



Central Coast Regional Water Quality Control Board

November 30, 2021

Larry W. Anderson
Agent for Service of Process
Anderson Homes
1420 S. Mills Ave., Suite E
Lodi, CA 95242

VIA CERTIFIED MAIL

Certified Mail No. 7020 1810 0002 0767 8605

Craig Barton
Agent for Service of Process
Stonecreek Properties, LLC
1420 S. Mills Ave., Suite E
Lodi, CA 95242

VIA CERTIFIED MAIL

Certified Mail No. 7020 1810 0002 0767 8582

Dear Larry W. Anderson and Craig Barton:

ENFORCEMENT PROGRAM: SANTANA RANCH, SAN BENITO COUNTY – NOTICE OF VIOLATION AND REQUIRED REPORTING FOR FAILURE TO COMPLY WITH THE CONSTRUCTION STORMWATER GENERAL PERMIT, WQID NUMBERS 3 35C379415 AND 3 35C389797

The California Regional Water Quality Control Board (Central Coast Water Board) is a state regulatory agency with the responsibility for protecting the quality of the waters of the state within its area of jurisdiction. The Central Coast Water Board has authority to require submission of information, direct action, establish regulations, levy penalties, and bring legal action when necessary to protect water quality.

Central Coast Water Board staff conducted an inspection of the Santana Ranch construction project, on October 27, 2021, located in San Benito County. Anderson Homes and Stonecreek Properties, LLC (Dischargers) both own land at Santana Ranch and are conducting construction activities. Central Coast Water Board staff also reviewed complainant information and photos of the construction project from October 24-26, 2021. Based on the inspection and information review, Central Coast Water Board staff alleges that the Dischargers are in violation of the General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities

DR. JEAN-PIERRE WOLFF, CHAIR | MATTHEW T. KEELING, EXECUTIVE OFFICER

Order No. 2009-0009-DWQ (General Permit).¹ The Central Coast Water Board requires corrective actions and reporting in response to the identified alleged violations as described in further detail in this letter.

Background

Santana Ranch is a 295-acre project of single-family and multi-family residences being constructed incrementally in phases. The State Water Resources Control Board's (State Water Board) Stormwater Multiple Application and Report Tracking System (SMARTS)² identifies different project owners for different phases of the Santana Ranch construction project. The following table identifies regulated active projects and owners listed in SMARTS that are part of the larger Santana Ranch construction project.

Site Name	Waste Discharge Identification (WDID) No.	Owner	Santana Ranch Phases
Santana Ranch Grading Phases 2456	3 35C379415	Stonecreek Properties, LLC	Phases 2, 4, 5, and 6
Santana Ranch Phase 8 and SDR	3 35C389797	Anderson Homes	Phase 8

On October 26, 2021, Central Coast Water Board staff received information and photos documenting discharge of stormwater laden with sediment and landscaping material onto Fairview Road between Sunnyslope Road and the Cal Fire station, as well as flooding along Fairview Road between Mansfield Road and Santa Ana Valley Road. Sediment and stormwater flows onto Fairview Road originated from the Santana Ranch construction project, including active construction areas, completed housing blocks, open ground, the Linear Basin, and Basin A (see Attachment 1 and Attachment 2 photos). Central Coast Water Board staff conducted an inspection on October 27, 2021.

Central Coast Water Board staff did not examine all phases of the Discharger's project and this letter does not comprehensively describe all deficiencies and/or violations.

¹ State Water Resources Control Board Water Quality [Order No. 2009-0009-DWQ](#), as amended by Order Nos. 2010-0004-DWQ and 2012-0006-DWQ, National Pollutant Discharge Elimination System General Permit No. CAS000002, Waste Discharge Requirements for Dischargers of Storm Water Runoff Associated with Construction and Land Disturbance Activities.

² State Water Board, Stormwater Multiple Application and Report Tracking System ([SMARTS](#)).

ALLEGED VIOLATIONS

Based upon the project inspection and review of photographs from complainants, Central Coast Water Board staff alleges the Dischargers are out of compliance with provisions of the General Permit listed below.

Alleged Violation 1 - Violation of General Permit Attachment C section B.3.b, Risk Level 1 Requirements, for failure to implement good site management (“housekeeping”) measures. WDID No. 3 35C389797.

