

California Regional Water Quality Control Board  
North Coast Region

Cleanup and Abatement Order No. R1-2007-0097

For

The County of Sonoma

Regarding

Sonoma County Fairgrounds  
Bennett Valley Road, Santa Rosa

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board), finds that:

1. The Sonoma County Fairgrounds, located at 1350 Bennett Valley Road, in Santa Rosa, Sonoma County (APN #s 009-420-001; 009-371-010; 009-381-002; 009-381-004; 009-410-001; 038-201-024, and 038-202-013), hereinafter referred to as "Fairgrounds", operates as a multi-use facility for numerous fairs, exhibitions and other commercial and recreational activities.
2. The Fairgrounds exists as a "county island" within the urban growth boundary of the City of Santa Rosa. As such, the Fairgrounds is owned and under the jurisdiction of Sonoma County.
3. On June 26, 2003, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted Board Order No. R1-2003-0062. This Order serves as waste discharge requirements for storm drain discharges from municipal separate storm sewer systems (MS4) owned and/or operated by the City of Santa Rosa, the County of Sonoma and the Sonoma County Water Agency. The Order contains requirements intended to reduce or eliminate the discharge of pollutants from the municipal storm water drainage system. The Sonoma County Fairgrounds is located within the permit boundary covered by the Santa Rosa area MS4 permit. The site has numerous drain inlets, drainage ditches and other storm water conveyance systems subject to the MS4 permit. Some of these drainage features discharge directly to a watercourse that flows through the site in a culvert. Other drainage is discharged offsite into the City of Santa Rosa MS4 system.
4. In 2006, inspections of the Fairgrounds by City of Santa Rosa Industrial Waste inspectors identified discharges of pollutants to storm drain systems on the fairgrounds. A Regional Water Board staff inspection and sampling results concluded that animal wastes were a source of the pollutants entering Fairgrounds storm drains. Board Order No. R1-2003-0062 contains a discharge prohibition which states "The Permittees shall, within their respective jurisdictions, effectively prohibit, to the maximum extent practicable (MEP), the discharge of non-storm

water (materials other than storm water): (1) from the municipal separate storm sewer systems; (2) to waters of the United States.

5. On December 8, 2006 the Regional Water Board required Sonoma County staff to submit a technical report, pursuant to an order issued under California Water Code Section 13267(b) (13267(b) Order). The 13267(b) Order was issued based on various non-stormwater pollutant discharges to onsite storm drains, and waters of the state that occurred during the 2006 County Fair. The 13267(b) Order required the submittal of information regarding the discharges, the potential for future discharges and steps to be taken to eliminate the future discharges
6. On December 28, 2006 Sonoma County staff and Regional Water Board inspectors met with the County Fair manager to inspect areas thought to be the source of the non-storm water discharges. The main focus of the meeting was to identify practices that could be implemented to reduce pollutants discharging from horse washing and housing areas that entered storm drains and surface waters. The inspection determined that cow and pig animal housing and washing areas were directly connected, during the dry season, to the City of Santa Rosa's sanitary sewer system. Other similar washing facilities for horses discharged directly to drain inlets that discharge to a creek that flows in a culvert under the Fairgrounds.
7. On February 16, 2007 the Sonoma County Fair manager responded in writing to the 13267(b) Order. Included in the response was a Stormwater Pollution Prevention Plan (SWPPP) outlining steps Fairgrounds personnel intended to take to ensure pollutant control practices were implemented prior to the 2007 County Fair.
8. The Sonoma County Fair was held during the period July 17-August 6, 2007. On the morning of July 26, Regional Water Board and City of Santa Rosa staff re-inspected the Fairgrounds. During their inspection they noted the discharge of various non-stormwater pollutants into onsite storm drains. There was no evidence that the facility was implementing necessary pollution controls as required by Order R1-2003-0062.
9. Non-storm water discharges to municipal storm drains during the 2007 County Fair included mat washing wastewater in the food service areas; horse washing in and around the horse barn stalls; and associated animal wastes and sediments that were being washed into the storm drain system. Other water quality issues onsite include high concentrations of horse urine discharged to the ground (which can leach out during winter rains), and the dumping of grass clippings and woody debris directly into the drainage swale along South Hendley Street. All of these non-stormwater pollutants discharged, or threatened to discharge, into an onsite surface water, tributary to Colgan Creek. This small tributary drainage comes onto the Fairgrounds property along the east side of the Chris Beck Arena, and

continues under the access road between the arena and the horse barns. Onsite storm drain inlets and ditches discharge directly to this water of the state.

10. Based on the above information Regional Water Board staff have determined that an undetermined amount of pollutants have discharged and are continuing to discharge into the Colgan Creek watershed as a result of County Fairground activities. In addition, the presence of landscape wastes placed within a storm drain swale constitutes a threat of further impacts to waters of the State. Nutrient laden wastewater discharges also attract vectors such as mosquitoes that can be carriers of the West Nile virus. In addition to the above-referenced non-storm water discharges, activities at the Fairgrounds contribute pollutants, including litter, vehicle wastes and sediment to storm water runoff. The MS4 permit requires the reduction of pollutants in storm water runoff to the maximum extent practicable.
11. Section 13304 of the California Water Code (CWC) states that “any person who has discharged waste into waters of the State in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the State and creates, or threatens to create a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.”
12. As described in paragraphs 4, 5, and 7-8 above, a discharge of waste into waters of the State has occurred and the threatened discharge of additional pollutants is ongoing. This discharge and threatened discharge creates a condition of pollution, which is defined in CWC Section 13050(l) as “an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects...the waters for beneficial uses.”
13. In the Water Quality Control Plan for the North Coast Basin (Basin Plan), the Regional Water Board has identified present and potential beneficial uses of waters within its jurisdiction. The Regional Water Board is responsible for protecting the beneficial uses of receiving waters through regulation.
14. The Basin Plan designates the following existing and potential beneficial uses of the Middle Russian River Hydrologic Unit, Laguna Hydrologic Subarea (which includes Colgan Creek) as follows:
  - a. Municipal and domestic supply
  - b. Agricultural supply
  - c. Industrial service supply
  - d. Groundwater recharge
  - e. Freshwater replenishment

