30 August 2019

Jon Tattersall
DLC Rocklin
1700 Eureka Road, Suite 110
Roseville, CA 95661

CERTIFIED MAIL
7017 1070 0000 8877 1439

via email: jon@maverickwest.com

FINALIZED ORDER AND INVOICE FOR PAYMENT, DLC ROCKLIN, GRANITE BLUFF, PLACER COUNTY, WDID 51S31C383430

Enclosed for your records is a signed copy of Central Valley Water Board Order R5-2019-0523. As described below, this Order memorializes the settlement reached between the Board and DLC Rocklin for violations of the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order 2009-0009 DWQ* at the Granite Bluff construction project in Placer County. This letter also serves as your invoice for payment of the agreed-upon administrative civil liability.

On 22 July 2019, DLC Rocklin accepted the Settlement Offer in the amount of $153,460 and waived its right to a hearing before the Central Valley Water Board by signing the *Acceptance of Settlement Offer and Waiver of Right to Hearing* (Acceptance and Waiver) document. On 29 July 2019, the Prosecution Team posted the Settlement Offer and signed *Acceptance and Waiver* on the Water Board's website for a 30-day public comment period as required by federal regulations. The comment period ended on 28 August 2019 and no comments were received. The Prosecution Team subsequently presented the *Acceptance and Waiver* to the Central Valley Water Board's Executive Officer (acting as head of the Advisory Team) for formal endorsement of the Order on behalf of the Central Valley Water Board. A copy of the endorsed *Acceptance and Waiver*, Order R5-2019-0523, is enclosed.

As a condition of the *Acceptance and Waiver*, DLC Rocklin agreed to full payment of the $153,460 administrative civil liability within 30 days of the date of an invoice from the Water Board. This letter is your invoice as described in the *Acceptance and Waiver*.

Please remit payment of **one hundred fifty-three thousand four hundred sixty dollars ($153,460)** by cashier's check or certified check that references *ACL Order R5-2019-0523*, *WDID 5S31C383430,* made payable to the *State Water Resources Control Board Cleanup and Abatement Account*. Please send the payment to:

Accounting Office, Attn: ACL Payment
State Water Resources Control Board
P.O. Box 1888
Sacramento, CA 95812-1888

The payment must be received by **30 September 2019**.

In addition, a copy of the check must be mailed to:

Michael Fischer
Central Valley Water Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Late payment will result in this matter being referred to a collection agency or to the Attorney General's office for prosecution resulting in a judgment to collect from the appropriate superior court. Alternatively, the Central Valley Water Board may obtain a judgment directly from the superior court pursuant to Water Code section 13328.

If you have any questions, please contact Michael Fischer at (916) 464-4313 or michael.fischer@waterboards.ca.gov.

Steve Rosenbaum

STEVE ROSENBAUM, P.G. #7030
Acting Supervisor
Compliance and Enforcement Section

Enclosure: Order R5-2019-0523

cc: Greg Gholson, U.S. Environmental Protection Agency, Region IX, San Francisco
Adam Laputz, Central Valley Water Board, Sacramento
Nickolaus Knight, Office of Enforcement, State Water Resources Control Board, Sacramento

ORDER NO. R5-2019-0523
ACCEPTANCE OF SETTLEMENT OFFER AND WAIVER OF RIGHT TO A HEARING
FOR
DLC ROCKLIN
GRANITE BLUFF
PLACER COUNTY

By signing below and returning this Acceptance of Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver) to the Central Valley Water Board, DLC Rocklin (Discharger) hereby accepts the Settlement Offer described in the letter dated 19 July 2019 and titled Offer to Settle Administrative Civil Liability, DLC Rocklin, Granite Bluff, Placer County, WDID 5S31C383430 and waives the right to a hearing before the Central Valley Water Board to dispute the alleged violations described in the Settlement Offer and its enclosures.

The Discharger agrees that the Settlement Offer shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Central Valley Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to perform the following:

- Pay an administrative civil liability in the sum of one hundred fifty-three thousand four hundred sixty dollars ($153,460) by cashier's check or certified check made payable to the "State Water Resources Control Board Cleanup and Abatement Account". This payment shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that might otherwise be assessed for violations described in the Settlement Offer and its enclosures.

- Fully comply with the conditions of the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order 2009-0009 DWQ (General Permit) at the Granite Bluff construction project.

The Discharger understands that by signing this Acceptance and Waiver, the Discharger has waived its right to contest the allegations in the Settlement Offer and the civil liability amount for the alleged violation(s). The Discharger understands that this Acceptance and Waiver does not address or resolve any liability for any violation not specifically identified in the Settlement Offer and its enclosures.