General Permit Attachment C section B.3.b requires the Dischargers to store and maintain equipment and vehicles in designated areas with appropriate best management practices (BMPs). Central Coast Water Board staff observed off-road heavy equipment staged east of construction area Phase 8. No BMPs were observed under or around the equipment. Anderson Homes is in violation of General Permit Attachment C section B.3.b because it failed to implement good housekeeping practices in the heavy equipment staging area.

Action: Anderson Homes must correct this violation as soon as possible. The violation can be corrected by storing and maintaining equipment and vehicles in designated areas with appropriate BMPs.

Alleged Violation 2 - Violation of General Permit Attachment C section D.2 for failure to provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and open lots. WDID Nos. 3 35C379415 and 3 35C389797.

General Permit Attachment C section D.2 requires the Dischargers to provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and open lots. While erosion and sediment control BMPs were observed on site, several acres of bare disturbed ground were observed along Fairview Road between the Cal Fire property and Basin B (about 2,100 linear feet by about 80 feet wide), in the new community park, on slopes along the Santana Ranch Road northerly extension, and in graded areas north and east of Santana Ranch Road extension (see Attachment 1, photos 16 - 18, and 4 - 8). Failure to provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and open lots in these locations is a violation of General Permit Attachment C section D.2.

Action: The Dischargers must correct this violation as soon as possible. The violation can be corrected by implementing effective soil cover in required areas.

Alleged Violation 3 - Violation of General Permit Attachment C section E.1 for failure to establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site. WDID No. 3 35C389797.

General Permit Attachment C section E.1 requires the Dischargers to establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site. Areas along Hillcrest and Fairview Roads lack perimeter controls and the construction site entrance at Hillcrest and Fairview Roads is not adequately stabilized (see Attachment 1 photos 14 - 16). Failure to establish effective perimeter controls and stabilize this construction site entrance are violations of General Permit Attachment C section E.1.

Action: Anderson Homes must correct this violation as soon as possible. The violation can be corrected by implementing perimeter controls and stabilizing the subject construction site entrance.

Alleged Violation 4 - Violation of General Permit Attachment C section F for failure to effectively manage all run-on, all runoff within the site, and all runoff that discharges off the site. WDID Nos. 3 35C379415 and 3 35C389797.

General Permit Attachment C section F requires the Dischargers to manage all run-on, all runoff within the site, and all runoff that discharges from the site. The aggregate base surface of Hillcrest Road displayed evidence of inadequately controlled sheet flow and concentrated flow, with erosion and transport of aggregate base to the ditch along Fairview Road. Inadequately controlled sheet flow from the community park and surrounding area developed into concentrated flow with runoff discharging wood mulch and sediment to Fairview Road (see Attachment 1 photos). These conditions demonstrate a lack of effective management of run-on and runoff. Failure to effectively manage run-on, runoff within the site, and runoff that discharges from the site are violations of General Permit Attachment C section F.

Action: The Dischargers must correct this violation as soon as possible. The violation can be corrected by implementing controls to effectively manage all run-on, all runoff within the site, and for all runoff that discharges off the site.

REQUIREMENT TO PROVIDE TECHNICAL REPORTS

Pursuant to California Water Code section 13383 and General Permit section IV.G.2, the Discharger must submit the following technical information to the Central Coast Water Board to address the above alleged violations and to provide additional information to inform the Central Coast Water Board's further investigation of the site. The technical information must be uploaded to SMARTS as single electronic files using the instructions below.

Technical Report No. 1: By **January 14, 2022**, submit a technical report describing the actions the Dischargers have taken to correct the violations identified above. This report is needed to ensure the violations are corrected and water quality is protected. Technical Report No. 1 must include the following information:

1. A description of the corrective actions the Dischargers have taken or will take to correct alleged violations 1-4 at all applicable locations throughout the Santana Ranch project site. For violations that have not been corrected, identify the date they will be corrected.
2. Photographic documentation demonstrating implementation of measures that correct alleged violations 1-4, at all applicable locations throughout the Santana Ranch project site.

