



California Regional Water Quality Control Board, San Diego Region

February 20, 2015

Via email only

Scott Chadwick
Chief Operating Officer
City of San Diego
202 C Street
San Diego, CA 92101

In reply refer to / attn:
PIN: CW-255222:wchiu

Subject: Notice of Violation No. R9-2015-0031, City of San Diego Construction Management Program, Order Nos. R9-2013-0001 and R9-2007-0001, Municipal Storm Water Permits

Mr. Chadwick:

Enclosed is Notice of Violation (NOV) No. R9-2015-0031 issued to the City of San Diego (City) for violations of Order No. R9-2013-0001, the Regional Municipal Storm Water Permit issued by the California Regional Water Quality Control Board (San Diego Water Board) on May 8, 2013, and Order No. R9-2007-0001, the preceding Municipal Storm Water Permit. The violations are for the City's failure to require implementation of designated minimum best management practices (BMPs) at construction sites within the City's jurisdiction, and failure to implement an escalating enforcement process to reduce, eliminate, and prevent recurrence of noncompliance at construction sites where deficiencies are noted.

As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law. Please note that although Order No. R9-2013-0001 is currently in effect, the requirements pertaining to construction management are governed by Order No. R9-2007-0001 until the City submits a Water Quality Improvement Plan that is accepted by the San Diego Water Board.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violations, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

Please send any written correspondence in response to this letter to SanDiego@waterboards.ca.gov. These electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned

copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: **PIN: CW-255222:wchiu.**

For questions pertaining to the subject matter, please contact Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.

Respectfully,



David T. Barker , P.E.
Supervising Water Resource Control Engineer

DTB:esb:wc

Enclosure: Notice of Violation No. R9-2015-0031

cc (via email only):

- Tony Heinrichs, City of San Diego
- Ronald Villa, City of San Diego
- James Nagelvoort, City of San Diego
- Robert Vacchi, City of San Diego
- Afsaneh Ahmadi, City of San Diego
- William Barranon, City of San Diego
- Kris McFadden, City of San Diego
- David Zoumaras, City of San Diego
- Julie Ballesteros, City of San Diego
- Akram Bassyouni, City of San Diego
- Sumer Hasenin, City of San Diego

Tech Staff Info & Use	
WDID	9 000000510
Place ID	255222
Reg Measure ID	213855
Inspection ID	19281172
Violation ID	985712
Enforcement ID	399913



California Regional Water Quality Control Board, San Diego Region

February 20, 2015

NOTICE OF VIOLATION
No. R9-2015-0031

Scott Chadwick
City of San Diego
202 C Street
San Diego, CA 92101

City of San Diego

Construction Management Program
PIN No. CW-255222:wchiu

Violations of

Order No. R9-2007-0001,
Municipal Storm Water Permit

The CITY OF SAN DIEGO is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The CITY OF SAN DIEGO is in violation of California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) Order No. R9-2007-0001, NPDES No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority (Municipal Storm Water Permit).1

1 Pursuant to Provision E. of Order No. R9-2013-0001 (Regional MS4 Permit), the requirements of Order No. 2007-0001 governing the City of San Diego's jurisdictional runoff management program, including but not limited to construction management program requirements, remain in effect and are enforceable until such time as the City has updated its jurisdictional runoff management program in conformance with the requirements of Provision E.

A. Summary of Violations

Municipal Storm Water Permit Violations

1. Failure to Comply with Discharge Prohibitions of Municipal Storm Water Permit

- a. **Pursuant to Provision A.2 of San Diego Water Board Order No. R9-2007-0001:** Discharges from MS4s containing pollutants which have not been reduced to the maximum extent practicable (MEP) are prohibited.
- b. **Observation:** The City of San Diego (City) failed to implement, or require the implementation of designated minimum best management practices (BMPs) required for construction sites within its jurisdiction. Sediment and sediment-laden storm water runoff was documented to be discharged from multiple construction sites to the City's municipal separate storm sewer system (MS4) and/or receiving waters from lack of adequate implementation of designated minimum BMPs required by the City's local ordinances. See attached November/December 2014 Audit Inspection Report.

2. Failure to Identify Inadequate Implementation of Designated Minimum BMPs at Construction Sites

- a. **Pursuant to Provision D.2. of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall implement a construction program which meets the requirements of this section, reduces construction site discharges of pollutants from the MS4 to the MEP, and prevents construction site discharges from the MS4 from causing or contributing to a violation of water quality standards.
- b. **Pursuant to Provision D.2.a.(2)(a) of San Diego Water Board Order Order No. R9-2007-0001:** Prior to approval and issuance of local construction and grading permits, each Copermittee shall require all individual proposed construction sites to implement designated BMPs and other measures so that pollutants discharged from the site will be reduced to the MEP and will not cause or contribute to a violation of water quality standards.
- c. **Pursuant to Provision D.2.c.(1)(a)iv of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall designate a minimum set of BMPs and other measures to be implemented at construction sites, including, at a minimum, minimization of exposure time of disturbed soil areas.
- d. **Pursuant to Provision D.2.c.(1)(a)vii of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall designate a minimum set of BMPs and other measures to be implemented at construction sites, including, at a minimum, temporary stabilization and reseeded of disturbed soil areas as rapidly as feasible.

