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## North Coast Regional Water Quality Control Board

December 17, 2021

Certified Mail No. 7021 0950 0001 6499 5721

City Ventures Homebuilding Inc  
Attn: Gregory Clisby  
3121 Michelson Drive, Suite 150  
Irvine, CA 92612  
[gclisby@cityventures.com](mailto:gclisby@cityventures.com)

Dear Mr. Clisby,

**Subject: Notice of Violation of the State Water Resources Control Board Order No. 2009-0009 DWQ, as amended by Orders 2010-0014 DWQ and 2012-0006 DWQ, NPDES No. CAS000002, *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit)* and Transmittal of Inspection Reports for October 23, 24, 25, and 29, 2021 for Grove Village located at 2872 Stony Point Road, Santa Rosa, Sonoma County**

**File: Construction General Permit Notice of Violation and Inspections, Sonoma County, 2021; SMARTS WDID: 1 49C387538 Grove Village (Site)**

You are hereby notified that City Ventures Homebuilding Inc. (Discharger) is in violation of the Construction General Permit at its Grove Village development site (Site). The Discharger failed to employ best management practices (BMPs) to achieve best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). The Discharger failed to install sufficient and effective BMPs to remove or reduce pollutants in the construction activity related stormwater as it discharged off the Site. As a result, unauthorized sediment laden stormwater ultimately entered waters of the United States.

The Discharger is required to comply with all the conditions of the Construction General Permit.<sup>1</sup> Any permit noncompliance constitutes a violation of the Clean Water Act and may subject the Discharger to administrative civil liability pursuant to California Water Code section 13385, subdivision (c).

### A. Background

On February 26, 2021, the Discharger filed a Notice of Intent to enroll the Site for coverage under the Construction General Permit. The Site comprises 18.57 acres in the City of Santa Rosa (City), as shown in Map 1 (see Attachment: Report of October

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<sup>1</sup> Construction General Permit Duty to Comply, section IV. Special Provisions, subdivision (a)(1).

23-29, 2021 Inspections), and is owned by the Discharger. According to the Notice of Intent, project grading will occur on 100 percent of the Site, and construction activities are expected to take place between July 15, 2019 and October 14, 2022.

The Site is enrolled as a Risk Level 2 due to a combination of a “medium” sediment risk factor and a “high” receiving water factor. Risk Level 2 sites are subject both to the standard requirements of the Construction General Permit, as well as the additional site-specific requirements defined in the Permit’s Attachment D.

The storm drain system on the Site has no intermediate water quality treatment system; stormwater passing from the Site via the onsite storm drain system enters waters of the United States and the State untreated. According to the City’s internet-based GIS [Portal \(http://maps.srcity.org/Html5Viewer/Index.html?viewer=SewerWaterStorm\)](http://maps.srcity.org/Html5Viewer/Index.html?viewer=SewerWaterStorm) discharges from the Site enter the City storm drain system at Stony Point Road and travel south to Colgan Creek, then onward to the Laguna De Santa Rosa, and thence into the Russian River. The federal Clean Water Act section 303(d) list identifies the entire Russian River watershed as impaired due to sediment and temperature.

On October 23, 2021, staff from the Regional Water Board visited and observed the Site from the public right of way. Staff revisited the Site on October 24, 25, and 29, 2021. The purpose of these site visits/inspections was to evaluate onsite development and conditions, identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters, and to assess compliance with requirements of the Construction General Permit. Attached is a copy of the water quality inspection report.

During each visit, staff observed that the Grove Village Site had nearly 20 acres of disturbed soil, but no evidence of the minimum sediment and erosion control best management practices (BMPs) needed to control discharges from the Site during wet weather conditions including during a large forecasted atmospheric river rain event. Additionally, Site representatives said verbally and documented in their consultant’s inspection reports that the onsite storm drain system was plugged and could not drain from the Site into the public storm drain system. It was later discovered by City of Santa Rosa field inspector that the system was not plugged as represented to Regional Water Board staff and was actively discharging into the public storm drain system and ultimately to Colgan Creek.