Upon execution by the Discharger, the Acceptance and Waiver shall be returned to the following address:

Central Valley Regional Water Quality Control Board
Attention: Kim Sellards, Supervisor, Enforcement Section
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

The Discharger understands that federal regulations require the Prosecution Team to publish notice of and provide at least 30 days for public comment on any proposed

resolution of an enforcement action for violations of an NPDES permit. Accordingly, this *Acceptance and Waiver*, prior to being formally endorsed by the Central Valley Water Board Executive Officer (acting as head of the Advisory Team), will be published as required by law for public comment

If no comments are received within the notice period that cause the Prosecution Team to reconsider the Settlement Offer, then the Prosecution Team will present this *Acceptance and Waiver* to the Central Valley Water Board's Executive Officer for formal endorsement on behalf of the Central Valley Water Board.

The Discharger understands that if significant comments are received in opposition to the settlement, then the offer may be withdrawn by the Prosecution Team. If the Settlement Offer is withdrawn, then the Discharger will be notified and the Discharger's waiver pursuant to the *Acceptance and Waiver* will also be treated as withdrawn. The unresolved violation(s) will be addressed in a formal enforcement action. An administrative civil liability complaint may be issued, and the matter may be set for a hearing.

The Discharger understands that once this *Acceptance and Waiver* is formally endorsed and an Order Number is inserted, then the full payment is a condition of this *Acceptance and Waiver.* An invoice will be sent upon endorsement, and full payment will be due within 30 days of the date of the invoice.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Discharger in the making and giving of this *Acceptance and Waiver*.

DLC ROCKLIN

By: Original Signed by Richard R. Dewey, Jr.

Title: Richard R. Dewey, Jr., Manager

Date: 22 July 2019

IT IS SO ORDERED, pursuant to California Water Code section 13385.

By: Original Signed by Patrick Pulupa
PATRICK PULUPA, Executive Officer

Date: 29 August 2019

PENALTY CALCULATION METHODOLOGY
FOR
DLC ROCKLIN
GRANITE BLUFF
PLACER COUNTY

The State Water Resources Control Board's *Water Quality Enforcement Policy* (Enforcement Policy) establishes a methodology for determining administrative civil liability by addressing the factors that are required to be considered under California Water Code section 13385(e). Each factor of the nine-step approach is discussed below, as is the basis for assessing the corresponding score. The Enforcement Policy can be found at: **Enforcement Policy**.

Violation 1 – Failure to Implement BAT/BCT BMPs

Dischargers are required to minimize or prevent pollutants in storm water using controls, structures and management practices that achieve best available technology economically achievable (BAT) for toxic pollutants and non-conventional pollutants and best conventional pollutant control technology (BCT) for conventional pollutants, also referred as the BAT/BCT standard. Site inspections on 8 November 2018, 27 November 2018, and 18 January 2019, and the Numeric Action Limit (NAL) Exceedance Report prepared for the discharges on 29 November 2018, documented that the Project failed to meet BAT/BCT requirements. The Discharger did not implement appropriate erosion and sediment controls to minimize or prevent pollutants in storm water. Discharge of storm water from a construction site without implementation of Best Management Practices (BMPs) that meet the BAT/BCT standard is a violation of the Construction General Permit. The Effluent Standards in Attachment D, section A.1.b of the Construction General Permit state: *Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.*

Table 1

PENALTY FACTOR	VALUE	DISCUSSION
Physical, chemical, biological, or thermal characteristics of the discharge	2	Discharges of sediment can cloud the receiving water (which reduces the amount of sunlight reaching aquatic plants), clog fish gills, smother aquatic habitat and spawning areas, and impede navigation. Sediment can also transport other materials such as nutrients, metals, and oils and grease, which can also negatively impact aquatic life and aquatic habitat.
Harm or potential for harm to beneficial uses	3	The Project is located within a High-Risk receiving-water watershed with Cold, Spawn and Migratory beneficial uses. The turbidity measured of the discharge exceeded the Construction General Permit's Numeric Action Limits.
Susceptibility to cleanup or abatement	1	The turbidity discharged was dispersed by storm water over a long distance and cleanup or abatement of 50% or more of the material would not be possible.