Technical Report No. 2: In addition to Technical Report No. 1, the Dischargers must also submit a drainage/hydrologic analysis by **January 14, 2022**. The information in this report is required to ensure onsite detention basins meet the General Permit's post-construction stormwater requirements. The Central Coast Water Board needs this information because of potentially excessive stormwater flows originating from: 1) the Linear Basin parallel to Fairview Road and north of Sunnyslope Road, causing flooding, sediment and debris deposition (see Attachment 1 photos) and 2) Basin A, flowing through rural properties north of the active Santana Ranch project and discharging to Fairview Road at least at two locations: a private driveway to a residence at 2357 Fairview Road and at Mansfield Road (see Attachment 2 photos). Technical Report No. 2 must include the following information:

1. A volumetric hydrologic analysis of the entire Santana Ranch development site draining to Basin A, Basin B, and the Linear Basin demonstrating the pre-development and post-development runoff volumes for the 85th percentile storm.
2. An analysis of the entire Santana Ranch development site draining to Basin A, Basin B, and the Linear Basin demonstrating post-project drainage density and time of concentration are equal or greater than pre-project drainage density and time of concentration.
3. For the analyses, provide the following:
 - a. Justification and reference sources for selection of calculation methodologies and reference values used.
 - b. All values used in calculating the flow volumes, including curve numbers, rational coefficients, soil types, land uses, square feet of imperviousness, square feet of perviousness, time of concentration, drainage density, rainfall depths, and rainfall intensities.
 - c. All design calculations (including spreadsheets or other modeling tools and outputs) used for estimating flow volumes, sizing storm drainpipes, and for determining storage volumes within the basins.
 - d. Stage-storage curves for each basin.
 - e. Maps and tables clearly depicting pre- and post-development areas of impervious surfaces and land uses within each sub-watershed used in design of storm drain infrastructure and sizing of the basins.
4. All construction documents used to design and construct stormwater infrastructure showing:
 - a. Clear delineation of sub-watersheds.

- b. Location, elevation information, cross sections, details, and direction of flow of storm drain lines and inlets.
- c. Pre- and post-development final grading elevation contours.
- d. Final grading and storm drain utility plans.
5. All construction documents used to design and construct each of the three basins, the corresponding basin outlet control structures, and the corresponding connections, with elevations, to existing infrastructure.
6. In addition to information addressing the three basins, provide descriptions, locations, and design calculations for all other post-construction stormwater control features, if those features are used to comply with the General Permit post-construction requirements.
7. A description, including design basis and calculations, for enlarging the linear basin during the week of October 17-23, 2021.
8. Photos of each post-construction stormwater control feature, constructed basins, and corresponding inlet and outlet control structures.

Weekly Inspection Reports: Submit weekly construction site inspection reports by close of business each Friday beginning December 3, 2021, and continuing until April 15, 2022. Each weekly inspection report must be composed of the inspection report, photographs, and a key map.

SMARTS SUBMITTAL INSTRUCTIONS

For the technical information required to be submitted, upload documents to SMARTS under the "general attachments" tab. Upload Technical Report Nos. 1 and 2 in SMARTS to both WDID numbers 3 35C379415 and 3 35C389797. For weekly inspection reports, upload separate reports to both WDID numbers 3 35C379415 and 3 35C389797. Do not submit hard copies. If deliverables cannot be uploaded to SMARTS due to file size or type, contact the Central Coast Water Board staff identified below to make alternative arrangements for delivery. Notify Central Coast Water Board staff when uploads have been made. Documents prepared in response to this letter should conform to the following guidelines:

1. Use a size-reduced PDF format for reports, with the date and appropriate title.
2. Base maps should be for the current construction phases with legible street names, a north arrow, a numerical scale and scale bar, the drawing version number, and date. All imbedded map elements should be the same scale throughout the entire drawing.
3. Number all photographs and provide the date they were taken.
4. Include a key map showing photo locations and directions of view for reports with photographs.

ENFORCEMENT AUTHORITY

The alleged violations cited in this letter may subject the Dischargers to enforcement by the Central Coast Water Board for every day the violations continue. The Dischargers must correct the violations as soon as possible. In making a determination of whether and how to proceed with further enforcement action, the Central Coast Water Board will consider the information presented in the required technical reports described above, the time it takes to correct the identified violations, and the adequacy of the corrections and actions taken.

California Water Code section 13385 provides that any person who violates a waste discharge requirement issued pursuant to the Clean Water Act is subject to administrative civil liability for up to \$10,000 per day for each violation. Alternatively, a court may impose civil liability of up to \$25,000 for each day the violation occurs.