- e. **Pursuant to Provision D.2.c.(1)(a)x of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall designate a minimum set of BMPs and other measures to be implemented at construction sites, including, at a minimum, maintenance of all BMPs until removed.
- f. **Pursuant to Provision D.2.c.(1)(a)xi of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall designate a minimum set of BMPs and other measures to be implemented at construction sites, including, at a minimum, retention, reduction, and proper management of all pollutant discharges on site to the MEP standard.
- g. **Pursuant to Provision D.2.c.(1)(b)i of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall designate a minimum set of BMPs and other measures to be implemented at construction sites, including, at a minimum, erosion prevention, to be used as the most important measure for keeping sediment on site during construction, but never as the single method.
- h. **Pursuant to Provision D.2.c.(1)(b)ii of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall designate a minimum set of BMPs and other measures to be implemented at construction sites, including, at a minimum, sediment controls, to be used as a supplement to erosion prevention for keeping sediment on site during construction.
- i. **Pursuant to Provision D.2.c.(1)(b)iii of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall designate a minimum set of BMPs and other measures to be implemented at construction sites, including, at a minimum, slope stabilization on all inactive slopes during the rainy season and during rain events in the dry season.
- j. **Pursuant to Provision D.2.c.(1)(b)iv of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall designate a minimum set of BMPs and other measures to be implemented at construction sites, including, at a minimum, slope stabilization on all active slopes during rain events regardless of the season.
- k. **Pursuant to Provision D.2.c.(3) of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall implement, or require the implementation of, the designated minimum BMPs and any additional measures necessary to comply with this Order at each construction site within its jurisdiction year round.
- l. **Pursuant to Provision D.2.d of San Diego Water Board Order No. R9-2007-0001:** Each Copermittee shall conduct construction site inspections for compliance with its local ordinances (grading, storm water, etc.), permits (construction, grading, etc.), and the Order.

- m. Pursuant to Provision D.2.d.(5) of San Diego Water Board Order No. R9-2007-0001:** Based upon inspection findings, each Copermitttee shall implement all follow-up actions (i.e., reinspection, enforcement) necessary to comply with the Order.
 - n. Pursuant to Provision D.2.d.(6)(b) of San Diego Water Board Order No. R9-2007-0001:** Inspections conducted by each Copermitttee shall include assessment of compliance with Permittee ordinances and permits related to urban runoff, including the implementation and maintenance of designated minimum BMPs.
 - o. Pursuant to Provision D.2.d.(6)(c) of San Diego Water Board Order No. R9-2007-0001:** Inspections conducted by each Copermitttee shall include assessment of BMP effectiveness.
 - p. Observation:** In November and December 2014, the San Diego Water Board inspected multiple construction sites within the City's jurisdiction for evidence of adequate inspections for implementation of designated minimum BMPs. Findings from the inspections revealed that the City's construction storm water inspectors consistently fail to identify inadequate implementation of the designated minimum BMPs required by the City's ordinances and the Order for construction projects.
- 3. Failure to Implement an Escalating Enforcement Process to Require Implementation of Designated Minimum BMPs at Construction Sites**
- a. Pursuant to Provision D.2.d.(5) of San Diego Water Board Order No. R9-2007-0001:** Based upon inspection findings, each Copermitttee shall implement all follow-up actions (i.e., reinspection, enforcement) necessary to comply with the Order.
 - b. Pursuant to Provision D.2.e of San Diego Water Board Order Order No. R9-2007-0001:** Each Copermitttee shall develop and implement an escalating enforcement process that achieves prompt corrective actions at construction sites for violations of the Copermitttee's water quality protection permit requirements and ordinances. This enforcement process shall include authorizing the Copermitttee's construction site inspectors to take immediate enforcement actions when appropriate and necessary. The enforcement process shall include appropriate sanctions such as stop work orders, non-monetary penalties, fines, bonding requirements, and/or permit denials for non-compliance.
 - c. Observation:** In November and December 2014, the San Diego Water Board inspected multiple construction sites within the City's jurisdiction for evidence that the City is adequately enforcing requirements to implement the designated minimum BMPs required by the City's ordinances and the Order. Findings from the inspections revealed that the City's construction storm water inspectors consistently fail to implement an escalating enforcement process and issue enforcement actions that achieve prompt corrective actions at construction sites for violations of the City's ordinances.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.



David T. Barker, P.E.
Supervising Water Resource Control Engineer
Surface Water Protection Branch

DTB:esb:wc

Attachments: November/December 2014 Audit Inspection Report

Tech Staff Info & Use	
WDID	9 000000510
Place ID	255222
Reg Measure ID	213855
Inspection ID	19281172
Violation ID	985712
Enforcement ID	399913

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED PROTECTION PROGRAM**

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)
AUDIT INSPECTION REPORT**

FACILITY: City of San Diego MS4

INSPECTION DATE: November-December 2014

CIWQS Place ID No.: CW-255222

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: Wayne Chiu

AFFILIATION: San Diego Water Board

City of San Diego
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

City of San Diego
Development Services Department and
Public Works Department, Field Engineering Divisio
FACILITY OR DEVELOPER NAME (if different from owner)

202 C Street
San Diego, CA 92101
OWNER MAILING ADDRESS

202 C Street
San Diego, CA 92101
FACILITY ADDRESS

Scott Chadwick, 619-236-6207
OWNER CONTACT NAME AND PHONE #

FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:

- | | |
|---|---|
| <input checked="" type="checkbox"/> MS4 URBAN RUNOFF REQUIREMENTS | <input type="checkbox"/> GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES |
| <input 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.
- MS4 AUDIT - AN EVALUATION OF AN MS4 PROGRAM OR PROGRAM COMPONENT THAT COULD POSSIBLY LEAD TO ENFORCEMENT. IT MUST INCLUDE A SITE VISIT.

INSPECTION FINDINGS:

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

Facility: City of San Diego MS4
Audit Inspection Date: November and December 2014

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On January 27, 2011, the San Diego Water Board issued Notice of Violation (NOV) No. R9-2011-0027 to the City of San Diego (City). The NOV identified deficiencies in the City's construction management program that the San Diego Water Board determined constitute noncompliance with the requirements of San Diego County Municipal Separate Storm Sewer System (MS4) Permit, Order No. R9-2007-0001 (Order). NOV No. R9-2011-0027 alleges that the City's construction site inspections failed to verify implementation of designated minimum best management practices (BMPs) and compliance with local requirements at construction sites. These deficiencies in the construction management program led to construction site discharges to and from the City's MS4 that were in violation of the prohibitions and receiving water limitations of the Order (see Attachment 1). The violations were documented during multiple San Diego Water Board construction site inspections.

On March 7, 2014, the San Diego Water Board issued a second NOV (NOV No. R9-2014-0024) to the City citing continuing inadequacies in the City's construction management program and noncompliance with the requirements of the Order. NOV No. R9-2014-0024 alleges that the City failed to require implementation of designated minimum BMPs at construction sites, and failed to implement an escalating enforcement process to reduce, eliminate, and prevent reoccurrence of noncompliance at construction sites where deficiencies were noted (see Attachment 2). The violations were documented during multiple San Diego Water Board construction site inspections.