Per gallon and per day factor for discharge violations	0.15	The "Deviation from Requirement" is moderate because the Discharger did not implement several requirements of the General Permit rendering the permit's BAT/BCT effluent standard ineffective. The value of 0.15 was determined from Table 1 of the Enforcement Policy.
Volume discharged	17,800	The volume discharged corresponds to dewatering discharges. It was calculated using the estimated least amount of run-time of the dewatering pump (6 hours) at a rate of 3,300 gallons per hour minus 2,000 gallons (1,000 gallons per discharge event) as required by the Enforcement Policy. The rate of the discharge was obtained from the Notice of Violation (NOV) response prepared on 3 March 2019 by the Project's Qualified SWPPP Practitioner.
Adjustment for high volume discharges	n/a	Discharge volume does not meet the minimum 100,000 gallons discharge for high volume consideration.
Days of discharge	3	Although there were likely additional days of discharge, the Prosecution Team is only considering the two (2) days of dewatering activities and the one (1) additional day with a documented NAL exceedance. The Prosecution Team reserves the right to propose additional days of violation should this matter proceed to hearing.
Initial Liability for Violation #1	$31,200	The liability is calculated as per day factor (0.15) multiplied by the number of days (3 days) multiplied by the maximum liability per day ($10,000/day) plus the number of gallons discharged in excess of 1,000 gallons per discharge event (17,800 gallons) multiplied by $10 dollars per gallon.
Adjustments for Discharger Conduct		
Culpability	1.4	The Discharger has applied for and received permit coverage under the Construction General Permit for numerous construction sites in California. The Discharger also retained a QSD and QSP that are aware of the General Permit's BMP requirements. Therefore, the Discharger should be aware of, and complied with, the General Permit's requirements. In addition, the Discharger intentionally pumped turbid water offsite.
History of Violations	1	Board staff is not aware of previous violations by the Discharger related to the General Permit. Therefore, a neutral factor of 1.0 is appropriate.
Cleanup and Cooperation	1	The Discharger stopped dewatering activities when requested by Regional Water Quality Control Board staff and adjusted BMPs following each discharge event. An Active Treatment System (ATS) was operational on 4 March 2019. Therefore, a neutral factor of 1.0 is appropriate.

Total Base Liability for Violation #1	$43,680	The base liability is calculated as the initial liability multiplied by each of the above three factors.

Violation 2 – Failure to implement erosion control BMPs on active areas

Risk level 2 projects are required to implement appropriate erosion and sediment control BMPs for areas under active construction. The Sediment Control requirements of the Construction General Permit Attachment D Section E.3 Additional Risk Level 2 Requirement, states: *Risk Level 2 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.* The Discharger failed to protect the Project's road cut areas with appropriate erosion and sediment control BMPs during storm events. The Prosecution Team alleges the Discharger violated this requirement on days when storm events generated at least 0.5 inches of precipitation, beginning from the inspection date 27 November 2018 and ending on 3 March 2019, a day prior to the operational date of an Active Treatment System. Rain gage data obtained by Central Valley Regional Water Quality Control Board staff indicated that within the considered date range, twelve (12) days generated 0.5 inches of rain or more.

Table 2

PENALTY FACTOR	VALUE	DISCUSSION
Discharge violations	n/a	This step is not applicable because the violation is not a discharge violation.
Potential for harm	Moderate	Discharges of sediment can cloud the receiving water (which reduces the amount of sunlight reaching aquatic plants), clog fish gills, smother aquatic habitat and spawning areas, and impede navigation. Sediment can also transport other materials such as nutrients, metals, and oils and grease, which can also negatively impact aquatic life and aquatic habitat.
Deviation from requirement	Major	The "Deviation from Requirement" is major because the no effort was made to comply with the requirement, as all active areas remained without appropriate erosion control during storm events.
Per day factor	0.55	Major deviation and moderate potential for harm determined from Table 3 in the Enforcement Policy. The middle value was chosen, but the value could be increased if this matter proceeds to hearing.
Days of violation	12	Only storm event days with at least 0.5-inches of precipitation were considered, but additional days could be considered if this matter proceeds to hearing.

PENALTY FACTOR	VALUE	DISCUSSION
Initial Liability for Violation #2	$66,000	The liability is calculated as per day factor (0.55) multiplied by the number of days (12 days) multiplied by the maximum liability per day ($10,000/day).
		Adjustments for Discharger Conduct
Culpability	1.3	The Discharger has applied for and received permit coverage under the Construction General Permit for numerous construction sites in California. The Discharger also retained a QSD and QSP that are aware of the Construction General Permit's BMP requirements. Therefore, the Discharger should be aware of the General Permit's requirements and should have complied with the Construction General Permit's requirements.
History of Violations	1	Board staff is not aware of previous violations by the Discharger related to the General Permit. Therefore, a neutral factor of 1.0 is appropriate.
Cleanup and Cooperation	1.1	Efforts to bring the Project back into compliance were slow. An Active Treatment System (ATS) was not operational until 4 March 2019, and an ATS Plan has not been submitted.
Total Base Liability for Violation #2	$94,380	The base liability is calculated as the initial liability multiplied by each of the above three factors.

