

letter of transmittal

to: HAIG KELEGIAN
26 SUNSET COVE
NEWPORT COAST
92657

date: 10.21.04
job no: 22748000
re: KELEGIAN
DANIEL

attn: _____

- we are sending you:
- attached
 - under separate cover via _____ the following items:
 - shop drawings
 - prints
 - plans
 - samples
 - specifications
 - copy of letter
 - change order
 - AS NOTED

| copies | date | no. | descriptions |
|--------|------|-----|------------------------|
| 1 | | | CORRESPONDENCE BETWEEN |
| | | | EDA & RWQCT |
| | | | |
| | | | |
| | | | |
| | | | |

these are transmitted as checked below:

- for approval
- approved as submitted
- resubmit _____ copies for approval
- for your use
- approved as noted
- submit _____ copies for distribution
- as requested
- returned for corrections
- return _____ corrected prints
- for your review & comment
- _____
- for bids due _____
- prints returned following loan to us

comments: _____

copy to: _____
 If enclosures are not as noted, kindly notify us at once

signed: Jeff Ewrick



California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5411
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

October 8, 2002

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

CALIFORNIA WATER CODE SECTION 13267 REQUEST FOR REPORT, HWY 58 AREA PROPERTY, SAN LUIS OBISPO COUNTY

Dear Mr. Kelegian:

Ryan Lodge of my staff visited your property on October 1, 2002. The purpose of the site visit was to investigate vegetation clearing and potential associated water pollution sources. Our visit revealed issues of concern regarding extensive vegetation clearing that must be addressed.

Concerns include vegetation removal with no erosion or sediment controls in place (see photos 1 and 2). Ryan Lodge discussed our erosion concerns with David Williams of your staff. Mr. Williams indicated that a plan is in place to spread barley and rye grass seed over the area prior to the first rain. We believe that applying seed alone is not a sufficient erosion control measure. Established vegetation is a means of erosion control; thus, the seed must be nurtured into vegetation before runoff occurs to be effective erosion control. Additional erosion control measures must be implemented to avoid widespread erosion and sediment loss, and to reduce potential surface water impacts.

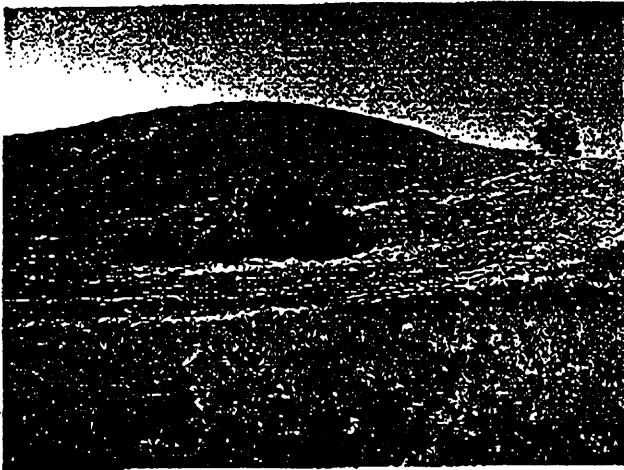


Photo 1 - Cleared hillsides.

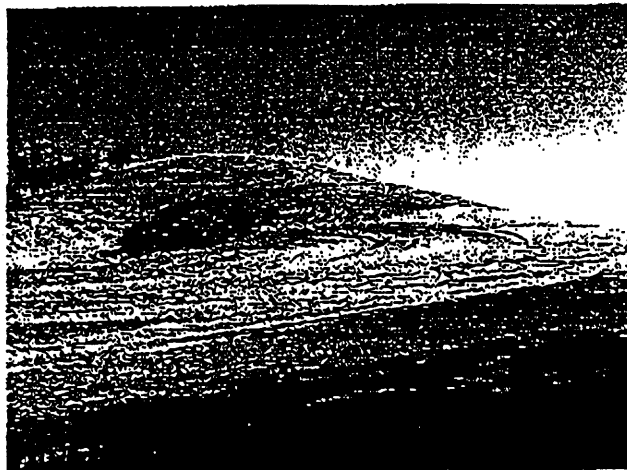


Photo 2 - Cleared hillsides.

The extensive vegetation removal has created a significant potential for sediment discharge to Huerhuero Creek. We are concerned about water quality impacts from sediment discharges. The Huerhuero Creek is tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.

Mr. Haig Kclegian

2

October 8, 2002

The Regional Board is authorized to issue a Cleanup or Abatement Order pursuant to Water Code section 13304.

California Water Code section 13304 states, "Any person who ... threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts."

Violation of a Cleanup or Abatement Order subjects the discharger to administrative civil liability of up to \$5,000 per day. The Regional Board will refrain from issuing a Cleanup or Abatement Order at this time pending receipt and implementation of an adequate erosion and sediment control plan. By this letter you are ordered, pursuant to Water Code section 13267, to provide a detailed erosion and sediment control plan addressing all disturbed areas.

Water Code section 13267, (b) states in part "...the regional board may require that any person who has discharged, discharges or is suspected of discharging or who proposes to discharge waste within its region, ...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."

Pursuant to Water Code section 13267, the Regional Board requires a detailed erosion and sediment control plan with an implementation schedule addressing all potential site erosion areas. Failure to implement adequate erosion and sediment control measures prior to winter rains will create the potential for sediment discharges to Huerhuero Creek. The detailed plans and implementation schedule must be submitted to our office by October 21, 2002.

You are being required to submit this information because:

1. You are the real property owner that is the potential source of sediment discharge into the creek.
2. The actions taken to clear the land have created a potential pollution source. Photo documentation and a site visit by Regional Board staff indicate there is high erosion and sedimentation potential.
3. The Salinas River currently is listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.

It is critical that the issues discussed in this letter are addressed immediately. The wet season is upon us and impacts to the watershed from your property must be minimized.

If you have questions regarding this matter, please call Ryan Lodge at (805) 542-4642.

Sincerely,



Roger W. Briggs
Executive Officer

cc: Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

San Luis Obispo County District Attorney
County Government Center, Room 460
San Luis Obispo, CA 93408

James Caruso
San Luis Obispo County Dept. of Planning and
Building
County Government Center
San Luis Obispo, CA 93408-2040

David Williams
P.O. Box 320
Creston, CA 93432

Sarah Christie
926 J Street, Suite 416
Sacramento, CA 95814

Gordon R. Hensley
P.O. Box 6884
Los Osos, CA 93412

Jennifer Soloway, Office of the Chief Counsel
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

S:\WB\Central Watershed\Storm
Water\Construction\NOVs\CrestonNOVnonwell.doc

California Environmental Protection Agency



Recycled Paper

letter of transmittal

to: State Water Resources Control Board
Division of Water Quality
P.O. Box 1977
Sacramento, CA 95812-1977

date: October 22, 2002

job no: 2-2748-000

attn: Storm Water Permit Unit

re: Kelegian Creston Ranch

we are sending you: attached under

separate cover via _____ the following items:

- shop drawings prints plans samples specifications
 copy of letter change order Certified Mail

| copies | date | no. | descriptions |
|--------|----------|-----|--|
| 1 | 10/22/02 | 1 | Signed Notice of Intent |
| 1 | 10/22/02 | 15 | SWPPP Narrative and Monitoring Report for Kelegian Creston Ranch |
| 1 | | 2 | Erosion Control Plan for Kelegian Creston Ranch |
| 1 | | 1 | *Check #6678, in the amount of \$500.00 |
| | | | |

these are transmitted as checked below:

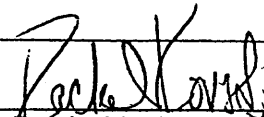
- for approval approved as submitted resubmit _____ copies for approval
 for your use approved as noted submit _____ copies for distribution
 as requested returned for corrections return _____ corrected prints
 for your review & comment _____
 for bids due _____ prints returned following loan to us

comments:

Please contact our office with any questions. Thank you,

copy to: _____

signed: _____


Rachel K. Koveshi
Project Planner

If enclosures are not as noted, kindly notify us at once

letter of transmittal

to: Regional Water Quality Control Board
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401

date: October 22, 2002

job no: 2-2748-000

attn: Ryan Lodge

re: Kelegian Creston Ranch

we are sending you: attached under separate cover via _____ the following items:

- shop drawings prints plans samples specifications
 copy of letter change order Hand Deliver

| copies | date | no. | descriptions |
|--------|----------|-----|--|
| 1 | 10/22/02 | 1 | Signed Notice of Intent |
| 1 | 10/22/02 | 15 | SWPPP Narrative and Monitoring Report for Kelegian Creston Ranch |
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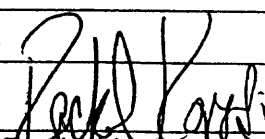
- for approval approved as submitted resubmit _____ copies for approval
 for your use approved as noted submit _____ copies for distribution
 as requested returned for corrections return _____ corrected prints
 for your review & comment _____
 for bids due _____ prints returned following loan to us

comments:

Ryan:

Please contact our office with any questions. Thank you,

copy to: _____

signed: 
Rachel K. Kovesci
Project Planner

If enclosures are not as noted, kindly notify us at once

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER. SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES.

EDA
ENGINEERING DEVELOPMENT ASSOCIATES
POST OFFICE BOX 1829
SAN LUIS OBISPO, CA 93406
(805) 549-8658

1320 NIPOMO STREET
SAN LUIS OBISPO, CA 93401
FAX (805) 549-8704

90-4252/1222

6678

PAY AMOUNT Five hundred and 00/100 DOLLARS

CHECK AMOUNT

\$ 500.00

| EXPLANATION | AMOUNT |
|-----------------|--------|
| 2,9748.000 | |
| Religion Center | |
| Chm | |
| | |
| | |

| DATE | TO THE ORDER OF | DESCRIPTION | CHECK NUMBER |
|----------|------------------------------------|-------------|--------------|
| 10/22/02 | State Water Resources Center Board | NOT FU | 6678 |

[Handwritten Signature]

486 MARSH ST.
SAN LUIS OBISPO, CA 93401



11006678 122242526101501035

SECURE SAFEGUARD

NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF THE
GENERAL PERMIT TO DISCHARGE TO STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY (WQ ORDER No. 99-08-DWQ)

I. NOI STATUS (SEE INSTRUCTIONS)

MARK ONLY ONE ITEM 1 New Construction 2 Change of Information for WDID#

II. PROPERTY OWNER

| | | | |
|-----------------------------------|-------------|---------------------------------|-------------------------|
| Name Haig Kelegian | | Contact Person Dave Williams | |
| Mailing Address 26 Sunset Cove | | Title Agent | |
| City Newport Cliffs | State CA | Zip 92657 | Phone (805) 674-4575 |

III. DEVELOPER/CONTRACTOR INFORMATION

| | | | |
|---|-------------|---------------------------------|-------------------------|
| Developer/Contractor Creston Real Estate | | Contact Person Dave Williams | |
| Mailing Address P.O. Box 320 | | Title Agent | |
| City Creston | State CA | Zip 93432 | Phone (805) 674-4575 |

IV. CONSTRUCTION PROJECT INFORMATION

| | | | |
|--|--|--|--|
| Site/Project Name Kelegian Ranch | | Site Contact Person Dave Williams | |
| Physical Address/Location Highway 58 | | Latitude <input type="radio"/> 35° 27' | Longitude <input type="radio"/> 120° 25' |
| City (or nearest City) Santa Margarita, CA | | County San Luis Obispo | |
| Zip | | Site Phone Number (805) 674-4575 | Emergency Phone Number (805) 674-4575 |
| A. Total size of construction site area: 412 Acres | C. Percent of site imperviousness (including rooftops): Before construction: 100 % After construction: 100 % | | D. Tract Number(s): _____ |
| B. Total area to be disturbed: 199 Acres (% of total) 48 | E. Mile Post Marker _____ | | |
| F. Is the construction site part of a larger common plan of development or sale? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | G. Name of plan or development: | |
| H. Construction commencement date: 10/02 | | J. Projected construction dates: Complete clearing 10/02 Complete project: 10/03 | |
| I. % of site to be mass graded: 0 % (cleared & grubbed only) | | | |
| K. Type of Construction (Check all that apply): 1 <input type="checkbox"/> Residential 2 <input type="checkbox"/> Commercial 3 <input type="checkbox"/> Industrial 4 <input type="checkbox"/> Reconstruction 5 <input type="checkbox"/> Transportation 6 <input type="checkbox"/> Utility Description: _____ 7 <input checked="" type="checkbox"/> Other (Please List): Agriculture - Olives & Grazing | | | |

V. BILLING INFORMATION

| | | |
|---|---------------------------------|--|
| SEND BILL TO: <input type="checkbox"/> OWNER (as in II above) | Name Creston Real Estate | Contact Person Dave Williams |
| <input type="checkbox"/> DEVELOPER (as in III. above) | Mailing Address P.O. Box 320 | Phone/Fax (805) 674-4575/(805) 238-9578 |
| <input type="checkbox"/> OTHER (enter information at right) | City Creston | State Zip CA 93432 |

I. REGULATORY STATUS

A. Has a local agency approved a required erosion/sediment control plan? YES NO
 Does the erosion/sediment control plan address construction activities such as infrastructure and structures? YES NO
 Name of local agency: County of San Luis Obispo EXEMPT Phone: _____

B. Is this project or any part thereof, subject to conditions imposed under a CWA Section 404 permit of 401 Water Quality Certification?... YES NO
 If yes, provide details: _____

II. RECEIVING WATER INFORMATION

A. Does the storm water runoff from the construction site discharge to (Check all that apply):
 1 Indirectly to waters of the U.S.
 2 Storm drain system - Enter owner's name: _____
 3 Directly to waters of U.S. (e.g., river, lake, creek, stream, bay, ocean, etc.)

B. Name of receiving water: (river, lake, creek, stream, bay, ocean): Huer Huero Creek

III. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (Check one)
 A SWPPP has been prepared for this facility and is available for review: Date Prepared: 10/21/2002 Date Amended: _____
 A SWPPP will be prepared and ready for review by (enter date): _____
 A tentative schedule has been included in the SWPPP for activities such as grading, street construction, home construction, etc.

B. MONITORING PROGRAM
 A monitoring and maintenance schedule has been developed that includes inspection of the construction BMPs before anticipated storm events and after actual storm events and is available for review.
 If checked above: A qualified person has been assigned responsibility for pre-storm and post-storm BMP inspections to identify effectiveness and necessary repairs or design changes. Yes No
 Name: JEFFREY EMRICK Phone: 805 549 8658

C. PERMIT COMPLIANCE RESPONSIBILITY
 A qualified person has been assigned responsibility to ensure full compliance with the Permit, and to implement all elements of the Storm Water Pollution Prevention Plan including:
 1. Preparing an annual compliance evaluation. Yes No
 Name: JEFFREY EMRICK Phone: 805 549 8658
 2. Eliminating all unauthorized discharges...(SAME CONTACT AS C.1 ABOVE). Yes No

IX. VICINITY MAP AND FEE (must show site location in relation to nearest named streets, intersections, etc.)

Have you included a vicinity map with this submittal? Yes No
 Have you included payment of the annual fee with this submittal? Yes No

X. CERTIFICATIONS

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be complied with."

Printed Name: Dave Williams
 Signature: [Signature] Date: 10-22-02
 Title: Agent

KELEGIAN RANCH PROPERTY
SANTA MARGARITA, CA
STORM WATER POLLUTION PREVENTION PLAN
AND MONITORING REPORT

OCTOBER 21, 2002

KELEGIAN RANCH PROPERTY

STORM WATER POLLUTION PREVENTION PLAN

SITE DESCRIPTION

Project Name and Location (Latitude, Longitude or Address)

Section 31, Township 28 South, Range 15 East, Mount Diablo Base and Meridian, located in San Luis Obispo County, east of Santa Margarita, California. (35° 27' Latitude, 120° 25' Longitude)

Owner Name and Address

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

Description (Purpose and Types of Soil Disturbing Activities)

This project consists of the clearing and grubbing of approximately 199 acres of chemise and chaparral-covered hillsides for eventual planting of olive trees and grasses. It also includes aerial seeding of approximately 46 acres burned in the Highway 58 Fire of July 20, 2002. Soil disturbing activities will include:

- clearing and grubbing,
- installing silt barriers and other erosion and sediment controls, and
- preparation for final planting and seeding.

Runoff Coefficient

The final coefficient of runoff for the site will be $c = 0.30$ (per SLO County Standard Detail D-2). This means that the site is covered with sparse vegetation over sandy soils and slopes over 10%.

Site Area

Disturbed area will encompass approximately 199 acres. The entire property is currently vacant rural land. The site is generally rolling hills, with slopes up to 20%.

Sequence of Major Activities

A. Install On-site Erosion and Sediment Controls. The order of activities will be as follows:

1. Install straw wattles as shown on the erosion control plan.
2. Install EnviroBerm porous sediment control as shown on the erosion control plan.
3. Stabilize denuded areas within 14 days of last clearing activity in that area.
4. Remove accumulated sediment from berms and other sediment control devices.
5. When all clearing activity is complete and the site is stabilized, aerial seed all disturbed and burned areas.

Name of Receiving Waters

Onsite storm runoff drains into the Huer Huero Creek.

