



Enforcement News

North Coast Regional Water Board Reaches \$579,700 Settlement for Sonoma County Stream Sediment Discharges

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The North Coast Regional Water Quality Control Board approved a settlement agreement yesterday with a Sonoma County property owner over sediment discharges to a tributary of Salmon Creek, a coastal stream.

Working with the State Water Resources Control Board's Office of Enforcement, the Regional Water Board reached a settlement agreement with property owner Stephen Kistler that requires the payment of \$579,700 in penalties for water code violations and recovery of agency staff costs for enforcement and prosecution of the case.

The settlement requires Kistler to immediately pay \$322,498 to the State Water Resources Control Board Cleanup and Abatement Account and allows for the remaining \$257,202 in penalties to be suspended pending the successful completion of two Supplemental Environmental Projects.

The projects involve rainwater catchment and gully stabilization on private properties in the Salmon Creek watershed; they return needed instream flows and treat active sediment sources in the Salmon Creek watershed.

The sediment discharges occurred during an April 2013 incident in which Kistler directed an employee to pump highly turbid water from a partially constructed pond into a second onsite pond on Kistler's property, located at 14701 Bodega Highway in Valley Ford. Approximately 739,910 gallons of that water subsequently overflowed from the second pond into a watercourse that drains to Salmon Creek.

Responding to a California Emergency Management Agency spill report, staff of the Regional Water Board, Department of Fish and Wildlife, and National Oceanic and Atmospheric Administration (NOAA) observed highly turbid water in Salmon Creek, and followed it back up to the ponds on the Kistler Property. Over the course of a five-day period from April 11th to the 15th, Regional Water Board staff documented the discharge and its dissipation; the investigation continued until the 29th of April.

Regional Water Board investigators determined that the sediment discharges violated both the California Water Code and the federal Clean Water Act.





The negotiated settlement includes \$570,000 for penalties and \$10,000 in staff costs. The settlement of this enforcement action will likely promote better land management practices by providing a concrete example of the potential liability associated with federal Clean Water Act and the California Water Code violations.

After a 30 day public comment period, the settlement order was adopted on Nov. 2.

For more information about the North Coast Regional Water Quality Control Board's enforcement efforts, visit:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/enforcement/

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