## **B. Alleged Violations**

The Discharger violated the following Construction General Permit requirements:

- 1) Section III, Discharge Prohibition B by discharging unauthorized construction activity related stormwater runoff from the Site,
- 2) Section V.A.2 Effluent Standards and Receiving Water Limitations by failing to minimize or prevent pollutants in storm water discharges through the use of controls,

structures, and management practices that achieve Best Available Technology, Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants,

- 3) Section XIV, SWPPP Requirements, subdivision A by failing to have a Storm Water Pollution Prevention Plan (SWPPP) that addressed current Site conditions, all pollutants and their sources, and was designed with BMPs to eliminate or reduce pollutants in stormwater discharges.
- 4) Attachment B, Provision J.2, Permit Registration Site Map as the Site Map did not include all required elements and information as the submitted Site Map represented a site condition under which the curb, gutter, and sidewalk had been completed and the Site had not yet reached this milestone,
- 5) Attachment D, Provision D.2, Soil Cover Erosion Control by failing to provide effective soil cover for inactive area,
- 6) Attachment D, Provision E.1, Sediment Controls by failing to establish and maintain effective perimeter controls and stabilized construction entrances and exits to control erosion and sediment discharges from the Site,
- 7) Attachment D, Provision E.2, Sediment Controls by failing to design sediment basins in accordance with the CASQA Construction BMP Guidance Handbook,
- 8) Attachment D, Provision E.3, Sediment Controls by failing to implement runoff control and soil stabilization in conjunction with sediment control BMPs for areas under active construction, and
- 9) Attachment D, Provision E.4, Sediment Controls by failing to properly apply linear sediment controls.

### **C. Potential Liabilities**

The Regional Water Board is considering whether the observed/confirmed violations warrant further enforcement. We encourage you to take steps to correct the violations as soon as possible. Please note that the existing conditions, as observed and documented in the Inspection Report, may represent continuing violations of the Construction General Permit.

Correcting the conditions of non-compliance at the Site does not preclude enforcement for the violations alleged in this notice. The Discharger may be subject to administrative civil liabilities of up to \$10,000 for each violation each day it occurs, and up to \$10 per gallon of waste discharged pursuant to Water Code section 13385, subdivisions (a) and (c). The Regional Water Board reserves its right to take other enforcement actions authorized by law such as issuing a cleanup and abatement order or time schedule order, and/or referring the matter to the California Attorney General.

#### **D. Required Actions**

Within 10 days of the date of this letter, please provide a written response indicating your intentions, plan, and schedule to come into compliance with the Construction General Permit and to address the conditions of noncompliance identified in the inspection report. Response must be provided via email to both [North.Coast@Waterboards.ca.gov](mailto:North.Coast@Waterboards.ca.gov) and [Joshua.Luders@Waterboards.ca.gov](mailto:Joshua.Luders@Waterboards.ca.gov).

Future correspondence regarding this matter will be sent to you as the Discharger's contact at this address unless an alternate address and/or additional contacts are provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

If you have any questions regarding this matter, please contact Joshua Luders at the email above. You may also contact me at [Heaven.Moore@Waterboards.ca.gov](mailto:Heaven.Moore@Waterboards.ca.gov) or by telephone at (707) 576-2753. Additionally, we are available to meet with you if you wish to discuss this letter, the inspection report, the Construction General Permit, or our waste discharge regulatory programs in further detail.

Sincerely,

Claudia Villacorta, P.E.  
Assistant Executive Officer

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Attachments: Attachment A – Regulatory Citations  
Report of October 23-29, 2021 Inspections

**cc: North Coast Regional Water Quality Control Board**  
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**City of Santa Rosa**

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Javier Fernandez, [JFernandez@srcity.org](mailto:JFernandez@srcity.org)

**City Ventures Homebuilding Inc.**

Philip Kerr, [phil@cityventures.com](mailto:phil@cityventures.com)