



SW File

California Regional Water Quality Control Board

Central Coast Region



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Environmental
Protection

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January 23, 2003

David Pierson
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Certified No. 7000 0520 0019 0359 7114

CLEANUP OR ABATEMENT ORDER – GENERAL CONSTRUCTION STORM WATER PERMIT; GOLDIE LANE PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY; WDID# 3 40S319357

Mr. Pierson:

This letter transmits Cleanup or Abatement Order No. R3-2003-0021 (Cleanup Order), issued to David Pierson as a result of the significant violations of the General Construction Storm Water Permit (General Permit) on November 8, 2002, and December 20, 2002. **Regional Board staff plans to inspect the Goldie Lane Property again. Please ensure that all Best Management Practices required by the General Permit are employed on site before the next rain, or by the dates in this Cleanup Order, whichever is sooner.** Questions regarding this matter may be directed to Ryan Lodge at (805) 542-4642 or Eric Gobler at (805) 549-3467.

Sincerely,

Roger W. Briggs
Executive Officer

cc: Todd Tognazzini
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California Environmental Protection Agency



Item No. 18 Attachment No. 7
July 7-8, 2005 Meeting
David Pierson ACL

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista, Suite 101
San Luis Obispo, CA 93401**

**CLEANUP OR ABATEMENT ORDER NO. R3-2003-0021
Issued to David Pierson**

**GENERAL CONSTRUCTION STORM WATER PERMIT: DAVID PIERSON, GOLDIE LANE
PROPERTY, SANTA MARGARITA, SAN LUIS OBISPO COUNTY
WDID# 3 40S319357**

The California Regional Water Quality Control Board, Central Coast Region (hereafter Regional Board), finds:

1. David Pierson owns a 39-acre construction project known as the Goldie Lane Property, Santa Margarita, San Luis Obispo County (Site). The Site is covered by the General Construction Storm Water Permit (General Permit) with Waste Discharge Identification (WDID) Number 3 40S319357.
2. On November 8, 2002, and December 20, 2002, Regional Board staff inspected the Site and found it in violation of the General Permit. Regional Board staff observed widespread erosion of the cleared hillsides and the access road that transverses the property (Attachment A, Photos 1, 2). The erosion of the access road has resulted in sediment discharging to the unnamed blue line creek tributary to the Huerhuero Creek. The discharge of sediment-laden water could have been eliminated or minimized with the use of Best Management Practices (BMPs). The discharge of sediment to the creek is a violation of the General Permit Discharge Prohibition A.2.

Discharge Prohibition A.2, of the General Permit states:

"Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited, except as allowed in Special Provisions for Construction Activity, C.3."

3. The sediment discharge occurred because erosion and sediment controls on site were inadequate. A wide area of the site does not have erosion control measures in place. The access road through the Site, which parallels an unnamed blue line creek, was eroding into the creek in several locations. Sediment controls, such as hay bales and jute

netting, were overwhelmed without erosion control measures for the road (Attachment A, Photos 2, 3). Some sections of the road had neither erosion nor sediment controls (Attachment A, Photo 4). David Pierson has failed to implement an effective combination of erosion and sediment control as required by Section A.6 of the General Permit.

Section A; paragraph 6 (page 12) of the General Permit states:

"At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites. The discharger shall consider measures such as: covering with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, permanent seeding, and a variety of other measures."

4. The violations on November 8, 2002, and December 20, 2002, could have been prevented if there had been adequate erosion and sediment control measures in place during the rainy season as required by the General Permit. An October 8, 2002 letter, expressed Regional Board Staff concerns regarding adequate erosion control measures for the Site. A Notice of Violation (NOV) dated November 25, 2002, pointed out on site deficiencies in erosion and sediment control measures. Adequate time was available prior to the rainy season to implement an effective

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combination of sediment and erosion control measures. Failure to implement adequate measures has resulted in widespread erosion and discharges of sediment from the site.

5. The technical or monitoring reports required by this Order are necessary to document and confirm compliance with this Order and the General Permit. Mr. Pierson is required to submit these reports because he is the owner of the subject site and responsible for compliance with the Order and the General Permit. Evidence to support this finding can be found in the file of the Regional

Board regarding the Goldie Lane Property, Santa Margarita, San Luis Obispo County.

