



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
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14 March 2005

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NOTICE OF VIOLATION AND REQUEST FOR REPORTS, CHEVREAUX AGGREGATES FACILITY, PLACER AND NEVADA COUNTIES

Chevreaux Family Trust, Chevreaux Aggregates, Inc., Chevreaux Concrete, Inc., and ARP Ranch, Inc. (Discharger) own and operate the Chevreaux Aggregates Facility, which is regulated under Waste Discharge Requirements (WDRs) Order No. RS-2003-0176, a copy of which is enclosed for your information. The provisions of the WDRs require that the Discharger submit certain technical reports. Those reports are required pursuant to Section 13267 of the California Water Code.

As discussed during our 8 March 2005 meeting with Chevreaux's representatives (Mike Fleming and John Dunlap), staff indicated that the following technical reports had not been submitted per staff's 5 November 2004 letter (enclosed) and the provisions of the WDRs:

1. A workplan showing the modifications at the concrete batch plant necessary to contain and treat/dispose/recycle all wastewater to the extent necessary to comply with all Discharge Prohibitions, Specifications, and Limitations of this Order, including the prohibition against the discharge of designated waste. The workplan as required by Provision G.2.c. was due by 15 February 2004. A workplan was received on 15 June 2004, however, because the workplan was unacceptable, the Discharger was required to either submit a workplan for a facility exempt from Title 27 or a request that the concrete batch plant be regulated under the Title 27 program. The workplan was due on 20 December 2004.
2. A workplan describing the interim measures that will be taken to protect the existing washwater settling ponds and the dredge settling pond from washout from floods with a 100-year frequency. The workplan as required by Provision G.2.d. was due by 1 May 2004. However, because the workplan received on 15 June 2004 was unacceptable, the Discharger was required to re-submit the workplan by 15 December 2004.
3. A report documenting that interim flood protection measures have been completed according to the approved workplan. The report as required by Provision G.2.f, was due by 1 November 2004. However, because the report received on 15 June 2004 was unacceptable, the Discharger was required to re-submit the report by 15 December 2004.

4. An Operations and Maintenance (O&M) Plan which included (a) notification procedures and actions to be taken when the wastewater in the ponds fail to meet specified requirements for freeboard, pH, or create a condition of pollution or nuisance, (b) weed abatement measures and vector control practices, (c) a berm inspection and maintenance program, and (d) sampling locations and freeboard measurement locations. This plan shall also describe the procedures that will be implemented during the event of an unauthorized discharge to surface water or surface water drainage courses. The O&M plan as required by Provision G.2.g, was due by 1 November 2004.
5. A report describing whether or not the facility, including the ponds, will be moved to an entirely new location. The report, which was required by Provision G.2.h, was due by 1 December 2004.

The WDRs require that all technical reports be submitted pursuant to Water Code Section 13267. Section 13267 of the California Water Code states, in part:

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

Section 13268 of the California Water Code states, in part:

“(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of Section 13399.2, or falsifying and information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).


(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.”

Due to the failure to submit the required reports pursuant to Section 13267, staff's usual next step is to recommend to management that civil liability (monetary penalties) be assessed. As of 11 March 2005, the maximum liability for the delinquent reports listed above \$483,000 as shown in the enclosed table. However, staff will not recommend that the Executive Officer issue an Administrative Civil

Liability Complaint (ALC) if the work is completed and the delinquent reports are submitted by the dates indicated below.

1. By 15 April 2005, either a workplan as required by Provision G.2.c of the WDRs or a Report of Waste Discharge (RWD) requesting that the concrete batch plant be regulated under the Title 27 program. As discussed during the meeting, instead of a workplan, you may submit a RWD for coverage under the proposed General Waste Discharge Requirements for Temporary Storage and/or Recycling of Designated Waste Liquids in Fully Enclosed Units. This document may found at <http://www.waterboards.ca.gov/centralvalley/tentative/index.html#other>.
2. By 15 April 2005, an O&M Plan as required by Provision G.2.g of the WDRs.
3. By 15 April 2005, a report as required by Provision G.2.h describing whether or not the facility, including the ponds, will be moved to an entirely new location
4. By 1 May 2005, a workplan as required by Provision G.2.d of the WDRs describing the interim measures that will be taken to protect the existing washwater settling ponds and the dredge settling pond from washout from floods with a 100-year frequency. This workplan must address the comments in the staff's 5 November 2004 letter.
5. By 15 June 2005, the report as required by Provision G.2.e of the WDRs showing that washwater system at the concrete batch plant has been modified to comply with the WDRs.
6. By 15 June 2005, the report required by Provision G.2.f of the WDRs documenting that interim flood protection measures have been completed according to the approved workplan.

If any or all of these reports are not received by the above dates, staff will recommend the issuance of an Administrative Civil Liability. If you have any questions, please call me at (916) 464-4732 or Guy Childs at (916) 464-4648.


Mark B. List, R.G., Chief
Waste Discharge to Land Unit

Enclosure: WDRs Order No. R5-2003-0176 and the Standard Provisions
Request for Revised Workplans dated 5 November 2004
Potential Liability Table

cc w/ enc: Martin Hedge, Chevreaux Aggregates, Auburn
Mike Fleming, Western Planning and Engineering, Auburn

cc w/o enc: Brad Banner, Placer County Environmental Health Department, Auburn
John Dunlap, Kahn, Soars and Conway, LLP, Sacramento
Anthony LaBouff, Placer County Counsel, Auburn