
North Coast Regional Water Quality Control Board

March 7, 2016

Mr. William Schneider
Vast Oak Properties, UDLLC
500 La Gonda Way
Danville, CA 94526

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 Subsequent Corrective Actions**

File: Vast Oak Phase II (Project), North of Rohnert Park Expressway (RPX), West of Petaluma Hill Road, City of Rohnert Park, WDID No. 1 49C370212

Dear Mr. Schneider:

Vast Oak Properties UDLLC (Permittee) is hereby given notice that it has violated Attachment D, Provisions B.1.e, D.2, and E.1, and Section XIV.A.1 of the Construction General Permit for failure to implement best management practices (BMPs) and include the entirety of the Project's area in the Storm Water Pollution Prevention Plan (SWPPP). 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 Project, located north of RPX and approximately a half-mile east of Snyder Lane, in the city of Rohnert Park, California (Attachment A, Figure 1). According to the SWPPP, the Project intends to disturb 104 acres of a total of 226.6 acres. According to the Project's file on the Storm Water Multiple Application and Report Tracking System (SMARTS) database, construction commenced on July 14, 2014, and anticipates completion by December 31, 2019. The Project is listed as a Risk Level 2 in SMARTS. The Project's runoff is routed to a detention pond and the overflow discharges to Hinebaugh Creek.

II. Applicable Requirements

The Permittee violated the following Construction General Permit requirements:

Attachment D, Provision B.1.e:

Dischargers shall implement BMPs to prevent the off-site tracking of loose construction and landscape materials.

Attachment D, Provision D.2:

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

Attachment D, Provision E.1:

Dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.

Section XIV.A.1:

The Storm Water Pollution Prevention Plan shall be designed to address all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction are controlled.

III. Alleged Violations

The Permittee violated Attachment D, Provisions B.1.e and E.1 by failing to stabilize the Project's entrances (Attachment A, Photo 1A). Staff verified that the Permittee had corrected these violations by stabilizing construction entrances with rock during the December 9, 2015, inspection (Attachment A, Photos 1B, 1C, and 1D).

The Permittee violated Attachment D, Provision D.2 by failing to implement soil cover to the utility work area. Staff observed that the area was muddy and lacking erosion, sediment, and perimeter controls during the December 9, 2015, inspection (Attachment A, Photo 3A). Staff observed the installation of soil cover during the December 9, 2015, inspection; Mr. Keith provided Staff with photos of the completed soil cover installation and installation of wattles as perimeter control on December 10, 2015 (Attachment A, Photo 3B).

The Permittee violated Attachment D, Provision E.1 by failing to implement perimeter control along the entirety of the Project on RPX (Attachment A, Photo 2A.) Staff verified that the Permittee had corrected these violations by installing wattles as perimeter control along RPX during the December 9, 2015, inspection (Attachment A, Photos 2B and 2C).

The Permittee violated Section XIV.A.1 by failing to include the utility repair activities along RPX in the SWPPP (Attachment A, Photo 6).

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 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