Violation 3 – Failure to sample while pumping

The Prosecution Team alleges that the Discharger violated the Sampling and Analysis requirements for Risk Level 2 Projects when the Discharger failed to collect and analyze samples during dewatering activities. According to Attachment D, Section I.4. Risk Level 2 – Water Quality Sampling and Analysis, discharges from contained or stored storm water must at a minimum be sampled three times per day, and the samples must be collected from discharge points. In the response to the NOV, the Discharger indicated that samples were not collected on one of the two days in which discharges caused by dewatering took place; 18 January 2019.

Table 3

PENALTY FACTOR	VALUE	DISCUSSION
Discharge violations	n/a	This step is not applicable because the violation is not a discharge violation.
Potential for harm	Moderate	The turbidity measured in the samples collected by Central Valley Regional Water Quality Control Board staff exceeded the Numeric Action Limits of the Construction General Permit and raised the turbidity of the receiving water. Discharges of sediment can cloud the receiving water (which reduces the amount of sunlight reaching aquatic plants), clog fish gills, smother aquatic habitat and spawning areas, and impede navigation. Sediment can also transport other materials such as nutrients, metals, and oils and grease, which can also negatively impact aquatic life and aquatic habitat.
Deviation from requirement	Major	The "Deviation from Requirement" is major because the minimum sampling requirements of the Construction General Permit were not met on two days of dewatering operations.
Per day factor	0.55	Major deviation and moderate potential for harm determined from Table 3 in the Enforcement Policy. The middle value was chosen, but the value could be increased if this matter proceeds to hearing.
Days of violation	1	Discharger failed to collect samples on one day of dewatering activities (18 January 2019).
Initial Liability for Violation #3	$5,500	The liability is calculated as per day factor (0.55) multiplied by the number of days (1 days) multiplied by the maximum liability per day ($10,000/day).
		Adjustments for Discharger Conduct
Culpability	1.4	The Discharger has applied for and received permit coverage under the Construction General Permit for numerous construction sites in California. The Discharger also retained a QSD and QSP that are aware of the Construction General Permit's BMP requirements. In addition, the discharge being pumped was visually turbid and the Discharger should be aware that samples are required to be collected. Therefore, the Discharger should be aware of the General Permit's requirements and should have complied with the Construction General Permit's requirements.

PENALTY FACTOR	VALUE	DISCUSSION
History of Violations	1	Board staff is not aware of previous violations by the Discharger related to the General Permit. Therefore, a neutral factor of 1.0 is appropriate.
Cleanup and Cooperation	1	This violation was a single occurrence and actions were implemented to avoid recurrence of this violation.
Total Base Liability for Violation #3	$7,700	The base liability is calculated as the initial liability multiplied by each of the above three factors.

Violation 4 – Failure to comply with Receiving Water Limitations

The Construction General Permit requires that stormwater discharges do not contribute to an exceedance of a Water Quality Objective or Water Quality Standard of the Regional Water Board's Water Quality Control Plan (Basin Plan). The Basin Plan for the Sacramento River identifies turbidity as a Water Quality Objective for inland surface waters, and it establishes an allowable increase in the surface water's turbidity based on background readings. The background turbidity of the surface water on 18 January 2019 was 20.5 NTU. The receiving water's turbidity downstream from the Project's discharge point was 150 NTU. The maximum increase in turbidity allowed by the Basin Plan based on the receiving water's turbidity is 20%. The percentage increase in turbidity due to dewatering activities from the Project was 730%. Based on the increase in turbidity, the Prosecution Team alleges that the Discharger violated Section VI. Receiving Water Limitations requirement of the Construction General Permit, which states: *The discharger shall ensure that storm water discharges and authorized non-storm water discharges will not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards (collectively, WQS) contained in a Statewide Water Quality Control Plan, the California Toxics Rule, the National Toxics Rule, or the applicable Regional Water Board's Water Quality Control Plan (Basin Plan)*.

Table 4

PENALTY FACTOR	VALUE	DISCUSSION
Discharge violations	n/a	Not a discharge violation.
Potential for harm	Moderate	Discharges of sediment can cloud the receiving water (which reduces the amount of sunlight reaching aquatic plants), clog fish gills, smother aquatic habitat and spawning areas, and impede navigation. Sediment can also transport other materials such as nutrients, metals, and oils and grease, which can also negatively impact aquatic life and aquatic habitat.

