
North Coast Regional Water Quality Control Board

July 2, 2019

Mr. Dean Soiland
BoDean Company, Inc.
1060 North Dutton Avenue
Santa Rosa, CA 95401
dsoiland@bodeanco.com

Dear Mr. Soiland:

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);

File: Blue Rock Quarry, 7888 Highway 116, Forestville, Sonoma County
WDID No. 1 491014736

As the operator of the Blue Rock Quarry, you are hereby given notice of alleged violations of the following provisions of the Industrial General Permit regarding storm water discharges to a tributary to Green Valley Creek from the Blue Rock Quarry (Site):

- Section III. Discharge Prohibitions, Subsections A and C
- Section V. Effluent Limitations, Subsections A
- Section VI. Receiving Water Limitations Subsections A, B, and C

These unauthorized discharges also violate the federal Clean Water Act and may be subject to administrative liability pursuant to California Water Code section 13385, subdivision (c).

I. Background

The BoDean Company, Inc. owns, and you operate, the Blue Rock Quarry located 7888 Highway 116 in Forestville, Sonoma County (Site). The Site produces both crushed and broken stone. The Site is an upland hard rock quarry located adjacent to Highway 116 and a small tributary to Green Valley Creek, a tributary to the Russian River. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list for sediment and temperature.

This Site is level 1 for Total Suspended Solids (TSS) under the Industrial General Permit, with a high sediment risk factor that discharges to tributaries to the Russian River.

On December 14, 2018, the Regional Water Board was notified of a potential discharge from the Site by National Oceanic and Atmospheric Administration staff. On December 17, Regional Water Board staff arrived near the entrance of the Site. A small tributary to Green Valley Creek flows from west to east along the northern property boundary of the facility. Staff inspected the tributary and observed that the water upstream of the facility appeared less turbid than the water downstream from the facility. Staff collected water samples from the stream for measurements of turbidity¹. The turbidity results of the tributary indicated an increase in turbidity values downstream (71.8 NTU) from the facility versus upstream (15.7 NTU), a 357 percent increase. The Basin Plan water quality objective for turbidity is to not exceed levels greater than 20 percent above background.

II. Applicable Requirements

The Permittee is subject to the following Industrial General Permit requirements (pages 19 and 21):

- **Section III. Discharge Prohibitions**
 - A. *All discharges of storm water to waters of the United States are prohibited except as specifically authorized by this General Permit or another NPDES permit.*
 - C. *Industrial storm water discharges and authorized [non-storm water discharges] that contain pollutants that cause or threaten to cause pollution, contamination, or nuisance as defined in section 13050 of the Water Code, are prohibited.*
- **Section V. Effluent Limitations**
 - A. *Dischargers shall implement BMPs [Best Management Practices] that comply with the Best Available Technology/Best Control Technology (BAT/BCT) requirements of this General Permit to reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability.*
- **Section VI. Receiving Water Limitations**

¹ Water samples were collected by Regional Water Board staff and analyzed in the field using a Hach® 2100Q turbidimeter in accordance with EPA Method 180.1

- A. *Dischargers shall ensure that industrial storm water discharges and authorized [non-storm water discharges] do not cause or contribute to an exceedance of any applicable water quality standards in any affected receiving water.*
- B. *Dischargers shall ensure that industrial storm water discharges and authorized non-storm water discharges (NSWDs) do not adversely affect human health or the environment.*
- C. *Dischargers shall ensure that industrial storm water discharges and authorized NSWDs do not contain pollutants in quantities that threaten to cause pollution or a public nuisance.*

The Permittee is also subject to federal Clean Water Act discharge prohibitions:

- **Clean Water Act (CWA) section 301 (33 U.S.C. Sec. 1311)**
Prohibits the discharge of any pollutant into waters of the United States except in compliance with the CWA.

