



California Regional Water Quality Control Board Central Coast Region



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

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February 21, 2003

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

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.

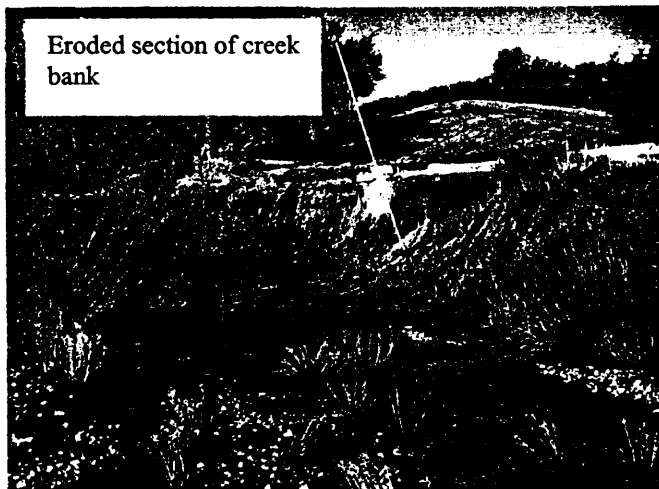


Photo 1 – Sediment flowed into Huerhuero Creek.



Photo 2 – Sediment overtopping check dam.

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Kelegian ACL
July 8, 2005 Meeting
Attachment No. 4

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.

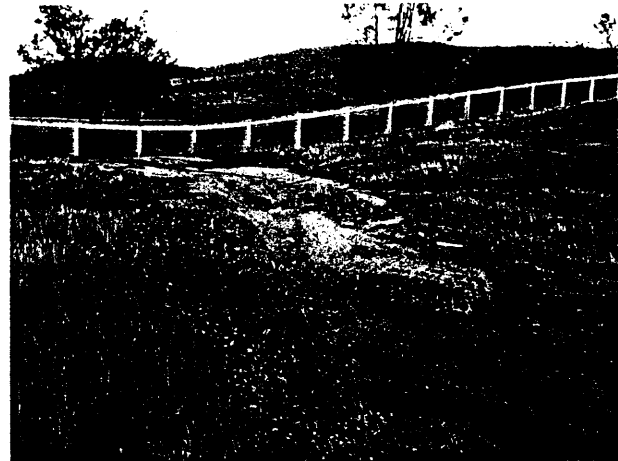


Photo 4 – Sediment overwhelmed hay bale check dam.

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,

Roger W. Briggs
Roger W. Briggs
Executive Officer

California Environmental Protection Agency



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