

## Stewart, Rebecca@Waterboards

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**From:** Becker, Eric@Waterboards  
**Sent:** Monday, December 22, 2014 1:58 PM  
**To:** Scott Jones; Ghoram, Whitney@Waterboards; Chiu, Wayne@Waterboards; Clemente, Chiara@Waterboards  
**Cc:** Jim Bond; Scott Cordes; Steve Virgo; Rene Flores; dsturgeon@whitsoncm.com  
**Subject:** San Diego Water Board Inspection Report - 6850 Mission Gorge Road Construction (WDID 9 37C368091)  
**Attachments:** 2014-1212 Mission Gorge Apts Inspection Report Final.pdf

All-

Please see attached inspection report from December 12, 2014. A Notice of Violation will follow shortly.

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Storm Water Management  
SDRWQCB  
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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION  
WATERSHED PROTECTION PROGRAM**

**FACILITY INSPECTION REPORT**

**FACILITY:** Mission Gorge Apartments  
**WDID/FILE NO.:** 937C369143

**INSPECTION DATE/TIME:** 12/12/2014; 9:00 am

**REPRESENTATIVE(S) PRESENT DURING INSPECTION:**

NAME: Wayne Chiu

AFFILIATION: San Diego Water Board

NAME: Scott Jones

AFFILIATION: Cobalt Construction

KNR Mission Gorge LLC  
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

7700 Irvine Center Drive, Suite 800  
Irvine, CA 92618  
OWNER MAILING ADDRESS

Kenneth Keefe, 703-864-0471  
OWNER CONTACT NAME AND PHONE #

KNR Mission Gorge LLC  
FACILITY OR DEVELOPER NAME (if different from owner)

6850 Mission Gorge Road  
San Diego, CA 92120  
FACILITY ADDRESS

Same  
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

**APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:**

- |   |   |
|---|---|
| <input type="checkbox"/> MS4 URBAN RUNOFF REQUIREMENTS          | <input type="checkbox"/> GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES  |
| <input checked="" type="checkbox"/> CONSTRUCTION GENERAL PERMIT | <input type="checkbox"/> GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS |
| <input type="checkbox"/> CALTRANS GENERAL PERMIT                | <input type="checkbox"/> SECTION 401 WATER QUALITY CERTIFICATION                      |
| <input type="checkbox"/> INDUSTRIAL GENERAL PERMIT              | <input type="checkbox"/> CWC SECTION 13264  |

**INSPECTION TYPE (Check One):**

- ☐ "A" TYPE COMPLIANCE--COMPREHENSIVE INSPECTION IN WHICH SAMPLES ARE TAKEN. (EPA TYPE S)
- ☒ "B" TYPE COMPLIANCE--A ROUTINE NONSAMPLING INSPECTION. (EPA TYPE C)
- ☐ NONCOMPLIANCE FOLLOW-UP--INSPECTION MADE TO VERIFY CORRECTION OF A PREVIOUSLY IDENTIFIED VIOLATION.
- ☐ ENFORCEMENT FOLLOW-UP--INSPECTION MADE TO VERIFY THAT CONDITIONS OF AN ENFORCEMENT ACTION ARE BEING MET.
- ☐ COMPLAINT--INSPECTION MADE IN RESPONSE TO A COMPLAINT.
- ☐ PRE-REQUIREMENT--INSPECTION MADE TO GATHER INFO. RELATIVE TO PREPARING, MODIFYING, OR RESCINDING REQUIREMENTS.
- ☐ NO EXPOSURE CERTIFICATION (NEC) - VERIFICATION THAT THERE IS NO EXPOSURE OF INDUSTRIAL ACTIVITIES TO STORM WATER.
- ☐ NOTICE OF TERMINATION REQUEST FOR INDUSTRIAL FACILITIES OR CONSTRUCTION SITES - VERIFICATION THAT THE FACILITY OR CONSTRUCTION SITE IS NOT SUBJECT TO PERMIT REQUIREMENTS.
- ☐ COMPLIANCE ASSISTANCE INSPECTION - OUTREACH INSPECTION DUE TO DISCHARGER'S REQUEST FOR COMPLIANCE ASSISTANCE.

**INSPECTION FINDINGS:**

Y WERE VIOLATIONS NOTED DURING THIS INSPECTION? (YES/NO/PENDING SAMPLE RESULTS)

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## I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On February 27, 2014, Whitney Ghoram of the San Diego Water Board inspected the Mission Gorge Apartment construction site for compliance with the requirements of the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP). The San Diego Water Board issued the site a staff enforcement letter via email noting that the site lacked adequate erosion controls, especially on slopes throughout the site.

During a December 12, 2014 storm event, Ms. Ghoram observed a discharge of sediment-laden storm water from the site to the City of San Diego municipal separate storm sewer system (MS4) on Mission Gorge Road (See Photos 1 and 2). Wayne Chiu of the San Diego Water Board performed a follow up inspection of the Mission Gorge Apartments construction site for compliance with the requirements CGP to determine whether the discharge of sediment-laden storm water from the site was an authorized.. According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is a Risk Level 1 construction site, disturbing over 10 acres, and owned being developed by KNR Mission Gorge LLC.