CONTROLS

EROSION AND SEDIMENT CONTROLS

1. Install straw wattles as shown on the erosion control plan.
2. Install EnviroBerm porous sediment control as shown on the erosion control plan.
3. Stabilize denuded areas within 14 days of last clearing activity in that area.
4. Remove accumulated sediment from berms and other sediment control devices.
5. When all clearing activity is complete and the site is stabilized, aerial seed all disturbed and burned areas.

Temporary Stabilization:

The existing terrain of the site is gently rolling hills of up to 20% slopes. All stockpiled material and areas where clearing is halted for a duration of 21 days or more shall be stabilized with temporary seed and or mulch no later than 14 days from the last clearing activity. These slopes will be stabilized and aerial seeded towards the end of the site work.

Permanent Stabilization

All disturbed portions of the site where clearing activities have halted permanently shall be stabilized and permanently seeded no later than 14 days after the clearing activities have halted. This shall be accomplished with aerial seeding of the site.

Structural Practices

Straw wattles placed along contours at intervals of 20 to 40 feet, depending on drainage patterns and slope, will act as sedimentation barriers. EnviroBerm porous sediment control barriers will be placed within drainage channels and remaining vegetation in drainage swales will act as siltation areas.

Storm Water Management

The straw wattles, EnviroBerms and other sedimentation barrier devices will be left in place until disturbed or burned areas have been stabilized with established vegetation. At such time will be no significant threat of erosion or sedimentation entering the Huer Huero Creek.

OTHER CONTROLS

Waste Disposal

All brush and other vegetation waste materials will be stockpiled on site. No construction waste materials will be buried on site. All personnel will be instructed regarding the correct procedure for waste disposal. The individual managing the day-to-day site operations will be responsible for seeing that these procedures are followed.

Waste Materials

All hazardous waste materials will be disposed of in the manner specified by local or State regulation or by the manufacturer. Site superintendent responsible for the day-to-day site operations will instruct site personnel in these practices, and he will be responsible for seeing that these practices are followed.

Hazardous Waste

All hazardous waste will be collected as necessary by a licensed hazardous waste management contractor, as required by local regulation.

Sanitary Waste

All sanitary waste will be collected from the portable units as necessary by a licensed sanitary waste management contractor, as required by local regulation.

CERTIFICATION OF COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS

This Storm Water Pollution Prevention Plan reflects requirements for storm water management and erosion and sediment control as established by the State Water Resources Control Board. To ensure compliance, this plan was prepared in accordance with the requirements of the Regional Water Quality Control Board. There are no other applicable State or Federal requirements for sediment and erosion site plans (or permits), or storm water management site plans (or permits).

MAINTENANCE & INSPECTION PROCEDURES

Erosion and Sediment Control Inspection and Maintenance Practices

The following are the inspection and maintenance practices that will be used to maintain erosion and sediment controls:

- All control measures will be inspected at least once each week and following any storm event of 0.5 inches or greater.
- All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of report.
- Temporary and permanent seeding and planting will be inspected for bare spots, washouts, and healthy growth.
- A maintenance inspection report will be made after each inspection. A copy of the report form to be completed by the inspector is attached.
- The site superintendent will select up to three individuals who will be responsible for inspections, maintenance and repair activities, and filling out the inspection and maintenance report.
- Personnel selected for inspection and maintenance responsibilities will receive training from the site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls used on site in good working order.

Non-Storm Water Discharges

It is expected that the following non-storm water discharges will occur from the site during the construction period:

- Water from water line flushing.
- Uncontaminated groundwater (from de-watering excavation).

All non-storm water discharges will be desilted prior to discharge.

INVENTORY FOR POLLUTION PREVENTION PLAN

The materials or substances listed below are expected to be present on site during construction:

- | | |
|--|---|
| <input type="checkbox"/> Fertilizers | <input type="checkbox"/> Wood |
| <input type="checkbox"/> Detergents | <input type="checkbox"/> Petroleum Based Products |
| <input type="checkbox"/> Cleaning Solvents | <input type="checkbox"/> Tar |

SPILL PREVENTION

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff. In the event of a serious spill the State Office of Emergency Services (OES) should be contacted @ 800-852-7550.

MATERIAL MANAGEMENT PRACTICES

Good Housekeeping:

The following good housekeeping practices will be followed on site during the construction project:

- An effort will be made to store only enough product required to do the job.
- All materials stored on site will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
- Products will be kept in their original containers with the original manufacturer's label.
- Substances will not be mixed with one another unless recommended by the manufacturer.
- Whenever possible, all of a product will be used up before disposing of the container.
- Manufacturers' recommendations for proper use and disposal will be followed.
- The site superintendent will inspect daily to ensure proper use and disposal of materials on site.

Hazardous Products

These practices are used to reduce the risks associated with hazardous materials:

- Products will be kept in original containers unless they are not resealable.
- Original labels and material safety data will be retained; they contain important product information.

- If surplus product must be disposed of, manufacturers' or local and State recommended methods for proper disposal will be followed.

PRODUCT SPECIFIC PRACTICES

The following product specific practices will be followed on site:

Petroleum Products

All on-site vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers, which are clearly labeled. Any asphalt substances used on site will be applied according to the manufacturer's recommendations.

Fueling of Vehicles and Equipment

Vehicles and equipment shall be fueled in a designated area with adequate environmental protection such as fuel containment pond, diapers etc. This area shall not be within 200 feet of a watercourse.

Fertilizers

Fertilizers used will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

SPILL CONTROL PRACTICES

In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup:

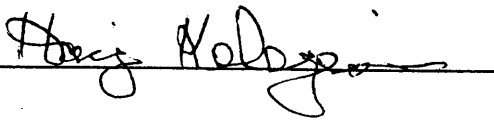
- Manufacturers' recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
- Materials and equipment necessary for spill cleanup will be kept in the material storage area on site.
- All spills will be cleaned up immediately after discovery.
- The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
- Spills of toxic or hazardous material will be reported to the appropriate State or local government agency, regardless of the size.
- The site superintendent responsible for the day-to-day site operations will be the spill prevention and cleanup coordinator. He will designate at least three other site personnel who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The

names of responsible spill personnel will be posted in the material storage area and in the office trailer on site.

POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

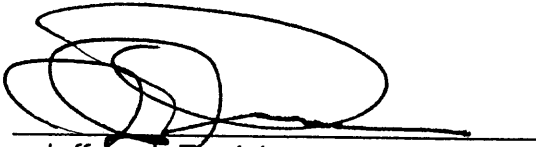
Haig Kelegian

By: 

Date: 10-22-02

PREPARED BY:

eda design professionals

By: 
Jeffrey J. Emrick

Date: 10-22-02

CONTRACTOR'S CERTIFICATION

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with activity from the construction site identified as part of this certification.

Signature

For

Responsible for

Date: _____

Date: _____

Date: _____

INSPECTION AND MAINTENANCE REPORT FORM

TO BE COMPLETED EVERY 7 DAYS AND WITHIN 24 HOURS OF
A RAINFALL EVENT OF 0.5 INCHES OR MORE

INSPECTOR: _____ DATE: _____

INSPECTOR'S QUALIFICATIONS:

DAYS SINCE LAST RAINFALL: _____
AMOUNT OF LAST RAINFALL: _____ INCHES

CONDITION STABILIZATION MEASURES

| AREA | DATE SINCE LAST DISTURBED | DATE DISTURBED NEXT | STABILIZED? (YES/NO) | STABILIZED WITH | CONDITION |
|------|---------------------------------|---------------------------|-------------------------|--------------------|-----------|
| | | | | | |
| | | | | | |
| | | | | | |

STABILIZATION REQUIRED:

TO BE PERFORMED BY: _____ ON OR BEFORE: _____

STRUCTURAL CONTROLS

DATE: _____

STRAW WATTLES/BERMS

| FROM LOCATION | TO LOCATION | IS BERM STABILIZED? | IS THERE EVIDENCE OF WASHOUT OR OVERTOPPING? |
|---------------|-------------|---------------------|--|
| | | | |
| | | | |
| | | | |

MAINTENANCE REQUIRED FOR STRAW WATTLES/BERMS:

TO BE PERFORMED BY: _____ ON OR BEFORE: _____

OTHER CONTROLS

ENVIROBERMS

| DEPTH OF SEDIMENT IN CHANNEL | CONDITION OF ENVIROBERMS | ANY EVIDENCE OF UNDERWASHING? | CONDITION OF OUTFALL FROM SEDIMENT CONTROL |
|------------------------------|--------------------------|-------------------------------|--|
| | | | |
| | | | |
| | | | |

MAINTENANCE REQUIRED FOR ENVIROBERMS:

TO BE PERFORMED BY: _____

ON OR BEFORE: _____

INSPECTION AND MAINTENANCE REPORT FORM

CHANGES REQUIRED TO THE POLLUTION PREVENTION PLAN:

REASONS FOR CHANGES:

I certify under penalty of law that this document and all attachments were prepared under my direction of supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SIGNATURE: _____

DATE: _____

telefax transmittal
(805) 549-8704

date: 10.24.02 # of pages (including this page) 4

to: company/attention: Haig Kelogian

fax number: (949) 494-5564 your file # _____

from: Rachel Korodi eda job # 22748000

notes: Mr. Kelogian:

Here is the information you requested during our conversation this afternoon. Please let me know if you require anything further. Thank You,

Rachel



1998 santa barbara street suite 200
san luis obispo, ca 93401
tel 805-549-8658 fax 805-549-8704

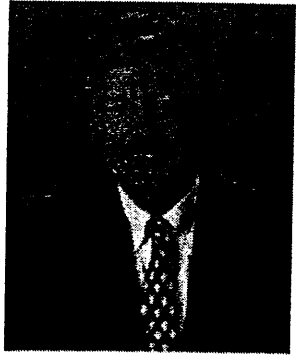


California Environmental Protection Agency
STATE WATER RESOURCES CONTROL BOARD

Board Members and Executive Director

Arthur G. Baggett, Jr.

Chair



Arthur G. Baggett, Jr., appointed by Governor Gray Davis, serves as the chair and the attorney member of the five-member State Water Resources Control Board, which is responsible for protecting all water quality and water supplies in California. The Board is also responsible for the allocation of surface water supplies for agricultural, public trust, and urban purposes throughout the State.

Mr. Baggett, formerly an attorney from El Portal, California, has specialized in water, environmental, business and family law. He holds a Master's Degree in Environmental Studies from Antioch College and a law degree from San Joaquin College of Law.

He previously served two terms on the Mariposa County Board of Supervisors from 1987 to 1995, and is the former Chair of the Mariposa County Water Agency. Mr. Baggett is also a former Board Member of the Mountain Counties Water Association, and a past President of the Mariposa County Bar Association. As a scientist and teacher, Mr. Baggett served as a faculty member for the Yosemite Institute, the Sierra Institute of UC Santa Cruz, the Yosemite Association, and as Adjunct Faculty at Fresno State University in the Department of Chemistry.

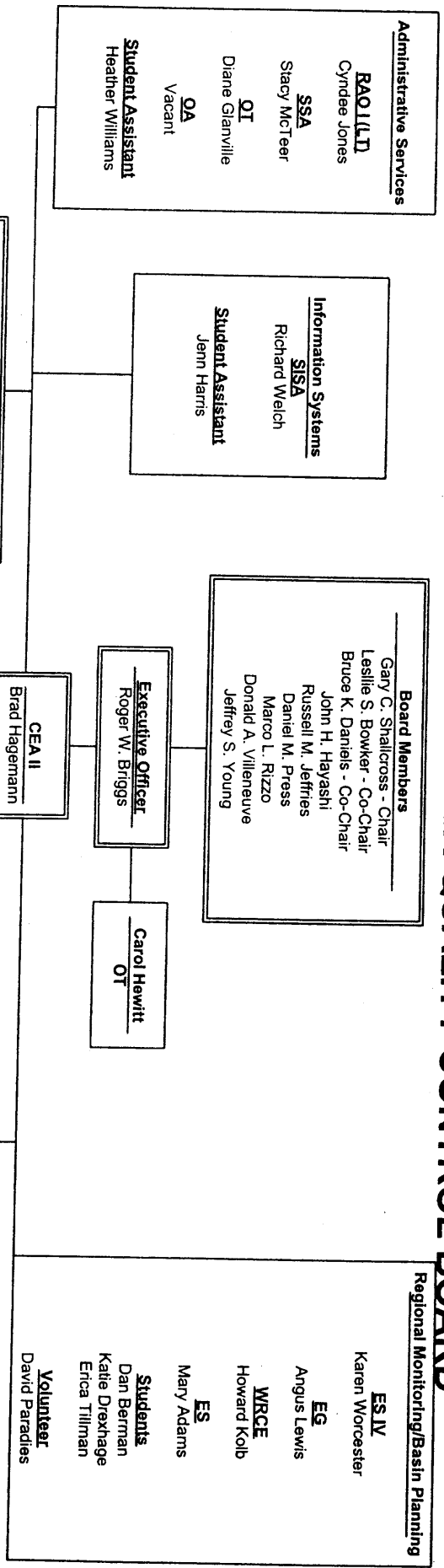
Celeste Cantú
Executive Director



Celeste Cantú is the Executive Director of the California State Water Resources Control Board. Ms. Cantú received her MPA from Harvard University's Kennedy School of Government and her BA in urban planning from Yale University. Prior to her current position, Ms. Cantú was the Chief Consultant for the Assembly Committee on Jobs, Economic Development, and the Economy. She has also served as the California State Director for the USDA's Rural Development program. For 12 years, Cantú was the Executive Director of the Imperial Valley Housing Authority, and she also served as Planning Director for the City of Calexico.

[Back to Top of Page](#)

CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD



Administrative Services
RAO(LLD)
 Cyndee Jones
SSA
 Stacy McTeer
OI
 Diane Glanville
QA
 Vacant
Student Assistant
 Heather Williams

Information Systems
SISA
 Richard Welch
Student Assistant
 Jenn Harris

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 Daniel M. Press
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Executive Officer
 Roger W. Briggs

Carol Hewitt
 OT

CEA II
 Brad Hagemann

Investigation and Cleanup Branch
 Supervising WRCE/Engineering Geologist
 Vacant

Watershed Branch
 Supervising WRCE
 Vacant

Land Disposal Unit
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 David Athey
 Frank DeMarco
 Hector Hernandez
AEG
 Dan Niles
Student Assistant
 Ann Hopkinson
 Ryan Tappero

DoD
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WRCE
 Bill Meece
AEG
 Grant Hirnebaugh
 Linda Stone
SEA
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Student Assistant
 Kirk Gonzalez

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AEG
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 Diane Kukol
 David Schwartzbart
WRCE
 Katie Distmore
 Richard Aleshire
 John Mijares
Student Assistant
 Meryll Gonzalez

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AEG
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 Corey Walsh
WRCE
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 Matt Keelling
Student Assistant
 Robert Mijares
 Kayn Hagenah
 Jackie Penzian
 John Newell

Watershed Assessment
ES IV Supervisor
 Lisa Horowitz
 McCann
AEG
 Douglas Gouzie
WRCE
 Mark Angelo
 Shanta Duffield
 Angela Carpenter
ES III
 Katie McNeill
 Dominic Roques
ES II
 Larry Harlan
 Chris Rose
Student Assistant
 John Davis
 Wendy Martin
 Drew Loganbill

Coastal Watershed
Senior EG
 Gerhardt Hubner
OT
 Carrie Fausel
SEA
 Sorrel Marks
 Bruce Paine
WRCE
 Scott Phillips
 Michael Thomas
 Matt Thompson
ES III
 Bill Hoffman
Student Assistant
 Kristy Kellas

Southern Watershed
Senior EG
 John Robertson
ES
 Peter von Langen
 Julia Dyer
WRCE
 Mike Higgins
 Bob Hurford
SET
 Corinne Huckaby
Student Assistant
 Jeff Tuntan

Central Watershed
Senior WRCE
 Eric Gobler
WRCE
 Martin Fletcher
 Tom Kukol
 Lida Tan
 Ryan Lodge
ES
 Alison Jones
 Amanda Bern
 Donette Dunaway
Student Assistant
 Keith Elliott

Northern Watershed
Senior WRCE
 Chris Adair
OT
 Sandy Holgate
WRCE
 Bill Arkfeld
 Matt Fabry
 Jennifer Bitting
 Kimberly Gonzalez
 Todd Stanley
Student Asst.
 Karen Meece
 Aja Yanzon
 Charina Gaspar

AEG = Associate Engineering Geologist
 EG = Engineering Geologist
 ES = Environmental Specialist
 IST = Information Systems Technician
 OT = Office Assistant
 QA = Office Assistant
 SEA = Sanitary Engineering Associate
 SET = Sanitary Engineering Technician
 SISA = Staff Information Systems Analyst
 SSA = Staff Services Analyst
 WRCE = Water Resources Control Engineer

Last Updated: 7/15/02

MEMORY TRANSMISSION REPORT

TIME : OCT-24-02 03:06PM
TEL NUMBER : +805-549-8704
NAME : EDA

FILE NUMBER : 550
DATE : OCT-24 03:05PM
TO : 19494945564
DOCUMENT PAGES : 04
START TIME : OCT-24 03:05PM
END TIME : OCT-24 03:06PM
SENT PAGES : 04
STATUS : OK

FILE NUMBER : 550

*** SUCCESSFUL TX NOTICE ***

telefax transmittal
(805) 549-8704

date: 10-24-02 # of pages (including this page) 4
to: company/attention: Haig Kelogian
fax number: (949) 494-5564 your file # _____
from: Rach O Koradi eda job # 2-2748-000

notes: Mr. Kelogian:
Here is the information you requested
during our conversation this afternoon. Please
let me know if you require anything further. Thank You.



