



California Regional Water Quality Control Board

Central Coast Region



Alan C. Lloyd, Ph.D.
Agency Secretary

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March 14, 2005

CERTIFIED MAIL 7004135000221990641

Steve Hammack
City of Santa Cruz
Department of Parks and Recreation
323 Church Street
Santa Cruz, CA 95060-3811

NOTICE OF VIOLATION - DELAVEAGA GOLF COURSE, SANTA CRUZ, SANTA CRUZ COUNTY; WDID#344C330064

Mr. Hammack:

On January 12, 2005, Regional Water Quality Control Board (Regional Board) staff met with Mr. Miles Hicks (of the City of Santa Cruz) and inspected De LaVeaga Golf Course in Santa Cruz. The site was in violation of the statewide *National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Runoff Associated with Construction Activities* (Permit).

It was not raining during the inspection, but according to Mr. Hicks, there had been approximately one inch of rain over the previous two days. Regional Board staff asked Mr. Hicks to take her to all construction areas, and he did so. However, since Mr. Hicks had another appointment/commitment that afternoon, staff walked parts of the site again, unescorted.

While it appears some efforts were made to repair silt fencing, install fiber rolls, and protect storm drain inlets, the site was still in violation of Permit requirements. Regional Board staff observed and photographed (see Attachment 1):

- Improperly stored chemicals
- Unprotected storm drain inlets
- Inlet protection and silt fencing in need of maintenance
- Improperly installed fiber roll and silt fencing
- Dewatering discharge without appropriate sediment controls and monitoring
- Unfiltered pond water discharge

During the inspection, Regional Board staff informed Mr. Hicks of the various problems. He said they would be addressed, and spoke to onsite personnel right away.

Staff did not request or review the site's Storm Water Pollution Prevention Plan and amendments, Monitoring and Reporting Program, and inspection logs during the inspection because Regional Board staff expected to receive copies of those documents by January 27, 2005 (as requested in the December 21, 2004 Notice of Violation).

California Environmental Protection Agency



Recycled Paper

Regional Board staff received your January 24, 2005 letter, and has the following comments (text from your letter is italicized):

1. *"I received your letter of December 21, 2004 regarding the DeLaveaga Golf Course Project. The City of Santa Cruz, will, of course, comply with your request for more information about the erosion and sediment control program at the golf course project."*

We received your letter and attachments. However, you failed to submit the following information requested in the December 21, 2004 Notice of Violation:

- SWPPP and Amendments - It appears the site's Storm Water Pollution Prevention Plan was not submitted in its entirety. (Only pages 5, 7, 8 and 17, and a map were received.) Additionally, SWPPP amendments (if any) are not dated and directly attached to the SWPPP, as the Permit requires. While signed certification is now included in the SWPPP, there are still significant deficiencies; perhaps because a complete SWPPP was not submitted. (SWPPP requirements are included in Permit 'Section A'.)
- Monitoring and Reporting Program - A "Monitoring and Reporting Log," and an "Inspection Log" were submitted; however, a copy of the site's monitoring and reporting program was not submitted. (Monitoring and Reporting Program requirements are included in Permit 'Section B'.)

Failure to submit all the information requested in the December 21, 2004 Notice of Violation is a Permit violation; the information is due immediately.

2. *"I am compelled to state, however, that I have been disappointed in the content and tone of the communication between our two agencies relating to this project."*

The Notice of Violation is a form of informal enforcement, commonly used to inform Permitted entities of their violations and potential penalties, and to request additional information.

3. *"The City of Santa Cruz has made every conceivable effort to be responsible stewards of the land at DeLaveaga Golf Course and has devoted considerable time and significant funds to ensure that the project is conducted in accordance with all permit conditions. And yet, the letter of December 21, 2004, signed by Chris Adair, mischaracterizes and exaggerates the problems with the sediment and erosion control observed on December 8, 2004 at the golf course."*

The letter of December 21, 2004 includes factual documentation of Regional Board staff's December 8, 2004 inspection, further documented by site photographs.

