
North Coast Regional Water Quality Control Board

January 26, 2017

Mr. Germon Medeiros
Sonoma Soil Builders LLC
5900 Pruitt Avenue, Suite 160
Windsor, CA 95492

Dear Mr. Medeiros:

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 Subsequent Corrective Actions**

File: Sonoma Soil Builders LLC, 5900 Pruitt Avenue, Windsor, Sonoma County (Site)
WDID No. 1 49I025096

Sonoma Soil Builders LLC (Permittee) is hereby given notice that it has violated the Industrial General Permit for unauthorized discharges of untreated storm water from the above referenced facility (hereinafter Site) to a tributary drainage ditch that discharges into Pruitt 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 at this time.

Background

On July 29, 2015, the Permittee applied for coverage and was subsequently enrolled under the Industrial General Permit for discharges associated with activities at Site. The Industrial General Permit contains enforceable requirements intended to control the discharge of pollutants in the storm water from an industrial facility.

On December 13, 2016, Regional Water Board staff performed an unannounced inspection of the Site. During the inspection staff noted significant piles of soil amendments sitting

uncovered, with leachate and retained storm water from a previous rain event slowly migrating to several onsite and offsite storm drain inlets. Each of the drain inlets contained below grade filter fabric bags, which were all full of solids and were immediately being bypassed by discharging runoff. Storm water runoff from the Site discharges directly to a drainage channel that is tributary to Windsor Creek. Solids from Site operations were noted in several areas outside of the processing and loading areas. Consequently, untreated storm water runoff from the Site has discharged to waters of the state and the United States.

Applicable Legal Authority and Requirements

The Permittee violated the following Industrial General Permit requirements:

X. Storm Water Pollution Prevention Plan

X.H1: Minimum BMPs

X.H. 1.a: Good Housekeeping: The Discharger shall:

- i. Observe all outdoor areas associated with industrial activity; including storm water discharge locations, drainage area, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping needs. Any identified debris, waste, spills, tracked materials, or leaked materials shall be cleaned and disposed of properly;*
- ii. Minimize or prevent material tracking;*
- v. Cover all stored industrial materials that can be readily mobilized by contact with storm water.*

X.H.1.d: Material Handling and Waste Management The Discharger shall;

- i. Prevent or minimize handling of industrial materials or wastes that can be readily mobilized by contact with storm water during a storm event;*
- ii. Contain all stored non-solid industrial materials or wastes (e.g., particulates, powders, shredded paper, etc.) that can be transported or dispersed by the wind or contact with storm water;*
- iii. Cover industrial waste disposal containers and industrial material storage containers that contain industrial materials when not in use;*
- iv. Divert run-on and storm water generated from within the facility away from all stockpiled materials.*

Alleged Violations

The Permittee violated Section X.H.1.a.i, a.ii, a.v., and X.H.1.d.i-iv, by not implementing and/or maintaining treatment control best management practices (BMPs) onsite. Failure to implement and adequately maintain BMPs at the Site contributes to the discharge of pollutants in quantities that threaten to cause pollution.

Corrective Actions

Subsequent to the site inspection, the Permittee provided phone confirmation to staff that it had corrected these alleged violations by removing stored soil amendment materials, covering stockpiles, and replacing and stabilizing the area with appropriate erosion control BMPs. Corrective work was completed by December 14, 2016, just prior to a 3.5-inch storm event. Staff confirmed that this work was completed via a December 15, 2016, re-inspection of the Site.

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

Certified Return Receipt Requested