The Central Coast Water Board's requirement that the Dischargers submit technical information as described in this letter is made pursuant to section 13383 of the California Water Code. California Water Code section 13385 provides that any person who violates a requirement established pursuant to California Water Code section 13383 is subject to administrative civil liability for up to \$10,000 per day for each violation. Alternatively, a court may impose civil liability of up to \$25,000 for each day the violation occurs.

Any person affected by the Central Coast Water Board's 13383 requirements described herein may petition the State Water Board to review the action in accordance with California Water Code section 13320 and title 23, California Water Code of Regulations, section 2050. The petition must be received by the State Water Board, Office of Chief Council, P.O. Box 100, Sacramento, CA, 95812 within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions may be found on the internet at:

https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml .

Please direct questions or comments pertaining to this compliance assessment letter to Mike Godwin at 805-549-3886 or email to Michael.Godwin@waterboards.ca.gov or Phillip Hammer at (805) 549-3882 or email to Phillip.Hammer@waterboards.ca.gov.

Sincerely,

for Thea S. Tryon
Assistant Executive Officer

Attachments:

Attachment 1 – Photographs from October 25 and 27, 2021

Attachment 2 – Photographs from October 24-26, 2021

cc (with attachments):

Mike Chambliss, San Benito County, mchambliss@cosb.org

Taven Kinison Brown, San Benito County, tkinisonbrown@cosb.us

Michael Grzan, City of Hollister, michael.grzan@hollister.ca.gov

James Anderson, Anderson Homes, janderson@anderson-homes.com

James Anderson, Stonecreek Properties LLC, janderson@anderson-homes.com

Michael Anderson, Anderson Homes, manderson@anderson-homes.com

Michael Anderson, Stonecreek Properties LLC, manderson@stonecreek-properties.com

Gina Waldron, Anderson Homes, gwaldron@stonecreek-properties.com

Harvey Packard, Central Coast Water Board, harvey.packard@waterboards.ca.gov

Phillip Hammer, Central Coast Water Board, phillip.hammer@waterboards.ca.gov

Lucas Sharkey, Central Coast Water Board, lucas.sharkey@waterboards.ca.gov

Mike Godwin, Central Coast Water Board, michaeld.godwin@waterboards.ca.gov

Tamara Anderson, Central Coast Water Board, tamara.anderson@waterboards.ca.gov

Todd Stanley, Central Coast Water Board, todd.stanley@waterboards.ca.gov

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Attachment 1 Santana Ranch

October 25 and 27, 2021

