

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF JULY 9, 2004

Prepared July 2, 2004

ITEM: 16

SUBJECT: Administrative Civil Liability Order No. R3-2004-0073; Pajaro Valley Unified School District, Landmark Elementary School

SUMMARY

Pajaro Valley Unified School District's contractor and site contact, Mr. Wayne Edgin of Robert A. Bothman Construction, sent a letter dated April 20, 2004 to Regional Board staff. The letter did not contest the violations in the March 24, 2004 Notice of Violation, but rather described how each of the violations was addressed.

Mr. Edgin also faxed Regional Board staff a copy of an April 14, 2004 letter from the Storm Water Pollution Prevention Plan author, Mr. George B. Otte of Nolte Associates, Inc., addressed to the project architect, Mr. Carrick Boshart of LPA Inc. Mr. Otte expressed his view that some of the SWPPP violations identified by Regional Board staff were only "relatively minor differences of opinion and items that the RWQCB would prefer in a document."

No correspondence has been received in response to Complaint No. R3-2004-0073.

DISCUSSION

Attached are copies of two letters received in response to the March 24, 2004 Notice of Violation for violations at the Landmark Elementary School construction site in Watsonville (Site).

Mr. Wayne Edgin, Robert A. Bothman Inc.

The project contractor is Robert A. Bothman Construction, and the Site superintendent is Mr. Wayne Edgin.

Mr. Edgin sent a letter dated April 20, 2004 to Regional Board staff (Attachment 1). The letter was received one month later, on May 20, 2004. Regional Board staff inquired about the delay, and Mr. Edgin indicated the delay was likely due to processing at the company's main office.

Mr. Edgin's letter did not contest the violations in the March 24, 2004 Notice of Violation, but rather described how each of the violations was addressed. The letter did not include photographs as proof of corrective action, nor had a

revised Storm Water Pollution Prevention Plan (SWPPP) been submitted. (However, neither photos nor a copy of the SWPPP were requested in staff's Notice of Violation letters.) Regional Board staff has not inspected the site since March 19, 2004, so corrective action has not been confirmed. Regional Board staff intends to inspect the Site during the week of the Regional Board Meeting to determine current compliance status.

Some of the items in the letter were difficult to understand, as they referred to conversations with "Nolte Engineering" (Nolte Associates, Inc.) the consultants who prepared the Site's SWPPP. To clarify comments in his letter, Mr. Edgin faxed a copy of a letter from Nolte Associates, Inc. to the project architects, LPA Inc. (Attachment 2).

Mr. George B. Otte, Nolte Associates, Inc.

In his April 14, 2004 letter to the project architect, Mr. Otte (SWPPP consultant) contested a portion of the March 24, 2004 SWPPP violations, but did not contest other alleged violations.

Mr. Otte expressed his view that some of the SWPPP violations identified by

Regional Board staff were only "relatively minor differences of opinion and items that the RWQCB would prefer in a document."

Specifically, Mr. Otte believes it is sufficient to reference other documents in the SWPPP in place of including descriptions or illustrations of proper BMP implementation. However, Permit Section A, items 5.b.(1) through 5.b.(8) specifically require that the SWPPP show or describe how various BMPs are to be implemented.

Mr. Otte also discussed and defended two BMPs prescribed in the SWPPP, about which Regional Board staff expressed concern in the Notice of Violation. However, the subject BMPs are not included in the SWPPP-referenced *Erosion and Sediment Control Field Manual*, and therefore have not been adequately shown or described as required in the Permit.

ATTACHMENTS

1. Letter from Mr. Wayne Edgin to Regional Board Staff
2. Letter from Mr. George B. Otte to Mr. Carrick Boshart