4. *"Regional Board staff observed overwhelmed silt fences at Tee Complex 5 and other areas on that occasion. Five inches of rain fell that day following a series of previous rain storms. These sediment control methods are not guaranteed to hold under extreme weather"*



conditions. The City has a maintenance crew at the golf course dedicated to the constant repair of silt fences and other erosion control measures. This crew was working during the inspection and accomplished the repair of the silt fencing. This was not noted in your letter."

In planning, implementing, and maintaining an erosion and sediment control system, it is important to understand the difference between erosion control and sediment control. Erosion control practices protect the soil surface and prevent soil particles from being detached by rainfall or wind. Erosion control treats soil as a resource with value, and works to keep it in place. Sediment control practices trap soil particles after they have been dislodged and moved by wind or water. Sediment controls are generally passive systems that rely on filtering or settling soil particles out of the water or wind that is transporting them. Sediment controls treat soil as a waste product and work to remove it.

While this may have been an unusually extended and/or heavy rain event, failure of sediment controls and resulting discharges are partly attributable to the complete lack of erosion controls on site (despite Permit and project mitigation requirements for such controls). Observed sediment control failures were also partly attributable to the sediment controls' improper installation, need of maintenance, and improper placement/design.

Indeed, Regional Board staff did observe overwhelmed silt fences at Greens Complex 5 and other areas during her three-hour inspection. However, during the inspection Regional Board staff did not see any maintenance person or maintenance crew repairing silt fences or other control measures. Regional Board staff also saw no evidence (such as footprints, tire tracks, repair materials, repair equipment, etc.) to indicate a maintenance crew was repairing or installing silt fence during the inspection. Mr. Bilberry (with Golf Course Builders Int'l, the contractor specified in your recent submittal as "responsible for implementing SWPPP for the project") left the site during the inspection. Additionally, Mr. Hicks did not offer any information about a maintenance crew working during the inspection on December 8, 2004. However, he assured staff that the problems she pointed out during the inspection would be addressed.

5. *"At Tee Complex 5 there were secondary silt fences that were not overwhelmed by rain water. Sedimentation did not extend down into the canyon or into the storm water system. The secondary silt fencing held the runoff from the breach in the first fence. The inspector did not inspect the condition of the secondary silt fencing to determine if the sedimentation had extended into the canyon. Had she done so, she would have verified that very little sediment extended into the canyon and that the majority of sediment was contained on the project site."*

Regional Board staff agrees that some sections of silt fence were not overwhelmed by rain water. However, Regional Board staff has photographs documenting discharge of muddy water off the construction area into the adjacent canyons at several locations from overwhelmed silt fences and undercut silt fences. Greens Complex 5 did have two silt fences in one area; however, they were not effective in removing sediment from the discharge and there was still a discharge of muddy water from this area to the adjacent canyon.



6. *"All the breaches of the silt fencing were repaired. Of 18 tee complexes, this was the only one experiencing any breach of the sediment control methods. Overall, the project has in place very effective BMP's, which have been well maintained throughout the construction period."*

Regional Board staff's inspection report and December 8, 2004 site photographs contradict your claim that there was only one breach of control methods on site during the inspection. Furthermore, during a subsequent site inspection on January 12, 2005, staff identified various problems with onsite practices, including improperly stored chemicals, unprotected storm drain inlets, best management practices in need of maintenance, improperly installed best management practices, dewatering without appropriate sediment controls and monitoring, and discharge of unfiltered pond water. (See photographs in Attachment 1.)

7. *"In your letter of December 21, 2004, the Regional Board staff acknowledged that it did not conduct a thorough review of the site on December 8, 2004."*

In the December 21, 2004 Notice of Violation, Regional Board staff acknowledged that she "...did not do a thorough review of the site's SWPPP to determine if there were additional deficiencies." (SWPPP stands for Storm Water Pollution Prevention Plan.) At the end of the site inspection, staff asked to see the SWPPP and briefly reviewed the document, noting several deficiencies.