III. Alleged Violations

On or before December 17, 2018, you violated Discharge Prohibitions A by not implementing adequate and effective BMPs which resulted in discharges of sediment-laden storm water from the Site to a tributary of Green Valley Creek, a water of the United States. The storm water caused or threatened to cause pollution, contamination, or nuisance and was discharged in violation of Discharge Prohibition C of the Industrial General Permit. (Attachment 1, Photo 2).

On or before December 17 and 19, 2018, you violated Effluent Limitations A of the Industrial General Permit by failing to implement appropriate BAT/BCT BMPs, which resulted in the discharge of sediment to a tributary of Green Valley Creek (Attachment 1, Photo 3; Attachment 2, Photo 1). The discharges were confirmed by turbidity measurement results (Attachment 1).

On or before December 17, 2018, you violated Receiving Water Limitations A, B, and C of the Industrial General Permit by discharging storm water to a tributary to Green Valley Creek that increased downstream measurements of turbidity more than the 20 percent allowed in the Basin Plan², and by failing to ensure that storm water discharges did not have an adverse effect on the environment or contain pollutants in quantities that threaten to cause pollution (Attachment 1).

² See Basin Plan section 3.3.17 Turbidity, page 3-6.

IV. Future Enforcement Actions

Please note that correcting the conditions of non-compliance with the Industrial General 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 against any violation and threatened violation by taking enforcement actions, which may include issuance of a cleanup and abatement order, time schedule order, assessing administrative civil liabilities, and/or referral to the California Attorney General's Office. Administrative civil liabilities may be assessed beginning with the date that a violation first occurred. Violations of the Clean Water Act or Industrial General Permit may subject the Discharger to administrative civil liability up to \$10,000 per day per violation, plus up to \$10 per gallon discharged over 1,000 gallons not cleaned up pursuant to Water Code section 13385.

Should you have any questions, please contact Paul Nelson of my staff at paul.nelson@waterboards.ca.gov by email or at (707) 576-2686.

Sincerely,

Charles Reed, P.E.
Supervising Water Quality Control Engineer

Attachment 1: December 17, 2018 Inspection Memo
Attachment 2: December 19, 2018 Inspection Memo

Certified Return Receipt Requested

cc: Matt St. John, Regional Water Board, Matt.St.John@waterboards.ca.gov
Claudia E. Villacorta, P.E, Regional Water Board,
Claudia.Villacorta@waterboards.ca.gov
Nathan Jacobsen, State Water Board, Nathan.Jacobsen@waterboards.ca.gov
Heaven Moore, Regional Water Board, Heaven.Moore@waterboards.ca.gov
Jeremiah Puget, Regional Water Board, Jeremiah.Puget@waterboards.ca.gov
Farzad Kasmaei, Regional Water Board, Farzad.Kasmaei@Waterboards.ca.gov
Anthony Boyle, Mark West Quarry, a Boyle@bodeanco.com
Arthur Deicke, EPS, epsolns@gmail.com

North Coast Regional Water Quality Control Board

ATTACHMENT 1: DECEMBER 17, 2018 INSPECTION MEMO

Name and Location of Facility Inspected

Blue Rock Quarry, 7888 Highway 116, Forestville, Sonoma County

Industrial General Permit

WDID #: 1 49I014736

Names & Titles of Operator and Site Contact

Dean Soiland

William Reid

Inspector Name & Title

Paul Nelson, Engineering Geologist, Regional Water Board

Josh Luders, Water Resources Control Engineer, Regional Water Board

Weather Conditions at the Time of the Inspection

Overcast

Facility Receiving Water Names:

Green Valley Creek

Inspection Date

December 17, 2018

Inspection Time

8:30 am-9:10 am

Prepared By

Paul Nelson, 2/4/2019

Consent Provided?

No

Notified of Inspection?

No

I. Background

The Blue Rock Quarry (Site) is on an unincorporated 53-acre site located at 7888 Hwy 116 Forestville in western Sonoma County, California. The latitude and longitude are 38.48670°N and 122.96222°W. The facility operations consist of hard rock mining and materials processing.

