



North Coast Regional Water Quality Control Board

Notice of Violation

September 30, 2026

Louis and Raelene Neve
2645 Bodega Avenue
Petaluma, CA 94952
louneve@comcast.net

Dear Louis and Raelene Neve (Dischargers):

Subject: Notice of Violation (NOV), Louis and Raelene Neve, Americano Creek at Roblar Road

File: Americano Creek at Roblar Road, Petaluma, Sonoma County, ECM PIN CW- 276430; WDID No. 1B26130WNSO

This letter is to notify you (the Dischargers) of observed and documented alleged violations of the requirements and conditions contained in the following:

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 5.3.1, Action Plan for Logging, Construction, and Associated Activities, Prohibitions 1 and 2
2. California Water Code (Water Code) Section 13260 and 13264 (a)
3. Clean Water Act Section 301

The North Coast Regional Water Quality Control Board (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 and Water Quality Certifications for dredge or fill activities within Waters of the United States, including stream channels, banks, and riparian areas.

On September 1, 2026, Regional Water Board staff inspected the Property and observed the following unpermitted activities: grading and removal of earthen material within and adjacent to the Estero de Americano Creek (Americano Creek) channel and banks, clearing of associated riparian and wetland areas (trees, shrubs, and herbaceous wetland vegetation), and placement of earthen material (fill) in riparian areas and possible wetlands. These actions resulted in deposits of unconsolidated sediment and debris within the stream channel and the surrounding riparian and possible wetland areas (See attached September 30, 2026 Site Inspection Memo (Inspection Memo)). The impacted section of Americano Creek and the adjacent riparian and wetland habitats on this Property are in the Estero Americano Hydrologic Area within the Bodega Bay Hydrologic Unit (115.30). Coordinates of the activities are latitude 38.3061333° N and longitude 122.8317675° W.

Americano Creek Background

Americano Creek is the mainstem to the Estero Americano, an estuary in the Bodega Bay Unit (115.30). The 2025 Basin Plan identified the following existing Beneficial Uses (BUs) for the Estero Americano Hydrologic Area:

- Municipal and Domestic Supply
- Agricultural Supply
- Industrial Service Supply
- Groundwater Recharge
- Water Contact Recreation
- Non-Contact Water Recreation
- Commercial and Sport Fishing
- Cold Freshwater Habitat
- Wildlife Habitat
- Rare, Threatened, or Endangered Species
- Migration of Aquatic Organisms
- Spawning, Reproduction, and/or Early Development
- Estuarine Habitat
- Marine Habitat

In addition, the Americano Creek, Estero Americano, and Bodega Bay have been listed as impaired for nutrients (i.e., Total Nitrogen, Total Phosphorus, and Carbonaceous Biochemical Oxygen Demand) under section 303(d) of the federal Clean Water Act. Estero Americano and Bodega Bay have also been listed as impaired for sedimentation/siltation under section 303(d). A Total Maximum Daily Load (TMDL) has not yet been developed for nutrients though the Basin Plan identifies discharges of fine sediment and other oxygen consuming materials (e.g., detritus and dead/decaying vegetation) as sources of the pollutant. Activities that may directly or indirectly impact beneficial uses of waters of the state require you to apply for a Clean Water Act section 401 Water Quality Certification and/or Waste Discharge Requirements (WDRs). These

activities might also require input, consultation, and permits from other federal, state, and local agencies.

Relevant Requirements

The Regional Water Board recommends steps to come into compliance below. The activities might also require input, consultation, and permits from other federal, state, and local agencies. For information on permits for fill and excavation within waters of the state and/or United States, please consult our website here:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/.

