
North Coast Regional Water Quality Control Board

January 19, 2017

Mr. Rick Powell
General Manager
The Ratto Group
PO Box 14609
Santa Rosa, CA 95402

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 Storm Water General Permit) for Failure to Cover Exposed Waste and for Unauthorized Storm Water Discharges to Waters of the United States.

File: The Ratto Group, 3417 Standish Avenue , Santa Rosa, Sonoma County Facility (Facility), WDID No. 1 49I012696

Dear Mr. Powell:

The Ratto Group (Permittee) is hereby given notice that it has violated the Industrial Storm Water General Permit for failure to cover exposed waste and recyclable materials and for unauthorized discharges of partially treated storm water from the above referenced Facility to the Laguna de Santa Rosa, a water of the United States.

Please be advised that until the Permittee implements corrective actions to ensure that storm water discharges will not contain pollutants in quantities that threaten to cause pollution, the Permittee will remain in violation of the Industrial Storm Water General Permit. Please notify Paul Keiran at Paul.Keiran@waterboards.ca.gov when the alleged violations are corrected.

Background

The Permittee provides recycling and collection services to both commercial and residential customers in Sonoma, Marin and Mendocino counties. The Facility is located in a 40-acre business park.

The Industrial Storm Water General Permit contains enforceable requirements intended to prevent or reduce the discharge of pollutants in the storm water from an industrial facility. Specifically, the general permit requires dischargers to implement minimum best management practices (BMPs) and applicable advanced BMPs to prevent or reduce the discharge of pollutants via storm water runoff. The general permit also includes criteria for demonstrating no exposure of industrial activities or materials to storm water, and no discharges of pollutants to waters of the United States. On February 10, 2015, the Permittee applied for permit coverage for storm water discharges associated with Facility activities and the Facility was subsequently enrolled under the Industrial Storm Water General Permit.

The Permittee currently treats storm water runoff from the Facility using an advanced storm water treatment system which collects runoff and treats it via a three-stage sand/paper/carbon filtration treatment system. On October 17, 2016, a consultant for the Permittee contacted North Coast Regional Water Quality Control Board (Regional Water Board) staff to report the non-operational status of the advanced storm water treatment system at the Facility. The advanced treatment system shut down when storm water from a nearby trunk line infiltrated into the treatment system collection pipeline. The new 24-inch collection pipeline was built to direct all Facility storm water to the treatment system and was installed adjacent to an existing 54-inch storm water trunk pipeline. The 54-inch trunk line serves the entire 40-acre business park, including the Facility. The trunk line is owned and operated by all business park property owners.

In mid-October 2016, the advanced treatment system became inoperable due to the exfiltration of storm water from the 54-inch trunk line into the 24-inch treatment system collection line (both lines are not required by code to have sealed joints). This caused flows to exceed the 24-inch collection pipeline capacity, which effectively flooded and shut down the advanced treatment system. The advanced treatment system became inoperable just after the first significant rain events in mid-October 2016 and remains shut down to this date. Consequently, partially treated storm water runoff from the Facility (via storm drain inlet protection BMPs) has discharged and continues to discharge to waters of the United States since mid-October 2016.

On October 25, 2016, Regional Water Board staff conducted a drive by inspection of the Facility and observed exposed waste and recyclable materials. The Facility currently stores waste and recyclable materials collected in an uncovered outdoor area. During rain events, stored waste and recyclable materials are exposed to storm water resulting in the discharge of pollutants from the Facility.

Applicable Legal Authority and Requirements

The Permittee violated the following Industrial Storm Water General Permit requirements:

X. Storm Water Pollution Prevention Plan

X.H.2: Advanced BMPs

X.H.2.a: In addition to the minimum, the Permittee shall, to the extent feasible, implement and maintain any advanced BMPs identified in Section X.G.2.b necessary to reduce or prevent discharges of pollutants in its storm water discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability.

X.H.2.b Advanced BMPs may include one or more of the following BMPs:

- i. Exposure Minimization BMPs. These include storm resistant shelters (either permanent or temporary) that prevent the contact of storm water with the identified materials or area(s) of industrial activity.*

- iii. Treatment Control BMPs. This is the implementation of one or more mechanical, chemical, biologic, or any other treatment technology that will meet the treatment design standard.*

Alleged Violations

The Permittee violated Sections X.H.2.a and X.H.2.b.i and iii by failing to continually operate the advanced storm water treatment systems during discharge events in accordance with its Storm Water Pollution Prevention Plan and by failing to adequately cover exposed waste and recyclable materials to prevent the contact of storm water with industrial materials. The failure to adequately cover exposed industrial materials and to operate the advanced storm water treatment system contributes to the discharge of pollutants in quantities that threaten to cause pollution.

Future Enforcement Action

Please note that correcting the conditions of non-compliance at the Facility 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, administrative civil liabilities, and referral to the California Attorney General's office. Please be aware that the Facility 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.

If you have any questions, please contact Paul Keiran of my staff at (707) 576-2753 or at Paul.Keiran@waterboards.ca.gov.

Sincerely,

Claudia Villacorta
Point Source and Groundwater Protection Division Chief

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Certified - Return Receipt Requested

cc: Code Enforcement Section, Sonoma County PRMD,
Rob.Houweling@sonoma-county.org
Chris Murray, City of Santa Rosa, cmurray@srcity.org