



California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

March 11, 2003

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

NOTICE OF VIOLATION; STORM WATER PERMITTING REQUIREMENTS; KELEGIAN RANCH PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY; WDID #3 40S319350

Dear Mr. Kelegian:

On March 4, 2003, Ryan Lodge and Jennifer Bitting of my staff inspected the Kelegian Ranch Property and found it in violation of the General Construction Storm Water Permit (Permit). While on site, Regional Board staff observed widespread erosion, and overwhelmed sediment control BMPs (Photos 1, 2). The nearby Huerhuero Creek and a nearby-unnamed creek are tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.



Photo 1 – Eroded hillside draining toward creek.

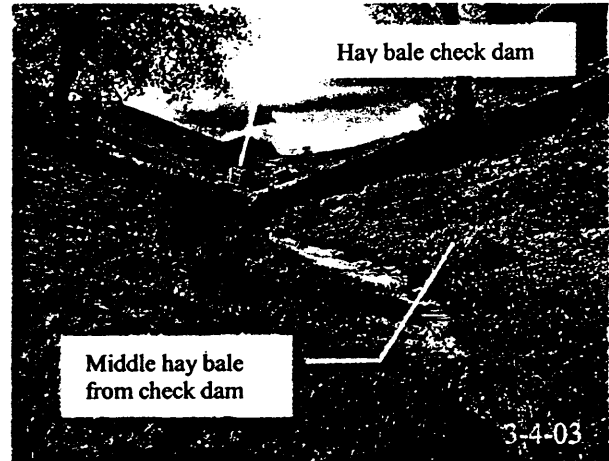


Photo 2 – Hay bale check dam in blue line creek, middle hay bale pushed downstream.

Site erosion resulted in sediment discharge into the unnamed tributary to the Huerhuero Creek (Photos 3, 4). Some sediment control measures were installed within the tributary creek. Hay bales and straw wattles installed across the directional flow of water are not BMPs. Sediment and erosion controls should be in place to protect the creek. Installation of sediment controls within the creek trap the sediment in the water body itself, which is detrimental to the creek.

The Storm Water Pollution Prevention Plan (SWPPP) for your site outlines erosion and sediment controls. You have failed to implement a SWPPP in compliance with Part C.2 of the Permit. Your site SWPPP indicates that you will:

- Install straw wattles as shown on the erosion control plan.
- Install enviroberm porous sediment control as shown on the erosion control plan.
- Remove accumulated sediment from berms and other sediment control devices.

California Environmental Protection Agency



Kelegian ACL
July 8, 2005 Meeting
Attachment No. 6

You have not installed straw wattles and enviroberm sediment controls as shown on the erosion control plan, or removed accumulated sediment from sediment control devices that are in place as outlined in your SWPPP. Sediment controls are ineffective once filled with sediment (Photo 3).

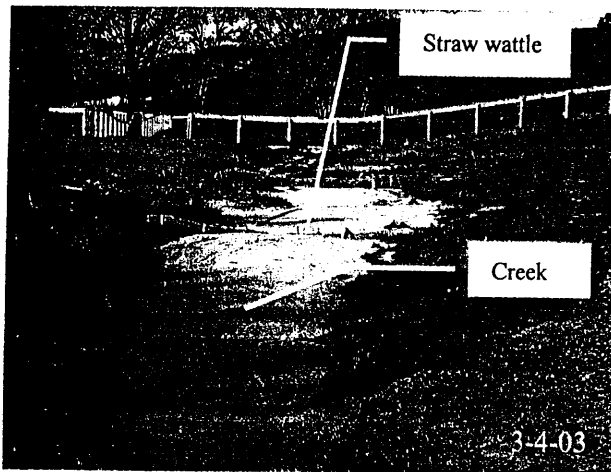


Photo 3 – Overwhelmed straw wattle in blue line creek.

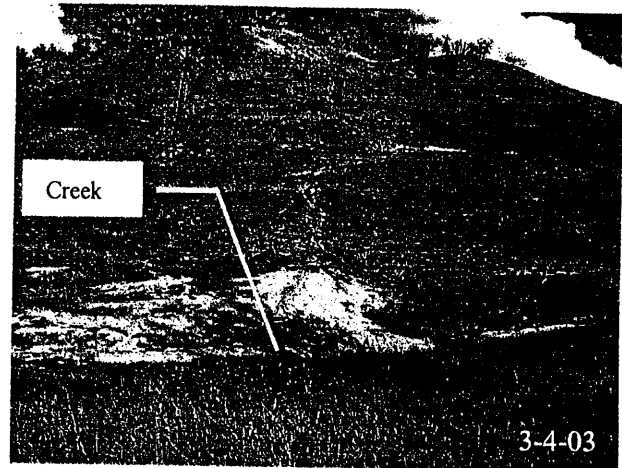


Photo 4 – Sediment from hillside flowing into creek. The creek flows from right to left.

General Permit Section A, paragraph 6, states in part:

“At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites.”

You have failed to implement an effective combination of erosion and sediment control as required by the Permit, resulting in surface water sediment discharges. You are required to install effective erosion and sediment controls to protect area creeks immediately. You have failed to implement a SWPPP in compliance with Part C.2 of the Permit. **You must submit an updated copy of your SWPPP, with an implementation schedule by March 21, 2003.**

Violations of the General Permit constitute violation of Section 13385 of the California Water Code. Corrective action is required immediately to avoid civil liability. Regional Board staff will revisit the site within the next two weeks to ensure compliance with the Permit. The violations outlined herein and any future violations are subject to civil liability, imposed administratively by the Regional Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

If you have any questions regarding this matter, please call **Ryan Lodge at (805) 542-4642** or **Jennifer Bitting at (805) 549-3334**.

Sincerely,

Roger W. Briggs
Executive Officer

California Environmental Protection Agency



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