PENALTY FACTOR	VALUE	DISCUSSION
Deviation from requirement	Major	The "Deviation from Requirement" is major because the turbidity measured in the samples collected upstream and downstream from the Project's discharge point show that the turbidity in the receiving water increased 730% under fully mixed conditions, and 20 minutes after dewatering activities had stopped. The maximum increase in turbidity allowed by the basin plan is 20% from background. In addition, dewatering operations would have continued had these not been discovered by Central Valley Regional Water Quality Control Board staff.
Per day factor	0.55	Major deviation and moderate potential for harm determined from Table 3 in the Enforcement Policy. The middle value was chosen, but the value could be increased if this matter proceeds to hearing.
Days of violation	1	The violation is only being charged for the day in which dewatering operations were discovered by Central Valley Regional Water Quality Control Board staff.
Initial Liability for Violation #4	$5,500	The liability is calculated as per day factor (0.55) multiplied by the number of days (1 day) multiplied by the maximum liability per day ($10,000/day).
		Adjustments for Discharger Conduct
Culpability	1.4	The Discharger has applied for and received permit coverage under the Construction General Permit for numerous construction sites in California. The Discharger also retained a QSD and QSP that are aware of the Construction General Permit's BMP requirements. In addition, the turbidity plume in the creek created by the pumped discharge was easily observed from the discharge point. Therefore, the Discharger should be aware of the General Permit's requirements and should have complied with the Construction General Permit's requirements.
History of Violations	1	Board staff is not aware of previous violations by the Discharger related to the General Permit. Therefore, a neutral factor of 1.0 is appropriate.
Cleanup and Cooperation	1	This violation was a single occurrence and actions were implemented to avoid recurrence of this violation.
Total Base Liability for Violation #4	$7,700	The base liability is calculated as the initial liability multiplied by each of the above three factors.

The Enforcement Policy states that five other factors must be considered before obtaining the final liability amount.

Table 5: Total Base Liability for all violations: $153,460

Other Factor Considerations		
Ability to pay and continue in business	No adjustment	DLC Rocklin is a limited liability corporation developing 77 single family residential units with additional holdings throughout the State. The Prosecution Team will allow DLC Rocklin to present the argument of hardship if so desired.
Economic benefit	$12,180	The economic benefit is based on the avoided costs associated with properly stabilizing the Project with erosion control BMPs and allowing the stormwater runoff to discharge instead of impounding it onsite and dewatering. It also includes the avoided cost of sampling the stormwater discharges. The avoided cost of not implementing BAT/BCT measures to protect the Project was captured in the avoided cost of not implementing appropriate erosion control BMPs during rain events. The avoided cost for not protecting the Project site with erosion control BMPs during rain events was calculated to be approximately $11,700. Bonded Fiber Matrix with seed was assumed to be an appropriate erosion control BMP of similar characteristics to the erosion control BMP applied to the inactive areas of the Project. A base cost of $3,900 per acre (Footnote 1) was assumed for a total of 2 acres with a one-time re-application event for repairs due to construction activities continuing through winter and for BMP failures. The avoided cost to prevent the discharges from violating the Basin Plan requirements was captured in the avoided cost for failure to sample. The avoided cost of not sampling during dewatering activities in accordance with the Construction General Permit requirements was calculated to be $240 dollars per event, for a total of one event. The total economic benefit is estimated to be $11,940 ($11,700 + $240 = $11,940).

Other Factor Considerations		
Other factors as justice may require	No adjustment	The costs of investigation and enforcement are "other factors as justice may require" and could be added to the liability amount. The Central Valley Water Board has incurred over $5,000 in staff costs associated with the investigation and enforcement of the alleged violations. While this amount could be added to the penalty, it is not added at this time.
Maximum liability	$348,000	Based on California Water Code section 13385: $10,000 per day per violation and $10 per gallon.
Minimum liability	$13,134	Based on California Water Code section 13385, civil liability must be at least the economic benefit of non-compliance. Per the Enforcement Policy, the minimum liability is to be the economic benefit plus 10%. ($11,940 x 10% = $1,194; $11,940 +$1,194 = $13,134)
Final Liability	**$153,460**	The final liability amount is the total base liability plus any adjustment for the ability to pay, economic benefit, and other factors. The final liability must be more than the minimum liability and less than the maximum liability.

Footnotes:

1. Estimated costs from the November 2009 CASQA Storm Water Best Management Practice Handbook for Construction.

Settlement Offer
DLC Rocklin
Granite Bluff
Placer County

Attachment A: Staff email and photo log for 8 November 2018 inspection
Staff email and photo log for 27 November 2018 inspection
Notice of Violation dated 1 February 2019 with 18 January 2019 Inspection Report

Beltran, Jorge@Waterboards

From: Beltran, Jorge@Waterboards
Sent: Thursday, November 8, 2018 4:07 PM
To: 'jon@maverickwest.com'
Cc: 'Lynn.Toth@rocklin.ca.us'; 'Lydia Sizelove'; Muhl, Richard@Waterboards
Subject: Granite Bluff Construction Storm Water Inspection 5S31C383430
Attachments: Granite Bluff Photo Log.pdf