6. This enforcement action is being taken for the protection of natural resources and the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Sections 15307 and 15308, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to Section 13304 and 13267 of the California Water Code, David Pierson, his agents, successors or assigns, shall clean up and abate further sediment discharges, as follows:

1. David Pierson shall ensure sediment and other pollutants do not leave the property.
 - a. By January 31, 2003, David Pierson shall submit to the Central Coast Regional Water Quality Control Board an updated Storm Water Pollution Prevention Plan, describing **immediate** actions taken to prevent further sediment from leaving the property. The updated plan shall describe erosion and sediment control BMPs and include an implementation time schedule. The plan shall also discuss inspection and maintenance schedules for on-site BMPs.
 - b. By January 31, 2003, David Pierson shall submit copies of all completed Site inspection checklists from October 1, 2002, through December 31, 2002.
 - c. By January 31, 2003, David Pierson shall prevent erosion by covering all inactive disturbed slopes, and stockpiles at the site with effective erosion control BMPs. The erosion control BMPs may include bonded fiber matrix, blankets, mulch, straw, or other means that prevent erosion.
 - d. By January 31, 2003, David Pierson shall stabilize all access roads on Site to prevent further erosion of the road surfaces.

FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY SUBJECT YOU TO FURTHER ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO, ASSESSMENT OF CIVIL LIABILITY PURSUANT TO SECTION 13268, 13350 AND 13385 OF THE WATER CODE AND REFERRAL TO THE DISTRICT ATTORNEY OR ATTORNEY GENERAL FOR INJUNCTIVE RELIEF AND CIVIL OR CRIMINAL LIABILITY.

Any interested person may file a petition for review of this Order with the State Water Resources Control Board under California Water Code section 13320. Petitions must be filed within 30 days of the date of this Order.

ORDERED BY



Roger W. Briggs
Executive Officer

1-23-03

Date

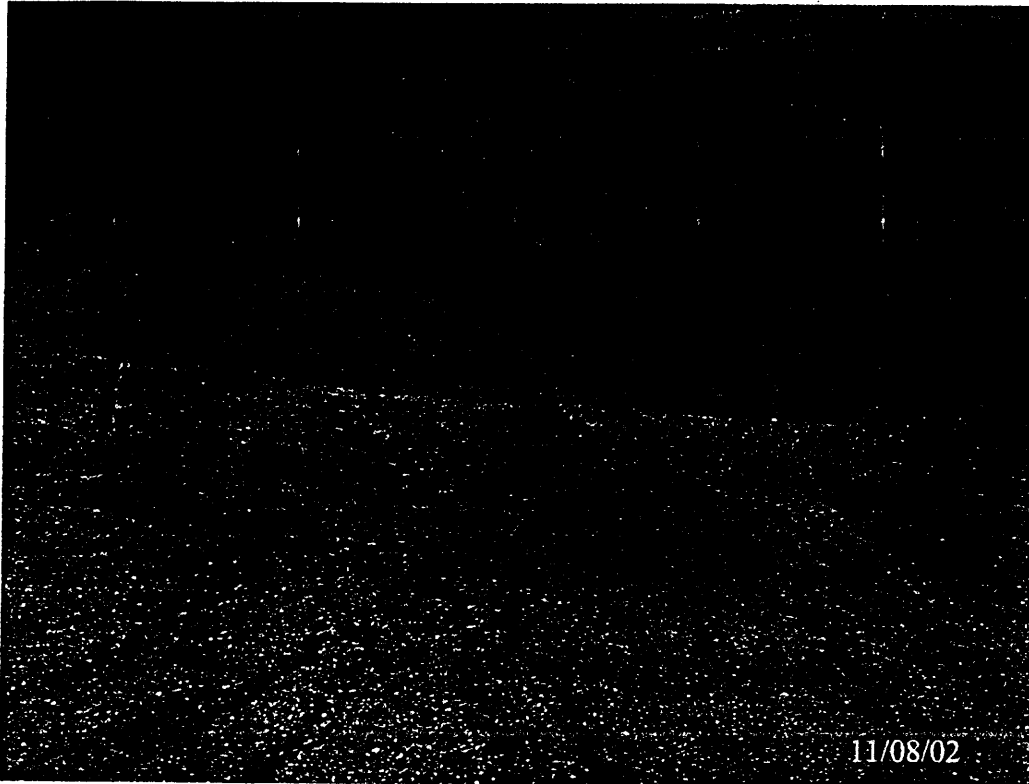


Photo 1 – Gully erosion on cleared hillsides, no erosion or sediment control.