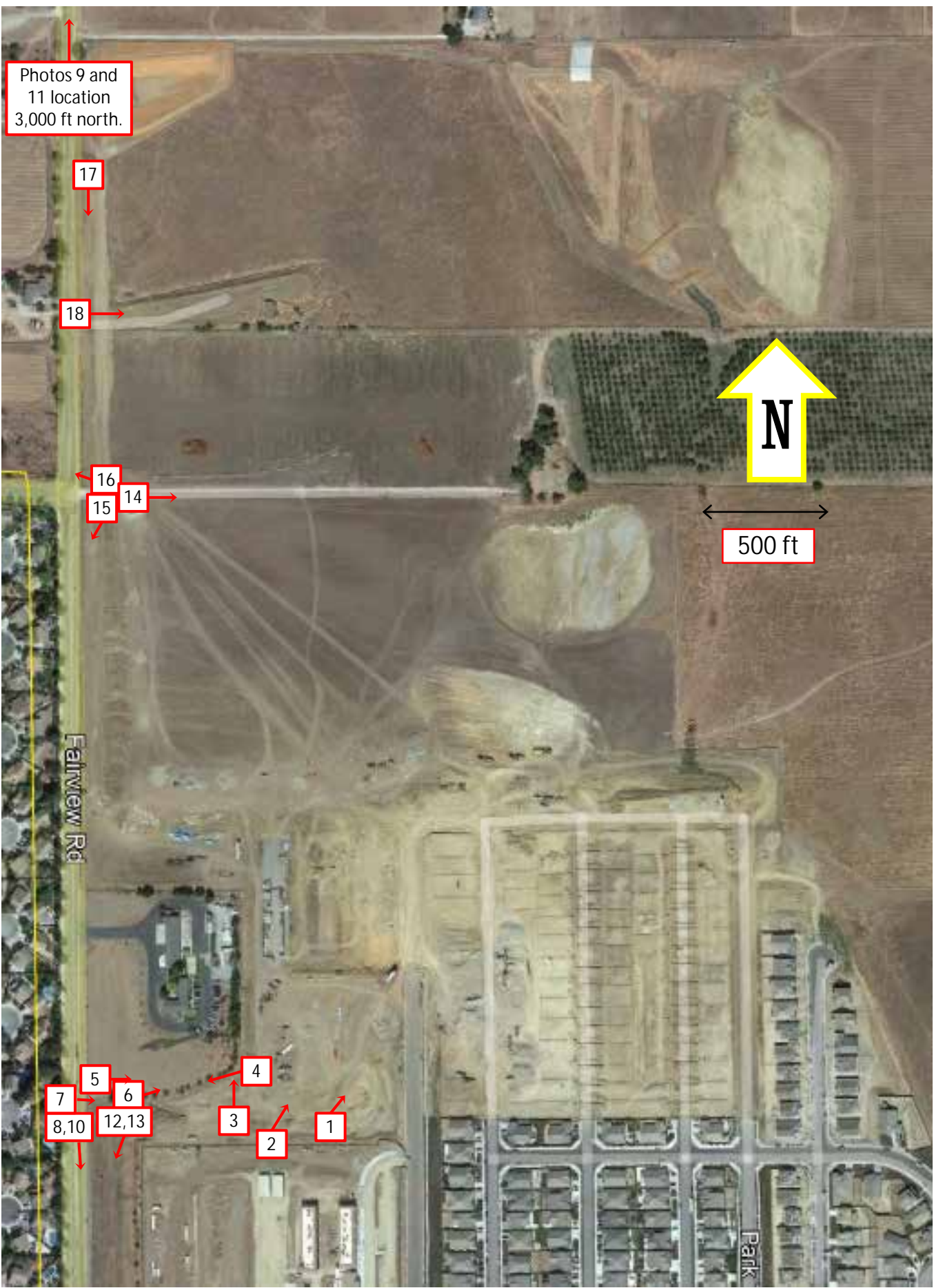


Figure 1. Screen shot from Google Earth, image date 09/25/2020. Numbered boxes on aerial image show locations and directions of view of following photographs.



Photo 1. Community park area near toe of slope from Santana Ranch Rd. (right); note siltation and mulch, clogged drop inlet, and lack of erosion and sediment control BMPs.



Photo 2. Community park area west of basketball court; note evidence of sheet flow across bare ground.



Photo 3. Community park boundary, Cal Fire to left; note sheet flow features across bare ground and concentrated flow occurring at edge strip. 4 to 6-inch hose in photo was used for pneumatic application of wood mulch.



Photo 4.
Concentrated flow leaving park east from Photo 3.



Photo 5. Look east from Fairview Rd., concentrated flow and anastomosing channels formed by discharge from community park and upland areas.



Photo 6. Looking east from Fairview Rd., south of Photo 5. Channelized flow from stormwater discharge from the community park and upland source areas.



Photo 7. Looking east from edge of pavement on Fairview Rd., downstream of photo 6. Lack of erosion and sediment controls.



Photo 8. Looking south on Fairview Rd. near Photo 7 location.



Photo 9. Looking north from edge of pavement on Fairview Rd., 1.1 miles north of the linear basin, half-way between Mansfield Rd (south) and Santa Ana Valley Rd (north). Turbid water discharge from Santana Ranch Basin A and construction site.



10/25/21
1038

Photo 10. Looking south from edge of pavement on Fairview Rd. Turbid water discharge from Santana Ranch construction site. Sediment in lower half of photo is soil surface east of edge of pavement. City attempting to find and clear storm drain feature.



Photo 11. Looking south, edge of pavement on Fairview Rd. at location of Photo 9. Turbid water discharge from Santana Ranch Basin A and construction site.



Photo 12. Looking south from north end of linear basin, Fairview Rd. to right.



Photo 13. Standpipe in linear basin seen in Photo 12. 4.5 ft tall, 16-inch diameter reused slotted steel well casing. Note one of four 3-inch diameter holes cut at base of casing. Clipboard is 14x9 inches.



Photo 14. East extension of Hillcrest Rd. from Fairview Rd., showing evidence of concentrated flow in aggregate base along gutter. Note lack of erosion and sediment control BMPs. Central Coast Water Board staff inspection photo.



Photo 15. Hillcrest Rd. at Fairview Rd., showing sediment accumulation and sedimentary flow structures. Note lack of erosion and sediment control BMPs. Central Coast Water Board staff inspection photo.