Mr. Tattersall,

Central Valley Regional Water Quality Control Board staff (Staff) visited the Granite Bluff construction project this morning in response to a complaint from a concerned citizen. In the complaint, tracking, construction traffic and oils stains along Corona Circle were listed. Staff spoke with Teichert Personnel who consented to the inspection. Grading, and excavation activities were taking place at the time of the inspection. The following issues were identified:

- Missing construction entrance/exit on Corona Circle;
- Tracking and sediment on Corona Circle (construction crew member began shoveling dirt while staff was onsite);
- Asphaltic concrete stockpile on permeable surface;
- Gas can outside of secondary containment;
- Sanitary station without secondary containment;
- Oil leaks on Corona Circle;
- Asphaltic concrete on slope at Corona Circle lots; and
- Silt fence in need of maintenance at Corona Circle lots.

A photo log of each the issues identified is attached to this email. Please correct these issues by 23 November 2018 or prior to the next storm event, which ever comes sooner. Upload photographs of the corrected deficiencies to the Projects Storm Water Multiple Application and Tracking System (SMARTS) file. In addition please also provide a copy of the Project's schedule, identifying the erosion and sediment control Best Management Practices identified for each stage of construction. Feel free to contact me with any questions.

Regards,

Jorge L. Beltran P.E. QSD/P

Water Resources Control Engineer
Storm Water/Compliance and Enforcement
Central Valley Regional Water Quality Control Board
(916) 464-4794

Photo 1. Missing construction entrance and tracking

Photo 2. Asphaltic concrete not stored on permeable surface.

Photo 3. Gas can container outside of secondary containment.

Photo 4. Sanitary facility missing secondary containment.

Photo 5. Oil spill on ground at Corona Circle.

Photo 6. Asphaltic concrete on slope at Corona Circle.

Photo 7. Damaged silt fence at Corona Circle lots.

Photo 8. Construction crewmember removing sediment from gutter flow line.

Beltran, Jorge@Waterboards

To: jon@maverickwest.com
Cc: Mark Hicks; Lynn.Toth@rocklin.ca.us; Muhl, Richard@Waterboards; Jeff Guerrero; Lydia Sizelove
Subject: Construction Stormwater Inspection in response to complaints due to discharges from site
Attachments: Granite Bluff Photo Log-20181127.pdf

Mr. Tattersall,

Central Valley Regional Water Quality Control Board staff (Board staff) re-visited the Granite Bluff construction project (Project) to conduct a construction storm water inspection in response to complaints from residents. Board staff had previously inspected the site on 8 November 2018, also in response to complaints from area residents. Board staff is still awaiting a response to the deficiencies and potential violations identified during that inspection. According to the latest complaints, there were turbid discharges from the project during the Thanksgiving week storm. Staff was onsite on 26 November 2018 along with City of Rocklin inspector Jeff Guerrero (City staff). Board staff and City Staff walked the Project site and made the following observations:

- Erosion and sediment control Best Management Practices (BMPs) are deployed throughout most of the inactive areas;
- Large areas were still unprotected during the storm event;
- Evidence of sediment discharge from project site onto Aguilar Rd was still visible;
- Trenching and BMP installation activities were being conducted; and
- Silt fence at the Corona Lots in need of maintenance.

A photo log illustrating the bullet points is attached to this email. For the most part, it appeared that the issues that caused the discharge of turbid water from the Project during the Thanksgiving storm had been resolved. Please have your stormwater consultant upload copies of the Rain Event Action Plans (REAPs), during rain inspection and sampling reports, and Numeric Action Levels exceedance reports (as applicable) to the Project's SMARTS file for the storm events of 21 November 2018 and 26 November 2018 no later than 28 December 2018. Feel free to contact me with any questions.

Jorge L. Beltran P.E. QSD/P

Water Resources Control Engineer
Storm Water/Compliance and Enforcement
Central Valley Regional Water Quality Control Board
(916) 464-4794

Granite Bluff Construction Stormwater Inspection Photo Log 11/27/2018

Photo 1. Erosion and sediment control BMPs in inactive areas.

Photo 2. Open area without erosion control BMPs during a storm event.

Photo 3. Evidence of sediment discharger from the Project.

Photo 4. Silt fence in need of maintenance.

1 February 2019

Jon Tattersall
DLC Rocklin
1700 Eureka Road. Suite 110
Roseville, CA 95661

CERTIFIED MAIL
91 7199 9991 7036 7026 4368

INSPECTION REPORT TRANSMITTAL AND NOTICE OF VIOLATION, GRANITE BLUFF, PLACER COUNTY, WDID #5S31C383430

On 18 January 2019, Central Valley Regional Water Quality Control Board staff (Staff) inspected the Granite Bluff construction project in Placer County (Project) for compliance with the State Water Resources Control Board's *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities,* Order 2009-0009 DWQ (Construction General Permit). The Project had been inspected on two previous occasions in response to complaints from area residents. On 8 November 2018 due to a complaint of poor housekeeping Best Management Practices (BMPs), and on 27 November 2018 due to a complaint of sediment discharges from the Project onto Aguilar Road.

