
North Coast Regional Water Quality Control Board

January 10, 2017

Mr. Alan Bongio
Alan Bongio Construction, Inc.
4287 Walnut Drive
Eureka, CA 95503

Dear Mr. Bongio:

Subject: **Notice of Violation** of State Water Resources Control Board Order No. 2009-0009 DWQ as amended by Orders 2010-0014 DWQ & 2012-0006 DWQ *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit), **and Confirmation of Subsequent Corrective Actions**

File: Mary Court Subdivision, Eureka (Site and Project), Humboldt County, Construction General Permit, WDID 1 12C376633

Alan Bongio Construction Incorporated (Permittee) is hereby given notice that it has violated the Construction General Permit for unauthorized discharges of sediment or earthen materials from the above-referenced Site to a tributary of Jolly Giant Creek, a water of the United States. The Permittee has demonstrated that the violations discussed in this letter have been corrected, and therefore, no further action is required. Please note that correcting the conditions of non-compliance at the Site does not preclude enforcement for the violations alleged in this notice.

Background

The Permittee owns and operates the Project, Mary Court Subdivision, located on Manzanita Court, in the City of Eureka. The Project is enrolled under the Construction General Permit. According to the Project Storm Water Pollution Prevention Plan (SWPPP), the Permittee has disturbed 1.5 acres of a 3.1-acre property. According to the Storm Water Multiple Application and Report Tracking System (SMARTS) database, the Permittee commenced construction on July 20, 2016, and anticipates to complete construction by

December 31, 2018. The Project is listed as a Risk Level 2 in SMARTS. The Project runoff is routed to a tributary of Jolly Giant Creek.

Applicable Requirements

The Permittee violated the following Construction General Permit requirements:

Attachment D, Provision B.1.e:

Dischargers shall implement BMPs to prevent the off-site tracking of loose construction and landscape materials.

Attachment D, Provision D.2:

Dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.

Attachment D, Provision E.1:

Dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.

Alleged Violations

The Permittee violated Attachment D, Provisions B.1.e and E.1 by failing to stabilize the Project northeast section (see Attachment A: Photo 1) leaving a large section exposed in violation of Provision D.2. During a November 2, 2016, inspection, Regional Water Board staff (Staff) observed that the northeast section of the Project showed signs of excessive erosion of sediments due to the lack of effective erosion control Best Management Practices (BMPs) (see Attachment A: Photos 2-4). Erosion was exacerbated by a curb and gutter installation that greatly concentrated storm water runoff, creating significant gullies and resulting in the discharge of Project sediments offsite and into a tributary to Jolly Giant Creek in violation of Provision E.1. Subsequent to the Site inspection, the Permittee provided email confirmation including photographic evidence to Staff that it had corrected the alleged violations by re-grading and stabilizing the area with appropriate erosion control BMPs (see Attachment B: Photos 1-4). Corrective work began on November 3, 2016, and was completed by November 6, 2016.

Future Enforcement Action

Please note that correcting the conditions of non-compliance at the Site does not preclude enforcement 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 cease and desist order, time schedule order, assessment of administrative civil liabilities, and referral to the California Attorney General's office. Please be aware that Alan Bongio Construction Incorporated may be subject to a cleanup and abatement order requiring it to clean up and abate the discharge of waste to the

tributary drainage along with any threat of future discharges. Administrative civil liabilities may be assessed beginning with the date that a violation first occurred. The liabilities can be up to \$10 per gallon and/or \$1,000 to \$10,000 per day per violation, pursuant to Water Code sections 13385 and/or 13268.

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

Sincerely,

Claudia Villacorta
Point Source and Groundwater Protection Division Chief

170110_PRK_dp_MaryCourtEureka_NOV

Certified Return Receipt Requested

Attachment A: Supporting Photographs from the November 2, 2016, inspection
Attachment B: Permittee Photographs showing Site reparations completed
November 3-6, 2016

ATTACHMENT A. Supporting Photographs from the November 2, 2016, inspection



Photograph 1. Mary Court Subdivision – 11/02/16: Curb and gutter alignment that concentrated storm water runoff. Photograph by Paul Keiran, Regional Water Board staff



Photograph 2. Mary Court Subdivision – 11/02/16: Discharge of sediments from the Site into a small ravine. Photograph by Paul Keiran, Regional Water Board staff



Photograph 3. Mary Court Subdivision – 11/02/16: Large gullies formed by high velocity flowrate. Photograph by Paul Keiran, Regional Water Board staff



Photograph 4. Mary Court Subdivision –11/02/16: Offsite discharge of sediments adjacent to bank of tributary drainage. Photograph by Paul Keiran, Regional Water Board staff

ATTACHMENT B. Permittee Photographs showing Site reparations completed November 3-6, 2016



Photograph 1. Armoring of active drainageway



Photograph 2. Re-grading and covering fill-slopes



Photograph 3. Straw ground cover and wattle placement



Photograph 4. Repairing downslope areas adjacent to tributary creek