Photo 16. Hillcrest Rd. at Fairview Rd., showing sediment accumulation and sedimentary flow structures. Note lack of erosion and sediment control BMPs. Red circle is location of pipe under Fairview Rd. Central Coast Water Board staff inspection photo.



Photo 17. Cleared land east of Fairview Rd. Cleared land stretches from Cal Fire station (approx.) to Basin B, approximately 2,200 feet by about 80 feet wide. Note lack of erosion and sediment control BMPs. Central Coast Water Board staff inspection photo.



Photo 18. Haul road for demolished buildings about 0.25 miles east of Fairview Rd. Note lack of erosion and sediment control BMPs, deep rills and sediment fans. Central Coast Water Board staff inspection photo.

Attachment 2
Stormwater Runoff from
Santana Ranch Basin A to
Adjacent Properties

Rain Event October 24-26, 2021

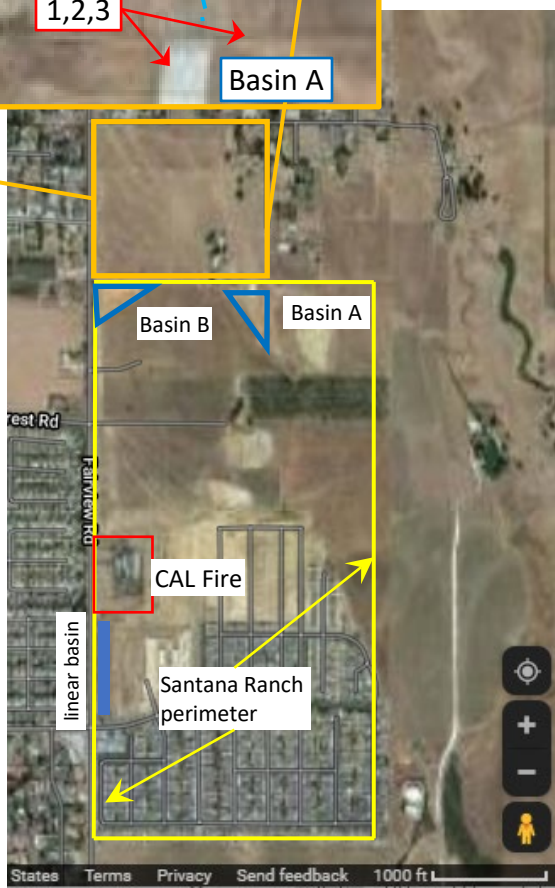
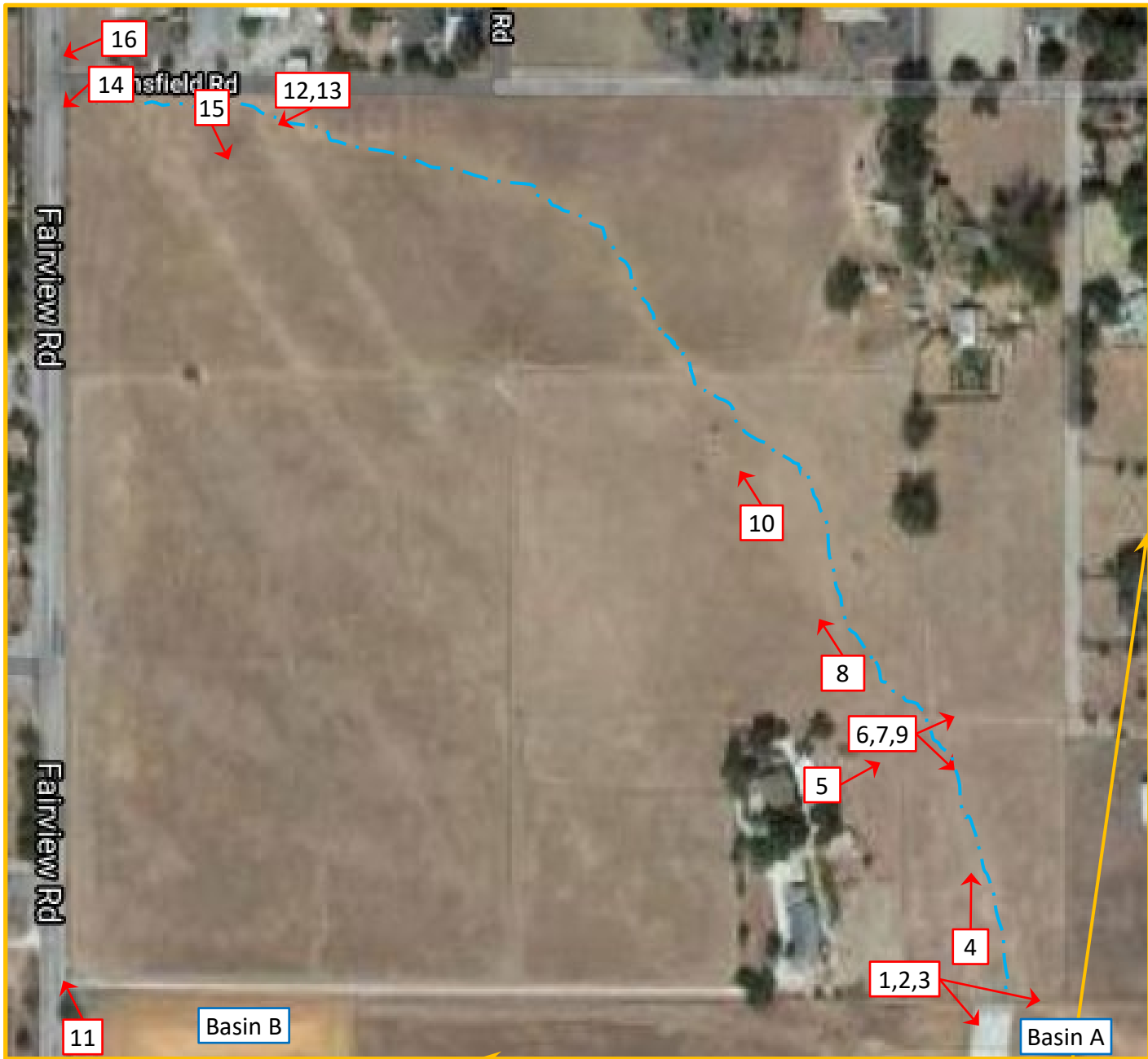