In April 2014, the San Diego Water Board conducted a comprehensive audit of the City's construction management program as a follow up to NOV No. R9-2014-0024. The purpose of the audit was to review the City's construction management program and identify where corrections were needed, both to address noncompliance issues cited in NOV No. R9-2014-0024 and to avoid future instances of noncompliance. The audit identified deficiencies in the City's construction site inspection process, implementation of designated minimum BMPs, and implementation of enforcement processes. The San Diego Water Board's July 3, 2015 Audit Report was issued to the City on July 15, 2014 (see Attachment 3), and included recommended corrective actions. During the audit, the San Diego Water Board notified the City that continued noncompliance would be subject to enforcement action pursuant to the California Water Code, including Administrative Civil Liability.

By letter dated September 12, 2014, the San Diego Water Board issued a reminder notification to all Copermitees regulated by MS4 Permits in the San Diego Region (including the City of San Diego) that they should be requiring each construction sites within their jurisdiction to implement all designated minimum BMPs required by local ordinances (see Attachment 4). The Copermitees were advised to review the adequacy of their construction management programs and take any actions necessary to reduce, eliminate, and prevent reoccurrence of any non-compliance identified. The Copermitees were also notified that the San Diego Water Board would be inspecting construction sites during the 2014-2015 rainy season for proper implementation of

Facility: City of San Diego MS4
Audit Inspection Date: November and December 2014

BMPs, especially for erosion control, and that findings from these inspections would be used to evaluate each Copermittee's compliance with the requirements of the Order.

The City is required to implement or require each construction site within its jurisdiction to implement the City's designated minimum BMPs, as required by the Order, to reduce pollutants in storm water runoff from construction sites to the maximum extent practicable (MEP). The MEP standard to be achieved by the implementation of designated minimum BMPs required by the City is expected to be at least as effective as the Best Conventional Pollutant Control Technology (BCT) standard achieved by the implementation of BMP requirements of the Statewide Construction General Permit, Order No. 2009-0009-DWQ (CGP). Thus violations of the CGP requirements identified by the San Diego Water Board may provide evidence that the City is not adequately inspecting construction sites and issuing enforcement actions where necessary to ensure adequate implementation of BMPs to reduce pollutants in storm water runoff into and from the MS4 to the MEP.

During the months of November and December 2014, Wayne Chiu of the San Diego Water Board inspected several construction sites to evaluate each site's compliance with the requirements of the CGP. The following construction sites were inspected within the City's jurisdiction:

- (a) Poway Road Bicycle Path (Poway Rd and Sabre Springs Pkwy, 92128)
- (b) Hilton Garden Inn (4200 Taylor St, 92110)
- (c) La Jolla Del Rey Phases 1 (6316 Gullstrand St, 92122)
- (d) La Jolla Del Rey Phases 1 (6345 Gullstrand St, 92122)
- (e) Northwest Village Creek (602 Euclid Ave, 92114)
- (f) Mission Gorge Apartments (6850 Mission Gorge Rd, 92120)

Findings from each inspection were also used to evaluate whether the City's Field Engineering Division of the Public Works Department (FED) and Development Services Department (DSD) were conducting adequate inspections and enforcement to ensure the designated minimum BMPs, especially those pertaining to erosion prevention, are being implemented at constructions sites to reduce pollutants in construction site discharges from the City's MS4 to the MEP, as required by the Order.

II. FINDINGS

Construction Site Inspections Findings

1. Poway Road Bicycle Path (Poway Rd and Sabre Springs Pkwy, 92128)

- a) The site was inspected by the San Diego Water Board on November 14, 2014. The site is not enrolled in or subject to the requirements of the CGP. However, the City is expected to require all construction sites to implement the City's designated minimum BMPs in accordance with the Order.

Facility: City of San Diego MS4
Audit Inspection Date: November and December 2014

- b) The San Diego Water Board inspector observed a lack of erosion controls throughout the site, as well as deficiencies in the implementation and maintenance of several other BMPs. On November 17, 2014, the San Diego Water Board issued a Staff Enforcement Letter (SEL) via email to the Resident Engineer at FED responsible for inspecting the project, identifying the deficiencies and requesting a response and additional documentation. The Resident Engineer provided a response on November 19, 2014 acknowledging that erosion control BMPs were inadequate (see Attachment 5). For other deficiencies noted, the City indicated the contractor overseeing construction activities at the site was responsible for being familiar with and understanding the BMP requirements.
- c) City inspection reports were not available at the construction site during the inspection, but were provided by the City with its response to the SEL. The City provided inspection records from September 26, October 10, October 24, and November 7, 2014 (see Attachment 5 following SEL).
- d) Only the City's November 7, 2014 inspection record indicated that the BMPs were inadequate. The November 7, 2014 inspection record noted erosion control BMPs needed to be improved to mitigate against wind erosion. No mention was made of the need for temporary stabilization of exposed soil areas, slopes, and stockpiles.

2. Hilton Garden Inn (4200 Taylor St, 92110)

- a) The site was inspected by the San Diego Water Board on November 14, 2014. The site is enrolled in and subject to the requirements of the CGP (WDID 9 37C369598).
- b) The San Diego Water Board inspector observed a lack of erosion controls throughout the site, as well as deficiencies in the implementation and maintenance of several other BMPs. On November 17, 2014, the San Diego Water Board issued a SEL via email to the site superintendent identifying the deficiencies, and requesting a response and documentation that the deficiencies were addressed (see Attachment 6).
- c) A Storm Water Notice issued by a DSD inspector on October 16, 2014 was available during the inspection (see Attachment 6 following SEL). The Notice indicated "corrections required" and all inspection checklist items were marked. The section of the Notice to notify the site of any violations was not marked.
- d) On November 17, 2014, the San Diego Water Board inspector sent an email to the DSD inspector that issued the Storm Water Notice requesting copies of any other construction storm water BMP inspection reports, notices,

Facility: City of San Diego MS4
Audit Inspection Date: November and December 2014

enforcement actions, or other documentation for the site. On December 4, 2014, copies of Storm Water Notices signed by the DSD inspector on October 16 and November 18, 2014 were provided, along with an Approval Status Report (at the end of Attachment 6).