The San Diego Water Board inspector met with and accompanied by Mr. Scott Jones of Cobalt Construction, the project manager, during the inspection. The San Diego Water Board inspector did not review the SWPPP or other records during the inspection. The findings in this inspection report are based only on whether the requirements of the CGP were adequately implemented to determine if the discharges of sediment-laden storm water from the site were authorized.

## II. FINDINGS

1. Several stockpiles observed without adequate cover and containment (See Photos 3 and 4). Evidence of erosion and sediment transport from the stockpile observed during the inspection. All construction sites are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
2. Several areas were observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control potential erosion. Several inactive slopes (See Photos 5 through 10) lacked any effective soil cover for erosion control. The lack of erosion controls in these areas contributed to unauthorized sediment discharges from the site (See Photos 11 through 15). All construction sites are required to provide effective soil cover for inactive areas (i.e. areas that have been disturbed and not scheduled to be re-disturbed for at least 14 days) and all finished slopes, open space, utility backfill, and completed lots.
3. Lack of effective runoff controls observed within and around the site which contributed to discharges of sediment-laden storm water runoff from the site (See Photos 5 through 10). The lack of runoff controls within the site contributed to unauthorized sediment discharges from the site (See Photos 11 through 15). All

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construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site.

4. Lack of effective perimeter sediment controls observed which resulted in unauthorized sediment discharges from the site (See Photos 14 and 15). All construction sites are required to establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.

### III. COMMENTS AND RECOMMENDATIONS

#### Comments

1. There is evidence that the site failed to implement good site management “housekeeping” BMPs for soil stockpiles before the storm event (See Finding 1).
2. There is evidence that the site failed to implement adequate erosion controls for several inactive areas and slopes before the storm event contributing to discharges of sediment-laden storm water runoff from the site (See Finding 3).
3. There is evidence that the site failed to implement adequate perimeter sediment controls, as well as runoff controls within the site, which contributed to discharges of sediment-laden storm water runoff from the site (See Findings 6 and 7).
4. There was evidence observed during the inspection that the site has not implemented BMPs to meet BCT Technology Based Effluent Limitations (TBELs) under Section V.A.2 of the CGP, as required for all construction sites, which resulted in the unauthorized discharges of sediment and sediment-laden storm water runoff from the site observed on December 12, 2014 (See Findings 1 through 4).
5. There is evidence that either the QSP was not adequately identifying and recommending implementation of good site management “housekeeping,” erosion control, sediment control, and run-on/runoff control BMPs, or the owner/developer was not directing the implementation of the BMPs as recommended by the QSP.

#### Recommendations

1. Issue a Notice of Violation for discharges of sediment from the site and failure to implement Risk Level 1 requirements of CGP.
2. Refer the site to the Compliance Assurance Unit to determine whether or not issuing formal enforcement action may be appropriate.

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**IV. SIGNATURE SECTION**

Wayne Chiu	<i>Eric Becker for</i>	12/12/2014
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker	<i>Eric Becker</i>	12/22/14
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C368091
Place ID	SM-826367
Inspection ID	2024193
Violation ID	855355, 855356

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**Photo 1**



**Photo 2**

**Photos 1 and 2** show discharges of sediment-laden storm water runoff from the site to the City of San Diego MS4 drainage system on Mission Gorge Road.



**Photo 3**



**Photo 4**

**Photos 3 and 4** show soil stockpiles without adequate cover and containment during December 11 and 12, 2014 storm event. Evidence of erosion and sediment transport along that base of the stockpile.



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Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10

**Photos 5 through 10** show several slopes and areas that have been inactive for at least 14 days lacking erosion control measures to prevent erosion. Photos also show lack of runoff controls within the site to limit the transport of sediment through the site.



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Photo 11



Photo 12



Photo 13



Photo 14

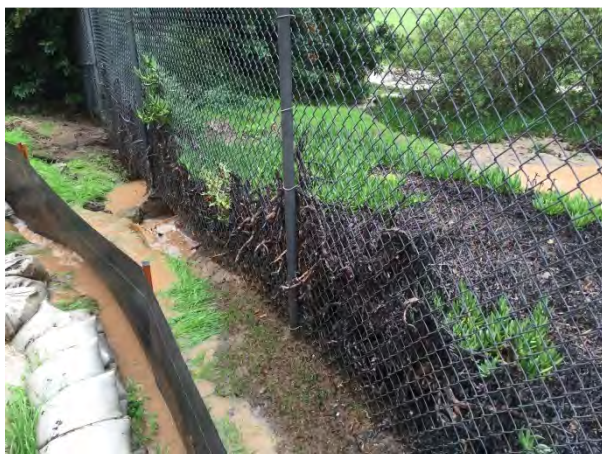


Photo 15

**Photos 11 through 15** show pathway to unauthorized discharges of sediment and sediment-laden storm water runoff from the site to the San Diego River. Photo 11 shows area where runoff in Photos 5 through 8 collect. Photo 12 shows where runoff from Photo 11 flow down slope. Photo 13 shows where flow from Photo 12 emerges. Photo 14 shows where flow from Photo 13 and Photos 9 and 10 converge and discharge from location in perimeter controls (i.e. gravel bags) that appears to have been moved to allow flow off site. Photo 15 shows sediment-laden storm water runoff flowing off site to the San Diego River due to inadequate implementation of erosion controls, runoff controls within the site, and perimeter sediment controls.