work Plan*.

On February 1, 2022, the Regional Water Board approved the *Monitoring Well Destruction, Shallow Soil, and Soil Vapor Assessment Work Plan* and approved an extension of the FS/CAP Addendum submittal to August 30, 2022.

On November 4, 2022, the Regional Water Board issued a staff letter requesting a case status update. The Regional Water Board requested a status report be submitted by November 23, 2022. As of the date of this letter, the Regional Water Board has not received the required FS/CAP Addendum or any response to its directives.

Enforcement Action

Pursuant to Health and Safety Code section 25299(d)(1), any person who violates any corrective action requirement established by, or issued pursuant to, Water Code section 25296.10, is liable for a civil penalty of up to ten thousand dollars (\$10,000) for each UST for each day of violation. A civil penalty may be imposed by civil action pursuant to Health and Safety Code section 25299(d)(2) or imposed administratively by the Regional Water Board pursuant to Water Code sections 13323-13328.

To date, you have accrued 1,282 days of violation, for a potential liability of **\$12,820,000**. The potential liability will continue to accrue at a rate of \$10,000 per day until you comply.

The Regional Water Board will consider your response to this Notice of Violation, as well as the number of days of violation already incurred, in determining whether to seek

the imposition of an administrative civil liability complaint as well as additional legal action. Therefore, it is imperative that you comply as soon as possible.

Please contact Engineering Geologist Kent Huth at (707) 576-2669 or Kent.Huth@waterboards.ca.gov upon receipt of this notice to discuss this matter.

Sincerely,

Charles Reed, P.E.
Supervising Water Resource Control Engineer

230210_KKH_er_Riddell, John_NOV

Attachment: May 9, 2019, Order to Submit Workplan Pursuant to Health and
Safety Code Section 25296.10

Certified - Return Receipt Required