- e) The Approval Status Report indicated that follow up construction storm water inspections were completed on October 17 and 20, 2014, where BMPs did not pass inspection, and again on October 21, 2014 where the BMPs did pass inspection. The November 18, 2014 Storm Water Notice again indicated "corrections required" and all inspection checklist items were marked. The November 18, 2014 Storm Water Notice indicated that "a verbal warning" was issued, but no violations identified or enforcement actions issued.

3. La Jolla Del Rey Phase 1 (6316 Gullstrand St, 92122)

- a) The site was inspected by the San Diego Water Board on December 4, 2014, after a storm event. The site is enrolled in and subject to the requirements of the CGP (WDID 9 369565). According to the site superintendent, the site was considered inactive.
- b) No City inspection or enforcement records were available to review at the construction site site at the time of the inspection. The site, however, is located directly across the street from a second construction site which has the same Legally Responsible Person (LRP) and developer as the La Jolla Del Rey Phase 2 site (see Finding 4 below).
- c) The San Diego Water Board inspector observed unauthorized discharges of sediment from the site due to ineffective or improperly maintained perimeter controls visible from outside the perimeter of the site. Unauthorized discharges were also due to contributions from a general lack of erosion controls and runoff and runoff management throughout the site. According to the site superintendent, the site had been inactive for several months and slopes could be observed from outside the perimeter of the site lacking any erosion controls.
- d) On December 12, 2014, the San Diego Water Board issued an inspection report via email to the site's project manager, as well as the Deputy City Engineer at FED. The inspection report was included with the NOV (NOV No. R9-2014-0148) issued via email to the site's LRP, identifying the violations and requesting a response and documentation that the deficiencies were addressed (see Attachment 7). The Deputy City Engineer at FED was also sent a copy of the NOV.

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4. La Jolla Del Rey Phase 2 (6345 Gullstrand St, 92122)

- a) The site was inspected by the San Diego Water Board on December 4, 2014, after a storm event. The site is enrolled in and subject to the requirements of the CGP (WDID 9 37C368646).
- b) BMP Notices issued by a FED inspector on October 8 and November 5, 2014 were available during the inspection (see Attachment 8). Both BMP Notices indicated "BMP inadequate, adjustments needed." There were no records of enforcement actions issued to the site by the City.
- c) The October 8, 2014 BMP Notice requested the site to restore silt fence on the north and west sides of the site, and improve material handling and housekeeping.
- d) The November 5, 2014 BMP Notice indicated that perimeter control BMPs were required to be upgraded by installing silt fence along the perimeter of the site, and that disturbed areas inactive for 14 days or more needed to be protected for erosion. The BMP Notice gave the site until November 14, 2014, or before the next rain event, to bring the site into compliance. The BMP Notice did not identify specific areas that needed to be addressed.
- e) On December 4, 2014, the San Diego Water Board inspector observed unauthorized discharges of sediment and sediment-laden storm water runoff from the site due to ineffective or missing perimeter controls on the southern side and southeastern corner of the site, which were not noted on the October 8 or November 5, 2014 BMP Notices as areas that needed to be addressed. Perimeter controls should have been established and maintained in these areas when construction activities commenced at the site. Unauthorized discharges were also due to contributions from a general lack of erosion controls and runoff and runoff management throughout the site that was not identified on the BMP Notices.
- f) On December 12, 2014, the San Diego Water Board issued an inspection report via email to the site's project manager, as well as the Deputy City Engineer at FED. The inspection report was included with the NOV (NOV No. R9-2014-0149) issued via email to the site's LRP, identifying the violations and requesting a response and documentation that the deficiencies were addressed (see Attachment 8 following BMP Notices). The Deputy City Engineer at FED was also sent a copy of the NOV.

5. Northwest Village Creek (602 Euclid Ave, 92114)

- a) The site was inspected by the San Diego Water Board on December 4, 2014, after a storm event to follow up on a public complaint received about a

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- discharge from the site. The site is enrolled in and subject to the requirements of the CGP (WDID 9 37C369293).
- b) A Storm Water Notice issued by a DSD inspector on September 26, 2014 was available during the inspection (see Attachment 9). BMP Notices issued by a FED inspector on September 5, October 2, October 30, November 26, and December 1, 2014 were also available during the inspection (see Attachment 9 following Storm Water Notice). There were no records of enforcement actions issued to the site by the City.
 - c) The September 26, 2014 Storm Water Notice issued by the DSD inspector was for “info only” and did not indicate any corrections were required.
 - d) The September 5, October 2, October 30, and December 1, 2014 BMP Notices issued by the FED inspector indicated all existing BMPs were adequately maintained and no BMPs required improvement.
 - e) The November 26, 2014 BMP Notice indicated “BMP inadequate, adjustments needed.” The BMP Notice requested the site to clean around storm drain inlets and sweep and clean sediment from streets around the project, and “apply BMPs to piles of dirt.” There were no recommendations to implement erosion controls for any part of the site.
 - f) On December 4, 2014, the San Diego Water Board inspector observed unauthorized discharges of sediment from the site due to inadequate implementation of perimeter controls. Unauthorized discharges were also due to contributions from a general lack of erosion controls and runoff management throughout the site that was not identified on the BMP Notices.
 - g) On December 10, 2014, the San Diego Water Board issued an inspection report attached to NOV No. R9-2014-0145 via email to the site’s LRP, identifying the violations and requesting a response and documentation that the deficiencies were addressed (see Attachment 9 following BMP Notices). The Deputy City Engineer at FED was also sent a copy of the NOV.
 - h) The complainant from the public provided photo documentation that the site generally lacked erosion controls for a large stockpile or topographic feature on the site since the end of September 2014 (see Photos 4 and 5 of San Diego Water Board inspection report in Attachment 9). The Storm Water Notice and BMP Notices issued by DSD and FED inspectors did not indicate erosion controls were required to be implemented at any time before the storm event on December 3-4, 2014.