During the 18 January 2019 inspection, Staff observed that erosion control Best Management Practices (BMPs) had been applied to some Project areas, primarily the house pads, but the road cuts remained without erosion control BMPs. These large, unprotected areas had been previously documented in Staff's 27 November 2018 email and photo log sent to you and to the Project's Qualified SWPPP Practitioner (QSP). Staff also observed Project crew pumping turbid storm water from the Project into a watercourse tributary to Secret Ravine. The dewatering activities were not being monitored and were done without the implementation of Best Available Technology/Best Control Technology (BAT/BCT) as required by the Construction General Permit. Staff sampled the discharge and found the turbidity exceeded 2,000 Nephelometric Turbidity Units (NTU). The discharge exceeded the Construction General Permit's 250 NTU Numeric Action Limit (NAL) for turbidity by almost ten times. Staff measured turbidity in the tributary upstream of the discharge at 20.5 NTU. The discharge exceeded the tributary's background turbidity by almost one-hundred times.

Construction General Permit Violations
Based on observations made during the inspection, DLC Rocklin has failed to protect active and inactive construction areas with appropriate erosion and sediment control BMPs, has failed to ensure a reduction or elimination of pollutants in storm water discharges from the Project site, and has failed to conduct sampling and analysis of storm water discharges. Therefore, DLC Rocklin is in violation of the following Construction General Permit sections:

- Attachment D, Section A.1.b Effluent Standards, which states:

  Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.

- Attachment D, Section D.2. Erosion Control, which states:

  Risk Level 2 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.

- Attachment D, Section E.3. Sediment Controls, which states:

  Additional Risk Level 2 Requirement: Risk Level 2 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.

- Attachment D, Section I.4. Risk Level 2 – Water Quality Sampling and Analysis, which states in part:

  Risk Level 2 dischargers shall collect storm water grab samples from sampling locations, as defined in Section I.5. The storm water grab sample(s) obtained shall be representative of the flow and characteristics of the discharge.

Response
In response to this Notice of Violation, DLC Rocklin must complete the following corrective actions:

- Prepare a dewatering plan for the Project.

- Provide training to superintendents, project managers, foremen, and any other personnel in charge of day-to-day activities about performing storm water dewatering activities that meet the requirements of the Construction General Permit;

- Protect all active and inactive areas with an effective combination of erosion and sediment control BMPs as required by the Construction General Permit;

- Ensure that site BMPs are effective and result in the reduction or elimination of pollutants in storm water discharges and authorized non-storm water discharges from construction activity to the Best Available Technology Economically Achievable/Best Conventional Pollutant Control Technology (BAT/BCT) standard; and

- Revise the Storm Water Pollution Prevention Plan (SWPPP) as necessary to include all additional BMPs used on the Project.

To demonstrate compliance with the Construction General Permit, please submit the following documents using the Project's Storm Water Multiple Application and Report Tracking System (SMARTS) account by **28 February 2019:**

- A narrative description of the dewatering activities being conducted at the time of the 18 January 2019 inspection. Include any plan followed to conduct the dewatering, dates of any prior dewatering activities, the size of the pump(s) used, and the estimated volume (in gallons) discharged.

- A copy of the Project's schedule identifying the erosion and sediment control BMPs for each construction phase (this document was previously requested on 8 November 2018).

- A narrative description of the BMPs installed in response to this Notice of Violation accompanied by photographs of the BMPs;

- Copies of the Project's dewatering plan, training logs and material covered in the training;

- Copies of all inspection reports for the months of November 2018 through January 2019, including dewatering sampling reports;

These violations of the Construction General Permit have exposed the DLC Rocklin to possible further enforcement action. Under Section 13385 of the California Water Code, the Central Valley Water Board can impose administrative civil liabilities (monetary fines) for violations of the Construction General Permit. The maximum administrative civil liability for each violation is ten thousand dollars ($10,000) per day and ten dollars per gallon of polluted storm water discharged in excess of 1,000 gallons.

If you have any questions, please contact Jorge L. Beltran at (916) 464-4794 or jorge.beltran@waterboards.ca.gov.