- f. Navigation
  - g. Water contact recreation
  - h. Non-contact water recreation
  - i. Commercial and sport fishing
  - j. Warm freshwater habitat
  - k. Cold freshwater habitat
  - l. Rare, threatened, or endangered species
  - m. Wildlife habitat
  - n. Migration of aquatic organisms
  - o. Spawning, reproduction, and/or early development
  - p. Native American culture
  - q. Estuarine habitat
  - r. Aquaculture
  - s. Shellfish harvesting
  - t. Flood peak attenuation/Flood water storage
  - u. Wetland habitat
  - v. Water quality enhancement
14. The discharge of pollutants into the Colgan Creek watershed alters the quality of those waters by waste in a degree which unreasonably affects these waters beneficial uses, including the following: 1) water contact recreation ; 2) non-contact recreation; 3).cold freshwater habitat 4) spawning, reproduction and/or early development, and; 5) municipal and domestic supply.
15. Section three of the Basin Plan contains water quality objectives that are necessary for the reasonable protection of beneficial uses. These include:
- Color: Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses.
  - Suspended Material: Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
  - Settleable Material: Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.
  - Sediment: The suspended sediment load and suspended discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.
  - Turbidity: Turbidity shall not be increased more than 20 percent above naturally occurring back ground levels. Allowable zones within which higher percentages can be tolerated may be defined for specific discharges upon the issuance of discharge permits or waiver thereof.

16. The discharge of wastewater into onsite storm drains has threatened to violate these objectives, unreasonably affecting beneficial uses.
17. California Water Code section 13267 also authorizes the Regional Water Board to investigate the quality of any waters of the State within its region and require persons to furnish technical or monitoring reports where the burden, including costs, of these reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. This Order contains a request for technical reports describing steps initiated and proposed to reduce the discharge of pollutants from the Fairgrounds.
18. Failure to comply with the terms of this Order may result in enforcement under the California Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to California Water Code Section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to cleanup or abate threatened or actual discharges as required by this Order is, pursuant to CWC Section 13350(e), subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged.
19. This is an enforcement action by a regulatory agency, being taken for the protection of the environment, and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, Section 21000 et seq.) In accordance with California Code of Regulations (CCRs), Title 14, Sections 15308 and 15321.
20. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with California Water Code Section 13320 and Title 23, CCRs, Section 2050. The State Water Board must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Executive Officer to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Executive Officer is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to CWC Sections 13267(b) and 13304, the Discharger shall provide the following information and perform the following clean up and abatement actions:

1. Take immediate actions to cease the discharge of animal wash water, animal wastes, landscaping trimmings, food service wastewater and other non-storm water discharges to waters of the State.
2. Cleanup past waste discharges that pose a threat to enter onsite drain inlets or waters of the state, including litter, vehicle fluid spills, sediment stockpiles, and landscape wastes.
3. Immediately implement a preliminary program of employee education and public outreach intended to change the present practice of allowing non-stormwater discharges into the storm drain system and to state waters.
4. Submit a work plan to the Regional Water Board, for Executive Officer concurrence, on or before January 14, 2007, that includes the following:
  - a. A long-term plan for eliminating all non-stormwater discharges to onsite storm drains. The plan shall include details for public education and outreach (stencil, signage, etc) as well as employee training. The plan shall include a monitoring program to ensure that such discharges are being effectively eliminated.
  - b. A detailed storm water runoff management plan, that ensures the reduction of pollutants contained in storm water runoff from the site. The plan shall include a site map showing all onsite drainage systems including inlet and outlet locations. All significant onsite sources of storm water pollution shall be identified and prioritized. The plan shall contain a time schedule for storm water pollution reduction activities and a monitoring program to judge the success of the project.
  - c. A description of all measures taken to comply with order numbers 1, 2 and 3 above.
5. Following Executive Officer written concurrence, implement the work plan.

This Cleanup and Abatement Order (CAO) in no way limits the authority of this Regional Water Board to institute additional enforcement actions or to require additional investigation and cleanup at the facility consistent with the California Water Code. This CAO may be revised by the Executive Officer as additional information becomes available.

Ordered by \_\_\_\_\_  
Robert R. Klamt  
Interim Executive Officer

October 30, 2007

07\_0097\_CAO\_SonCoFairgrounds\_PRK\_103007

## Attachment 1

Site Photographs taken by Regional Water Board staff on July 26, 2007

**Photo 1.**



**Horse washing runoff discharging directly to active creek**

**Photo 2.**



**Horse washing stall discharging directly to storm drain**

**Photo 3.**



**Active creek entering Fairgrounds adjacent to Chris Beck Arena**

**Photo 4.**



**Animal waste with storm drain in background**

**Photo 5.**



**Horse washing wastewater discharging directly to active creek**



**Horse barns with associated washing and exercise area**



**Wash area with appropriate sanitary sewer connection**