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6. Mission Gorge Apartments (6850 Mission Gorge Rd, 92120)
- a) The site was inspected by the San Diego Water Board on December 12, 2014, during a storm event, after a San Diego Water Board staff member observed a discharge of sediment-laden water from the site to the City's MS4. The site is enrolled in and subject to the requirements of the CGP (WDID 9 37C368091)
 - b) The site was one of the construction sites that was included as part of the comprehensive audit (see Attachment 3 – photos of the site with identified BMP deficiencies can be found in Attachment 10 to the Audit Report under photos for Archstone Mission Gorge). The site was inspected by the City during the San Diego Water Board's audit of the City on April 9, 2014. Photos from the audit generally show that the City was not requiring the site to implement erosion controls.
 - c) On December 12, 2014, the San Diego Water Board inspector observed unauthorized discharges of sediment and sediment-laden storm water runoff from the site due to inadequate implementation of perimeter controls. Unauthorized discharges were also due to contributions from a general lack of erosion controls and runoff management throughout the site.
 - d) On December 23, 2014, the San Diego Water Board issued an inspection report attached to NOV No. R9-2014-0154 via email to the site's project manager, identifying the violations and requesting a response and documentation that the deficiencies were addressed (see Attachment 10).

City Construction Management Program Findings

7. Pursuant to Section D.2.c.(1)(a) of the Order, the City is required to include general site management BMPs that minimize exposed disturbed soil areas and stabilize disturbed soil areas as soon as feasible as part of its designated minimum BMPs for all construction sites.
8. Pursuant to Section D.2.c.(1)(b) of the Order, the City is required to include erosion and sediment controls as part of its designated minimum BMPs for all construction sites. Erosion prevention is required to be used as the most important measure for keeping sediment on site during construction, but never as the single method. Sediment controls are required to be used as a supplement to erosion prevention for keeping sediment on site during construction.
9. Pursuant to Section D.2.d.(6)(b)&(c) of the Order, the City is required to adequately inspect construction sites to assess compliance with City ordinances and permits, including implementation and maintenance of designated minimum BMPs, and assess BMP effectiveness. Based on Findings 1 through 8 and the

Facility: City of San Diego MS4
Audit Inspection Date: November and December 2014

following consideration, the City's construction management program does not appear to be in compliance with Sections D.2.d.(6)(b)&(c) of the Order:

- a) All of the sites inspected by the San Diego Water Board had evidence that DSD and/or FED had previously inspected the sites.
- b) All of the sites inspected by the San Diego Water Board generally lacked evidence of adequate erosion prevention (i.e. erosion controls). Erosion controls are required to be a designated minimum BMP used as the most important measure for keeping sediment on site during construction.
- c) All of the sites inspected by the San Diego Water Board generally lacked adequate sediment controls (i.e. runoff and runoff management, and perimeter controls), which are required to be part of the designated minimum BMPs used as a supplement to erosion prevention for keeping sediment on site during construction.
- d) None of the City's Storm Water Notices or BMP Notices reviewed by the San Diego Water Board staff indicated that any of the sites were not in compliance with City ordinances and/or permits requiring implementation of designated minimum BMPs, though a few "corrective actions" may have been requested or recommended.
- e) None of the Storm Water Notices or BMP Notices reviewed by the San Diego Water Board staff indicated that the BMPs implemented at the sites would be ineffective in preventing erosion, or preventing sediment from being discharged from the sites.

10. Pursuant to Section D.2.e of the Order, the City is required to develop and implement an escalating enforcement process that achieves prompt corrective actions at construction sites for violations of the City's permits and ordinances. Based on Findings 1 through 9 and the following considerations, the City's construction management program does not appear to be in compliance with Section D.2.e of the Order:

- a) None of the Storm Water Notices or BMP Notices reviewed by the San Diego Water Board staff indicated that there were violations of the City's ordinances and permits requiring designated minimum BMPs, though a few noted "BMP inadequate" or "corrections required."
- b) No records were provided of enforcement actions issued to the sites by the City before the San Diego Water Board inspections.

11. Pursuant to Section D.2.d.(5) of the Order, based on inspection findings, the City's construction management program is required to implement all follow up actions (i.e. reinspection, enforcement) necessary to comply with the Order.

Facility: City of San Diego MS4
Audit Inspection Date: November and December 2014

Based on Findings 1 through 10, the City does not appear to be in compliance with Section D.2.d.(5) of the Order.

12. Pursuant to Section D.2.c.(3) of the Order, the City is required to implement, or require implementation of, the designated minimum BMPs and any additional measures necessary to comply with the Order at each construction site within its jurisdiction year round. Based on Findings 1 through 11, the City's construction management program does not appear to be in compliance with Section D.2.c.(3) of the Order.
13. Pursuant to Section A.2 of the Order, the City is prohibited from discharging storm water from its MS4 containing pollutants which have not been reduced to the maximum extent practicable (MEP). Pursuant to Section D.2 of the Order, the City is required to implement a program which reduces construction site discharges of pollutants from its MS4 to the MEP by implementing a program that meets the designated minimum BMP implementation, inspection, and enforcement requirements of Sections D.2.c.(3), D.2.d.(5), D.2.d.(6)(b)&(c), and D.2.e of the Order. Based on Findings 1 through 12, the City is not in compliance with Section A.2 of the Order.

III. COMMENTS AND RECOMMENDATIONS

Comments



1. Based on the construction sites inspected by the San Diego Water Board, the City's construction management program does not appear to be in compliance with the requirements of sections A.2, D.2.c.(3), D.2.d.(5), D.2.d.(6)(b)&(c), and D.2.e of the Order.
2. DSD and FED inspectors fail to identify designated minimum BMPs that have not been implemented or implemented adequately.
3. DSD and FED inspectors do not appear to notify construction sites of violations, only "BMP inadequate" or "corrections required." Because there are generally no "violations," it appears the DSD and FED inspectors never issue enforcement actions. DSD and FED inspectors still may not understand their responsibility to identify violations and issue enforcement to require corrective actions to be promptly implemented in order for the City to be in compliance with the requirements of the Order.
4. Construction sites within the City's jurisdiction do not appear to be required to adequately implement designated minimum BMPs. The City only issues enforcement actions to construction sites after the San Diego Water Board notifies a site of violations of CGP BMP requirements and the City becomes aware of the violations.