Photo Map

- North to top of page
- Yellow outline is approximate boundary of Santana Ranch project.
- Photo locations approximate.



BASIN A
1



2
LOOKING NORTH FROM BASIN A



3

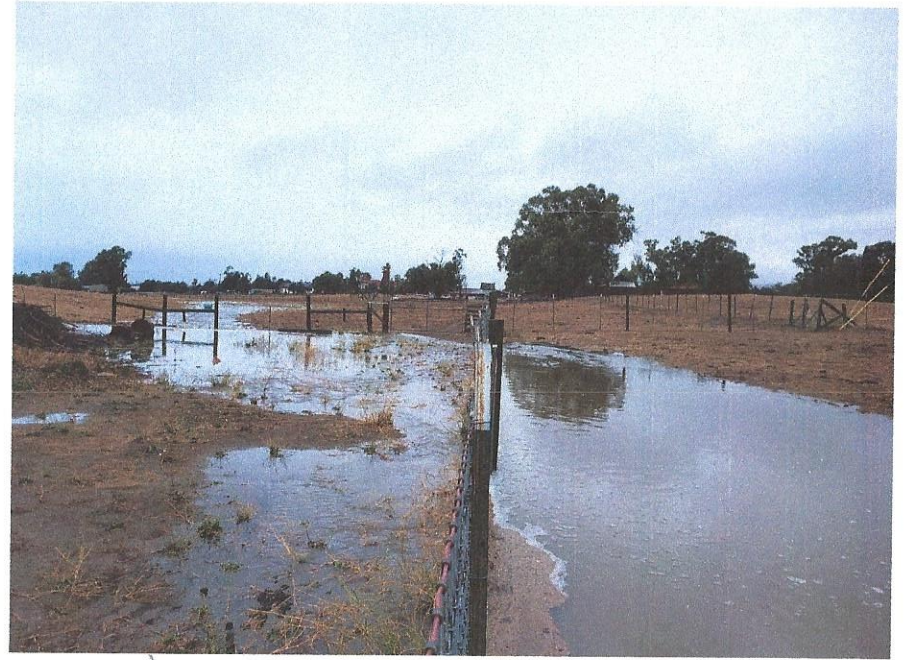


4



5

CROSSING CORNER (NE)