Nowhere did the letter state the site was not thoroughly inspected. During the inspection, Regional Board staff asked Mr. Hicks to take her to every construction area on site. He told her that he would do so, and at the end of the inspection said he had done so. Additionally, after your telephone conversation with Chris Adair, during which you claimed staff did not thoroughly inspect the site, staff again confirmed with Mr. Hicks that he had indeed taken her to every construction area at the golf course during the December 8, 2004 inspection.

8. *"Had such a thorough review been conducted, it would have discovered that sediment was contained on the entire project site and was not allowed to drain into the surface water system."*

During the December 8, 2004 inspection, staff thoroughly inspected every construction area on site. In more than one location, muddy water was discharging offsite into canyons and surface drainageways.

9. *"...Further, if a more complete review had been accomplished, Regional Board Staff would have taken the time to review the inspection records available in the Golf Course Superintendent's office."*

The Permit requires Permittees to keep inspection reports and to provide them to Regional Board staff upon request. The letter mentioned the inspection reports simply to identify which documents were or were not reviewed on site during the inspection.



10. *"The City of Santa Cruz acknowledges that, under these very difficult weather conditions, having more erosion control measures in place would have been beneficial. No constructive suggestions regarding new or useful erosion control measures have been offered by the Regional Board staff, but I attach a detailed itemization of corrective actions the City has undertaken to implement the most effective BMP's For the project."*

During Regional Board staff's December 8, 2004 inspection, there were no erosion control measures implemented in the construction areas. Staff agrees that having erosion control measures would have been beneficial in preventing erosion, and would have likely reduced the sediment load on the silt fences. Failure to have an effective combination of erosion and sediment controls implemented on site is a violation of the Permit. During staff's subsequent inspection on January 12, 2005, the site was still in violation of this requirement.

Regional Board staff's job during a site inspection is to determine if the site is in compliance with Permit requirements. Regional Board staff pointed out onsite deficiencies, and discussed common erosion and sediment control measures used at construction sites. However, it is not staff's job to design erosion and sediment controls for the site. The project owner is responsible for implementing an effective combination of erosion and sediment controls.

The Permit states: "Individuals responsible for SWPPP preparation, implementation, and Permit compliance shall be appropriately trained, and the SWPPP shall document all training." The SWPPP reviewed during the December 8, 2004 inspection had no training documentation, and Mr. Hicks said he had never attended any storm water training or erosion and sediment control training. The items you submitted on January 24, 2005 also failed to include training documentation for responsible personnel. Failure to train responsible personnel responsible for SWPPP implementation and revision, and failure to document training are both violations of the Permit.

11. *"The City of Santa Cruz has always intended to work cooperatively with the Regional Water Quality Control Board and its staff to ensure the continued protection of our water quality. It is not necessary to resort to accusatory and punitive language before first taking advantage of our willingness to be a partner in attaining the goals of both of our agencies. I hope the spirit of our communication can be positive and constructive in the future."*

Regional Board staff has given the City every opportunity to comply with Permit requirements. Unfortunately, the City is still not in compliance with the Permit, as evidenced during the January 12, 2005 inspection and failure to submit the information required in the December 21, 2004 Notice of Violation.

Regional Board staff is recommending formal enforcement for Permit violations. To avoid additional potential liability, Regional Board staff strongly recommends you take steps to ensure the site is in full compliance with the Permit, and that all the information requested in the December 21, 2004 Notice of Violation is submitted immediately.



If you have questions regarding this matter, please call Kimberly Gonzalez at (805) 549-3150 or Chris Adair at (805) 549-3761.