Facility: City of San Diego MS4
 Audit Inspection Date: November and December 2014

Recommendations

1. Issue a Notice of Violation for failure to inspect for and enforce the implementation of designated minimum BMPs at constructions sites within its jurisdiction in compliance with the requirements of the Order.
2. Refer the site to the Compliance Assurance Unit to determine whether or not issuing formal enforcement action may be appropriate.

IV. SIGNATURE SECTION

Wayne Chiu		November/December 2014
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		2/20/15
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

CIWQS:

Tech Staff Info & Use	
Place ID	CW-222931
Reg. Measure ID	214420
Inspection ID	19281172
Violation ID	985712

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Attachment 1
to
City of San Diego MS4
Audit Inspection Report
November/December 2014

NOV No. R9-2011-0027
dated January 27, 2011

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California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Edmund G. Brown, Jr.
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

City of San Diego
Construction Project Oversight

NOTICE OF VIOLATION No. R9-2011-0027

Violations of Order No. R9-2007-0001
January 27, 2011

Place ID: 255222: carias

The City of San Diego is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The City of San Diego, Field Engineering Division of the Engineering and Capital Projects Department, is in violation of San Diego Water Board Order No. R9-2007-0001, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS0108758, *Waste Discharge Requirements For Discharges Of Urban Runoff From the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority.*

A. Summary of Violations

1. Failure to Require Implementation of Designated Minimum Best Management Practices (BMPs) at Construction Sites

- a. **Pursuant to Provision D.2. of Order No. R9-2007-0001:** Each Copermitttee shall implement a construction program which meets the requirements of this section, reduces construction site discharges of pollutants from the MS4 to the maximum extent practicable (MEP), and prevents construction site discharges from the MS4 from causing or contributing to a violation of water quality standards.
- b. **Pursuant to Provision D.2.a.(2)(a) of Order No. R9-2007-0001:** Prior to approval and issuance of local construction and grading permits, each Copermitttee shall require all individual proposed construction sites to implement designated BMPs and other measures so that pollutants discharged from the site will be reduced to the MEP and will not cause or contribute to a violation of water quality standards.
- c. **Pursuant to Provision D.2.c.(1)(b) of Order No. R9-2007-0001:** Each Copermitttee shall designate a minimum set of BMPs and other measures to be implemented at construction sites. The designated minimum set of BMPs shall include, at a minimum, erosion and sediment controls.

- d. **Pursuant to Provision D.2.c.(3) of Order No. R9-2007-0001:** Each Copermitttee shall implement, or require the implementation of, the designated minimum BMPs and any additional measures necessary to comply with this Order at each construction site within its jurisdiction year round.
- e. **Observation:** On October 25, 2010 and December 22, 2010, the San Diego Water Board inspected two construction sites within the City of San Diego's jurisdiction. These were Casa Mira View (WDID no. 9 37C353628), and Black Mountain Ranch/Del Sur (WDID no. 9 37C328390). Both construction sites lacked adequate erosion control and sediment control BMPs, designated minimum BMPs per provision D.2.c.(1)(b) of Order No. R9-2007-0001 and the City of San Diego's March 2008 Jurisdictional Urban Runoff Management Plan (JURMP). City of San Diego inspectors had inspected both sites days before San Diego Water Board inspectors, yet erosion and sediment control BMPs were not adequately implemented at either site.

Additionally, the Black Mountain Ranch/Del Sur site had no BMPs to control offsite run-on. This contributed to a failed berm and resulted in an illegal discharge of sediment laden water into Lusardi Creek, tributary to San Dieguito Creek and Lagoon. Specific findings regarding both construction sites are described in the attached Facility Inspection Reports dated October 25, 2010 and December 22, 2010.

2. Violation of Prohibitions and Receiving Water Limitations

- a. **Pursuant to Provision A.1. of Order No. R9-2007-0001:** Discharges into and from MS4s in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance (as described in California Water Code section 13050), in waters of the state are prohibited.
- b. **Pursuant to Provision A.2. of Order No. R9-2007-0001:** Discharges from MS4s containing pollutants which have not been reduced to the MEP are prohibited.
- c. **Observation:** Because BMPs were not required to be implemented to the MEP at the Black Mountain Ranch/Del Sur site, an illegal discharge of sediment-laden water into Lusardi Creek occurred. Lusardi Creek is both an MS4 and a receiving water per Finding D.3.d of Order No. R9-2007-0001.

3. Failure to Report Construction Sites Exceeding the Maximum Disturbed Areas

- a. **Pursuant to Provision D.c.(1)(a) vi:** Each Copermitttee shall designate a minimum set of BMPs and other measures to be implemented at construction sites. The designated minimum set of BMPs shall include, at a minimum, limitation of grading to a maximum disturbed area as determined by each Copermitttee before either temporary or permanent erosion controls are implemented to prevent storm water pollution.
- b. **Pursuant to Provision J.3.a.(3)(b)v. of Order No. R9-2007-0001:** At a minimum, each Jurisdictional Urban Runoff Management Program Annual Report shall contain the following information: Confirmation that a maximum disturbed area for grading was applied to all applicable construction sites.
- c. **Observation:** Both the Casa Mira View and Black Mountain Ranch/Del Sur construction sites exceed the maximum disturbed areas of 5 acres during the rainy season, as specified in the City of San Diego's March, 2008 JURMP. The City of San Diego reported no construction sites exceeding 5 acres in its Annual Report for fiscal year 2009-2010. The Casa Mira View site is roughly 40 acres and commenced construction on November 1, 2008. The Black Mountain Ranch/Del Sur site is over 1,500 acres and commenced construction on March 12, 2003.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

Questions pertaining to this Notice of Violation should be directed to Christina Arias at 858-627-3931 or carias@waterboards.ca.gov.