Rach O
1998 santa barbara street suite 200
san luis obispo, ca 93401
tel 805-549-8658 fax 805-549-8704



civil engineers ♦ land surveyors ♦ land planners

fax transmittal

date: 10/24/2002
to: Dave Williams
copy to: file
fax no: (805) 238-9578
job no.: 2-2558-000, 2-2748-000
from: Rachel K. Kovesdi
pages: 1 (including cover sheet)
re: Seed Mixture for Erosion Control

Dave:

Stacie Gleim of our office has suggested adding the following seeds to the hydroseed mixture (if feasible):

Blando Bromo (*bromus hordeaceus*) - 12lbs/ac.
Purple Needle Grass (*stipa pulchra*) - 7lbs/ac.
California Poppy (*escholzia California*) - 7lbs/ac.

If you have any questions, please contact our office.

Thank you,

A handwritten signature in black ink, appearing to read 'Rachel K. Kovesdi'. Below the signature, the initials 'RKK' are printed in a small, bold font.

Rachel K. Kovesdi
Project Planner

1998 santa barbara street
san luis obispo, ca 93401
tel 805•549•8658 fax 805•549•8704
www.edainc.com

MEMORY TRANSMISSION REPORT

TIME : OCT-24-02 01:08PM
TEL NUMBER : +805-549-8704
NAME : EDA

FILE NUMBER : 542
DATE : OCT-24 01:05PM
TO : 2389578
DOCUMENT PAGES : 01
START TIME : OCT-24 01:07PM
END TIME : OCT-24 01:08PM
SENT PAGES : 01
STATUS : OK

FILE NUMBER : 542

*** SUCCESSFUL TX NOTICE ***



fax transmittal

date: 10/24/2002
to: Dave Williams
copy to: file
fax no: (805) 238-9578
job no.: 2-2558-000, 2-2748-000
from: Rachel K. Kovesdi
pages: 1 (including cover sheet)
re: Seed Mixture for Erosion Control

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- California Poppy (escholzia California) - 7lbs/ac.

If you have any questions, please contact our office.

Thank you,

Rachel
RK

Rachel K. Kovesdi
Project Planner

1998 santa barbara street
san luis obispo, ca 93401
tel 805-549-8658 fax 805-549-8704
www.edainc.com



California Regional Water Quality Control Board Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5427
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

February 21, 2003

RECEIVED

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

FEB 25 2003

EDA

NOTICE OF VIOLATION; STORM WATER PERMITTING REQUIREMENTS; KELEGIAN RANCH PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY

Dear Mr. Kelegian:

On December 17 and 20, 2002, Ryan Lodge of my staff inspected the Kelegian Ranch Property and found it in violation of the General Construction Storm Water Permit (Permit). While on site, Regional Board staff observed sediment being discharged into the Huerhuero Creek and an unnamed tributary to the Huerhuero Creek. The Huerhuero Creek and the unnamed creek are tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment. Section A.2 of the Permit prohibits discharges of sediment to surface waters.

We issued a Notice of Violation on November 25, 2002. The Notice of Violation outlined our concerns with the lack of site erosion and sediment control and summarized Permit violations. The Storm Water Pollution Prevention Plan (SWPPP) for your site outlines erosion and sediment controls. However, minimal and inadequate erosion and sediment controls were in place as of the December inspections. Failure to implement effective erosion and sediment control measures is a violation of Section C.2 of the Permit.

Erosion from the hills above the Huerhuero Creek resulted in sediment discharge into the creek (Photos 1, 2). Minimal erosion and sediment controls were in place to prevent sediment on the hillsides from flowing into the Huerhuero Creek.

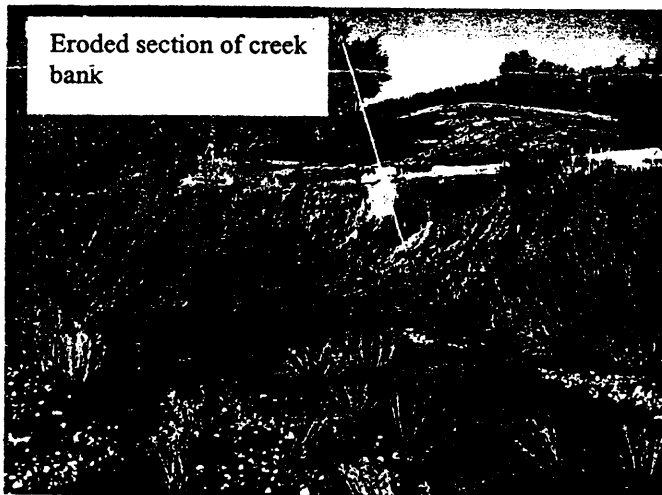


Photo 1 – Sediment flowed into Huerhuero Creek.



Photo 2 – Sediment overtopping check dam.

California Environmental Protection Agency



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Widespread gully erosion resulted in sediment discharge into the unnamed tributary to the Huerhuero Creek (Photos 3, 4). Some sediment control measures were installed within the tributary creek. Hay bales and straw waddles installed across the directional flow of water are not BMPs. There was no erosion or sediment control on the cleared hillsides. Sediment and erosion controls should be in place to protect the creek. Installation of sediment controls within the creek trap the sediment in the water body itself, which is detrimental to the creek.

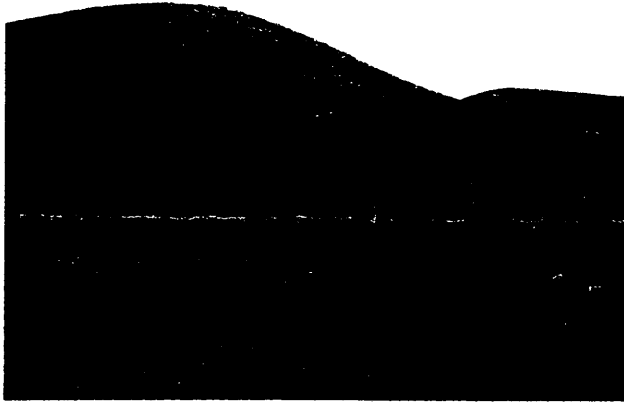


Photo 3 – Gully erosion from hillside.

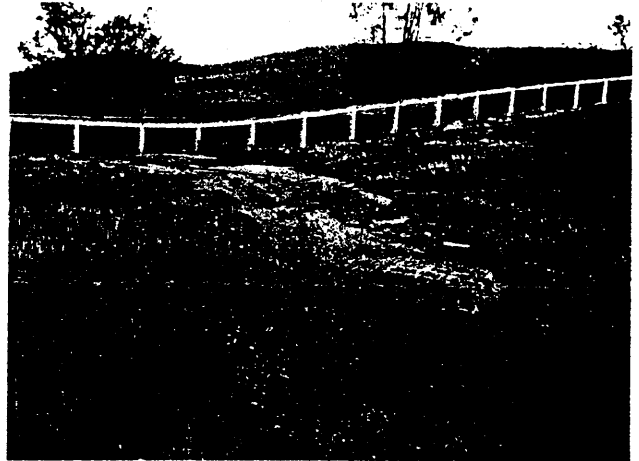


Photo 4 – Sediment overwhelmed hay bale check dam.

General Permit Section A, paragraph 6, states in part:

“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.”

You have failed to implement an effective combination of erosion and sediment control as required by the Permit, resulting in surface water sediment discharges. You are required to install effective erosion and sediment controls to protect area creeks immediately. Erosion control BMPs may include bonded fiber matrix, blankets, mulch, straw, or other means that prevent erosion.

Violations of the General Permit constitute violation of Section 13385 of the California Water Code. Corrective action is required immediately to avoid civil liability. Regional Board staff will revisit the site within the next two weeks to ensure compliance with the Permit. The violations outlined herein and any future violations are subject to civil liability, imposed administratively by the Regional Board in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

If you have any questions regarding this matter, please call **Ryan Lodge at (805) 542-4642** or **Jennifer Bitting at (805) 549-3334**.

Sincerely,

Rodley E. Higgins
FW Roger W. Briggs
Executive Officer

California Environmental Protection Agency



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cc: Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

San Luis Obispo County District Attorney
County Government Center, Room 460
San Luis Obispo, CA 93408

James Caruso
San Luis Obispo County Dept. of Planning and
Building
County Government Center
San Luis Obispo, CA 93408-2040

Tim Fielder
San Luis Obispo County Code Enforcement
County Government Center
San Luis Obispo, CA 93408-2040

Debbie Arnold
Room 370
County Government Center
San Luis Obispo, CA 93408

David Williams
P.O. Box 320
Creston, CA 93432

Jeff Emerick
EDA Design Professionals
1998 Santa Barbara Street
San Luis Obispo, CA 93401

Sarah Christie
926 J Street, Suite 416
Sacramento, CA 95814

Gordon R. Hensley
P.O. Box 6884
Los Osos, CA 93412

Pam Heatherington
Environmental Center of San Luis Obispo
1204 Nipomo Street
San Luis Obispo, California 93401

S:\WB\Central Watershed\Storm Water\Construction\NOVs\Creston\KalegianNOV 2-11-03





California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5427
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

February 21, 2003

CERTIFIED MAIL: 7002 1000 0004 6879 6655

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR VIOLATIONS OF THE GENERAL CONSTRUCTION STORM WATER PERMIT; KELEGIAN RANCH PROPERTY, HWY 58, SANTA MARGARITA, SAN LUIS OBISPO COUNTY, WDID# 3 40S319350

Dear Haig Kelegian:

Enclosed is an Administrative Civil Liability Complaint (Complaint No. R3-2003-0020) issued by the Executive Officer of the Regional Water Quality Control Board for violations of the General Construction Storm Water Permit.

Should you choose to waive your right to a public hearing, an authorized agent must sign the waiver form attached to the Complaint, and return it to the Regional Board by March 21, 2003. Should a hearing be necessary, it will occur on March 21, 2003, in the City of San Luis Obispo. At that time the Regional Board could decide to affirm the action of the Executive Officer as stipulated in the Complaint, or refer the matter for judicial civil action.

Should you have questions please contact Ryan Lodge at (805) 542-4642 or Eric Gobler at (805) 549-3467.

Sincerely,

Roger W. Briggs
Executive Officer

Enclosure: Complaint No. R3-2003-0020

cc: See attached list

RECEIVED

FEB 26 2003

EDA

S:\WB\Central Watershed\Storm Water\Construction\Enforcement\Kelegian\ACL-Cover Letter Kelegian

California Environmental Protection Agency



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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

ACL COMPLAINT NO. R3-2003-0020

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
IN THE MATTER OF
HAIG KELEGIAN
KELEGIAN RANCH, HIGHWAY 58, SANTA MARGARITA
SAN LUIS OBISPO COUNTY

HAIG KELEGIAN IS HEREBY GIVEN NOTICE THAT:

Haig Kelegian (hereafter Discharger) is alleged to have violated provisions of law, and an Order of the State Water Resource Control Board (State Board), for which the Regional Water Quality Control Board (Regional Board) may impose civil liability pursuant to Section 13385 of the California Water Code.

Unless waived, a hearing on this matter will be held before the Regional Board on March 21, 2003, at the Regional Water Quality Control Board office, 895 Aerovista Place, Suite 101, San Luis Obispo, California. The Discharger and/or its authorized representative(s) will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board.

An agenda will be mailed to you separately, not less than ten days before the hearing date. At the hearing, the Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the State Attorney General for recovery of judicial civil liability.

ALLEGATIONS

1. The Discharger is the owner of a 412-acre project known as Kelegian Ranch, Santa Margarita, San Luis Obispo County (Site). The Discharger removed vegetation on 199 acres of the Site leaving exposed soil. The Discharger plans to plant olive trees on the cleared areas. The storm water run-off at the Site flows into the Huerhuero Creek and an unnamed blue line creek that transverses the property. The unnamed blue line creek flows into the Huerhuero Creek. The Huerhuero Creek flows into the Salinas River. The Site is in steep hilly terrain.
2. Excessive sediment loading impairs beneficial uses of the Salinas River. The Salinas River is listed on the California and federal 303(d) list of impaired water bodies because of siltation and sediment.
3. On August 19, 1999, the State Water Resources Control Board (SWRCB) adopted Order No. 99-08-DWQ National Pollution Discharge Elimination System (NPDES) General Permit No. CAS000002 (General Permit). This General Permit serves as waste discharge requirements regulating storm water discharges associated with construction activity at sites comprising 5 acres or more in accordance with the federal Clean Water Act (33 U.S.C. secs. 1250 et seq.) and the Porter-Cologne Water Quality Control Act (California Water Code secs. 13000 et seq.).

11. Staff re-inspected the Site on December 17, 2002, and again December 20, 2002. At that time, the Discharger had not installed effective erosion control measures to stabilize the Site. Discharger had installed some sediment control BMPs, including hay bale check dams and silt fencing. However, the check dams were overwhelmed with sediment-laden run off and were overtopped allowing sediment to flow into the Huerhuero Creek. Discharger installed a few straw waddles and hay bales installed within the unnamed blue line creek and they were overwhelmed by sediment. Some straw waddles and hay bales were pushed aside by flow in the creek, while others created additional erosion when the creek flowed around them. As of December 20, 2002, the Discharger remained in violation of all the General Permit conditions cited in paragraph 9. of this complaint, above.

12. For the period November 8 through December 20, 2002 (43 days) the Discharger violated all the General Permit conditions cited in paragraph 9. of this complaint, above. The Discharger was in violation for a total of 43 days. These violations are summarized as follows:
 - a. The Discharger violated A. DISCHARGE PROHIBITIONS, Item 2. because the Discharger allowed sediment and other pollutants carried in run-off from the Site to enter the Creek and did not implement BMPs to comply with this prohibition.

 - b. The Discharger violated C. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY, Item 2. because the Discharger failed to implement a SWPPP in compliance with SECTION A: STORM WATER POLLUTION PREVENTION PLAN.

 - c. The Discharger violated SECTION A: STORM WATER POLLUTION PREVENTION PLAN, Items 1., 2., 6. and 8. The Discharger violated item 1. by failing to identify, construct, implement and maintain BMPs (according to a time schedule) to reduce or eliminate pollutants in storm water discharges. The Discharger violated Item 2. by failing to develop and implement the SWPPP concurrent with commencement of soil-disturbing activities. The Discharger violated Item 6. by failing to implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season, including rough graded roadways, and slopes. The Discharger violated Item 8. by failing to implement adequate sediment control BMPs along the Site perimeter.

 - d. The Discharger violated SECTION B: MONITORING AND REPORTING REQUIREMENTS, Item 5. by failing to report violations of the General Permit to Regional Board staff and by failing to timely implement corrective measures.

 - e. The Discharger violated SECTION C: STANDARD PROVISIONS FOR CONSTRUCTION ACTIVITY, Items 1. and 4. The Discharger violated Item 1. by failing to comply with all of the conditions of the General Permit. The Discharger violated Item 4. by failing to take steps to minimize or prevent any discharge in violation of the permit that had a reasonable likelihood of adversely affecting the environment.

**PROCEDURAL INFORMATION
FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
HEARING AND PAYMENT**

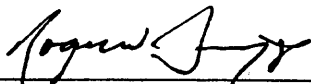
WAIVER OF HEARING

You may waive your right to a hearing. If you wish to waive the hearing, an authorized person must check and sign the waiver and return it to the Regional Water Quality Control Board, Central Coast Region, 895 Aerovista Place, Suite 101, San Luis Obispo, California 93401.

If you choose to waive the right to a hearing, the Executive Officer will present an Order for the amount of liability proposed in the Complaint to the Regional Board at the March 21, 2003 Regional Board meeting. The Regional Board may adopt or reject the Order. If the proposed Order is adopted, payment will be due and payable on April 21, 2003. (Check payable to State Water Resources Control Board, mailed to the Regional Board at the address referenced in above paragraph). If the Order is rejected, the Regional Board may direct the Executive Officer to issue a new complaint and schedule another hearing.

If you do not waive your right to a hearing, the Board will be asked to accept the amount proposed by the Executive Officer. The Regional Board may proceed with the scheduled hearing and consider testimony received from interested persons during the hearing and decide whether to accept the amount proposed by the Executive Officer or increase or decrease the liability. Liability may be increased up to the amount of maximum potential liability stated in this Complaint. The Board may also decide to continue the matter to a future hearing or refer it to the State Attorney General.

If you have any questions regarding this matter please direct them to me at (805) 549-3140 or the Regional Board Counsel, Jennifer Soloway, at (916) 341-3176.



Roger W. Briggs, Executive Officer

Date: 2-21-03

APPENDIX A

Applicable General Permit Provisions

The following sections of the State Water Resources Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CA000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity apply to ACL Complaint No. R3-2003-0020.

A. DISCHARGE PROHIBITIONS:

- ...2. 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...
-

C. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY:

- ...2. All dischargers shall develop and implement a SWPPP in accordance with Section A: Storm Water Pollution Prevention Plan....
-

SECTION A: STORM WATER POLLUTION PREVENTION PLAN

1. Objectives

- ...c. Identify, construct, implement in accordance with a time schedule, and maintain Best Management Practices (BMPs) to reduce or eliminate pollutants in storm water discharges and authorized nonstorm water discharges from the construction site during construction...

