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## North Coast Regional Water Quality Control Board

March 7, 2016

Ms. Mary Pawson  
City of Rohnert Park  
130 Avram Avenue  
Rohnert Park, CA 94928

Subject: **Notice of Violation** of State Water Resources Control Board Order No. 2009-0009 DWQ as amended by Orders 2010-0014 DWQ & 2012-0006 DWQ *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit); and **Confirmation of Corrective Actions**

File: East Side Trunk Sewer Phase III and Snyder Lane Widening (Site), Snyder Lane, City of Rohnert Park, WDID No. 149C372916

Dear Ms. Pawson:

The City of Rohnert Park (Permittee) is hereby given notice that it has violated Provision D.2 of Attachment D and Section III. B of the Construction General Permit for its failure to implement adequate soil stabilization and for the unauthorized non-storm water discharge to Copeland Creek.

The Permittee has demonstrated that the violations discussed in this letter have been corrected, and therefore, no further action is required.

### I. Background

The Permittee owns and operates the Site, located on Snyder Lane in Rohnert Park California (Attachment 1, Figure 1). According to the Storm Water Pollution Prevention Plan (SWPPP), the Site intends to disturb 7.1 acres. The Site's file on the Storm Water Multiple Application and Report Tracking System (SMARTS) database states that construction commenced on June 5, 2015, and is anticipated to be complete by September 25, 2016. The Site is listed as a Risk Level 2 and discharges to Copeland Creek.

## II. Applicable Requirements

The Permittee violated the following Construction General Permit requirements:

### **Attachment D, Provision D.2: Erosion Control**

*Dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.*

### **Section III.B: Discharge Prohibitions**

*All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit.*

## III. Alleged Violations

The Permittee violated Provision D.2 of Attachment D by failing to implement effective soil cover on the Site, which resulted in slope erosion (Attachment 1, Photo 1A). Although hydraulic mulch was sprayed on exposed slopes, it was applied at an inappropriate time. The California Storm Water Quality Association Best Management Practices Manual (CASQA BMP Manual), Erosion Control-3, states that, "*Most hydraulic mulch applications require at least 24 hours to dry before rainfall occurs*". Staff received confirmation from the Qualified Storm Water Pollution Plan Practitioner (QSP), Jim Winter, that the hydraulic mulch was applied on December 9, 2015. The Site's Rain Event Action Plan (REAP) dated December 8, 2015, indicates a 95% chance of rain with an expected precipitation amount of 0.49 inches on December 9, 2015, and a 95% chance of rain with an expected precipitation amount of 0.62 inches on December 10, 2015. Information from the REAP demonstrates that the Permittee did not allow sufficient time for the hydraulic mulch to dry, resulting in ineffective soil cover and erosion. The Permittee subsequently installed filter fabric over the hydraulic mulch to provide adequate soil cover and prevent further erosion (Attachment 1, Photo 1B).

The Permittee violated Section III.B by discharging hydraulic mulch into Copeland Creek. Hydraulic mulch was applied to fiber blankets that lined the banks of Copeland Creek on December 9, 2015 (Attachment 1, Photos 2A, 2B, and 2C). Staff requested that the hydraulic mulch be removed immediately. The Permittee removed the fiber blankets containing the hydraulic mulch and replaced them with new fiber blankets on December 12, 2015 (Attachment 1, Photos 2D and 2E).

## IV. Future Enforcement Actions

Please note that correcting the conditions of non-compliance with the Construction General Order 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 such as a cleanup and abatement order,

time schedule order, administrative civil liabilities, and referral to the California Attorney General's Office. Administrative civil liabilities may be assessed beginning with the date that a violation first occurred.

Should you have any questions, please contact Ms. Devon Jorgenson of my staff at [Devon.Jorgenson@waterboards.ca.gov](mailto:Devon.Jorgenson@waterboards.ca.gov) by email or at (707) 576-2701.

Sincerely,

Claudia Villacorta  
Point Source and Groundwater Protection Division Chief

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Certified Return Receipt Requested

Attachments:

1. Supporting Photographs