



# California Regional Water Quality Control Board Central Coast Region

File



**Winston H. Hickox**  
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November 25, 2002

405  
WWD 1319350

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 November 8 and 14, 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.

The Storm Water Pollution Prevention Plan (SWPPP) for your site outlines erosion and sediment controls. We were assured by Dave Williams of your staff and by staff of EDA Design Professionals that erosion and sediment control would be in place prior to the first rain of the season as outlined in the SWPPP. However, no erosion control and minimal sediment control were in place after the first rains. Failure to implement 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, 3, 4). No sediment or erosion control was in place to prevent sediment on the hillsides and from flowing into the Huerhuero Creek.

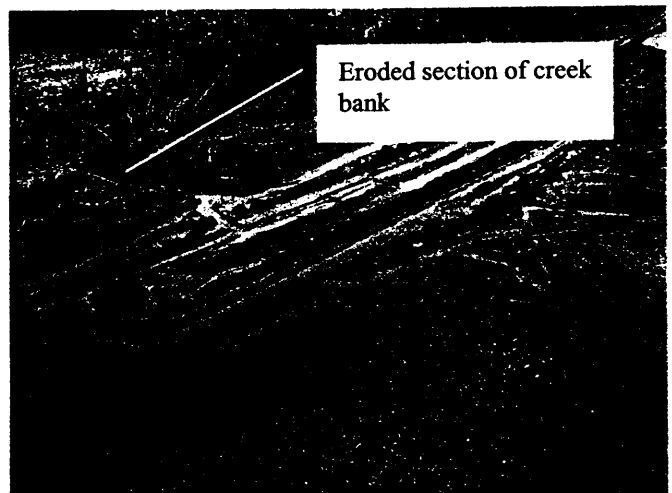
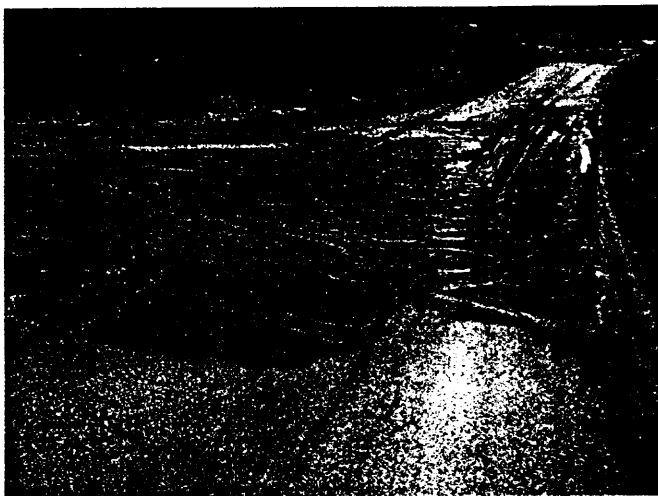


Photo 1 – Sediment flowed across road into Huerhuero Creek. Photo 2 – Sediment on road flowing into Huerhuero Creek.

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Kelegian ACL  
July 8, 2005 Meeting  
Attachment No. 3

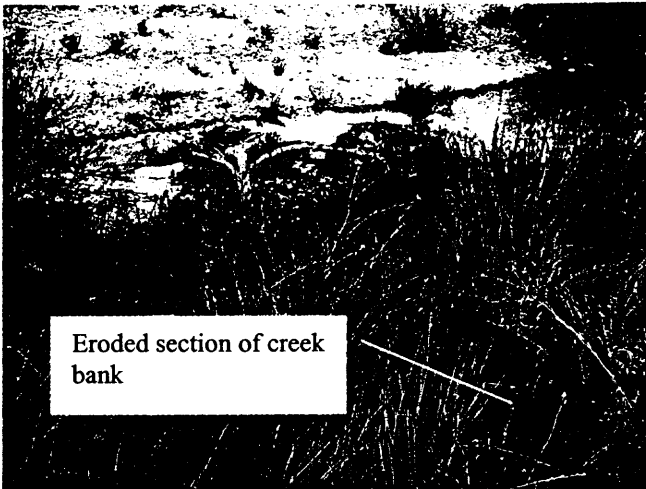


Photo 3 – Sediment and water from site in creek.



Photo 4 – View from within the creek.

Widespread gully erosion resulted in sediment discharge into the unnamed tributary to the Huerhuero Creek (Photos 5, 6). Some sediment control measures appeared to have been installed after the first rain event within the tributary creek (Photo 7). However, 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 5 – Gully erosion from hillside.



Photo 6 – Sediment flowed around check dam.

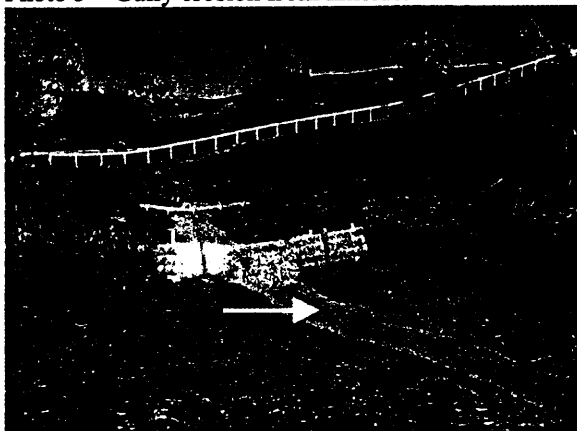


Photo 7 – Sediment in creek is lighter than surrounding soil.



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.

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.

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) 542-4642 or Jennifer Bitting at (805) 549-3334.

Sincerely,



**FOL:** Roger W. Briggs  
Executive Officer

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

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