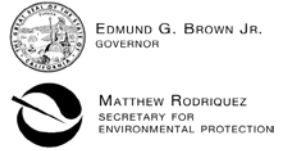
DAVID T. BARKER, P.E.
Supervising Water Resource Control Engineer
Surface Waters Basins Branch

CIWQS Entries
Place ID: 255222
Reg Msr ID: 377340
Violation ID: 889367

Attachment 2
to
City of San Diego MS4
Audit Inspection Report
November/December 2014

NOV No. R9-2014-0024
dated March 7, 2014

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California Regional Water Quality Control Board, San Diego Region

March 7, 2014

**NOTICE OF VIOLATION
No. R9-2014-0024**

Scott Chadwick
Chief Operating Officer
City of San Diego
202 C Street
San Diego, CA 92101

City of San Diego
Construction Management

**Violations of Order No. R9-2013-0001
and R9-2007-0001, Municipal Storm
Water Permits**

PIN No. CW:255222:Carias

THE CITY OF SAN DIEGO is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

THE CITY OF SAN DIEGO is in violation of San Diego Water Board Order No. R9-2013-0001, National Pollutant Discharge Elimination System (NPDES) No. CAS0109266, *Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region*, and San Diego Water Board Order No. R9-2007-0001, NPDES No. CAS0108758, *Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority*.

A. Summary of Violations

1. Failure to Adequately Implement the Jurisdictional Runoff Management Program:

a. Pursuant to Provision E. of Order No. R9-2013-0001:

.... Until the Copermittee has updated its jurisdictional runoff management program document with the requirements of Provision E, the Copermittee must continue implementing its current jurisdictional runoff management program.

b. Observation: The City of San Diego (City) is required to update its jurisdictional runoff management program document (JRMP) following the San Diego Water Board's acceptance of a Water Quality Improvement Plan. Until that time, the City is required to implement its current jurisdictional management program pursuant to the requirements of Order No. R9-2007-0001, including construction management. The City has violated a number of requirements of Order No. R9-2007-0001, as described below, and is therefore in violation of Order No. R9-2013-0001.

2. Failure to Maintain a Watershed Based Inventory of Construction Sites:

a. Pursuant to Provision 2.b of Order No. R9-2007-0001:

Each Copermittee shall maintain and update monthly a watershed-based inventory of all construction sites within its jurisdiction.

b. Observation: The City submitted an Annual Report on October 31, 2013. The Annual Report stated that there were 11,216 active construction sites within the City's jurisdiction, 8,006 of which have not been geo-located by watershed.

3. Failure to Require Implementation of Designated Minimum Best Management Practices (BMPs) at Construction Sites

a. Pursuant to Provision D.2. of Order No. R9-2007-0001: Each Copermittee shall implement a construction program which meets the requirements of this section, reduces construction site discharges of pollutants from the MS4 to the maximum extent practicable (MEP), and prevents construction site discharges from the MS4 from causing or contributing to a violation of water quality standards.

b. Pursuant to Provision D.2.a.(2)(a) of Order No. R9-2007-0001: Prior to approval and issuance of local construction and grading permits, each Copermittee shall require all individual proposed construction sites to implement designated BMPs and other measures so that pollutants discharged from the site will be reduced to the MEP and will not cause or contribute to a violation of water quality standards.

- c. **Pursuant to Provision D.2.c.(3) of Order No. R9-2007-0001:** Each Copermittee shall implement, or require the implementation of, the designated minimum BMPs and any additional measures necessary to comply with this Order at each construction site within its jurisdiction year round.
- d. **Pursuant to Provision D.2.c.(4) of Order No. R9-2007-0001:** Each Copermittee shall implement, or require implementation of, additional controls for construction sites tributary to Clean Water Act (CWA) section 303(d) water body segments impaired for sediment as necessary to comply with this Order.
- e. **Observation:** On September 20, 2013, January 7, 2014, and January 9, 2014, the San Diego Water Board inspected three construction sites within the City's jurisdiction. These sites are *Torrey Hills Unit 19* (Waste Discharge Identification Number (WDID) no. 9 37C362854), *Estates at Costa del Mar* (WDID No. 9 37C321980), and *Casa Mira View* (WDID No. 9 37C353628), respectively. All three sites are located in the Los Peñasquitos watershed, which drains to Los Peñasquitos Lagoon, a CWA 303(d) listed impaired water body for sediment.

During the inspections, all three sites lacked designated minimum BMPs required by Order No. R9-2007-0001 and the City's 2008 JRMP, including, but not limited to, BMPs for erosion control, sediment control, washout areas, and trash and debris management.

The San Diego Water Board reviewed inspection reports prepared by City building inspectors for the *Casa Mira View* construction site between July 23, 2013, and January 8, 2014. City building inspectors inspected the site 25 times during this time frame, including January 8, 2014, one day before the San Diego Water Board inspected the site. While the San Diego Water Board inspectors found the entire site lacked adequate BMPs, City building inspectors did not note any BMP deficiencies for any of their 25 inspections. Failure to require implementation of the minimum BMPs equates to failure to reduce construction site discharges of pollutants to the MEP standard, and failure to prevent construction site discharges from causing or contributing to a violation of water quality standards. Further, the City did not require implementation of any additional control measures to achieve further reductions in construction site discharge pollutant loading and improvements in receiving water quality considering the site location upstream of a coastal lagoon impaired for sediment.

4. Failure to Implement an Escalating Enforcement Process

- a. **Pursuant to Provision D.2.d.(5) of Order No. R9-2007-0001:** Based upon site inspection findings, each Copermittee shall implement all follow-up actions (i.e., re-inspection, enforcement) necessary to comply with this Order.

- b. **Pursuant to Provision D.2.e of Order No. R9-2007-0001:** Each Copermittee shall develop and implement an escalating enforcement process that achieves prompt corrective actions at construction sites for violations of the Copermittees' water quality protection permit requirements and ordinances. This enforcement process shall include authorizing the Copermittees' construction site inspectors to take immediate enforcement actions when appropriate and necessary. The enforcement process shall include appropriate sanctions such as stop work orders, non-monetary penalties, fines, bonding requirements, and/or permit denials for non-compliance.
- c. **Observation:** The San Diego Water Board reviewed inspection reports prepared by City grading inspectors for the *Estates at Costa del Mar* and *Casa Mira View* construction sites between October, 2013, and early January, 2014. Between the two sites, City grading inspectors inspected the sites 16 times between October 6, 2013 and January 2, 2014. Each time, the City grading inspectors noted BMPs at the sites were inadequate, and in some cases also described the specific corrections necessary to address the noncompliance. In each case there is no evidence that any follow-up actions were initiated, nor any escalating enforcement process initiated to reduce, eliminate, and prevent recurrence of the noncompliance.

