

December 28, 2011

San Francisco Bay Regional Water Quality Control Board  
Attn: Mrs. Laurie Taul  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

**Objection to Proposed Settlement Agreement and Stipulated Administrative Civil Liability - City of Napa, Trancas Crossing Park Project**

Mrs. Taul,

Government agencies often lack the resources to monitor activities that cause irreparable harm to our environment. To compensate for the lack of enforcement resources, agencies depend on citizen complaints. It is imperative that the San Francisco Bay Regional Water Quality Control Board take the complaints seriously, holding polluters and law breakers liable for their actions. Failure to adequately penalize law breakers only promotes future violations and minimizes the significance of the law and its enforcing agencies.

Recently, the Board issued a Notice of Violation and subsequently received an inadequate response from the City of Napa. The Board then issued a letter to Napa's City Manager, Mike Parness, with the subject heading, "Incomplete and Inadequate Response to Notice of Violation and Order for Technical Reports - City of Napa, Trancas Crossing Park Project." In this letter, the Board acknowledged that the City violated numerous permit conditions and laws. These violations include the following:

**Violation of the Construction General Permit and the Order for failure to:**

- 1) Obtain coverage under the Construction General Permit prior to the start of construction;
- 2) Amend and certify the SWPPP and each amendment throughout the various stages of the Project;
- 3) Adequately maintain and document maintenance of BMPs;
- 4) Perform all required qualifying rain event inspections; and
- 5) Perform all required qualifying rain event sampling and analysis.

**Violation of the 401 Certification and the Order for failure to:**

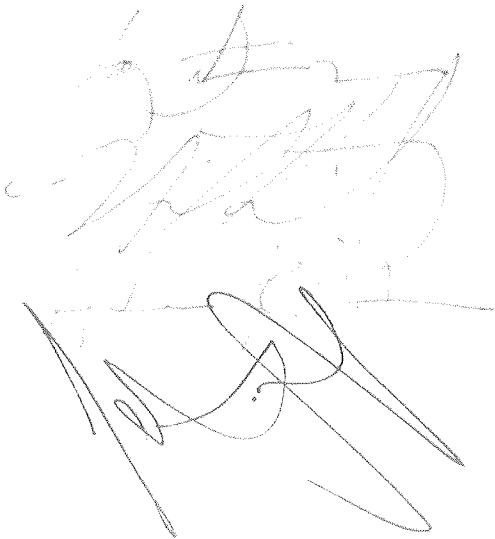
- 1) Document implementation and maintenance of adequate BMPS;
- 2) Keep equipment out of flowing or standing waters;
- 3) Provide a dewatering plan prior to the start of construction;
- 4) Submit the Short Form within 14 days of issuance of the Certification;
- 5) Establish and document upstream and downstream photo-documentation points; and
- 6) Submit the annual monitoring report.

After reviewing the Proposed Settlement Agreement and Stipulated Administrative Civil Liability, it is apparent that the City of Napa is not being held legally liable for any of these

violations, nor is the City being held monetarily responsible for all of these violations. The settlement does not recover the economic benefit derived by the City's violations as required by CWC 13385(e). A substantial penalty needs to be imposed, as the City of Napa has damaged our local waterways and environment by working outside its permitted coverage and by violating many conditions that were necessary to protect our environment. We are requesting that the Board schedule a hearing and not adopt the Order.

Thank you,

Concerned Citizens

The image shows three distinct handwritten signatures in black ink. The top signature is a cursive name that appears to be 'John Smith'. The middle signature is another cursive name, possibly 'Jane Doe'. The bottom signature is a more stylized, looped signature, possibly 'Mark Johnson'. The signatures are written in a fluid, connected style.