Sincerely,



Roger W. Briggs
Executive Officer

Encl: Attachment 1 – January 12, 2005 Photographs

cc: Miles Hicks, De LaVeaga Golf Course, 401 Upper Park Road, Santa Cruz, CA 95060
Scott Monn, Golf Course Builders International, 1109 North Palmetto Circle, Eustis, CL 32726

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Task: Enforcement





California Regional Water Quality Control Board Central Coast Region



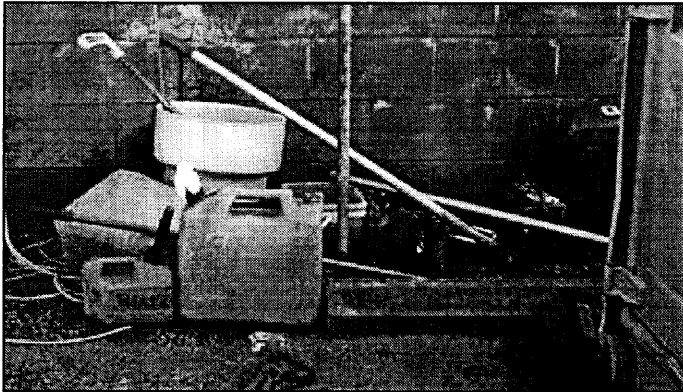
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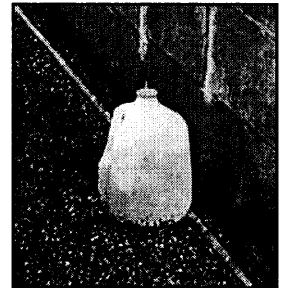
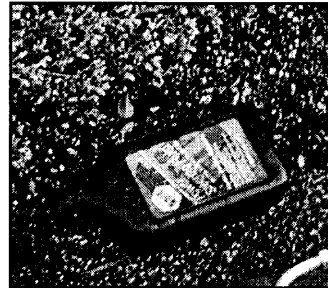
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Attachment 1

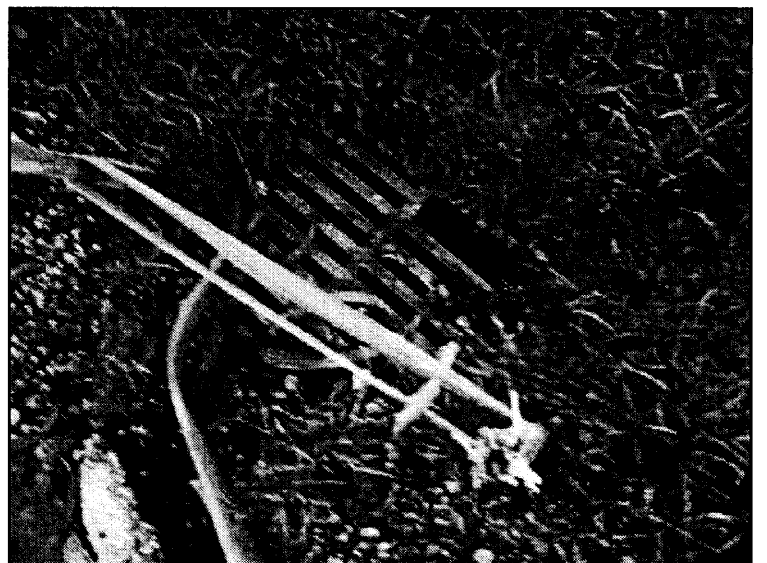
Inspection Photos, De LaVeaga Golf Course, Santa Cruz
January 12, 2005



Above and Right: Containers and battery exposed to rain and runoff in construction trailer area. These items should be in secondary containment.



Below and Below Right: Unprotected storm drain inlets.



California Environmental Protection Agency



Above and Right: Greens Complex 18 drainage inlet protection added since last inspection. However there is still significant erosion on slopes (above) and a hole in the filter fabric (right).