2. Implementation Schedule

- a. For construction activity commencing on or after adoption of this General Permit, the SWPPP shall be developed prior to the start of soil-disturbing activity in accordance with this Section and shall be implemented concurrently with commencement of soil-disturbing activities.

6. Erosion Control

Erosion control, also referred to as "soil stabilization" is the most effective way to retain soil and sediment on the construction site....Particular attention must be paid to large mass-graded sites where the potential for soil exposure to the erosive effects of rainfall and wind is great. Mass graded construction sites may be exposed for several years while the project is being built out. Thus, there is potential for significant sediment discharge from the site to surface waters.

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

WORK SHEET FOR ASSESSMENT OF ADMINISTRATIVE CIVIL LIABILITY

**HAIG KELEGIAN
KELEGIAN RANCH, HIGHWAY 58, SANTA MARGARITA
SAN LUIS OBISPO COUNTY**

I. MAXIMUM ALLOWABLE CIVIL LIABILITY

Haig Kelegian (hereafter "Discharger") violated the General Construction Storm Water Permit for 43 days (November 8, 2002 through December 20, 2002). California Water Code Section 13385 allows assessment of up to \$10,000 per day for each day a violation occurs. Therefore, the maximum liability is \$430,000.

II. MINIMUM CIVIL LIABILITY

Section 13385 of the California Water Code provides that, at a minimum, a civil liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation. The estimated economic benefit for violations associated with this complaint was estimated by obtaining quotes from local vendors of sediment and erosion control materials and calculating the cost of purchase and initial installation of the material. The interest saved by not purchasing and installing erosion control measures is the economic benefit derived by the Discharger. The estimate does not include labor for maintenance and monitoring. The least expensive control method was used for calculations. An excel spreadsheet showing those calculations is included as an Attachment to this worksheet. Regional Board Staff conservatively estimates that the Discharger saved approximately \$11,780 (5% interest) by not implementing adequate BMPs at the site.

III. FACTORS TO CONSIDER IN ASSESSMENT OF ADMINISTRATIVE CIVIL LIABILITY (ACL)

A. VIOLATIONS

When imposing civil liability, California Water Code Section 13385 requires the Regional Board to consider the nature, circumstance, extent, and gravity of the violations, whether the discharge is susceptible to cleanup or abatement, and the degree of toxicity of the discharge. These factors are are considered below:

1. The Nature, Circumstance, Extent, and Gravity of the Violations

The Discharger violated Waste Discharge Requirements of the General Construction Storm Water Permit, the Federal Clean Water Act, and the California Water Code by:

- ▶ Discharging polluted storm water to waters of the State;
- ▶ Discharging drilling mud to waters of the State;
- ▶ Failing to notify the Regional Board that polluted storm water discharges had occurred;
- ▶ Failing to implement an adequate SWPPP including an effective combination of erosion and sediment control on all disturbed areas;

Regional Board staff became aware of the clearing and grubbing of the Site from a citizen's complaint. Regional Board staff visited the Site on September 20, 2002, and sent a letter to Haig Kelegian on October 8, 2002, expressing staff's concerns about potential Site erosion. Haig Kelegian then submitted a Notice of Intent for General Permit coverage on October 21, 2002. The State Board processed the Discharger's General Permit Notice of Intent on November 4, 2002. Discharger should have submitted the NOI before land disturbance but staff has not documented a discharge prior to submission of the NOI, therefore consideration of this factor justifies liability less than maximum.

4. Degree of culpability;

As the permitted party, and landowner of the site, Haig Kelegian is directly responsible for permit compliance. Haig Kelegian should be aware of permit conditions. Regional Board staff visited the Site on September 20, 2002. On September 24, 2002, Regional Board staff spoke to David Williams, the site developer, on the phone and was assured that a plan was in place to aerial seed and to install sediment control measures prior to the first seasonal rain. A letter was sent to Haig Kelegian on October 8, 2002, expressing Regional Board staff concerns regarding inadequate erosion control plans for the Site. Regional Board staff inspected the site four times between November 8, 2002, and December 20, 2002. Two "Notice of Violation" letters were sent outlining Regional Board staff concerns.

A SWPPP was submitted for Regional Board staff review and was found to be inadequate. A November 12, 2002 letter outlined Regional Board staff concerns over the lack of adequate erosion control measures in the SWPPP.

The first noted sediment release from the site occurred on November 8, 2002. The Discharger was given a month to repair and upgrade existing BMPs and implement the remaining BMPs outlined in the SWPPP, but failed to do either. Regional Board staff observed additional sediment being released during the storms on December 17, 2002, and December 20, 2002.

Because some BMPs have been placed on the site, a liability of less than maximum amount is justified. Because Haig Kelegian failed to make required changes in practices despite having time to repair inadequate BMPs and revise the SWPPP, and was given two "Notice of Violation" letters, phone calls and on-site visits, so there was a significant degree of culpability. However discharger did install some BMPs, which moderates the level of culpability. Consideration of this factor justifies imposing a significant level of liability but less than maximum.

5. Economic savings resulting from the violation; and,

Regional Board staff have contacted local sediment and erosion control product vendors and obtained a conservative estimate for minimal Best Management Practices (BMPs) on the site. On a mass cleared, 199-acre project, estimated interest savings of not using effective BMPs is at least \$11,780 (5% interest). A detailed analysis of economic savings is set forth above, and in Appendix 1.

6. Other matters as justice may require.

Regional Board staff have spent time responding to the incident and preparing the administrative civil liability. Estimated staff costs for preparation of this complaint are \$7,500.

APPENDIX 1

Kelegian Ranch Cost Estimate for Erosion/Sediment Control

| | <u>Calculated Values</u> | <u>Cost \$</u> |
|---|--------------------------|----------------|
| <u>Site information taken from site map</u> | | |
| cleared area | 199.00 ac | |
| slope >12% | | |
| 2200 ft per area with 14 areas | 30,800.00 ft | |
| 4200 ft per area near Huerhuero | 4,200.00 ft | |
| Total length of straw waddles | 35,000.00 ft | |
| <u>Complete site estimate: hydroseeding, and straw waddles</u> | | |
| Hydroseeding (\$1,000/ac) | | 199,000 |
| Straw Waddles (use \$24/25 ft plus freight charge) | | 36,600 |
| Savings by not installing adequate BMPs | | |
| interest (5%) on money not spent on BMPs | | 11,780 |
| TOTAL INTEREST SAVED BY DISCHARGER on BMPs | | 11,780 |

IMPORTANT NOTE: This estimate does not include cost of training crews in inspection and maintenance of BMP's. Costs could not be estimated for having crews working during emergency response in rainy season.
 The least expensive of erosion and sediment control methods were used for this estimate.



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

*The energy challenge facing California is real.
Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>*

Gray Davis
Governor

To:
HAIG KELEGIAN
26 Sunset Cv
Newport Coast, CA 92657-1901
ATTN: DAVE WILLIAMS

Invoice No: 32812
Invoice Date: 02/21/2003
Enforcement Action ID: 67730
Enforcement Order No: R3-2003-0020

INVOICE

ACLCOMP

| Description | Amount | Due Date |
|-------------------------|-------------|--------------------|
| 40935 LIABILITY AMOUNT | \$75,000.00 | |
| TOTAL AMOUNT DUE | | \$75,000.00 |

California Environmental Protection Agency



Retain above portion for your records



Please return bottom portion with your payment

HAIG KELEGIAN
26 Sunset Cv
Newport Coast, CA 92657-1901
ATTN: DAVE WILLIAMS

| Description | Amount | Due Date |
|-------------------------|-------------|--------------------|
| 40935 LIABDUE | \$75,000.00 | |
| TOTAL AMOUNT DUE | | \$75,000.00 |

Make your check payable to:

State Water Resources Control Board

Mail payment to:

**SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P. O. Box 100
SACRAMENTO, CA 95812-0100**

Amount Enclosed: \$ _____

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **32812**

Invoice Date: 02/21/2003
Enforcement Action ID: 67730
Enforcement Order No.: R3-2003-0020



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

February 20, 2003

Mr. Jeffrey Emrick, PE, AIA
EDA
1998 Santa Barbara Street
San Luis Obispo CA 93401

RECEIVED
FEB 24 2003
EDA

Dear Mr. Emrick:

Thank you for your letter of January 31, 2003 regarding the Pierson Kelegian sites in the Creston/Las Pilitas area. From the site inspection, it is clear that sedimentation and erosion control methods installed after the first seasonal rains are now effectively limiting siltation into swales and water ways. However, on the hillsides where germination of seeded areas has not occurred due to lack of suitable growth medium, it is vital to develop and install a mechanical and/or vegetation plan to hold the native soils to the hillsides. This may include jute netting, spread and punched straw, laid sheeting or a combination of all or more solutions. We would like you to present us with a plan that addresses these problem areas at your earliest.

In regards to grading violations, I would like to clarify our conversation that while illegal grading was observed, namely two roads up steep hillsides, no violations were attributed to the current property owner, and consequently will not be pursued with administrative fines or legal actions through the courts. However, all existing cut roads must be addressed as to their stability and future use. Non agricultural roads must have "as-built" grading permits. Qualifying as-built agricultural roads may be reviewed by the Upper Salinas/Las Tablas Resource Conservation District using the County's alternate review process. It is strongly suggested that all roads that have no use or proposed use be abandoned and mitigated to prevent further erosion. As to the temporary access road, we concur with your solution to restore it to the original contours using existing or imported material of a type similar to the native soil composition.

Should you have further questions, please do not hesitate in contacting me.

Sincerely

A handwritten signature in black ink, appearing to read "Art Trinidad".

ART TRINIDADE
Chief Investigator
Code Enforcement

c. Mike Ryan, 5th District Supervisor

**Central Coast
Regional Water
Quality Control Board**

Fax

To: Jeff Emrick **From:** Ryan Lodge

Fax: 805-549-8704 **Pages:** 7 (including cover)

Phone: 805-542-4642 **Date:** 3/5/2003

Re: Nov. '02 SWPPP Letter & Attach **CC:**

- Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:** Here is the SWPPP review letter dated November 12, 2002 with the checklist attachment. *Kelegian Ranch*



California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrwb.ca.gov/~rwqcb3>
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5427
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

November 12, 2002

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

REVIEW OF STORM WATER POLLUTION PREVENTION PLAN; KELEGIAN RANCH PROPERTY; SANTA MARGARITA

Dear Mr. Kelegian:

Regional Board Staff have reviewed the Storm Water Pollution Prevention Plan (SWPPP) for the above named construction site. These documents are required by Sections A and B of the General Construction Activities Storm Water Permit (General Permit). Included with this letter is the staff review sheet, which outlines the required elements for the SWPPP and Monitoring Program.

We have serious concerns regarding your erosion control measures. We believe that applying seed alone is not a sufficient erosion control measure. Established vegetation is a means of erosion control; thus, the seed must be nurtured into vegetation before runoff occurs to be effective erosion control. Additional erosion control measures must be implemented to avoid widespread erosion and sediment loss, and to reduce potential surface water impacts.

Please review this sheet and address any items checked off in the "Not Included" or "Incomplete" columns. These items of deficiency must be addressed in your SWPPP or Monitoring Program, as applicable. Your SWPPP is not complete, until it fully complies with the General Permit requirements. The applicable sections of the General Permit are indicated on the review sheet, for your reference. If an item is not applicable to your particular facility, please indicate as such in your SWPPP or Monitoring Program. You are not required to submit revised copies of the SWPPP and Monitoring Program; however, they must be maintained on site at all times. The revised SWPPP and Monitoring Program will be checked for completeness during our next site visit.

Please note that correspondence to our office after December 6, 2002 should be sent to 895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401.

If you have any questions regarding this matter, please call Ryan Lodge at (805) 549-3698 or Jennifer Bitting at (805) 549-3334.

Sincerely,

cc: Roger W. Briggs
Executive Officer

Enclosure: SWPPP and Monitoring Program Review Sheet

California Environmental Protection Agency

- Haig Kelegian

2

November 12, 2002

cc: Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

San Luis Obispo County District Attorney
County Government Center, Room 460
San Luis Obispo, CA 93408

James Caruso
San Luis Obispo County Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408-2040

Tim Fielder
San Luis Obispo County Code Enforcement
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San Luis Obispo, CA 93401

Sarah Christie
926 J Street, Suite 416
Sacramento, CA 95814

Gordon R. Hensley
P.O. Box 6884
Los Osos, CA 93412

S:\WB\Central Watershed\Storm Water\Construction\NOVs\Creston\KalegianSWPPP

STORM WATER POLLUTION PREVENTION PLAN AND MONITORING PROGRAM REVIEW SHEET

GENERAL CONSTRUCTION ACTIVITIES STORM WATER PERMIT
ORDER NO. 99-08-DWQ
NPDES PERMIT NO. CAS000002

CONSTRUCTION SITE NAME: Kolegrian Ranch Property

WDID# 3 405319350

REVIEW DATE: 10-29-02

FACILITY CONTACT

CONSULTANT CONTACT

Name Dave Williams

Name Rachel Koverdi

Title _____

Title Project Manager

Company Creston Real Estate

Company EOA

Street Address Hwy 58

Street Address 1998 Santa Barbara

City, State Santa Margarita CA

City, State San Luis Obispo CA

Zip _____

Zip 93401

SECTION A: STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

| | | N/A | Included | Not Included | Incomplete | Pg. No. / Comments |
|---|---------|----------------|----------|--------------|------------|--------------------|
| Vicinity Map (narrative or graphic) | | A.5.a.1 | | | | |
| Major roadways, geographic features or landmarks | A.5.a.1 | | X | | | |
| Site perimeter | A.5.a.1 | | X | | | |
| Geographic Features | A.5.a.1 | | X | | | |
| General topography | A.5.a.1 | | X | | | |
| Site Map (narrative or graphic) | | A.5.a.2 | | | | |
| Site perimeter | A.5.a.2 | | X | | | |
| Existing and proposed buildings, lots, and roadways | A.5.a.2 | X | | | | |
| Storm water collection and discharge points | A.5.a.2 | X | | | | |
| General topography before and after construction | A.5.a.2 | X | | | | |
| Anticipated discharge location(s) | A.5.a.2 | X | | | | |
| Drainage patterns | A.5.a.2 | | | X | | |
| Relevant drainage areas | A.5.a.2 | | X | | | |
| Temporary on-site drainages | A.5.a.2 | X | | | | |

TOPO
NARRATIVE
"RECEIVING
WATERS"

SECTION A: STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

| | | N/A | Included | Not Included | Incomplete | Pg. No. / Comments |
|---|---------|-----|----------|--------------|------------|--------------------|
| Drainage <i>A.5.b.1</i> | | | | | | |
| Drainage patterns | A.5.b.1 | | | X | | |
| Slopes after major grading | A.5.b.1 | X | | | | |
| Calculations for storm water run-on | A.5.b.1 | | | X | | |
| BMPs that divert off-site drainage from going through site | A.5.b.1 | | | X | | |
| Storm Water Inlets <i>A.5.b.2</i> | | | | | | |
| Drainage patterns to storm water inlets or receiving water | A.5.b.2 | | | X | | |
| BMPs that protect storm water inlets or receiving water | A.5.b.2 | | X | | | |
| Site History <i>A.5.b.3</i> | | | | | | |
| Description of toxic materials treated, stored, or spilled on site | A.5.b.3 | X | | | | |
| BMPs that minimize contact of contaminants with storm water | A.5.b.3 | X | | | | |
| Location of Areas Designated for: <i>A.5.b.4</i> | | | | | | |
| Soil or waste storage | A.5.b.4 | | | X | | |
| Vehicle storage & service | A.5.b.4 | | | X | | |
| Construction material loading, unloading, and access | A.5.b.4 | | | X | | |
| Equipment storage, cleaning, maintenance | A.5.b.4 | | | X | | |
| BMP Descriptions for: <i>A.5.b.5</i> | | | | | | |
| Waste handling and disposal areas | A.5.b.5 | | | X | | |
| On-site storage and disposal of construction materials and waste | A.5.b.5 | | | | X | |
| Min. exposure of SW to construction materials, equipment, vehicles, waste | A.5.b.5 | | | X | | |
| Post Construction BMPs <i>A.5.b.6</i> | | | | | | |
| Description | A.5.b.6 | | | X | | |
| Location | A.5.b.6 | | | X | | |
| Parties responsible for long-term maintenance | A.5.b.6 | | | X | | |
| Additional Information <i>A.5.c</i> | | | | | | |
| Description of other pollutant sources and BMPs | A.5.c.1 | | X | | | |
| Preconstruction control practices | A.5.c.1 | X | | | | |
| Inventory of materials and activities that may pollute storm water | A.5.c.2 | | X | | | |
| BMPs to reduce/eliminate potential pollutants listed in the inventory | A.5.c.2 | | X | | | |
| Runoff coefficient (before & after) | A.5.c.3 | | X | | | |
| Percent impervious (before & after) | A.5.c.3 | | X | | | |
| Copy of the NOI and WDID # | A.5.c.4 | | X | | | |
| Construction activity schedule | A.5.c.5 | | | X | | |
| Contact information | A.5.c.6 | | X | | | |

No WQEO#, NOI just submitted.

