

## CUSD EROSION CONTROL ISSUES

### Areas of Concern:

- steep slope areas,
- northern and western property boundaries,
- inlets leading to road/creek/wetland areas,
- concrete brow ditch outlets,
- dirt brow ditches,
- driveway and driveway entrance areas,
- soil stockpiles.

### Recommended Temporary Measures:

- Apply overhead water (sprinklers) to compact and increase soil cohesion on slopes
- Install straw wattles at maximum 10 foot intervals on slopes
- Apply hydraulic mulch (wood or straw mix) to slopes-this may need 2 applications depending on rainfall amounts, or apply grass and clover portion of native hydroseed mix
- Apply soil binders or install matting or plastic over soil stockpile areas
- Install silt fence and haybale barrier along Main St. and northern property line, and around soil stockpile areas
- Improve inlet protection measures by installing more gravel bags, check dams, filter bags
- Install some kind of liner to protect dirt brow ditches
- Schedule daily site checks during rain events, including rained-out work days and weekends
- Have rapid response plans and erosion control materials stockpiles ready in case soil loss occurs

Sequence of Events and Potential Consequences if Sediment Loss Occurs

- 1) Environmental Monitor notifies CUSD and SLO County that material has left the site and entered surrounding waterways.
- 2) SLO County notifies Department of Fish & Game (DFG) about the illegal material discharge. DFG visits the site to assess the situation. If warranted, the unauthorized discharge could result in a criminal action filed by the DFG with the SLO County District Attorneys office. This could result in a court case being filed by the DA.
- 3) DFG then issues an Enforcement Letter, which is sent to the Army Corps of Engineers (ACOE) and the Regional Water Quality Control Board (RWQCB) about the unauthorized fill within jurisdictional waters. DFG could issue a stop work order at this time as part of the Enforcement Letter, work could not continue until the situation is remedied to the satisfaction of all jurisdiction agencies.
- 4) ACOE would then notify the Environmental Protection Agency (EPA) about the illegal discharge. At this time, both the ACOE and EPA could pursue separate enforcement actions.
  - a) Under the ACOE enforcement action, ACOE would require a Nation-wide Permit #32, Completed Enforcement Action, which requires that the impacts resulting from the illegal discharge be fully mitigated. This would consist of the ACOE requiring concurrence with the federal Coastal Zone Management Act, which would result in the issuance of a Coastal Zone Management Act Consistency Concurrence or Waiver before the ACOE could issue the permit.
  - b) At the same, the EPA could pursue their own enforcement action due to the take of endangered species habitat and/or species resulting from the unauthorized fill (Santa Rosa Creek is known habitat for several listed species under the ESA). EPA can issue a stop work order if work continues without the situation having been remedied; this could result in fines of up to \$100K and 1 year in jail for responsible parties.
- 5) Personal injury or property damage lawsuits could also be filed in association with sediment loss from the site.