
North Coast Regional Water Quality Control Board

January 17, 2014

Mr. Greg Hart
Dry Creek Properties
1101 5th Avenue
Redwood City, CA 94063

Dear Mr. Hart:

Subject: Notice of Violation for the Lands of Hart Construction Project Storm Water Permit, 7605 West Dry Creek Road, Healdsburg, Sonoma County

File: Lands of Hart, West Dry Creek Road, Sonoma County, WDID No. 149C365121

Your project has coverage under and is subject to the requirements of the Statewide General Permit for Discharges of Storm Water from Construction Activities (Construction General Permit). The Construction General Permit contains enforceable requirements intended to control the discharge of pollutants from construction projects. On Thursday and Friday, January 2 and 3, 2014, staff of the North Coast Regional Water Quality Control Board (Regional Water Board) inspected the Lands of Hart construction project at 7605 West Dry Creek Road in Sonoma County (hereinafter, Site). Staff noted expansive areas of exposed soils on upper portions of the construction site, with little effort to prevent soil erosion in the event of sustained precipitation. Your site QSD/QSP has been warned of the inevitability of soil discharges in storm water runoff from this site.

Sediment discharges can cause or contribute to violation of applicable water quality standards. The Construction General Permit requires facility operators to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges through the development and implementation of BMPs. These BMPs help to control pollutants using Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT).

The following photographs depict conditions observed by staff at the Site:



Photo 1: 01/02/14 Recent Road Construction with Exposed Soils on Site – Photo by Paul Keiran, Regional Water Board Staff



Photo 2: 01/02/14 Recent Road Construction with Exposed Soils on Site – Photo by Paul Keiran, Regional Water Board Staff



Photo 3: 01/02/14 Loose Stockpile and Steep Graded Areas on Site – Photo by Paul Keiran, Regional Water Board Staff



Photo 4: 01/03/14 Stockpiled Soils Shown in Photo 3 Were Graded Across the Site – Photo by Paul Keiran, Regional Water Board Staff

Compliance with your Construction General Permit includes ensuring that you have an adequate SWPPP onsite, and that you implement the provisions of the SWPPP through BAT and BCT. This includes ensuring that all graded areas are properly winterized during the rainy season. Additionally, the amount of roadwork and site grading greatly exceeds what is shown on approved site maps. This issue needs to be addressed with both the Regional Water Board and the County of Sonoma.

By January 27, 2014, you shall submit an updated copy of your SWPPP to the State Water Resources Control Board. The updated SWPPP shall fully describe why additional extensively graded areas are not mentioned in the existing SWPPP. It shall include full copies of the County approved grading plans and measures proposed to be implemented to eliminate or significantly minimize the potential for discharge of sediment-laden storm water runoff from the Site. Please include an implementation schedule for the site repairs to ensure that these measures are fully implemented.

Staff review of the document *Appendix B-Risk Level Assessment*, which is attached to the Notice of Intent on the Storm Water Multiple Application and Reporting System (SMARTS), has revealed multiple inconsistencies with our records. The Construction End Date of November 26, 2012, which is used in the risk level assessment, is inconsistent with the current construction activity occurring on site. The Isoerodent Value of 60 used in the assessment is also inconsistent with the value of approximately 165 as derived using the State Water Resources Control Board RUSLE_R_Isoerodent.kml file. Based on an isoerodent value of 165 and the current construction date, the combined project risk appears to be Level 3, although it is currently identified as Level 2 in SMARTS. Level 3 projects have additional site management, sediment control, rain event action plan, monitoring, and reporting requirements. Due to these inconsistencies, the steepness of the graded slopes and the proximity to drainageways, the Regional Water Board hereby requires you to recalculate the combined risk for this site in the updated SWPPP by January 27, 2014.

During the inspections, Regional Water Board Staff observed areas along the entrance road where work has or may impact waters of the State. You are hereby notified that any future work that may directly impact waters of the State (e.g., road crossings of watercourses) requires that you submit an application for a Water Quality Certification to the Regional Water Board.

Due to the potential for significant sediment discharges on Site, a failure to take these steps in a timely manner will result in additional enforcement actions, which can include the assessment of civil liabilities of up to \$10,000 per day of discharge.

If you have any questions, please contact Kason Grady of my staff at (707) 576-2682 or at Kason.Grady@waterboards.ca.gov.

Sincerely,

David F. Leland, PE
Assistant Executive Officer

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cc: Nathan Quarles, County of Sonoma PRMD, 2550 Ventura Avenue, Santa Rosa, CA
95404

Ben Neuman, County of Sonoma PRMD, 2550 Ventura Avenue, Santa Rosa, CA
95404

Ecc: Cort Munselle, Munselle Civil Engineering, cort@munsellecivil.com