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## North Coast Regional Water Quality Control Board

May 27, 2016

Mr. Dean Soiland  
Mark West Quarry  
1060 N. Dutton Avenue  
Santa Rosa, CA 95401

Dear Mr. Soiland:

Subject: **Notice of Violation** of State Water Resources Control Board Order No. 2014-0057 DWQ *General Permit for Storm Water Discharges Associated with Industrial Activities* (Industrial General Permit); and **Confirmation of Corrective Actions**

File: Mark West Quarry, 4611 Porter Creek Road, Santa Rosa, Sonoma County, WDID No. 149I009813

The owners of Mark West Quarry (Permittee) is hereby given notice that it has violated Provision III.C (Discharge Prohibitions) and V.A (Effluent Limitations) of Section D of the Industrial General Permit for its failure to implement adequate soil stabilization to prevent turbid storm water discharges to Mark West Creek from the Mark West Quarry (Site).

The Permittee has demonstrated that the violations discussed in this letter have been corrected, and therefore, no further action is required at this time.

### I. Background

The Permittee owns and operates the Site, located on Porter Creek Road in Sonoma County California. The Site is an upland hard rock quarry located adjacent to Mark West Creek. The Site produces both crushed and broken stone. On February 19, 2016, at about 1000 hours, Regional Water Board staff noted the discharge of turbid storm water from the Site into Mark West Creek at a rate of approximately 1 cubic feet per second (cfs) while driving by to another inspection site. The discharge was notable given its concentration during a relatively light storm event that began at around 0500 hours. The source of discharge turbidity was a large overburden pile. The discharge emanated from a settling basin which overflowed to a concrete culvert when it reached capacity of approximately 1,350 gallons and ultimately discharged to Mark West Creek (located approximately 60 feet from the

discharge point). Based on the Regional Water Board staff inspection, no significant erosion and sedimentation was observed along the creek banks.

## **II. Applicable Requirements**

The Permittee violated the following Construction General Permit requirements:

### **Section D, Provision III. C: Discharge Prohibitions**

*Industrial storm water discharges and authorized non-storm water discharges that contain pollutants that cause or threaten to cause pollution, contamination, or nuisance as defined in section 13050 of the Water Code, are prohibited.*

### **Section D, Provision V. A: Effluent Limitations**

*Dischargers shall implement BMPs that comply with the Best Available Technology/Best Control Technology (BAT/BCT) requirements of this General Permit to reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability.*

## **III. Alleged Violations**

The Permittee violated Provision III. C of Section by discharging storm water runoff from a relatively newly mined area on the Site without adequate soil stabilizing and sediment control BMPs, which resulted in a turbid discharge emanating from a settling basin (Attachment 1, Photo 1A, B) from a rainfall event of 0.40 inches, as recorded at the Site. Based on the duration of the rain event, including the prior two days of moderate to heavy rain, time of concentration for runoff, and settling basin holding capacity, Regional Water Board staff estimates the discharge likely occurred for a duration of less than 3 hours and totaled approximately 81, 000gallons of storm water.

The Permittee violated Provision V. A of Section D by failing to implement appropriate BAT/BCT BMPs, which resulted in a turbid discharge to Mark West Creek (Attachment 1, Photo 1C). The turbid discharge was noticeable as it discharged into Mark West Creek (Attachment 1, Photo 1D).

## **IV. Corrective Actions**

The Permittee has taken corrective actions by both immediately removing a large pile of overburden which was the source of the turbid discharge, and subsequently mining rock out of the area over the past several months. This has created a large depression which now retains the storm water that drains into this area of the quarry.

Mark West Quarry

**V. Future Enforcement Actions**

Please note that correcting the conditions of non-compliance with the Industrial General Order does not preclude enforcement action for the violations alleged in this notice. The Regional Water Board reserves its rights to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's Office. Administrative civil liabilities may be assessed beginning with the date that a violation first occurred.

Should you have any questions, please contact Mr. Paul Keiran of my staff at [paul.keiran@waterboards.ca.gov](mailto:paul.keiran@waterboards.ca.gov) by email or at (707) 576-2753.

Sincerely,

Claudia Villacorta  
Point Source and Groundwater Protection Division Chief

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Attachments:

1. Supporting Photographs

Certified Return Receipt Requested

## Attachment 1: Supporting Photographs



February 19, 2016 –Photo 1A. Turbid discharge emanating from newly mined area into the settling basin. Paul Keiran, Regional Water Board staff photograph



February 19, 2016 – Photo 1B. Turbid water within settling basin. Paul Keiran, Regional Water Board staff photograph.

Mark West Quarry



February 19, 2016 – Photo 1C. Point of discharge of turbid runoff to culvert that discharges into Mark West Creek. Paul Keiran, Regional Water Board staff photograph.



February 19, 2016 – Photo 1D. Point of culvert outfall into Mark West Creek. Paul Keiran, Regional Water Board staff photograph