STEVE E. ROSENBAUM, PG
Senior Engineering Geologist
Storm Water and Cannabis Unit

Enclosure: 18 January 2019 Storm Water Construction General Permit Inspection Report

cc by email: Greg Gholson, U.S. EPA, Region IX, San Francisco
Mary Keller, Stormwater and Floodplain Manager, Placer County

Storm Water Construction General Permit Inspection Report
Central Valley Regional Water Quality Control Board

Insp. Date & Time:	18 January 2019 ; 1400Hours	Inspected By:	Jorge L. Beltran & Michael Fischer
WDID #	5S31C383430	Site County:	Placer
Owner Name:	DLC Rocklin		
Project Name:	Granite Bluff		
Project Address:	Wildflow Road, Rocklin, CA 95667		
Project Contact:	Jon Tattersall		
Project Staff Present:	Todd Larsen, Project Manager, Teichert Construction		

Inspection Type: Follow Up	
SWPPP on site? Yes	SWPPP Implemented/Updated? No
Photos Taken? Yes	Appropriate Monitoring Program? No
Weather: Cloudy following a storm event	Evidence of SW or Non-SW Discharge? Yes

Inspection Summary / Comments:

On 18 January 2019, Central Valley Regional Water Quality Control Board staff (Staff) inspected the Granite Bluff construction project (Project) in Placer County owned by DLC Rocklin (Discharger). The Project proposes to develop seventy-seven single family residential lots on approximately thirteen acres. The Project is currently classified as Risk Level 2 under the terms of the Construction General Permit. The Project discharges to a tributary to Secret Ravine. The Project is in its mass grading stage. House pads and road cuts have been constructed and utilities have been trenched. The storm drain system is active, but the outfall was plugged at the time of inspection. Stormwater was being retained onsite inside the storm drain system and in the road cuts.

Inspection observations:

- The road cuts remained without erosion control despite an ongoing storm event. This issue had been pointed out to the Discharger in a previous inspection report dated 27 November 2018 (See photo 1-2).

- There were no construction activities at the time of inspection. A small crew was pumping water collected onsite into a tributary to Secret Ravine. The crew was using sediment bags and gravel bag check dams as Best Management Practices (BMPs) to aid in removing sediment from the discharge. These BMPs were ineffective as the runoff leaving the project site appeared to be exceedingly turbid. According to Mr. Larsen, these discharges had been taking place for a couple of hours. No samples were taken prior to the start of dewatering operations and no samples were taken during dewatering by the Discharger's personnel. Mr. Larsen stated that the dewatering activities were being carried under the direction of the Project's Qualified SWPPP Practitioner. Staff directed Mr. Larsen to turn off the dewatering pump and collected samples of the turbid discharges downstream of the filter bag BMP. Staff analyzed the turbidity in the field using a Hach 2100P Turbidimeter. The turbidity in the collected sample exceeded the reading capacity of the instrument used (1,000

Nephelometric turbidity units or NTU). Staff created a diluted sample that was comprised of 50% discharge sample and 50% drinking water. The turbidity of the 50/50 diluted sample was still above 1,000 NTU. Staff then created another diluted sample comprised of 25% discharge sample and 75% drinking water. This sample had a measured turbidity of 501 NTU indicating that the discharge had a turbidity of approximately 2,000 NTU (See photos 4-6).

- Water was observed accumulating behind an existing silt fence located downgrade from the plugged outfall. Tears in the silt fence were observed discharging some of the accumulated water (See photos 7-8).

- Upstream and downstream samples were also collected from the tributary to Secret Ravine. Figure 1, included with this report, shows the sample collection locations. The turbidity recorded upstream from the Project's discharge location was 20.5 NTU. The turbidity recorded downstream from the Project's discharge location was 150 NTU (See photos 9-12).

Signature  Date 1/24/2019	Date Entered: _____ Entered By: _____ Senior Review: _____

Photo 1. No erosion control was applied on road cuts.

Photo 2. Road cuts accumulating water and entering the storm drain system.

Photo 3. Filter bags and dewatering discharges from Project approximately 20 feet from a tributary to Secret Ravine.

Photo 4. Runoff from the discharge reaching Secret Ravine tributary.

Photo 5. Dewatering hoses exiting the storm drain manhole leading to the pump and filter bags shown in Photo 3.

Photo 6. Turbidity of discharges. A diluted sample comprised of 25% discharge sample and 75% drinking water had a turbidity of 501 NTU The diluted sample shown on meter with a cap. The un-diluted discharge sample shown on the meter without a cap.

Photo 7. Water accumulating behind silt fence at storm drain outfall.

Photo 8. Tears in the silt fence allowing water to discharge.

Photo 9. Water in Secret Ravine tributary downstream from Project's dewatering activities.

Photo 10. Turbidity of water in Secret Ravine tributary downstream from Project's dewatering activities.

Photo 11. Board staff collecting water sample upstream from Project's dewatering activities.

Photo 12. Turbidity of water sample collected upstream of Project's dewatering activities.

Figure 1. Map of approximate sampling locations during dewatering activities on 18 January 2019