
North Coast Regional Water Quality Control Board

September 12, 2016

Derrell Crawford
Black Mountain Developers, LLC
67 Luke Drive
Napa, CA 94558

Subject: **Second Notice of Noncompliance:** Failure to Obtain Coverage under the National Pollutant Discharge Elimination System (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: Cold Creek Ranch, 7205 Geysers Road, Geyserville (Site)
Non-filer ID No. 1 49CN603152

Dear Mr. Crawford:

On July 25, 2016, North Coast Regional Water Quality Control Board (Regional Water Board) staff received a notification from California Department of Fish and Wildlife (CDFW) staff regarding several cleared areas associated with construction activities that lacked sediment and erosion controls at 7205 Geysers Road. On July 26, 2016, Regional Water Board staff inspected the Site and determined that the cleared areas are greater than one acre.

The construction activities associated with the Site 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 coverage under the Construction General Permit. Please file a Notice of Intent (NOI) electronically through the Stormwater

Multiple Application and Report Tracking System (SMARTS) by **Tuesday, October 4, 2016**. SMARTS is accessible from the following website address: <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>. If you need assistance with SMARTS or completing the NOI, please contact the SMARTS Help Desk at (866) 563-3107.

The Construction General Permit 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 Devon Jorgenson at Devon.Jorgenson@waterboards.ca.gov when a Waste Discharge Identification (WDID) number is issued by State Water Resources Control Board (State Water 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 Water 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.

Please note that this is the second Notice of Noncompliance; the first was issued on August 5, 2016. If you have any questions regarding this matter, please contact Devon Jorgenson of my staff by email or by phone at (707) 576-2701.

Sincerely,

Mona S. Dougherty
Senior Water Resources Control Engineer

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Certified-Return Receipt Requested

cc: K. Christopher Branch
Agent for Service of Process on Behalf of
Black Mountain Developers, LLC
860 Osos St. Suite 10
San Luis Obispo, CA 94501