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

This Site is level 1 for Total Suspended Solids under the Industrial General Permit, with a high sediment risk factor that discharges to tributaries to the Russian River. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature.

II. Inspection Narrative

On December 14, 2018, the Regional Water Board was notified of a potential discharge from the Blue Rock Quarry by National Oceanic and Atmospheric Administration staff. On December 17, Regional Water Board staff arrived near the entrance of the Site and Highway 116. A small tributary to Green Valley Creek flows along the northern property boundary of the Site from west to east. Staff inspected the tributary above and below the Site. The water upstream was visibly clearer compared with downstream from the facility. To confirm the observation, staff collected water samples from the stream for measurements of turbidity¹. The turbidity results of the tributary indicated an increase in turbidity values downstream (71.8 NTU) from the facility versus upstream (15.7 NTU). The Basin Plan water quality objective for turbidity is to not exceed levels greater than 20 percent above background.



Photo 1 - View of tributary to Green Valley Creek upstream from Site. Turbidity results were 15.7 NTU. Photographed by Josh Luders.

¹ Samples measured using a Hach® 2100Q Turbidimeter.



Photo 2 - View of tributary to Green Valley Creek downstream from Site. Turbidity results were 71.8 NTU.



Photo 3 – View of tributary / Green Valley Creek confluence (upper center of photo).
Photographed by Josh Luders.

Regional Water Board staff proceeded approximately 1,200 feet east on Highway 116 to the tributary and Green Valley Creek confluence. There was a notable contrast in the color of the water between the tributary and Green Valley Creek shown by arrow in Photo 3.



Map showing site, watercourses, and sample locations. Image edited from Google Earth Pro, 2018.

North Coast Regional Water Quality Control Board

ATTACHMENT 2: DECEMBER 19, 2018 INSPECTION MEMO

Name and Location of Facility Inspected

Blue Rock Quarry, 7888 Highway 116, Forestville, Sonoma County

Industrial General Permit

WDID #: 1 49I014736

Names & Titles of Operator and Site Contact

Dean Soiland

William Reid

Inspector Name & Title

Paul Nelson, Engineering Geologist, Regional Water Board

Josh Luders, Water Resources Control Engineer, Regional Water Board

Heidi Bauer, Engineering Geologist, Regional Water Board

Weather Conditions at the Time of the Inspection

Overcast

Facility Receiving Water Names:

Green Valley Creek

Inspection Date

December 19, 2018

Inspection Time

8:30 am-9:10 am

Prepared By

Paul Nelson, 2/4/2019

Consent Provided?

Yes

Notified of Inspection?

Yes

I. Background

The Blue Rock Quarry (Site) is on an unincorporated 53-acre property located at 7888 Hwy 116 Forestville in western Sonoma County, California. The latitude and longitude are 38.48670°N and 122.96222°W. The facility operations consist of hard rock mining and materials processing.

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

This Site is level 1 for Total Suspended Solids under the Industrial General Permit, with a high sediment risk factor that discharges to tributaries to the Russian River. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature.

II. Inspection Narrative

On December 19, 2018, Regional Water Board staff performed an inspection of the facility. The inspection began at the facility office where site representatives Bill Reid and Bryan Goodrich met Regional Water Board staff. We started in the front of the facility adjacent to Highway 116 and proceeded to inspect various parts of the quarry operations.



Photo 1 - View of quarry entrance at Highway 116. Note sediment on roadway (center right of photo) and drop inlet to stream at center left of photo. Photographed by Josh Luders.



Photo 2 - View of settling pond on western portion of facility. Photographed by Josh Luders.



Photo 3 – View of material stockpiles and quarry entrance. Photographed by Josh Luders.



Photo 3 – View of eastern settling pond. Photographed by Josh Luders.



Photo 4 – View of eastern settling pond showing discharge in upper right of photo. Photographed by Josh Luders.



Photo 5 – View of quarry entrance and sediment buildup near gate. Photographed by Josh Luders.