SECTION A: STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

| | | N/A | Included | Not Included | Incomplete | Pg. No. / Comments |
|---|----------|----------------|----------|--------------|------------|--|
| EROSION CONTROL | | A.6 | | | | |
| <i>The SWPPP shall include:</i> | | <i>A.6.a-c</i> | | | | |
| Areas of vegetation on site | A.6.a.1 | | X | | | <i>Limited erosion control measures.</i> |
| Areas of soil disturbance that will be stabilized during rainy season | A.6.a.2 | | X | | | |
| Areas of soil disturbance which will be exposed during any part of the rainy season | A.6.a.3 | | | | X | |
| Implementation schedule for erosion control measures | A.6.a.4 | | X | | | |
| BMPs for erosion control | A.6.b | | X | | | |
| BMPs to control wind erosion | A.6.c | | | X | | |
| SEDIMENT CONTROL | | A.8 | | | | |
| Description/Illustration of BMPs to prevent increase of sediment load in discharge | A.8 | | X | | | |
| Implementation schedule for sediment control measures | A.8 | | X | | | |
| NON-STORM WATER | | A.9 | | | | |
| Description of non-storm water discharges to receiving waters | A.9 | | X | | | |
| Locations of discharges | A.9 | | | X | | |
| Description of BMPs | A.9 | | | | X | |
| Name and phone number of person responsible for non-storm water management | A.9 | | | X | | |
| POST-CONSTRUCTION | | A.10 | | | | |
| Description of BMPs | A.10 | | | X | | |
| Operation/Maintenance of BMPs after project completion (including funding) | A.10 | | | X | | |
| MAINTENANCE, INSPECTIONS, AND REPAIR | | A.11 | | | | |
| Name and phone number of person responsible for inspections | A.11 | | | X | | |
| Complete inspection checklist: date, weather, inadequate BMPs, visual observations of BMPs, corrective action, inspector's name, title, signature | A.11.a-f | | X | | | |
| OTHER REQUIREMENTS | | A.12-16 | | | | |
| Documentation of all training | A.12 | | | X | | |
| List of Contractors/Subcontractors | A.13 | | | X | | |

SECTION B: MONITORING AND REPORTING REQUIREMENTS

| Description of Site inspection Plans | | N/A | Included | Not Included | Incomplete | Pg. No. / Comments |
|--|-----|-----|----------|--------------|------------|--------------------|
| Compliance certification (annually 7/1) | B.3 | | X | | | |
| Noncompliance reporting | B.4 | X | | | | |
| Keep records of all inspections, compliance certifications, and noncompliance reports on site for a period of at least three years | B.5 | X | | | | |
| | B.6 | X | | | | |

SECTION C: STANDARD PROVISIONS FOR CONSTRUCTION ACTIVITIES

| | | | | | | |
|-----------------------|--------|--|---|---|--|-----------------------|
| Signed Certification | C.9,10 | | X | | | they just submit WUE. |
| Indication of WDID #? | - | | | X | | |

General Comments:

-Erosion control measures seem meager. Site will have problems if vegetation is not established immediately. The plan is to aerial seed prior to first rain. If first rain is substantial there could be widespread erosion.



California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5427
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

March 6, 2003

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

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MAR 10 2003

EDA

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R3-2003-0020; KELEGIAN RANCH PROPERTY, HWY 58, SANTA MARGARITA, SAN LUIS OBISPO COUNTY, WIDID# 3 40S319350

Dear Haig Kelegian:

Administrative Civil Liability Complaint No. R3-2003-0020 (Complaint) has been removed from the March 21, 2003 Regional Board meeting agenda. Regional Board consideration is deferred to a future meeting. A new hearing date has not been set, but the Complaint will not be considered by the Regional Board prior to its July 11, 2003 meeting. The Complaint hearing is being deferred to clarify appropriate discharge prohibitions.

It remains your responsibility to attain and maintain full compliance with the General Construction Activity Storm Water Permit requirements. You are still required to implement an effective combination of erosion and sediment controls, and prevent discharges of pollutants, such as sediment, from your site. You are required to evaluate the effectiveness of your Storm Water Pollution Prevention Plan (SWPPP) and implement an updated SWPPP as necessary.

Should you have questions, you may call Ryan Lodge at (805) 542-4642 regarding technical issues, and Jennifer Soloway at (916) 341-3176 regarding legal issues.

Sincerely,

Roger W. Briggs
Executive Officer

cc: See attached list

S:\WB\Central Watershed\Storm Water\Construction\Enforcement\Kelegian\ACL-2-21-03\ACL Derred Letter 3-4-03.doc

California Environmental Protection Agency



Recycled Paper

cc: Jennifer Soloway
State Water Resources Control Board
Office of Chief Counsel
1001 I Street
Sacramento, CA 95814

Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

San Luis Obispo County District Attorney
County Government Center, Room 460
San Luis Obispo, CA 93408

James Caruso
San Luis Obispo County Dept. of Planning and
Building
County Government Center
San Luis Obispo, CA 93408-2040

Tim Fielder
San Luis Obispo County Code Enforcement
County Government Center
San Luis Obispo, CA 93408-2040

Debbie Arnold
Room 370
County Government Center
San Luis Obispo, CA 93408

David Williams
P.O. Box 320
Creston, CA 93432

Jeff Emrick
EDA Design Professionals
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San Luis Obispo, CA 93401

Sarah Christie
926 J Street, Suite 416
Sacramento, CA 95814

Gordon R. Hensley
P.O. Box 6884
Los Osos, CA 93412

Babak Naficy
Law Offices of Babak Naficy
1204 Nipomo Street
San Luis Obispo, CA 93401

Pam Heatherington
Environmental Center of San Luis Obispo
1204 Nipomo Street
San Luis Obispo, California 93401





California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

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895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5427
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

March 11, 2003

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

RECEIVED

MAR 17 2003

EDA

NOTICE OF VIOLATION; STORM WATER PERMITTING REQUIREMENTS; KELEGIAN RANCH PROPERTY; SANTA MARGARITA; SAN LUIS OBISPO COUNTY; WDID #3 40S319350

Dear Mr. Kelegian:

On March 4, 2003, Ryan Lodge and Jennifer Bitting of my staff inspected the Kelegian Ranch Property and found it in violation of the General Construction Storm Water Permit (Permit). While on site, Regional Board staff observed widespread erosion, and overwhelmed sediment control BMPs (Photos 1, 2). The nearby Huerhuero Creek and a nearby-unnamed creek are tributary to the Salinas River, which is currently listed on the Federal and Regional Board 303(d) List of Impaired Water Bodies for excess silt and sediment.



Photo 1 – Eroded hillside draining toward creek.

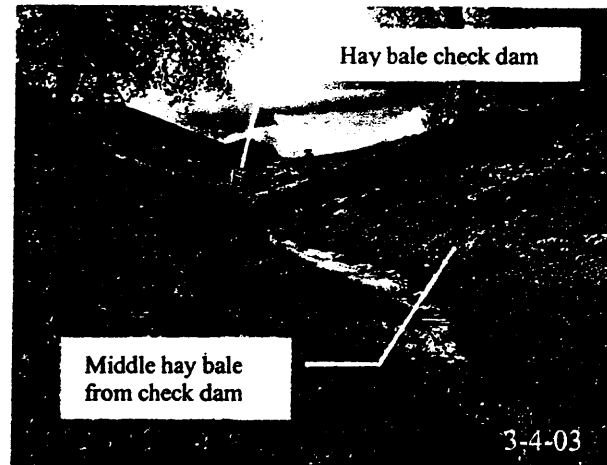


Photo 2 – Hay bale check dam in blue line creek, middle hay bale pushed downstream.

Site erosion resulted in sediment discharge into the unnamed tributary to the Huerhuero Creek (Photos 3, 4). Some sediment control measures were installed within the tributary creek. Hay bales and straw waddles installed across the directional flow of water are not BMPs. Sediment and erosion controls should be in place to protect the creek. Installation of sediment controls within the creek trap the sediment in the water body itself, which is detrimental to the creek.

The Storm Water Pollution Prevention Plan (SWPPP) for your site outlines erosion and sediment controls. You have failed to implement a SWPPP in compliance with Part C.2 of the Permit. Your site SWPPP indicates that you will:

- Install straw wattles as shown on the erosion control plan.
- Install enviroberm porous sediment control as shown on the erosion control plan.
- Remove accumulated sediment from berms and other sediment control devices.

California Environmental Protection Agency



Recycled Paper

cc: Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

San Luis Obispo County District Attorney
County Government Center, Room 460
San Luis Obispo, CA 93408

James Caruso
San Luis Obispo County Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408-2040

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Los Osos, CA 93412

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Law Offices of Babak Naficy
1204 Nipomo Street
San Luis Obispo, CA 93401

Pam Heatherington
Environmental Center of San Luis Obispo
1204 Nipomo Street
San Luis Obispo, California 93401

March 14, 2003

Mr. Dave Williams
P.O. Box 320
Creston, Ca. 93432

Re: Pierson/Kelegian Erosion Control Measures

Dear Dave:

The following maintenance is needed at the Pierson and Kelegian properties in Creston:


1. Remove the silt fences in the creek adjacent to the access road on the Pierson property.
2. Install sandbags around the pipe inlets in the access road on the east side of the Huer Huero on the Kelegian property.
3. Extend the pipes leading from the access road noted above approximately 10 feet so that the outlet lays flat on the ground at the toe of slope.
4. Stabilize the access road in the upper area of the Pierson property with straw wattles.

This work should be completed as soon as possible.

Please contact us if you have any questions.

Sincerely;

eda - design professionals



Jeffrey J. Emrick, P.E., AIA

D:\LTRS\22558000\ec maintenance.dw

April 22, 2003

Mr. Dave Williams
P.O. Box 320
Creston, CA. 93432

Dear Dave:

Please find enclosed the most recent revision of the SWPPP for Kelegian's property. Also enclosed are the Inspection and Maintenance reports we have been keeping.

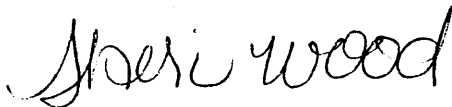
I still have not received any checks for the Butz permits. Please let me know when you think you might be able to get those over to me.

We received plan check corrections from the County on Dave Pierson's MUP; and Jeff are working on those.

If you have any questions or comments please call our office at 805-549-8658 and speak to Jeff or myself.

Sincerely;

eda-design professionals



Sheri Wood
Project Coordinator

Eda job 2-2748-000

March 25, 2003

Mr. Haig Kelegian
26 Sunset Cove
Newport Cliffs, Ca. 92657

Re: Kelegian Ranch, Santa Margarita - Erosion Control Inspection

Dear Haig:

On March 4, 2003, we escorted Regional Water Quality Control Staff on an inspection of the erosion control measures on your property near Santa Margarita. The inspection was cordial and it was noted by RWQCB staff that vegetative growth throughout the majority of the site was substantial and the areas stabilized.

We inquired a number of time as to what staff felt would be the most effective controls to install in several areas. Staff would not offer an opinion regarding the erosion control measures and noted that in two areas where erosion control devices were overwhelmed there was technically a violation of the permit. We responded that repairing the erosion control measures would proceed as soon as possible.

The Notice of Violation dated March 11, 2003, is misleading and contradictory. First, the majority of the cleared area is stabilized and is or will be removed from the permit area which differs from the statement that there is widespread erosion on the site. Second, the letter calls for the removal of straw wattles and hay bales from a creek and then directs you to "install enviroberm porous sediment control as shown on the erosion control plan" which is back in the creek.

We have revised the SWPPP and submitted it to the RWQCB for review. We will be revising the plan again in the near future to reflect additional areas that are stabilized and will be removed from the permit area.

Please contact us if you have any questions.

Sincerely;

eda - design professionals



Jeffrey J. Emrick, P.E., AIA

cc Dave Williams

D:\LTRS\22748000\vwqcb1.hk

Copy to: Jeff Emrick
Sheri Wood



civil engineers | land surveyors | land planners

March 18, 2003

Mr. Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA. 92657

Re: Storm Water Pollution Prevention Plan

Dear Mr. Kelegian:

Please find enclosed the revised SWPPP for your property in Santa Margarita.
We need you to please sign on page 8 and return to our office as soon as possible.

If you have any questions please call our office at 805 549-8658 and speak to Jeff Emrick.

Sincerely;

eda - design professionals

A handwritten signature in cursive script that reads "Sheri Wood".

Sheri Wood
Project Coordinator

RECEIVED
MAR 24 2003
EDA

KELEGIAN RANCH PROPERTY
SANTA MARGARITA, CA
STORM WATER POLLUTION PREVENTION PLAN
AND MONITORING REPORT

OCTOBER 21, 2002

REV. MARCH 5, 2003

KELEGIAN RANCH PROPERTY

STORM WATER POLLUTION PREVENTION PLAN

SITE DESCRIPTION

Project Name and Location (Latitude, Longitude or Address)

Section 31, Township 28 South, Range 15 East, Mount Diablo Base and Meridian, located in San Luis Obispo County, east of Santa Margarita, California. (35° 27' Latitude, 120° 25' Longitude)

Owner Name and Address

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

Description (Purpose and Types of Soil Disturbing Activities)

This project consists of the clearing and grubbing of approximately 199 acres of chemise and chaparral-covered hillsides for eventual planting of olive trees and grasses. It also includes aerial seeding of approximately 46 acres burned in the Highway 58 Fire of July 20, 2002. Soil disturbing activities will include:

1. clearing and grubbing,
2. installing silt barriers and other erosion and sediment controls, and
3. preparation for final planting and seeding.

Runoff Coefficient

The final coefficient of runoff for the site will be $c = 0.30$ (per SLO County Standard Detail D-2). This means that the site is covered with sparse vegetation over sandy soils and slopes over 10%.

Site Area

Disturbed area will encompass approximately 199 acres. The entire property is currently vacant rural land. The site is generally rolling hills, with slopes up to 60%.

Sequence of Major Activities

- A. **Install On-site Erosion and Sediment Controls.** The order of activities will be as follows:
1. Remove existing erosion control devices from blueline creek in the upper eastern section of the site. Hand seed accumulated sediment and cover with straw.
 2. Install new erosion control devices to protect blueline creek.
 3. Install sandbags at inlets on access road running along east side of the Middle fork of the Huer Huero Creek.

4. Install new berms and/or erosion control devices where accumulated sediment is near the top of existing erosion control devices.
5. Hand pack rivlets with straw and new seed starting on steepest slopes and those that drain directly to the Middle fork of the Huer Huero Creek.

Name of Receiving Waters

Onsite storm runoff drains into the Middle Fork of the Huer Huero Creek.

CONTROLS

EROSION AND SEDIMENT CONTROLS

1. Install straw wattles, haybales and silt fences as shown on the Erosion Control Plan.
2. Install sand bags at storm drain entrances as shown on the Erosion Control Plan.
3. Add to existing berms and erosion control devices when accumulated sediment is near capacity of existing devices.

Temporary Stabilization:

There is no construction activity on site currently or planned for the future, therefore there are no temporary stabilization measures.

Permanent Stabilization

All disturbed portions of the site have been seeded to accomplish permanent stabilization.

Structural Practices

Straw wattles or hand dug berms placed along contours at intervals of 20 to 40 feet, depending on drainage patterns and slope, will act as sedimentation barriers. Straw and seed will be hand placed in rivlets and drainage channels and remaining vegetation in drainage swales will act as siltation filters.

Storm Water Management

The straw wattles, hay bales and other sedimentation barrier devices will be left in place until disturbed areas have been stabilized with established vegetation. At such time there will be no significant threat of erosion or sedimentation entering the Huer Huero Creek.

OTHER CONTROLS

Waste Disposal

All brush and other vegetation waste materials will be stockpiled on site. No construction waste materials will be buried on site. All personnel will be instructed regarding the correct procedure for waste disposal. The individual managing the day-to-day site operations will be responsible for seeing that these procedures are followed.

Waste Materials

No hazardous waste materials will be allowed on site at any time.

Hazardous Waste

Not applicable.

Sanitary Waste

All sanitary waste will be collected from the portable units as necessary by a licensed sanitary waste management contractor, as required by local regulation.

CERTIFICATION OF COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS

This Storm Water Pollution Prevention Plan reflects requirements for storm water management and erosion and sediment control as established by the State Water Resources Control Board. To ensure compliance, this plan was prepared in accordance with the requirements of the Regional Water Quality Control Board. There are no other applicable State or Federal requirements for sediment and erosion site plans (or permits), or storm water management site plans (or permits).

MAINTENANCE & INSPECTION PROCEDURES

Erosion and Sediment Control Inspection and Maintenance Practices

The following are the inspection and maintenance practices that will be used to maintain erosion and sediment controls:

All control measures will be inspected at least once every two weeks and following any storm event of 0.5 inches or greater.

All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of report.

Temporary and permanent seeding and planting will be inspected for bare spots, washouts, and healthy growth.

A maintenance inspection report will be made after each inspection. A copy of the report form to be completed by the inspector is attached.

The site superintendent will select up to three individuals who will be responsible for inspections, maintenance and repair activities, and filling out the inspection and maintenance report.

Non-Storm Water Discharges

Non storm water discharges do not occur within the construction site.

INVENTORY FOR POLLUTION PREVENTION PLAN

None of the following materials or substances listed below are expected to be present on site during construction:

Fertilizers
Detergents
Cleaning Solvents

Wood
Petroleum Based Products
Tar

SPILL PREVENTION

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff. In the event of a serious spill the State Office of Emergency Services (OES) should be contacted @ 800-852-7550.