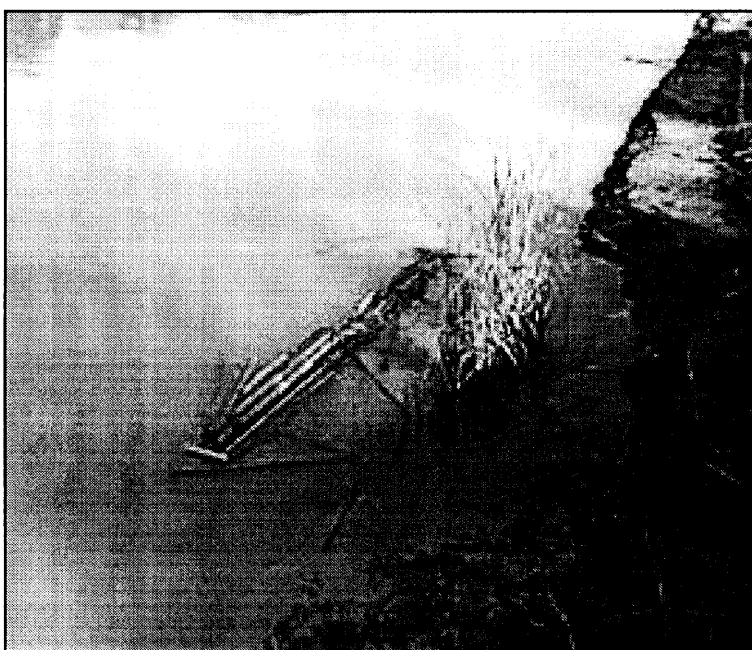


Left: Fiber rolls at Greens Complex 18 not properly staked. Improperly installed fiber rolls are not effective in filtering runoff or slowing it down.





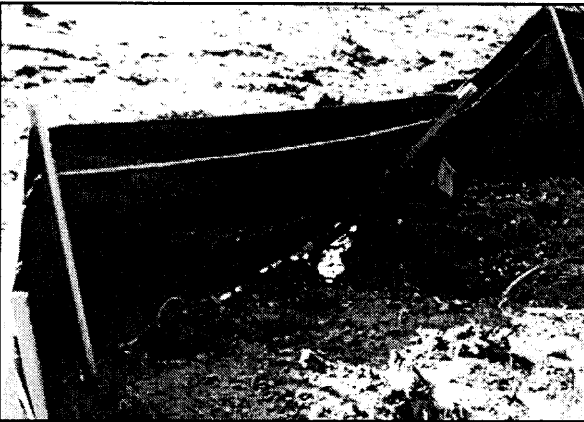
Left and Above: Dewatering (of planter area of clubhouse parking lot) was occurring when staff arrived at the site. Staff is concerned about site dewatering procedures, as person dewatering did not employ any dewatering best management practices, and did not monitor the discharge point before leaving the area. However, when staff observed the discharge point, it appeared water had not yet bypassed sandbags at the parking lot low point.



Left: Pond near Greens Complex 18 discharges to canyons without treatment.

Below: Some construction areas drain to pond. Photo shows muddy water in pond and accumulated sediment below drainage pipe.

