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## North Coast Regional Water Quality Control Board

February 22, 2017

Mr. Sean McGlynn  
[smcglynn@srcity.org](mailto:smcglynn@srcity.org)  
City Manager  
City of Santa Rosa  
100 Santa Rosa Avenue, Room 10  
Santa Rosa, CA 95404

Dear Mr. McGlynn:

**Subject:** Notice of Violation of Regional Water Quality Control Board Waste Discharge Requirements Order No. R1-2015-0030, National Pollutant Discharge Elimination System (NPDES) Permit for Discharges from the Municipal Separate Storm Sewer Systems

**File:** City of Santa Rosa, Phase I MS4 Permit, WDID No. 1B96074SSON

The City of Santa Rosa (Co-Permittee) is hereby given notice that it has violated Standard Provision section IV.A, Attachment D of the Phase I MS4 Permit for failure to provide requested information during an inspection on June 28, 2016. The attached inspection report summarizes the inspection findings and the alleged violation is discussed below.

The Co-Permittee is required to correct the violation immediately but not later than March 1, 2017. Additionally, by no later than March 22, 2017, please respond to the inspection findings.

### **I. Inspection Background**

The Co-Permittee owns and operates a municipal separate storm sewer system subject to the requirements set forth in the Phase I MS4 Permit. The Co-Permittee is subject to inspections under this Order (Standard Provisions, section I.F, Phase I MS4 Order Attachment D). On June 28, 2016, Regional Water Board Staff (Staff) conducted an inspection to determine Co-Permittee compliance with the Phase I MS4 Permit. The inspection was conducted to assess compliance with the requirement to develop and

implement a progressive enforcement policy and the requirement to have the adequate legal authority to take enforcement actions of violations associated with storm water quality.

The inspection findings are based on information and documents provided during the inspection. The inspection report includes three categories of findings: potential violations, program, and positive attributes. One alleged violation was identified as a result of the inspection and is described in detail below.

## **II. Applicable Requirements**

In accordance with the Phase I MS4 Permit, the Permittee is required to meet the following:

### **Attachment D: Standard Provisions Section IV.A.**

“Upon request, the Co-Permittee shall also furnish to the Regional Water Board, State Water Board, or U.S. EPA copies of records required to be kept by this Order.”

## **III. Alleged Violations**

On June 2, 2016, Staff contacted Ms. Heaven Moore, Supervising Engineer for the City, to schedule an inspection. As part of the inspection request, Staff provided a document request for several pertinent records related to the City’s progressive enforcement program (attached). The documents requested were to be provided to Staff during the inspection. A copy of this correspondence is attached. The following documents were not provided as requested:

1. Construction-related regulatory mechanisms (e.g. grading permit). (Subsequent to the inspection this information was provided).
2. Enforcement records for violations associated with Annadel Apartments, 1020 Jennings Avenue, Santa Rosa (aka Range Ranch). (Subsequent to the inspection enforcement record for the Range Ranch project were provided).
3. Example/case file of the Mendoza Taqueria and Market enforcement case. Partial records were provided for the enforcement case against this facility. However, not all records were provided including enforcement actions issued prior to 2012.

The Co-Permittee violated Standard Provision IV.A. of the Phase I MS4 Order (Attachment D) by failing to provide the requested documents at the time of the inspection.

## **IV. Required Actions**

The Co-Permittee must immediately, but no later than March 1, 2017, comply with Standard Provisions IV.A. of the Phase I MS4 Order (Attachment D) and provide documents that have not yet been provided as identified under Section III.3 above. Additionally, by

March 22, 2017, please provide a response to other program comments described in the inspection report.

**V. Future Enforcement Action**

Correcting the conditions of non-compliance with the Phase I MS4 Permit does not preclude enforcement action for the violations alleged in this notice. The Regional Water Board reserves its rights to fully enforce the law by taking enforcement action such as a cease and desist order, time schedule order, administrative civil liabilities, and referral to the State Attorney General. Administrative liabilities may be assessed beginning with the date that a violation first occurred. The liabilities can be up to \$1,000 per day per violation pursuant to Water Code section 13268.

Should you have any questions regarding this matter, please contact Colleen Hunt, of my staff at [Colleen.Hunt@waterboards.ca.gov](mailto:Colleen.Hunt@waterboards.ca.gov) or 707-576-2831.

Sincerely,

Claudia Villacorta  
Point Source and Groundwater Protection Division Chief

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Attachment:            Attachment 1: Request for Documents  
                             Attachment 2: Inspection Report

Certified - Return Receipt Requested