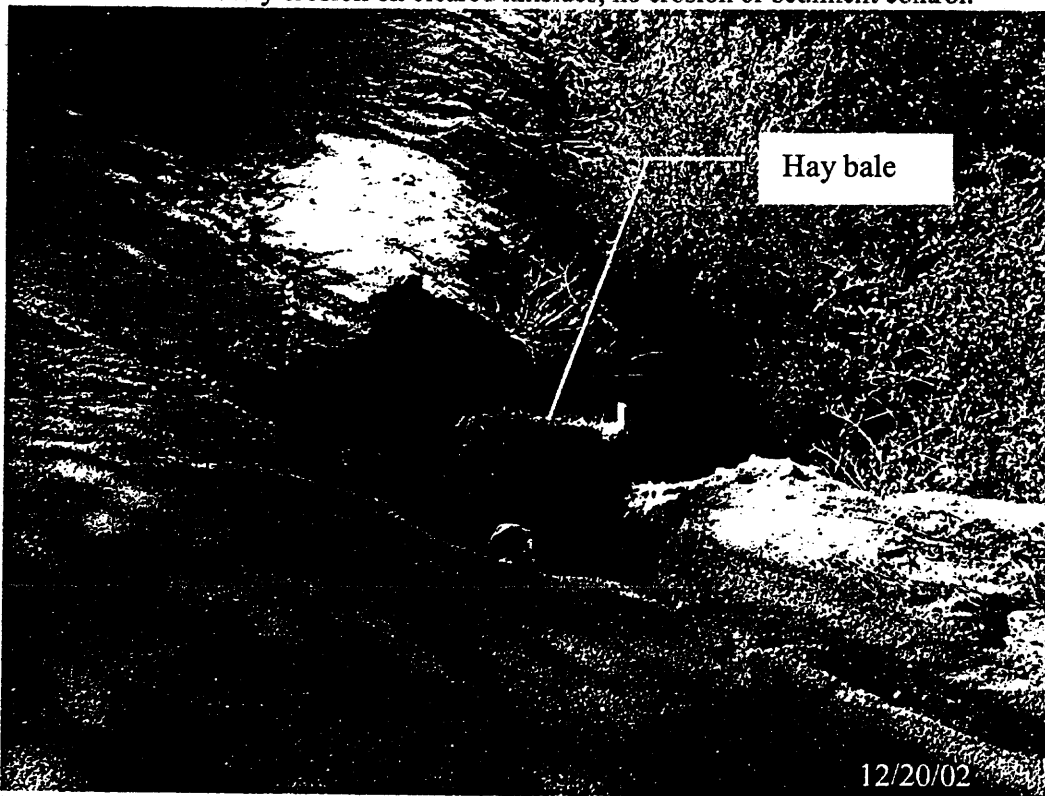


Photo 2 – Erosion from road cutting around hay bale.