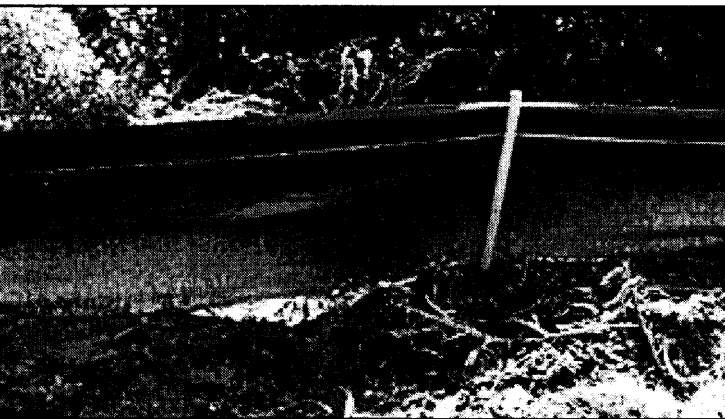
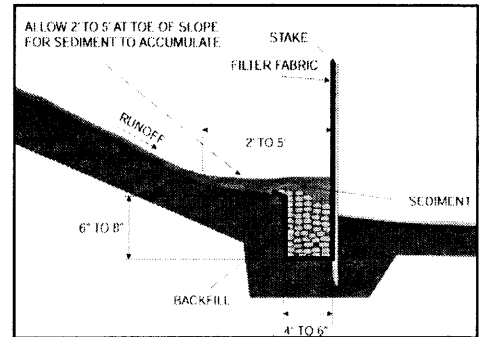




Right: Drawing of proper silt fence installation.

This Page: Onsite silt fences improperly installed. Silt fences are not trenched in at the bottom to prevent runoff from flowing under fences.

Above and Below: Sediment traveled under silt fences to canyons.