MATERIAL MANAGEMENT PRACTICES

Good Housekeeping:

The following good housekeeping practices will be followed on site during the construction project:

An effort will be made to store only enough product required to do the job.

All materials stored on site will be stored in a neat, orderly manner in their appropriate containers.

Whenever possible, all of a product will be used up before disposing of the container.

Manufacturers' recommendations for proper use and disposal will be followed. The site superintendent will inspect daily to ensure proper use and disposal of materials on site.

Hazardous Products

Not applicable.

PRODUCT SPECIFIC PRACTICES

The following product specific practices will be followed on site:

Petroleum Products

All on-site vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage.

Fueling of Vehicles and Equipment

Fueling of vehicles and equipment will be done off site at an approved location.

Fertilizers

No fertilizers will be used on site.

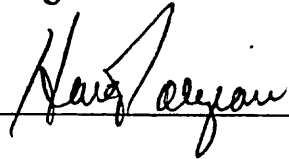
SPILL CONTROL PRACTICES

No hazardous or toxic materials will be allowed on the project site at any time.

POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


Haig Kelegian

By: 

Date: 3/21/03

PREPARED BY:

eda design professionals

By: 
Jeffrey J. Emrick, P.E.

Date: _____

CONTRACTOR'S CERTIFICATION

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with activity from the construction site identified as part of this certification.

Signature

For

Responsible for

Date: _____

INSPECTION AND MAINTENANCE REPORT FORM

TO BE COMPLETED EVERY 7 DAYS AND WITHIN 24 HOURS OF
A RAINFALL EVENT OF 0.5 INCHES OR MORE

INSPECTOR: _____ DATE: _____

INSPECTOR'S QUALIFICATIONS:

DAYS SINCE LAST RAINFALL: _____
AMOUNT OF LAST RAINFALL: _____ INCHES

CONDITION STABILIZATION MEASURES

| AREA | DATE SINCE LAST DISTURBED | DATE DISTURBED NEXT | STABILIZED? (YES/NO) | STABILIZED WITH | CONDITION |
|------|---------------------------------|---------------------------|-------------------------|--------------------|-----------|
| | | | | | |
| | | | | | |
| | | | | | |

STABILIZATION REQUIRED:

TO BE PERFORMED BY: _____ ON OR BEFORE: _____

STRUCTURAL CONTROLS

DATE: _____

STRAW WATTLES/BERMS

| FROM LOCATION | TO LOCATION | IS BERM STABILIZED? | IS THERE EVIDENCE OF WASHOUT OR OVER- TOPPING? |
|------------------|----------------|------------------------|--|
| | | | |
| | | | |
| | | | |

MAINTENANCE REQUIRED FOR STRAW WATTLES/BERMS:

TO BE PERFORMED BY: _____ ON OR BEFORE: _____

INSPECTION AND MAINTENANCE REPORT FORM

CHANGES REQUIRED TO THE POLLUTION PREVENTION PLAN:

REASONS FOR CHANGES:

I certify under penalty of law that this document and all attachments were prepared under my direction of supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SIGNATURE: _____

DATE: _____

ENGINEERING DEVELOPMENT ASSOCIATES, INC.

P.O. BOX 1829
 SAN LUIS OBISPO, CALIFORNIA 93406
 (805) 549-8658

LETTER OF TRANSMITTAL

| | |
|---------------------------|-----------------------|
| DATE 3-18-03 | JOB NO. 2-2748-000 |
| ATTENTION Roger Briggs | |
| RE: | |
| | |
| | |
| | |
| | |
| | |
| | |

TO RWQCB
895 Aerovista Dr. #101
San Luis Obispo, CA. 93401

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

| COPIES | DATE | NO. | DESCRIPTION |
|--------|---------|-----|----------------------|
| 1 | 3-18-03 | | Revised SWPPP |
| 1 | | | Erosion Control Plan |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS
please call our office if you have
any questions.

Thank you!

COPY TO file

SIGNED: Sheri Wood

ENGINEERING DEVELOPMENT ASSOCIATES, INC.

P.O. BOX 1829
 SAN LUIS OBISPO, CALIFORNIA 93406
 (805) 549-8658

LETTER OF TRANSMITTAL

TO RWPCB

| | | | |
|-----------|---------------------------------------|---------|-----------|
| DATE | 3.27.03 | JOB NO. | 22748.000 |
| ATTENTION | ROGER REYES | | |
| RE: | KELOGIAN RANCH # WIDID # 34033A350 | | |
| | | | |
| | | | |
| | | | |
| | | | |

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order AS NOTED

| COPIES | DATE | NO. | DESCRIPTION |
|--------|--------|-----|---------------|
| 1 | 3.5.03 | | REVISED SWPPP |
| | | | |
| | | | |
| | | | |
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| | | | |
| | | | |

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS ROGER:

THIS IS A COPY OF THE SWPPP SENT TO YOU ON 3/17/03 THAT HAS BEEN SIGNED BY THE OWNER.

COPY TO _____

SIGNED: JEFF EMMICK

If enclosures are not as noted, kindly notify us at once.

April 4, 2003

Mr. Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA. 92657

Re: Storm Water Pollution Prevention Plan

Dear Mr. Kelegian:

Please find enclosed the most recent revision of the SWPPP for your property in Santa Margarita.

Once again, we need you to please sign on page 8 and return to our office as soon as possible.

If you have any questions please call our office at 805 549-8658 and speak to Jeff Emrick.

Sincerely;

eda – design professionals

Sheri Wood

Sheri Wood
Project Coordinator

RECEIVED

APR 14 2003

EDA

KELEGIAN RANCH PROPERTY
SANTA MARGARITA, CA
STORM WATER POLLUTION PREVENTION PLAN
AND MONITORING REPORT

OCTOBER 21, 2002

REV. MARCH 5, 2003

APRIL 2, 2002

KELEGIAN RANCH PROPERTY

STORM WATER POLLUTION PREVENTION PLAN

SITE DESCRIPTION

Project Name and Location (Latitude, Longitude or Address)

Section 31, Township 28 South, Range 15 East, Mount Diablo Base and Meridian, located in San Luis Obispo County, east of Santa Margarita, California. (35° 27' Latitude, 120° 25' Longitude)

Owner Name and Address

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

Description (Purpose and Types of Soil Disturbing Activities)

This project consists of the clearing and grubbing of approximately 199 acres of chemise and chaparral-covered hillsides for eventual planting of olive trees and grasses. It also includes aerial seeding of approximately 46 acres burned in the Highway 58 Fire of July 20, 2002. Soil disturbing activities will include:

1. clearing and grubbing,
2. installing silt barriers and other erosion and sediment controls, and
3. preparation for final planting and seeding.

Runoff Coefficient

The final coefficient of runoff for the site will be $c = 0.30$ (per SLO County Standard Detail D-2). This means that the site is covered with sparse vegetation over sandy soils and slopes over 10%.

Site Area

Disturbed area has been reduced from an original 199 acres to 15 acres in a western section and 53 acres in a eastern section of the property. The entire property is currently vacant rural land. The site is generally rolling hills, with slopes up to 60%.

Sequence of Major Activities

A. Install On-site Erosion and Sediment Controls. The order of activities will be as follows:

1. Remove existing erosion control devices from blueline creek in the upper eastern section of the site. Hand seed accumulated sediment and cover with straw.
2. Install new erosion control devices to protect blueline creek.

3. Install sandbags at inlets on access road running along east side of the Middle fork of the Huer Huero Creek.
4. Install new berms and/or erosion control devices where accumulated sediment is near the top of existing erosion control devices.
5. Hand pack rivlets with straw and new seed starting on steepest slopes and those that drain directly to the Middle fork of the Huer Huero Creek.

Name of Receiving Waters

Onsite storm runoff drains into the Middle Fork of the Huer Huero Creek.

CONTROLS

EROSION AND SEDIMENT CONTROLS

1. Install straw wattles, haybales and silt fences as shown on the Erosion Control Plan.
2. Install sand bags at storm drain entrances as shown on the Erosion Control Plan.
3. Add to existing berms and erosion control devices when accumulated sediment is near capacity of existing devices.

Temporary Stabilization:

There is no construction activity on site currently or planned for the future, therefore there are no temporary stabilization measures.

Permanent Stabilization

All disturbed portions of the site have been seeded to accomplish permanent stabilization.

Structural Practices

Straw wattles or hand dug berms placed along contours at intervals of 20 to 40 feet, depending on drainage patterns and slope, will act as sedimentation barriers. Straw and seed will be hand placed in rivlets and drainage channels and remaining vegetation in drainage swales will act as siltation filters.

Storm Water Management

The straw wattles, hay bales and other sedimentation barrier devices will be left in place until disturbed areas have been stabilized with established vegetation. At such time there will be no significant threat of erosion or sedimentation entering the Huer Huero Creek.

OTHER CONTROLS

Waste Disposal

All brush and other vegetation waste materials will be stockpiled on site. No construction waste materials will be buried on site. All personnel will be instructed regarding the correct procedure for waste disposal. The individual managing the day-to-day site operations will be responsible for seeing that these procedures are followed.

Waste Materials

No hazardous waste materials will be allowed on site at any time.

Hazardous Waste

Not applicable.

Sanitary Waste

All sanitary waste will be collected from the portable units as necessary by a licensed sanitary waste management contractor, as required by local regulation.

CERTIFICATION OF COMPLIANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS

This Storm Water Pollution Prevention Plan reflects requirements for storm water management and erosion and sediment control as established by the State Water Resources Control Board. To ensure compliance, this plan was prepared in accordance with the requirements of the Regional Water Quality Control Board. There are no other applicable State or Federal requirements for sediment and erosion site plans (or permits), or storm water management site plans (or permits).

MAINTENANCE & INSPECTION PROCEDURES

Erosion and Sediment Control Inspection and Maintenance Practices

The following are the inspection and maintenance practices that will be used to maintain erosion and sediment controls:

All control measures will be inspected at least once every two weeks and following any storm event of 0.5 inches or greater.

All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of report.

Temporary and permanent seeding and planting will be inspected for bare spots, washouts, and healthy growth.

A maintenance inspection report will be made after each inspection. A copy of the report form to be completed by the inspector is attached.

The site superintendent will select up to three individuals who will be responsible for inspections, maintenance and repair activities, and filling out the inspection and maintenance report.

Non-Storm Water Discharges

Non storm water discharges do not occur within the construction site.

INVENTORY FOR POLLUTION PREVENTION PLAN

None of the following materials or substances listed below are expected to be present on site during construction:

Fertilizers

Detergents

Cleaning Solvents

Wood

Petroleum Based Products

Tar

SPILL PREVENTION

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff. In the event of a serious spill the State Office of Emergency Services (OES) should be contacted @ 800-852-7550.

MATERIAL MANAGEMENT PRACTICES

Good Housekeeping:

The following good housekeeping practices will be followed on site during the construction project:

An effort will be made to store only enough product required to do the job.

All materials stored on site will be stored in a neat, orderly manner in their appropriate containers.

Whenever possible, all of a product will be used up before disposing of the container.

Manufacturers' recommendations for proper use and disposal will be followed. The site superintendent will inspect daily to ensure proper use and disposal of materials on site.

Hazardous Products

Not applicable.

PRODUCT SPECIFIC PRACTICES

The following product specific practices will be followed on site:

Petroleum Products

All on-site vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage.

Fueling of Vehicles and Equipment

Fueling of vehicles and equipment will be done off site at an approved location.

Fertilizers

No fertilizers will be used on site.

SPILL CONTROL PRACTICES

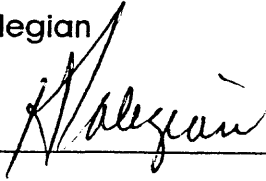
No hazardous or toxic materials will be allowed on the project site at any time.

POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Haig Kelegian

By: _____



Date: _____

4/9/03

PREPARED BY:

eda design professionals

By: _____



Jeffrey J. Emrick, P.E.

Date: _____

4.2.03

CONTRACTOR'S CERTIFICATION

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with activity from the construction site identified as part of this certification.

Signature

For

Responsible for

Date: _____

INSPECTION AND MAINTENANCE REPORT FORM

TO BE COMPLETED EVERY 14 DAYS AND WITHIN 72 HOURS OF
A RAINFALL EVENT OF 0.5 INCHES OR MORE

INSPECTOR: Jeffrey Emrick DATE: _____

INSPECTOR'S QUALIFICATIONS:

DAYS SINCE LAST RAINFALL: _____
AMOUNT OF LAST RAINFALL: _____ INCHES

CONDITION STABILIZATION MEASURES

| AREA | DATE SINCE LAST DISTURBED | DATE DISTURBED NEXT | STABILIZED? (YES/NO) | STABILIZED WITH | CONDITION |
|-----------------|---------------------------|---------------------|----------------------|-----------------|-----------|
| EASTERN SECTION | OCT. 2002 | PROJECT FINISHED | | | |
| WESTERN SECTION | OCT. 2002 | PROJECT FINISHED | | | |
| | | | | | |

STABILIZATION REQUIRED:

TO BE PERFORMED BY: _____ ON OR BEFORE: _____

STRUCTURAL CONTROLS

DATE: _____

STRAW WATTLES/BERMS/HAYBALES

| FROM LOCATION | TO LOCATION | IS BERM STABILIZED? | IS THERE EVIDENCE OF WASHOUT OR OVERTOPPING? |
|---------------|-------------|---------------------|--|
| | | | |
| | | | |
| | | | |

MAINTENANCE REQUIRED FOR STRAW WATTLES/BERMS:

TO BE PERFORMED BY: _____ ON OR BEFORE: _____

INSPECTION AND MAINTENANCE REPORT FORM

CHANGES REQUIRED TO THE POLLUTION PREVENTION PLAN:

REASONS FOR CHANGES:

I certify under penalty of law that this document and all attachments were prepared under my direction of supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SIGNATURE: _____

DATE: _____



California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

July 15, 2003

Creston Real Estate
PO Box 320
Creston, CA 93432-0320

Dear Creston Real Estate:

RE: ANNUAL COMPLIANCE STATUS REPORT FOR THE CONSTRUCTION STORM WATER GENERAL PERMIT, DUE SEPTEMBER 2, 2003; HIGHWAY 58, SANTA MARGARITA, WDID# 340C319350

As the owner of a site covered by the State's General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit), you are authorized to discharge clean storm water from the site and you are responsible for complying with the terms and conditions of the General Permit. You are also required to annually certify that your construction activity is in compliance with the General Permit requirements (Section B.4).

The purpose of the Annual Report is to provide Regional Board staff with a status update on permitted construction activities in the Central Coast Region. The information requested will be used to maintain accurate records, as well as prioritize staff activities including field inspections, outreach, and training. This report form is specific to the Central Coast Region. If you have construction projects in multiple regions, you should contact the appropriate Regional Board for other reporting requirements.

When completing the Annual Compliance Status Report, if any information is missing, incorrect, or has changed, please provide the correct or current information next to or above it. For all questions answered 'No', please provide an explanation that discusses what actions have been or will be taken to bring the site into compliance along with a time schedule for implementation of planned actions. Please note that the numbering system for Storm Water Construction Permit WDID #s has been modified. The "S" with in the WDID # has been replaced by a "C."

Please note that you must respond to all parts of the Annual Compliance Status Report. Failure to do so will be considered noncompliance, which may result in enforcement action by the Regional Board. **Complete and submit the attached Compliance Status Report to the Regional Board no later than September 2, 2003.**

If you have questions, please call Jennifer Bitting at (805) 549-3334.

Sincerely,

Roger W. Briggs
Executive Officer

Enclosure: 2003 Annual Compliance Status Report for the Construction Storm Water General Permit
Excerpt from the 303(d) List of Impaired Water Bodies

California Environmental Protection Agency



Recycled Paper

1100000000

DEMAND FOR PAYMENT

Storm Water Supplemental NOI Permit Fee
Required by SECTION 13260 of the California Water Code

Date: 7/15/03
Facility ID: S3 40S319350
Facility Name: Kelegian Rnch
HIGHWAY 58
SANTA MARGARITA, CA

Invoice Number: NOI1209
Billing Period: 07/01/02 to 06/30/03
Invoice Date: 11/22/02
Amount Past Due: \$200

CRESTON REAL ESTATE
PO Box 320
Creston, CA 93432-0320
ATTN: DAVE WILLIAMS

For details please refer to the original invoice

DEMAND FOR PAYMENT OF STORM WATER SUPPLEMENTAL NOI PERMIT FEES

This is a FORMAL DEMAND FOR PAYMENT on the above delinquent invoice. Our accounting office records indicate that you have failed to pay the supplemental NOI fee. Failure to pay the required fee is considered a misdemeanor under California law (Water Code Section 13261) and could result in a civil liability assessment of up to \$1000 per day for each day that the fees go unpaid, revocation of your discharge permit, or referral to a collection agency. Please return payment in the attached envelope along with the bottom portion of the invoice. Payment must be received no later than 30 days from the date of this notice.

Please note that a transfer of ownership or relocation of a facility requires a new Storm Water Permit. If your Facility is closed or project completed, please file a Notice of Termination. For more information visit the State Water Resources Control Board web site at www.swrcb.ca.gov

If you have any questions about this notice, please call the State Water Resources Control Board at (916) 341-5247.

