
North Coast Regional Water Quality Control Board

December 16, 2015

Mr. Reid Mac
605 Commercial Avenue
San Jose, CA 95112

Dear Mr. Mac:

Subject: Notice of Noncompliance: Failure to Obtain Coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009 as Amended by 2010-0014-DWQ & 2012-0006-DWQ, NPDES NO. CAS000002 (Construction General Permit)

File: 3858 Santa Rosa Avenue, Sonoma County,
Non-filer Identification No. 1 49CN602954

On November 4, 2015, Regional Water Board staff (Staff) received a complaint regarding a construction site located at 3858 Santa Rosa Avenue in Sonoma County (Project). The complainant said that the site was greater than one acre and lacked sediment and erosion controls. Staff determined through the Storm Water Multiple Application and Report Tracking System (SMARTS) database that the site does not have coverage under the Construction General Permit.

The construction activities associated with the Project are required to be covered under the Construction General Permit. The Construction General Permit applies to any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre, and if the construction activity results in land surface disturbance of less than one acre if the construction is part of larger plan of development or sale of one or more acres of disturbed land surface (Section I.B.18 & 19).

Accordingly, we have determined that you must apply for the Construction General Permit. Please file a Notice of Intent (NOI) electronically through SMARTS by 30 days from the date

of this letter. The Construction General Permit also requires a permittee to pay appropriate fees and to upload the permit registration documents (PRDs).

PRDs shall consist of a Notice of Intent (NOI), a Risk Assessment, a Site Map, a Storm Water Pollution Prevention Plan (SWPPP), an Annual Fee, and a Signed Certification Statement. Notify Ms. Devon Jorgenson through e-mail at Devon.Jorgenson@waterboards.ca.gov when a Waste Discharge Identification (WDID) number is issued by State Water Resources Control Board (State Board).

Failure to obtain coverage under the Construction General Permit is a violation of the Clean Water Act (CWA) and the California Water Code (CWC). If you fail to respond, you will be in violation of Section 13399.30 of the CWC. This section requires any person that discharges, proposes to discharge, or is suspected by a regional or the state board of discharging storm water associated with construction activity that has not obtained coverage under an appropriate storm water NPDES permit, to submit to the State Board, an NOI to obtain coverage. Failure to submit a required NOI may subject you to an enforcement action by the Regional Water Board and the assessment of civil liability that is not less than \$5,000 per year of noncompliance or fraction thereof.

Compliance with this requirement to file for enrollment in the Construction General Permit does not preclude enforcement for other violations of the CWC or CWA.

If you have any questions regarding this matter, please contact Devon Jorgenson at Devon.Jorgenson@waterboards.ca.gov or (707) 576-2701.

Sincerely,

Mona S. Dougherty
Senior Water Resources Control Engineer

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Certified-Return Receipt Requested