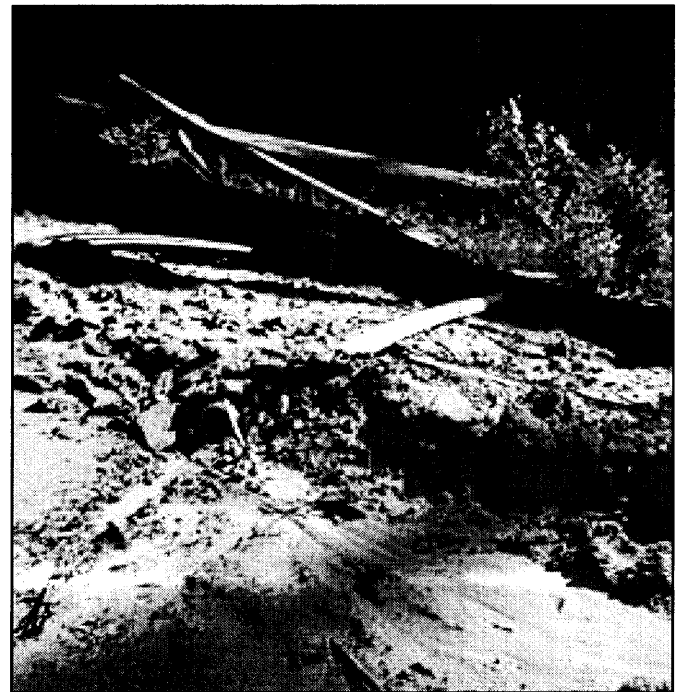


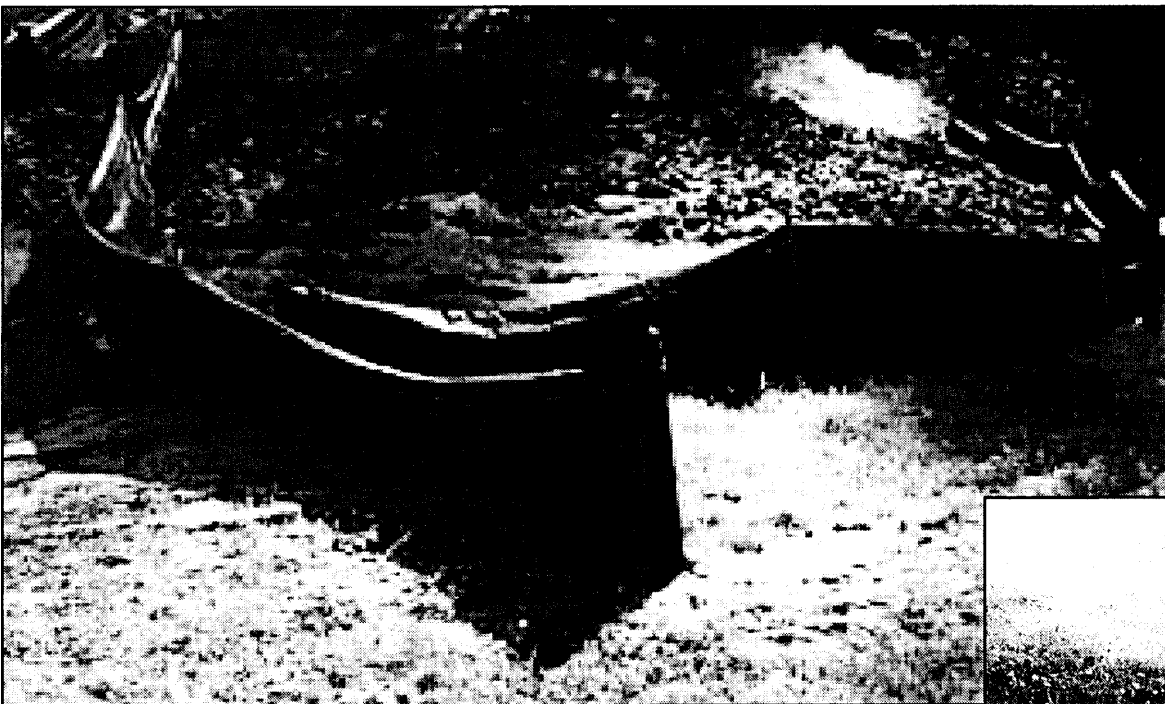
This Page: Silt fences in need of maintenance and/or replacement in various areas of site.





This Page: Pipes through and under silt fences in various locations on site. Such a design does not filter the runoff flowing through pipes, and results in sediment discharge.

