

ITEM: 21

SUBJECT: Mission Sierra Land, LP, Ridgestone Villas Development, Shasta County

BOARD ACTION: *Consideration of Administrative Civil Liability Order*

BACKGROUND: Mission Sierra Land, LP (hereafter Discharger) is the owner and developer of an approximately 2.37-acre construction project known as Ridgestone Villas. The site is located at 870 Mission Sierra Court, in the City of Redding, Shasta County. The small site has steep slopes along the northern and eastern boundaries, exceeding 30 percent. The site is being developed into duplexes and fourplexes. Storm water runoff from the site discharges to Wentz Creek, tributary to Churn Creek and the Sacramento River. Churn Creek and the Sacramento River immediately downstream support spawning salmonids.

The complaint alleges that on 10 October 2007, Regional Water Board staff observed numerous violations of the Construction Storm Water General Permit including the discharge of concrete wastewater to functioning on-site storm drains that were actively discharging to water of the state and a failure to provide an effective combination of erosion and sediment controls on all disturbed soils. On 8 November 2007 Regional Water Board staff issued a Notice of Violation to the Discharger for violations of the Construction Storm Water General Permit. On 28 July 2008 the Assistant Executive Officer issued an Administrative Civil liability Complaint proposing the Discharger pay \$10,000 to the State's Cleanup and Abatement Account for violating the Construction Storm Water General Permit.

ISSUES: The complaint alleges that the Discharger violated the Construction Storm Water General Permit by failing to implement appropriate Best Management Practices (BMPs) in October 2007 prior to and during rain events, failed to train contractors and/or employees regarding inspections and maintenance of BMPs, and discharged storm water causing or threatening to cause pollution, contamination, or nuisance. The issues are did the Discharger implement adequate soil erosion controls or sediment containment/treatment BMPs? Did the Discharger implement waste control BMPs as proposed in their Storm Water Pollution Prevention Plan on the site?

The Prosecution team asserts that the Discharger failed to implement BMPs specifically proposed in the Storm Water Pollution Prevention Plan. This failure resulted in violations of the Construction Storm Water General Permit and the discharge of concrete wastewater to on-site storm drains that discharge to waters of the state.

RECOMMENDATION

Prosecution staff recommends that the Regional Water Board adopt a \$10,000 administrative Civil Liability Order for Mission Sierra Land, LP for violation of the Construction Storm Water General Permit. The Board's advisors will provide a recommendation after the Board has heard all the evidence.

Mgmt. Review _____
Legal Review ___PEP___

23/24 October 2008

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