6

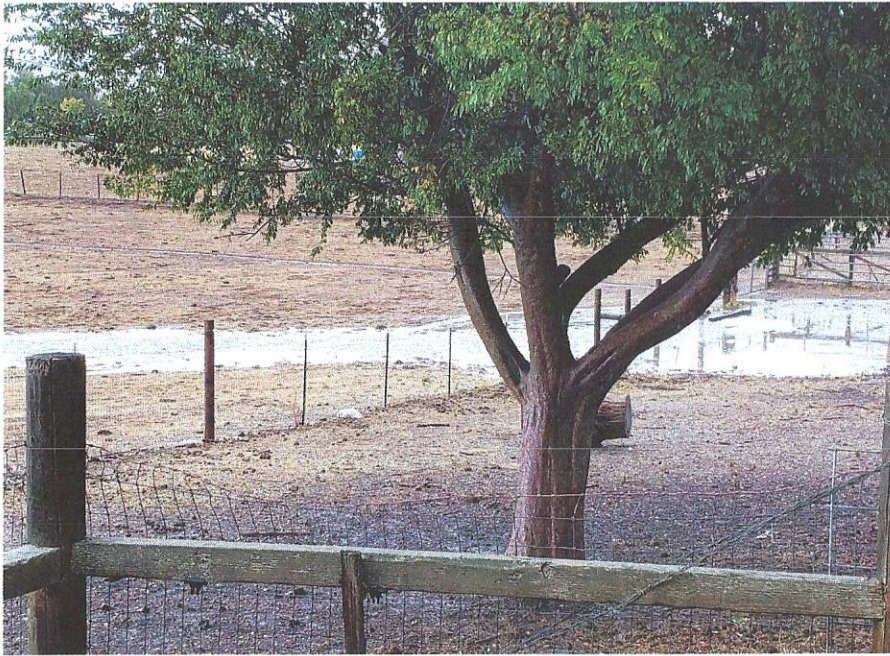
RUNNING NORTH TO MANSFIELD RD



7



8



9

SNYDER

GATE/FAIRVIEW

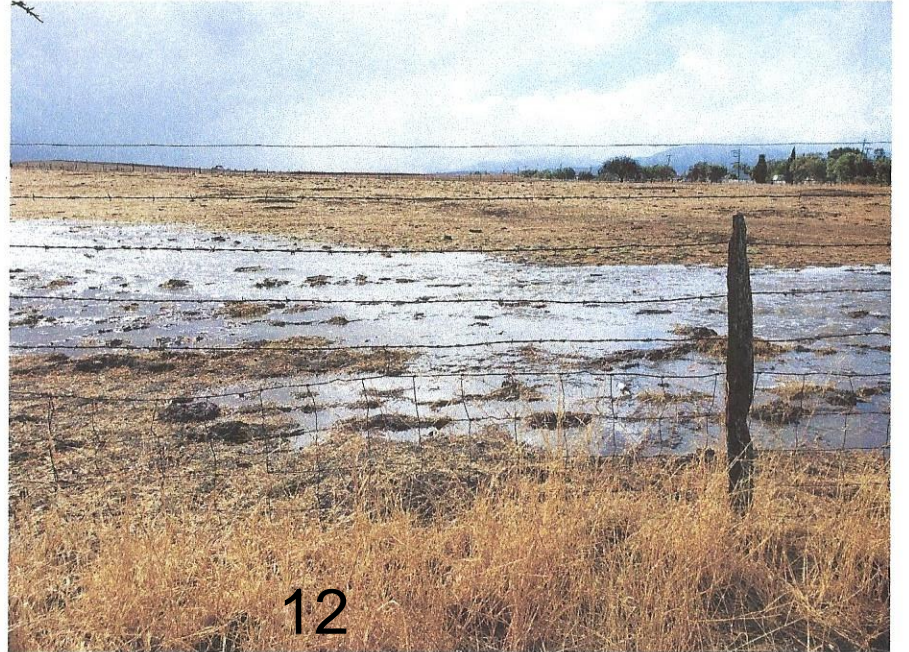


10

LOOKING SOUTH FROM MAUSFIELD RD.



11



12

LOOKING SOUTH FROM MANSFIELD RD.



13

ALONG MANSFIELD RD SNYDER PROP.



15

EDGE
GATE
GAS
LINE



MANSFIELD AND FAIRVIEW RD.



16