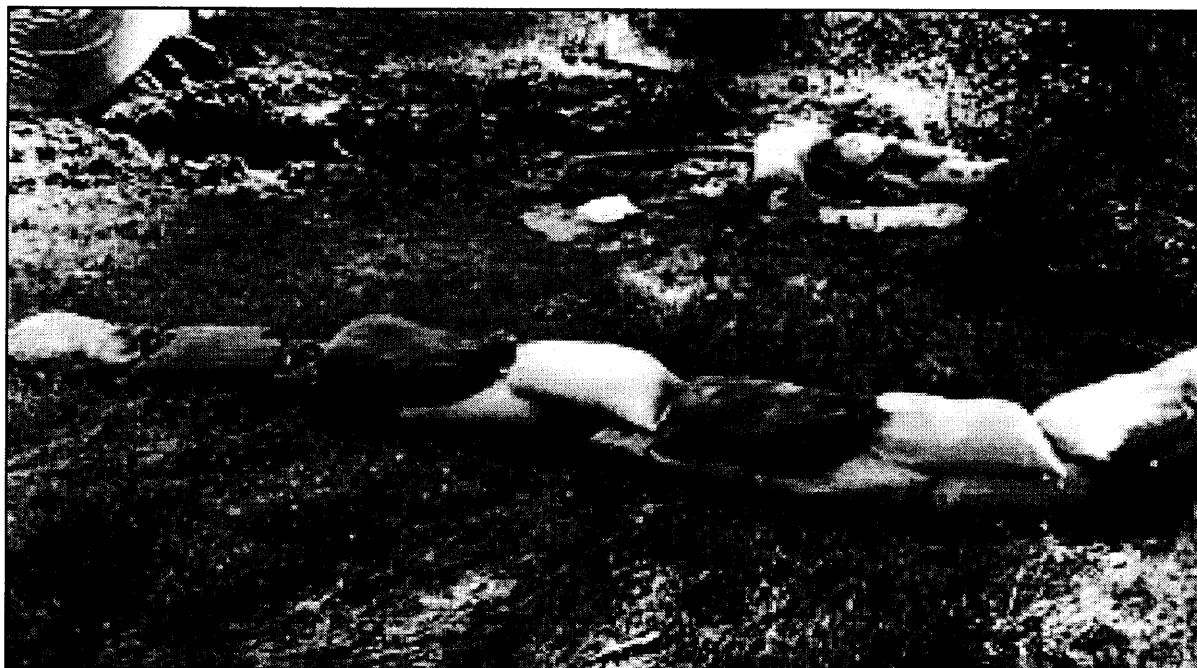




Top Left: Sediment-covered pipe going under/through silt fence in Greens Complex 5.

Top Right: pipe on other side of fence. Sediment in grass is evidence of muddy water discharge from pipe.

Above and Right: Silt fence and sediment deposited behind and around edge of silt fence at Greens Complex 5. Sediment and flattened grass show path of sediment-laden water around silt fence.



Above: Greens Complex 5. Pipes convey runoff between sandbags.



Left: Greens Complex 5 discharge point. Pipe and sandbags at edge of golf course, adjacent to canyon. No sediment controls beyond this point.

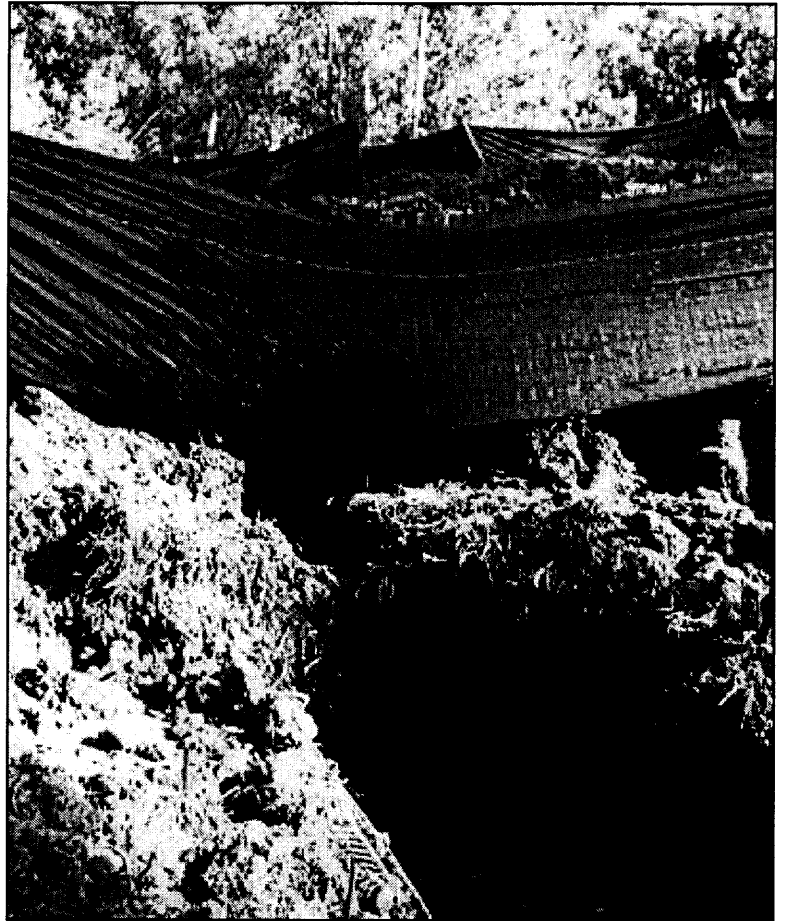


Right and Below: Erosion and sediment deposits in canyon directly below sandbags at Greens Complex 5 discharge point.





Above: Greens Complex 5. Sediment on both sides of silt fences (third silt fence to right is not visible in above photo).



Right: Erosion/trench below third silt fence.

Below: Third silt fence (left side of photo) and erosion/trench with pipe into Greens Complex 5 discharge point.



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