Retain this portion for your records
Please detach and return this portion with your payment

CRESTON REAL ESTATE
PO Box 320
Creston, CA93432-0320
ATTN: DAVE WILLIAMS

Fiscal Year: 2002 **Invoice No: NOI1209**
PLEASE PRINT THIS NUMBER ON CHECK OR MONEY ORDER

SWRCB ACCOUNTING OFFICE
ATTN: AFRS
P.O. BOX 1888
SACRAMENTO, CA 95812-1888

AMOUNT DUE: \$200
BILLING PERIOD: 07/01/02 to 06/30/03
Facility ID: S3 40S319350
Facility Name: Kelegian Rnch
HIGHWAY 58
SANTA MARGARITA, CA

FILE COPY



California Regional Water Quality Control Board

Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5427
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

August 21, 2003

Certified No. 7002 2410 0004 0528 5617

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

CLEANUP OR ABATEMENT ORDER; KELEGIAN RANCH; SANTA MARGARITA; SAN LUIS OBISPO COUNTY

Dear Mr. Kelegian:

This letter transmits Cleanup or Abatement Order No. R3-2003-0057 (Cleanup Order). Cleanup Order No. R3-2003-0057 is issued to Haig Kelegian as a result of the significant violations of the California Porter-Cologne Water Quality Control Act (Water Code) between November 8, 2002, and March 4, 2003. Despite submitting a Notice of Intent to comply with the General Storm Water Permit for construction activities, you have now indicated that the project is an agricultural project. Agricultural projects are exempt from National Pollutant Discharge Elimination System permitting requirements. Enclosed is a Notice of Termination that must be completed and submitted to the Regional Board in order to terminate your General Permit coverage. Even though your project is agricultural, it remains necessary to comply with the Water Code. The enclosed Cleanup Order is for violations of Water Code Section 13304. To minimize adverse water quality impacts, the Cleanup Order, in part, requires that effective erosion and sediment control measures are in place by October 15, 2003.

Regional Board staff plans to inspect the Kelegian Ranch again. Please ensure that Best Management Practices 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.

Sincerely,

Roger W. Briggs
Executive Officer

Enclosure: Cleanup or Abatement Order R3-2003-0057
Notice of Termination

cc: See attached list

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California Environmental Protection Agency

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cc: Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

San Luis Obispo County District Attorney
County Government Center, Room 460
San Luis Obispo, CA 93408

James Caruso
San Luis Obispo County Dept. of Planning and
Building
County Government Center
San Luis Obispo, CA 93408-2040

Tim Fielder
San Luis Obispo County Code Enforcement
County Government Center
San Luis Obispo, CA 93408-2040

Debbie Arnold
Room 370
County Government Center
San Luis Obispo, CA 93408

David Williams
P.O. Box 320
Creston, CA 93432

Jeff Emrick
EDA Design Professionals
1998 Santa Barbara Street
San Luis Obispo, CA 93401

Sarah Christie
926 J Street, Suite 416
Sacramento, CA 95814

Gordon R. Hensley
P.O. Box 6884
Los Osos, CA 93412

Babak Naficy
Law Offices of Babak Naficy
1204 Nipomo Street
San Luis Obispo, CA 93401

Pam Heatherington
Environmental Center of San Luis Obispo
1204 Nipomo Street
San Luis Obispo, CA 93401

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

**CLEANUP OR ABATEMENT ORDER NO. R3-2003-0057
Issued to Haig Kelegian**

**KELEGIAN RANCH, HIGHWAY 58, SANTA MARGARITA
SAN LUIS OBISPO COUNTY**

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

1. Haig Kelegian (hereafter Discharger) owns a 412-acre project known as the Kelegian Ranch, Santa Margarita, San Luis Obispo County (Site).

Regional Board staff has requested the Discharger submit a Notice of Termination, to terminate Site General Permit coverage.
2. September 20, 2002, Regional Board staff inspected the Site to follow-up on citizen complaints of illegal grading. The Site was cleared of all vegetation and left without adequate erosion and sediment controls. The Site is hilly with steep slopes.
3. On October 8, 2002, Regional Board staff sent a letter to the Discharger outlining Regional Board staff concerns about the Site and requiring submission of an erosion and sediment control plan. The Discharger submitted a Storm Water Pollution Prevention Plan on October 22, 2002.
4. On November 4, 2002, Discharger filed a Notice of Intent (NOI) to comply with the terms of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Related Discharges Associate with Construction Activity (General Permit). The Discharger has since indicated that the project is agricultural. Non-point source discharges from agricultural activities at the Site are exempt from (NPDES) permitting requirements.
5. Although the Site is not subject to the General Permit, it is subject to Porter-Cologne Water Quality Control Act regulation. (Water Code §§ 13000 et seq.)
6. Water Code section 13304 mandates,

“Any person who has discharged or discharges waste into the waters of this state...who has caused or permitted, cases or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be discharge into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the wastes or in the case of threatened pollution or nuisance, take other necessary remedial action.”
7. Discharger discharged sediment to a “blue line” creek tributary to Huerhuero Creek during the 2002-2003 rainy season. The discharge of sediment to the “blue line” creek and Huerhuero Creek threatens to

cause a condition of pollution. Water Code section 13050 defines pollution as the following,

“Pollution means an alteration of the quality of the water of the state by waste to a degree which unreasonably affects either of the following: (A) The waters for beneficial uses. (B) Facilities which serve these beneficial uses.”

Beneficial uses of the “blue line” creek include warm freshwater habitat. Huerhuero Creek beneficial uses include wildlife habitat, warm freshwater habitat, and rare, threatened, or endangered species. Sediment discharges unreasonably affect these beneficial uses by causing excess turbidity and by burying creek bottoms. Increased turbidity and sedimentation can deplete food availability to zooplankton, insects, freshwater mollusks, and fish. Discharger has not taken action to prevent or minimize the discharge of sediment during the 2003-2004 rainy season.

8. November 8, 2002 and November 14, 2002, Regional Board staff observed widespread erosion of the cleared hillsides. The erosion has resulted in sediment discharging to the unnamed “blue line” creek tributary to the Huerhuero Creek, which is a water of the state. Sediment from the site buried sections of the creek bottom.
9. On December 17, 2002 and December 20, 2002, Regional Board Staff inspected the Site again. Regional Board staff observed widespread erosion of the cleared hillsides. The erosion resulted in sediment discharging to the unnamed “blue line” creek tributary to the Huerhuero Creek. Sediment from the site buried sections of the creek bottom.
10. March 4, 2003, Regional Board staff inspected the Site. At that time, sediment control measures were in need of maintenance. Many sediment controls were filled with sediment and needed cleaning to be effective. Sediment controls were in place within several unnamed blue line streams on Site, trapping sediment in the creeks rather than protecting the creeks from sediment. The Site did have established vegetation, providing soil stabilization for a majority of the Site.
11. The sediment discharge occurred because onsite erosion and sediment controls were inadequate. Some of the site does not have erosion control measures in place. Sediment controls installed, such as hay bales and fiber rolls, were overwhelmed without erosion control measures for the steep hillsides.
12. The sediment discharges observed by Regional Board staff on November 8, 2002, November 14, 2002, December 17, 2002, December 20, 2002, and March 4, 2003, could have been prevented if adequate and effective erosion and sediment control measures had been placed prior to the rainy season. An October 8, 2002, letter expressed Regional Board Staff concerns regarding adequate erosion control measures for the Site. Notices of Violation (NOV) dated November 25, 2002, February 21, 2003, and March 11, 2003 pointed out on site deficiencies in erosion and sediment control measures. Adequate time was available prior to the rainy season to implement an effective combination of sediment and erosion control measures. Failure to implement adequate measures has resulted in widespread erosion and discharges of sediment from the site that threaten to cause a condition of pollution.
13. Erosion and sediment control measures known as Best Management Practices (BMPs) must be implemented prior to the next rainy season to prevent further surface water impacts. Two guidance documents for BMP implementation are available at

this website:
<http://www.swrcb.ca.gov/stormwtr/training.html>. The documents are Erosion and Sediment Control Field Manual, 4th edition, published by CA RWQCB, San Francisco Bay Region, August 2002, and CA Best Management Practices Handbook – Construction published by California Storm Water Quality Association, Livermore, CA, January, 2003.

14. The technical or monitoring reports required by this Order are necessary to document and confirm compliance with this Order. Discharger is required to submit these reports because he is the owner of the

Site and responsible for preventing illegal discharges of waste from the Site. Evidence to support this finding can be found in the file of the Regional Board regarding the Kelegian Ranch Property, Santa Margarita, San Luis Obispo County.

15. 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 13267 and 13304 of the California Water Code, Discharger, his agents, successors or assigns, shall clean up and abate further sediment discharges, as follows:

1. Discharger shall prevent or minimize the discharge of sediment from the Site to waters of the State.
2. Discharger shall:
 - a. **By September 8, 2003**, submit to the Regional Water Board an erosion and sediment control plan, describing actions that are effective to prevent or minimize sediment discharges to waters of the State that is acceptable to the Executive Officer. The plan shall include short-term measures that will be implemented by **September 15, 2003** and additional measure that will be completely implemented by **October 15, 2003**. The plan shall include a time schedule for the implementation, inspection, monitoring, and maintenance of erosion and sediment control measures (BMPs) to ensure all control measures remain effective throughout the rainy season. The erosion and sediment control measures shall meet BCT/BAT standards. The Discharger shall refer to two guidance documents for BMP implementation referenced in paragraph 13 above.
 - b. **By October 15, 2003**, prevent erosion by covering all inactive disturbed soils and slopes at the site with effective erosion control BMPs in a manner acceptable to the Executive Officer. The erosion and control measures BMPs shall meet BCT/BAT standards. The Discharger shall refer to two guidance documents for BMP implementation referenced in paragraph 13 above.
 - c. **By October 15, 2003**, submit a letter signed by a registered professional engineer, verifying that Task b., above, has been completed. The report shall certify that:
 - 1) The erosion and sediment control plan identified in Task 2.a. has been fully implemented,

- 2) All inactive disturbed soils have been adequately treated and stabilized in accordance with Task 2.b,
- 3) Effective erosion and sediment controls have been properly placed throughout the site,
- 4) All control measures and BMP's installed are adequate to prevent or minimize discharge of sediment to waters of the State, throughout the rainy season.

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 and 13350 OF THE WATER CODE AND ANY OTHER ENFORCEMENT ACTION AUTHORIZED BY LAW, INCLUDING 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 Water Code section 13320. Petitions must be filed within 30 days of the date of this Order.

ORDERED BY _____



Roger W. Briggs
Executive Officer

8-22-03

Date

September 5, 2003

Mr. Roger W. Briggs, Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, Ca. 93401

Re: Kelegian Ranch, Santa Margarita - Abatement Order #R3-2003-0057

Dear Roger:

Please find enclosed our Notice of Termination for this project. Construction activities have ceased and the site is now stabilized in accordance with the approved SWPPP plan.

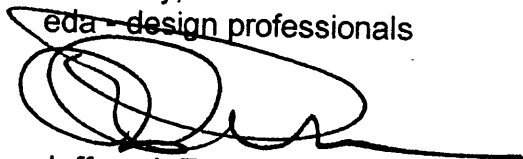
In your letter of August 22, 2003, you indicated that on numerous occasions ending on March 4, 2003, Regional Board staff witnessed erosion control measures placed in blue line streams on site with evidence of sedimentary flows. This occurred in one location with a catchment area of approximately 30 acres. Please note that blue line streams on geodetic survey quadrangle sheets is not an indication of habitat area. The only way to determine such areas is by detailed ground surveys. Drainage from this area is periodic and limited to heavy rain events. In no way is a swale that flows for not more than 24 hours after a major rain event a warm freshwater habitat.

The property owner is currently contracting to bring cattle onto the property for grazing. Installation of erosion control devices as outlined in your letter will impede this operation. We suggest that a review of the site by Regional Board staff be conducted to review current conditions *at this time*. Any point sources of erosion can then be identified and remediated.

Thank you for the continued cooperation with Regional Board staff. We look forward to meeting with you on site to resolve any erosion control issues you may currently have.

Sincerely;

eda - design professionals



Jeffrey J. Emrick, P.E., AIA

encl

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NOTICE OF TERMINATION

OF COVERAGE UNDER THE NPDES GENERAL PERMIT NO. CAS000002
FOR DISCHARGES OF STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY

Submission of this Notice of Termination constitutes notice that the owner (and his/her agent) of the site identified on this form is no longer authorized to discharge storm water associated with construction activity by NPDES General Permit No. CAS000002.

I. WDID NO.

II. OWNER

COMPANY NAME HAIG KELEGIAN CONTACT PERSON _____
STREET ADDRESS 26 SUNSET COVE TITLE OWNER
CITY NEWPORT CLIFFS STATE CA ZIP 92657 PHONE 949.494.4330

III. CONSTRUCTION SITE INFORMATION

A. DEVELOPER NAME OWNER CONTACT PERSON _____
STREET ADDRESS _____ TITLE _____
CITY _____ STATE _____ ZIP _____ PHONE _____

B. SITE ADDRESS KELEGIAN RANCH COUNTY SAN LUIS OBISPO
CITY SANTA MARGARITA STATE CA ZIP _____ PHONE _____

IV. BASIS OF TERMINATION

1. The construction project is complete and the following conditions have been met.

- All elements of the Storm Water Pollution Prevention Plan have been completed.
- Construction materials and waste have been disposed of properly.
- The site is in compliance with all local storm water management requirements.
- A post-construction storm water operation and management plan is in place.

Date of project completion 11 / 1 / 02

⇒ AGRICULTURE
OPERATION

2. Construction activities have been suspended, either temporarily _____ or indefinitely _____ and the following conditions have been met.

- All elements of the Storm Water Pollution Prevention Plan have been completed.
- Construction materials and waste have been disposed of properly.
- All denuded areas and other areas of potential erosion are stabilized.
- An operation and maintenance plan for erosion and sediment control is in place.
- The site is in compliance with all local storm water management requirements.

Date of suspension _____ / _____ / _____ Expected start up date _____ / _____ / _____

3. Site can not discharge storm water to waters of the United States (check one).

___ All storm water is retained on site.

___ All storm water is discharged to evaporation or percolation ponds offsite.

- ___ 4. Discharge of storm water from the site is now subject to another NPDES general permit or an individual NPDES permit.

NPDES Permit No. _____ Date coverage began ___ / ___ / ___

- ___ 5. There is a new owner of the identified site. Date of owner transfer ___ / ___ / ___

Was the new owner notified of the General Permit requirements? YES ___ NO ___

NEW OWNER INFORMATION

COMPANY NAME _____ CONTACT PERSON _____

STREET ADDRESS _____ TITLE _____

CITY _____ STATE _____ ZIP _____ PHONE _____

V. EXPLANATION OF BASIS OF TERMINATION (Attach site photographs - see instructions).

ALL SITE SLOPES STABILIZED. SITE BEING CONTRACTED FOR CATTLE GRAZING.

VI. CERTIFICATION:

I certify under penalty of law that all storm water discharges associated with construction activity from the identified site that are authorized by NPDES General Permit No. CAS000002 have been eliminated or that I am no longer the owner of the site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with construction activity under the general permit, and that discharging pollutants in storm water associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner from liability for any violations of the general permit or the Clean Water Act.

PRINTED NAME JEFFREY EMRICK TITLE ENGINEER
SIGNATURE [Signature] DATE 9/8/03

REGIONAL WATER BOARD USE ONLY

This Notice of Termination has been reviewed, and I recommend termination of coverage under the subject NPDES general permit.

Printed Name _____ Region No. _____

Signature _____ Date ___ / ___ / ___

October 14, 2003

Mr. Roger Briggs, Executive Officer
Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, Ca. 93401

**Re: Kelegian Ranch; Santa Margarita
R3-2003-0057**

Dear Roger:

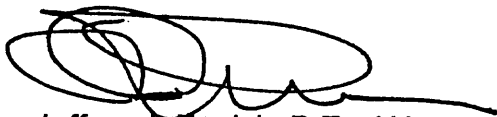
This is in response to your cleanup order issued August 22, 2003. On September 19, 2003, we met with RWQCB staff at the site and inspected the current condition of the erosion control measures implemented during the previous rainy season.

Based on the site inspection with RWQCB staff, it was determined that the site had been effectively stabilized. Staff noted minor areas where the vegetative growth could be augmented with additional hand seeding. These areas will be hand seeded just prior to the next rain event to maximize the potential for germination. Further inspections with RWQCB staff will be conducted to verify stabilization of these areas.

Please contact us if you have any questions.

Sincerely;

eda - design professionals



Jeffrey J. Emrick, P.E., AIA
encl

D:\LTRS\22748000\101503 compliance ltr.rb



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California Regional Water Quality Control Board

Central Coast Region

Terry Tamminen
Secretary for
Environmental
Protection



Arnold Schwarzenegger
Governor

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

November 26, 2003

Mr. Haig Kelegian
26 Sunset Cover
Newport Cliffs, CA 92657

RECEIVED

DEC 01 2003

EDA

Dear Mr. Kelegian:

OCTOBER 24, 2003 REGIONAL WATER QUALITY CONTROL BOARD MEETING ACTION; KELEGIAN PROPERTY; CRESTON; SAN LUIS OBISPO COUNTY

This letter is written in response to questions raised during the Regional Water Quality Control Board's (Regional Board) October 24, 2003 meeting. We have attached a copy of the Enforcement Report for the October 24, 2003 meeting, the Draft Regional Board meeting minutes (see Item 23, Draft Minutes), and the December 5, 2003 Executive Officer's Report. The Enforcement Report summarizes enforcement actions taken on the Kelegian Ranch and the adjacent Pierson properties.

