
North Coast Regional Water Quality Control Board

June 27, 2022

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O'Rourke Electric Inc.
Attn: Mr. Dan O'Rourke
3347 Industrial Drive, Suite 4
Santa Rosa, CA 95403
Dan@orourke-electric.com

Dear Mr. O'Rourke:

Subject: Notice of Violation and Notice of Applicability (NOA) for Coverage under the State Water Resources Control Water Quality Order 2004-0004-DWQ for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction

File: 3300 Industrial Drive Project, ECM PIN CW-880749;
WDID 1B22054WNSO

On April 19, 2022, the North Coast Regional Water Quality Control Board (Regional Water Board) received a dredge and fill application from Sandra Etchell of Sol Ecology on behalf of O'Rourke Electric Inc. (applicant) for the 3300 Industrial Drive Project (project). This project qualifies for coverage under the State Water Resources Control Water Quality Order 2004-0004-DWQ for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (General WDR)

The project is located at 3300 and 3304 Industrial Drive in Santa Rosa. The project involves constructing a warehouse and office building, parking, and associated infrastructure on a 1.3-acre undeveloped site. The applicant will construct vegetated roadside bioretention units (P2-04) in four drainage management areas to treat post-construction stormwater runoff.

The site contained a 0.008-acre seasonal wetland and the initial application neglected to disclose that the applicant filled the wetland without authorization in the spring of 2020. The seasonal wetland met the jurisdictional criteria for hydric soils, hydrology, and hydrophytic vegetation. The Army Corps of Engineers did not take jurisdiction over the feature. The wetland was a water of the state regulated by the Regional Water Board.

This letter is to notify you of documented violations of the requirements listed below for unauthorized discharges to waters of the state from the above-referenced subject property:

- California Water Code (Water Code) sections 13260 and 13264

The Regional Water Board is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within the north coast portion of the State of California. The Regional Water Board issues permits for discharges or threatened discharges of waste to waters of the state, including wetlands. By this letter, we are providing you notice that such activities violate provisions of the California Water Code, due to the unpermitted discharges and/or threatened discharges of earthen material, and pollutants into wetlands, waters of the state. Discharge of dredge or fill material to a water of the state requires authorization from the Regional Water Board under Section 13260 of the California Water Code.

The applicant has provided compensatory mitigation for the permanent loss of 0.008-acre jurisdictional wetlands with the purchase of 0.05-acre of wetland creation credits from the Laguna Valley Mitigation Bank, a 6.3:1 ratio of mitigation to impacts.

Receiving Water: Seasonal Wetlands on the Santa Rosa Plain

Permanent Area Impacted: 0.008 acre

Latitude/Longitude: 38.47443°N / 122.73973°W

Regional Water Board staff has determined that the proposed activities may proceed under the General WDR and you should familiarize yourself with its provisions. This authorization for any dredge and fill activities expires on June 22, 2027.

A complete fee of \$2,417, (Category E, Low Impact Discharges), was received for the Project on April 26, 2022. This General WDR will be subject to annual billing while the project is constructed, per the fee schedule that is current at the time of annual billing. Currently the annual fee is \$323; the annual fee is expected to increase every year. The fee calculator may be found at: https://www.waterboards.ca.gov/resources/fees/water_quality/docs/dredgefillcalculator.xlsx

Annual fees will be automatically invoiced to the Applicant. **The applicant must notify the Regional Water Board at project and/or monitoring completion with a final report in order to request to terminate annual billing. Notification should be sent to the staff listed at the bottom of this Order and to Northcoast@waterboards.ca.gov.** Regional Water Board staff will verify that conditions of the General WDR have been met and may request a site visit at that time to confirm status of Project and compliance with this General WDR.

Please contact Kaete King at Kaete.King@waterboards.ca.gov or (707) 576-2830 or Gil Falcone at Gil.Falcone@waterboards.ca.gov or (707) 576-2830 if you have any questions.

Sincerely,

Matthias St. John
Executive Officer

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Certified – Return Receipt requested

Weblink: State Water Resources Control Water Quality Order 2004-0004-DWQ for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction can be found here:
http://www.waterboards.ca.gov//board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

cc: State Water Resources Control Board, Stateboard401@waterboards.ca.gov
Jennifer Siu, EPA Region 9, Siu.Jennifer@epa.gov
Sandra Etchell, Sol Ecology, setchell@solecology.com
Dana Riggs, Sol Ecology, driggs@solecology.com
Jeremiah Puget, NCRWQCB, Jeremiah.Puget@waterboards.ca.gov



Figure 1: Wetland Delineation