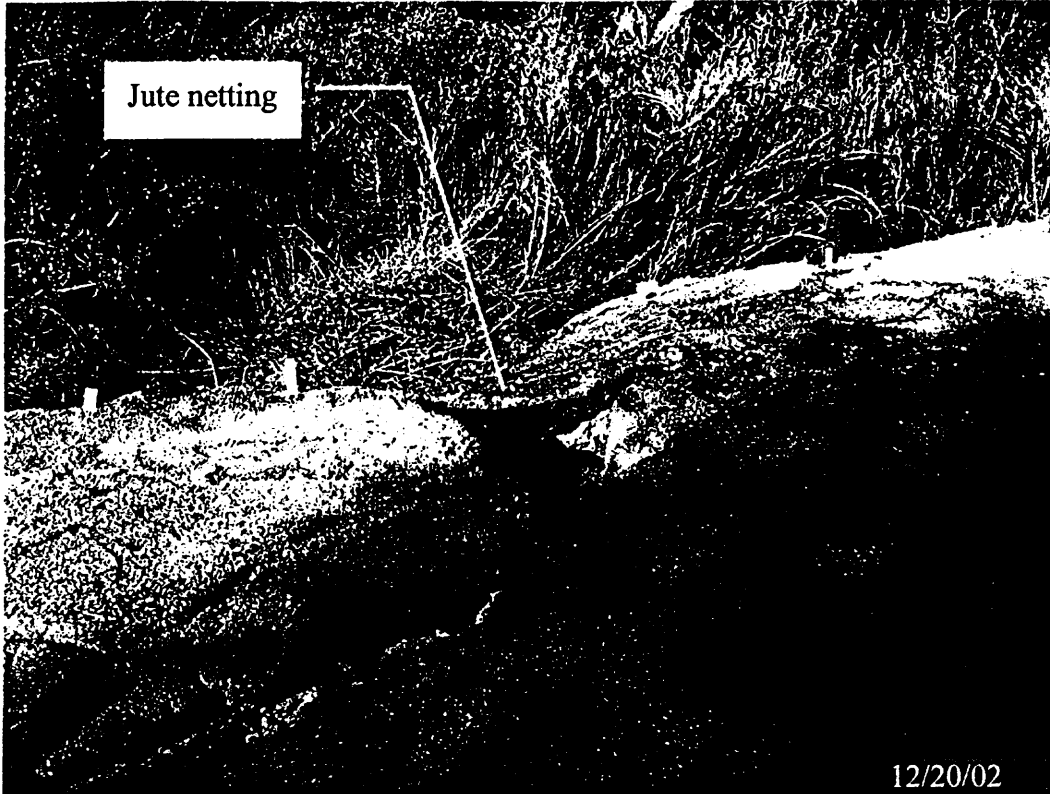


Photo 3 – Access road erosion cutting under jute netting.

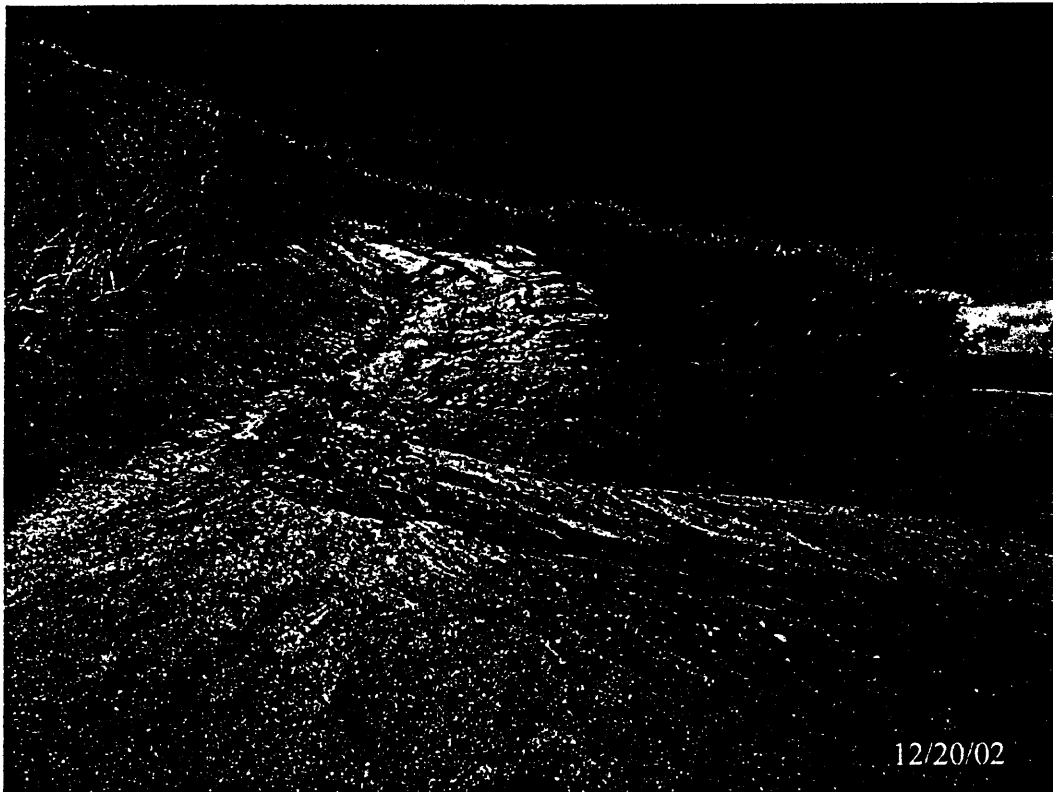


Photo 4 – Large amount of sediment washed down side road, across main access road, and towards the creek.