During the October 24, 2003 Enforcement Report to the Regional Board, Ms. Sarah Christie made comments, and raised the question as to whether work performed on your property was for agricultural, or construction purposes. The Regional Board directed staff to investigate project details and report back. The report must address whether your site is a construction or an agricultural operation, and whether or not additional enforcement action is appropriate.

We understand from past conversations with your representatives, that you intend to use the property for agricultural pursuits. We request evidence of this intent, and of any actions you have taken to further the agricultural use of the property. The type of evidence is left to your discretion, but may include proof of purchase of trees, plants, or other agricultural materials, planting plans, or studies to determine the feasibility of using the land for particular crops. Information submitted should include a time schedule for associated planned activities. Please submit conclusive evidence by **December 12, 2003**, to this office.

California Environmental Protection Agency

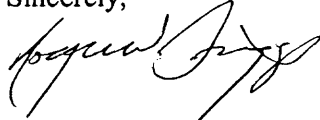


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We appreciate your attention to this matter. If you have questions, please call Donette Dunaway at (805) 549-3698.

Sincerely,



Roger W. Briggs
Executive Officer

Attached : October 24, 2003 Enforcement Report
 October 24, 2003 Board Draft Minutes – Item 23, Enforcement Report
 Executive Officer's Report, December 5, 2003 – Kelegian Ranch/Goldie Lane Properties

cc: Jeffery J. Emrick, P.E.
 EDA
 1998 Santa Barbara Street
 San Luis Obispo, CA 93401

Sarah Christie
4355 La Panza Rd.
Creston, CA 93432

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California Environmental Protection Agency



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

STAFF REPORT FOR REGULAR MEETING OCTOBER 24, 2003

Prepared on September 30, 2003

ITEM: 23

SUBJECT: Enforcement Report

The SWIM Compliance Module tracks violations and enforcement actions. The Compliance Module has been revised to include enhancements for tracking associated Administrative Civil Liabilities.

Any violation that is listed as "Y" for "Yes" in "Significant Violation" column, as well as being listed as an "NPDES" in the "Program Type" column, is in the process of being issued a complaint for Mandatory Minimum Penalties. Nonsignificant violations may also be triggering a complaint, but it is not possible to determine all of those cases from just reviewing this report. We track those violations on a six-month period and follow up with complaints as required.

The attached report covers the period August 1, 2003 through August 31, 2003. During this time period 9 dischargers had 12 violations resulting in 1 enforcement actions that were entered into SWIM. In some cases a facility will have multiple violations that led to a single enforcement action. Violations normally include effluent limit violations resulting from monitoring report reviews, violations resulting from compliance inspections, missing and late reports and sewer overflows. Enforcement actions range from verbal communications by staff to formal actions adopted by the Regional Board.

GOLDIE LANE AND KELEGIAN RANCH

This report is being made to provide the Regional Board with current information on two projects (Goldie Lane property and Kelegian Ranch property) discussed at previous Regional Board meetings. It is also intended to address a concerned citizen's written comments received on August 18, 2003, and August 27, 2003.

The Goldie Lane Property (40 acre site) and the Kelegian Ranch Property (199 acre site) are located near Creston along Highway 58. In September 2002, Regional Board staff inspected the Sites to follow-up on citizen complaints of illegal grading. Portions of the Sites were cleared of all vegetation and left without adequate erosion and sediment controls; Best Management Practices were not implemented. The Sites are hilly with slopes in excess of 30%.

In October 2002, Regional Board staff sent letters to the Dischargers outlining Regional Board staff concerns and requiring submission of erosion and sediment control plans. The Dischargers submitted Storm Water Pollution Prevention Plans on October 22, 2002.

In November 2002, Dischargers filed Notices of Intent (NOI) to comply with the terms of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Related Discharges Associate with Construction Activity (General Permit). The Dischargers have since indicated that the projects are agricultural. Non-point source discharges from agricultural activities at the Sites are exempt from NPDES permitting requirements. The Dischargers submitted termination notices in August and September of 2003, to terminate General Permit coverage.

On November 8, 2002, Regional Board staff observed widespread erosion of the cleared hillsides. The erosion has resulted in sediment discharging to unnamed "blue line" creeks tributary to Huerhuero Creek, which is a water of the state. Sediment from the site buried sections of the creek bottom. On November 25, 2002, Notices of Violation were issued for violations discovered during the

November 8, 2002 inspections. In December 2002, Regional Board Staff inspected the Sites again. Regional Board staff observed widespread erosion of the cleared hillsides. The erosion resulted in sediment discharging to unnamed "blue line" creeks tributary to the Huerhuero Creek. Sediment from the sites buried sections of the creek bottoms. On February 21, 2003, Notices of Violation were issued for violations discovered during the December 2002 inspections.

In January 2003, the Regional Board Executive Officer issued a Cleanup or Abatement Order (Cleanup Order) for the Goldie Lane Property. The Cleanup Order required the Discharger implement erosion control measures to stabilize eroding hillsides and to stabilize on site access roads. In February 2003, the Executive Officer issued an Administrative Civil Liability Complaint (Complaint) for the Kelegian Ranch Property. The Complaint hearing was deferred to clarify appropriate discharge prohibitions. The Complaint was based on General Permit. Since the site is agricultural, it is exempt from General Permit requirements. Therefore, the Complaint was withdrawn.

In February and March 2003, Regional Board staff inspected the Sites. Regional Board staff observed widespread erosion of the cleared hillsides. The erosion resulted in sediment discharging to the unnamed "blue line" creeks tributary to the Huerhuero Creek. Sediment from the site buried sections of the creek bottom. Staff determined (with legal counsel guidance) that appropriate enforcement action required issuance of Cleanup or Abatement Orders. In August 2003, the Executive Officer issued Cleanup or Abatement Orders for the Sites (Attachment 3 and 4). The Cleanup Orders require the Dischargers develop and implement erosion and sediment control plans to minimize sediment discharges to waters of the State prior to the rainy season.

The Dischargers submitted plans to address erosion and sediment control issues in response to the Cleanup Orders. Regional Board staff, along with Dischargers' representatives visited the Goldie Lane

Property on August 19, 2003, and the Kelegian Ranch Property on September 19, 2003. Both sites were in good condition with widespread established vegetation. Regional Board staff discussed minor areas of concern with the Dischargers' representatives. The Dischargers are addressing the areas of concern.

On August 18, 2003 and August 27, 2003, the Executive Officer received letters (Attachment 3 and 4) from Sarah Christie (local citizen) regarding the Goldie Land Property. Ms. Christie's concerns include that the site is a construction site subject to General Permit coverage because the owner has applied to the County to subdivide the property. Ms. Christie contends that the property owner should be punished for past violations, and that the owner is trying to circumvent the law by indicating the project is agricultural. The property owner's subdivision application is a request to subdivide a 635-acre site into four parcels. We have no evidence to date indicating the project is a construction site subject to NPDES permit coverage. The property owner has indicated that site vegetation removal was in preparation for olive tree planting.

Regional Board staff believes the sites pose a significant water quality threat. The Cleanup Orders require the property owners to implement measures to minimize or eliminate the water quality threats. Regional Board staff is working with site representatives to ensure proper pollution prevention measures are in place prior to the upcoming rainy season. If the site owner does not take adequate pollution prevention measures, further enforcement actions can be taken. In response to Ms. Christie's letters, Regional Board staff wrote two letters (Attachment 6 and 8). Attachment 6 indicates that an update would be provided to the Regional Board at its October 24, 2003 meeting.

RECOMMENDATION

Attached is a table of violations and enforcement actions for information only. The Board may direct staff to initiate additional action as appropriate.

ATTACHMENTS

1. Enforcement Report
2. Glossary of Abbreviations
3. Cleanup or Abatement Order R3-2003-0057
4. Cleanup or Abatement Order R3-2003-0062
5. Concerned citizen letter dated August 18, 2003
6. Regional Board response letter dated August 25, 2003
7. Concerned citizen letter dated August 27, 2003
8. Regional Board response letter dated September 18, 2003

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Los Osos Wastewater Project [Sorrel Marks
805/549-3695]

Following is a brief summary of issues relating to the Los Osos wastewater project since the last update provided in March 21, 2003 Executive Officer's Report

On June 16, 2003, the State Board denied Cal Cities Water Company's petition of the WDR Order adopted by the Regional Board for the Los Osos Wastewater Project. Cal Cities subsequently filed a writ of mandate in Superior Court and staff is working with legal counsels representing the Regional Board, Attorney General and Los Osos CSD to address the litigation. The 10,000+ page record (supporting documentation) has been assembled by staff and is currently being reviewed for completeness.

On July 24, 2003, San Luis Obispo County Planning Commission unanimously approved the Coastal Development Plan/Permit for the wastewater project. Planning Commission approval was appealed to the County Board of Supervisors, which also unanimously upheld permit approval (denied appeal) on October 21, 2003. Regional Board staff participated in both public hearings (Planning Commission and Board of Supervisors) by making powerpoint presentations and addressing questions. Project opponents can appeal the County Board of Supervisor's decision to the California Coastal Commission. In the meantime, wastewater project design work is proceeding and the CSD has submitted its 50% design documents. Barring unforeseen delays, construction on the project is expected to begin by the Summer of 2004.

During the past several months, staff have responded to over 200 postcards from Los Osos residents requesting that the project be postponed to allow for additional alternatives study. Sample of response letter to the post cards is included as **EO Report Attachment No. 3**. Staff has also

responded to multiple requests for public records and information from Los Osos resident Mr. Budd Sanford. Most recent response letter is included as **EO Report Attachment No. 4**. The Quarterly Status Report submitted by the CSD is included at **EO Report Attachment No. 5**.

Kelegian Ranch/Goldie Lane Properties [Donette
Dunaway 805/549-3698]

At its October 24, 2003 meeting, the Regional Board received a written staff report and was presented with additional information from Sarah Christie, a concerned citizen, regarding the Goldie Lane property (40 acres) and Kelegian Ranch property (199 acres) (Sites). In August 2003, the Executive Officer issued Cleanup or Abatement Orders for both of the Sites. The Cleanup Orders were based on Porter Cologne violations. The Cleanup Orders required the Dischargers to develop and implement erosion and sediment control plans to minimize sediment discharges to waters of the State prior to the rainy season. Regional Board staff, along with Dischargers' representatives visited the Goldie Lane Property on August 19, 2003, and the Kelegian Ranch Property on September 19, 2003. Both sites were in good condition with widespread established vegetation. Regional Board staff discussed minor areas of concern with the Dischargers' representatives. The Dischargers stated in an October 14, 2003 letter, that the minor areas of concern would be hand seeded prior to the "next rain".

Staff continues working with the property owners, their consultants, County officials, and concerned citizens to gather facts about the sites, including whether or not the trees have been ordered. In particular, information is being gathered to clarify permit approvals and activity scheduling related to agricultural and construction practices. Regional Boars staff intends to present all the facts and enforcement options to the Regional Board at its February 6, 2004 meeting, in San Luis Obispo. In the meantime, staff will continue working with the owners, County officials, and interested public to ensure that erosion and sedimentation concerns are adequately managed.

Regional Board members and Executive Officer Roger Briggs entered into discussion of proposed incremental effluent salts limits (a specified increment above water supply concentration) and conclusions of the Dischargers' hydrogeologic study.

Mr. Briggs suggested consideration of effluent salts limits increased by 20% above the incremental limits currently in place (based upon three-year average).

The increased salts limits would have the benefit of: a) allowing the discharger to operate within specified limits providing salts minimization efforts are continued; b) providing incentive to continue salts minimization limits; and c) providing for a conservative approach (limiting salts loading) in the event salts discharged eventually migrate into ground water.

MOTION: Daniel Press moved to adopt the proposed Order Nos. 2003-0004 and 0005 with the modified findings described in the supplemental staff report and Effluent TDS, Sodium and Chloride limits increased by 20% above those specified in the agenda package. **SECONDED** by Donald Villeneuve. **CARRIED** - (7-1) John Hayashi voted no.

21. **City of San Luis Obispo Reclamation Facility**, San Luis Obispo County Order No. 2003-081 [Scott Phillips 805/549-3550]

Following brief discussion the Board adopted the Order.

MOTION: Les Bowker moved to adopt Order No. 2003-081. **SECONDED** by Daniel Press. **CARRIED** – Unanimously (8-0)

22. **Fiero Lane Water Company**, San Luis Obispo County Order No. 2003-039 [Scott Phillips 805/549-3550]

DRAFT

Following brief discussion the Board adopted the Order.

MOTION: Gary Shallcross moved to adopt Order No. 2003-039. **SECONDED** by Russell Jeffries. **CARRIED** – Unanimously (8-0)

23. **Enforcement Report** Status Report

Sarah Christie, ECOSLO/Sierra Club/Creston resident, raised concerns about Regional Board staff's decision to rescind an Administrative Civil Liability Complaint for the Kelegian property for earthwork that caused excessive sediment deposition to Huer Huero Creek tributaries. The owners should have been held accountable for poor land management practices that resulted in excessive sediment pollution. Ms. Christie also provided information that the property is a bona fide construction site, and not an agriculture property as the property owners claimed. As such, the property should have remained subject to the General Construction Storm Water Permit, and should be held to the standards of the Permit.

Joy Fitzhugh, San Luis Obispo Farm Bureau, also expressed concern that quasi-agriculturalists were using agriculture grading exemption ordinances for non-agricultural purposes, in an effort to escape the General Construction Storm Water Permit requirements.

Following a brief discussion, the Board instructed staff to investigate the facts of the Kelegian property case and determine whether or not the site is a construction site. Following that determination, the Regional Board asked that staff make an appropriate enforcement recommendation. Additionally, the Regional Board asked for legal guidance regarding enforcement on sites that do not fall in the General Construction Storm Water Permit category.

DRAFT

December 12, 2003

Mr. Roger Briggs
Regional Water Quality Control Board
895 Aerovista, Suite 101
San Luis Obispo, Ca. 93401

Re: Kelegian Property, Santa Margarita

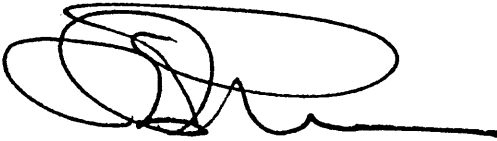
Dear Roger:

This is in response to your letter dated November 26, 2003, requesting information relating to the intended agricultural use of this property. There is currently a cattle grazing lease in place and approximately 40 head of cattle are on the ranch. The lessee installed significant fencing to support this operation.

Thank you for this opportunity to respond to your concerns. Please contact us if you have any questions.

Sincerely;

eda - design professionals



Jeffrey J. Emrick, P.E., AIA

encl

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February 4, 2004

Mr. Roger Briggs
Regional Water Quality Control Board
895 Aerovista, Suite 101
San Luis Obispo, Ca. 93401

**Re: Kelegian Ranch, Santa Margarita - Response to Staff Report for February 6,
2004 RWQCB Meeting**

Dear Roger:


This is to express our concerns with certain portions of the staff report for this meeting regarding this project. Our concerns are as follows:

1. There is no report or olive tree consultant currently working on this property. This is a confusion with another site.
2. There is not now or in the past any proposal for home construction on this site. Clearing of the site in conformance with USDA Natural Resource Conservation Service guidelines occurred to establish an agricultural operation on the property. The property has been fenced and is currently being leased for cattle grazing.
3. A minor amount of sediment has washed into the Huer Huero Creek from a pre existing road on the property and not as a result of the clearing operations. The section of the road in question was repaired and substantially fortified with erosion control measures in coordination with RWQCB staff.
4. Although the clearing operations are exempt from NPDES requirements as agricultural operations, the owner chose to implement a SWPPP and file an NOI in the spirit of cooperation with RWQCB staff.

Thank you for this opportunity to voice our concerns. Please contact us if you have any questions.

Sincerely;

eda - design professionals



Jeffrey J. Emrick, P.E., AIA

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August 5, 2004

Mr. Bruce Paine
Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, Ca. 93401

Re: ACLC R3-2004-0125, Kelegian Ranch, Creston

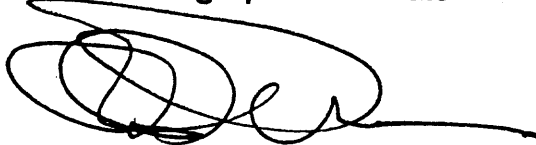
Dear Bruce:

This is to inform you that should it be necessary for the Regional Board to conduct a hearing on this matter, I will not be available on September 10, 2004, due to prior commitments. Since I have been the primary contact and inspector on this project, my absence would preclude the property owner from presenting a defense to the complaint. As you may recall, the Board directed staff to schedule any complaint on this property for their July 2004, meeting.

Please contact me if you have any questions.

Sincerely;

eda - design professionals



Jeffrey J. Emrick, P.E., AIA

cc Haig Kelegian
Mike Ryan, Supervisor
William Walters, esq.
Bill Lockyer, State Attorney General

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