Non-compliance and Enforcement

Please note that correcting the conditions of non-compliance at the site does not preclude enforcement for the violations alleged in this notice. The Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions. Discharges or threats of discharges of waste, including earthen material, into waters of the state and/or United States that create a condition of nuisance or pollution may subject a person to a Cleanup and Abatement Order pursuant to Water Code section 13304. An actual discharge to waters of the state, including allowing fill to remain within a water of the state, may subject a person to an administrative liability up to \$5,000 per day for each violation, or \$10 for each gallon of waste discharged pursuant to Water Code section 13350. Unlawful discharges to waters of the United States and/or violations of the Clean Water Act may subject a person to up to \$10,000 per day for each violation, and up to \$10 per gallon of waste discharged over 1,000 gallons not cleaned up pursuant to Water Code section 13385. The Regional Water Board retains its discretion to refer this matter to the Attorney General for enforcement. See Exhibit A for list of relevant citations.

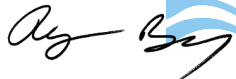
Recommendations

The Inspection Memo documents and provides evidence of unpermitted impacts to waters of the state and/or United States at the site. To address features and conditions that threaten to impact water quality described in the inspection memo, the Regional Water Board is issuing a Cleanup and Abatement Order (CAO) in a separate correspondence. We recommend reading and complying with the CAO in order to stabilize and winterize the area.

Future correspondence regarding this matter will be sent to you at the address above unless an alternative address is 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 Ryan Bey at Ryan.Bey@waterboards.ca.gov or (707) 576- 2679 or Shannon Strong at Shannon.Strong@waterboards.ca.gov or (707) 576-2499.

Sincerely,

 Digitally signed by Ryan
Bey
Date: 2026.09.30 09:23:45
-07'00'
Water Boards

Ryan Bey
Senior Environmental Scientist
Northern Surface Water Protection Unit
North Coast Regional Water Quality Control Board

Exhibit A: Regulatory Citations

Attachment 1: September 30, 2026, Inspection Memo, Americano Creek at Roblar Road.

cc: James Hansen, CA Department of Fish and Wildlife,
James.Hansen@Wildlife.ca.gov

John Mack, Permit Sonoma, John.Mack@sonomacounty.gov

Bryan Matsumoto, US Army Corps of Engineers,
Bryan.T.Matsumoto@usace.army.mil

SF U.S. Army Corps of Engineers,
CESPN-Regulatory-Info@usace.army.mil

U.S. Environmental Protection Agency,
R9cwa401@epa.gov

Nathan Jacobsen, State Water Resources Control Board, Office of Chief
Counsel, 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

Jonathan Warmerdam, Regional Water Board,
Jonathan.Warmerdam@waterboards.ca.gov

Christopher DiVittorio, Pinecrest Research Corporation,
chris@pinecrestenvironmental.org

Exhibit A: Regulatory Citations:

Regulatory Section	Citation
Basin Plan Section 5.3.1, Prohibition 1	"The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited."
Basin Plan Section 5.3.1, Prohibition 2	"The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses is prohibited."
California Water Code Section 13260	"(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board: (1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system. (2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region."
California Water Code Section 13264(a)	"No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:"
Federal Clean Water Act Section 301 (a)	Section 301(a) provides that subject to certain exceptions, "the discharge of any pollutant by any person shall be unlawful." 33 U.S.C. § 1311(a). One of the exceptions allowed for under the Clean Water Act is the discharge from a dredge and fill activity under the auspices of § 404 and 401 of the Clean Water Act. 33 U.S.C. § 1342. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 404 dredge and fill permit and a section 401 state water quality certification.
Federal Clean Water Act Section 401	Section 401 (a)(1) "Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates"
Federal Clean Water Act Section 404	Section 404(a) provides, in relevant part, "The Secretary may issue permits...for the discharge of dredged or fill material into the navigable waters..." The Code of Federal Regulations defines the term "dredged material" as material that is excavated or dredged from waters of the United States. 33 C.F.R. § 323.2(c). The term "discharge or dredged material" mean any addition of dredge material into the waters of the United States. 33 C.F.R. § 323.2(d)(1). The Code of Federal Regulations defines "fill material" as material placed in waters of the United States that has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States. 33 C.F.R. § 323.2(e)(1). The term "discharge of fill material" means the addition of fill material into waters of the United States. 33 C.F.R. § 323.2(f).