5. Failure to Report Non-Compliant Sites

- a. **Pursuant to Provision D.2.f:** In addition to the notification requirements in section 5(e) of Attachment B, each Copermittee shall notify the Regional Board when the Copermittee issues a stop work order or other high level enforcement to a construction site in their jurisdiction as a result of storm water violations.
- b. **Observation:** The Annual Report submitted by the City on October 31, 2013 indicated that the number of escalated enforcement actions issued was not available because it was not required to be tracked. This is a violation of Provision D.2.f which provides that the San Diego Water Board must be notified if a Stop Work Order or other higher level enforcement order is issued. The City did not notify the San Diego Water Board during the 2012-2013 reporting period that any Stop Work Orders or other higher level enforcement orders were issued. The Annual Report must state that no Stop Work Orders or other higher level enforcement orders were issued if none were actually issued.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Christina Arias at (619) 521-3361 or christina.arias@waterboards.ca.gov.



David T. Barker, P.E.
Supervising Water Resource Control Engineer

DTB:esb:cma

Enclosure: Facility Inspection Reports dated September 20, 2013, January 7, 2014, and January 9, 2014

Tech Staff Info & Use	
Place No.	255222
Reg. Measure	395152
Violation ID	964457
WDID	9 000000510
NPDES No.	CA0108758
Inspection ID (from SMARTs)	2019828, 2020954, 2020984

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Attachment 3
to
City of San Diego MS4
Audit Inspection Report
November/December 2014

**MS4 Construction Management Program
Audit Report for the City of San Diego**
dated July 15, 2014

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See Audit Report for the City of San Diego at:

http://www.waterboards.ca.gov/sandiego/publications_forms/available_documents/index.shtml

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Attachment 4
to
City of San Diego MS4
Audit Inspection Report
November/December 2014

**2014-15 Rainy Season
Courtesy Reminder Letter**
dated September 12, 2014

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California Regional Water Quality Control Board, San Diego Region

September 12, 2014

Via Email Only

Orange County Municipal Storm Water Copermittees
Riverside County Municipal Storm Water Copermittees
San Diego County Municipal Storm Water Copermittees

In reply refer to / attn:
Place ID 786088:wchiu

**Subject: CONSTRUCTION STORM WATER OVERSIGHT BY MUNICIPALITIES
FOR 2014-15 RAINY SEASON**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is providing this courtesy reminder for your municipal construction storm water programs to prepare for the 2014-15 rainy season, which begins October 1. With California facing one of the most severe droughts on record it may seem like an odd time to prepare for the upcoming rainy season. In this extraordinarily dry year, however, environmental stresses to agricultural, municipal, and fish and wildlife beneficial uses of State waters are mounting. In order to limit harm from the drought, it is essential that the Copermittees continue to take all necessary steps to manage municipal separate storm sewer system (MS4) discharges to protect the quantity, quality and diversity of aquatic resources in the San Diego Region as well as water supplies vital to health and human safety.

As you know, Copermittees regulated under an MS4 permit (i.e. Order Nos. R9-2009-0002, R9-2010-0016, and R9-2013-0001) are prohibited from discharging storm water from their MS4 containing pollutants which have not been reduced to the maximum extent practicable (MEP). Reducing pollutants originating from construction sites within your jurisdiction that may be discharged in storm water from the MS4 to the MEP means that each construction site must be implementing ALL of the designated minimum best management practices (BMPs) specified by the jurisdictional runoff management program (JRMP), and as required by local ordinances.

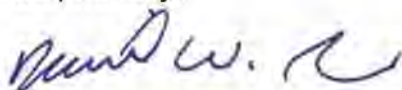
Designated minimum BMPs required for all construction sites, especially during the rainy season, are expected to include, but are not limited to:

- Erosion prevention as the most important measure for keeping sediment on site during construction, but never as the single method.
- Sediment controls to be used as a supplement to erosion prevention for keeping sediment on site during construction.
- Minimization of areas of exposed (i.e. cleared and graded, and/or disturbed) soil and time of exposure.
- Temporary or permanent stabilization of areas of exposed soil with the provision of effective soil cover as soon as feasible.

During this period of transition to the upcoming rainy season please review the adequacy of your municipal construction storm water program and take any actions necessary to reduce, eliminate, and prevent reoccurrence of any non-compliance identified. The San Diego Water Board will also be inspecting construction sites throughout the San Diego Region during the rainy season for proper implementation of BMPs, especially for erosion control. Findings from these inspections will be used to evaluate Copermittee compliance with MS4 permit requirements to reduce pollutants originating from construction sites in storm water discharged from the MS4 to the MEP. The San Diego Water Board will continue to expect prompt and complete follow-up from the Copermittees to correct any non-compliance identified.

I greatly appreciate your consideration of my request on behalf of the San Diego Water Board and the citizens of the San Diego Region. In the subject line of any response, please include the reference number **Place ID 786088:wchiu**. For questions or comments, please contact Wayne Chiu by phone at 619-521-3354, or by email at wchiu@waterboards.ca.gov.

Respectfully,



David W. Gibson
 Executive Officer
 San Diego Water Board

DWG:jgs:dtb:esb:wc

Tech Staff Info & Use	
Order No.	R9-2009-0002, R9-2010-0016, and R9-2013-0001
NPDES No.	CAS0108740, CAS0108766, and CAS0109266
Place ID	786088

Attachment 5
to
City of San Diego MS4
Audit Inspection Report
November/December 2014

Poway Road Bicycle Path
Staff Enforcement Letter with City Response dated November 19, 2014

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Chiu, Wayne@Waterboards

From: Wright, Ken <KAWright@sandiego.gov>
Sent: Wednesday, November 19, 2014 12:00 PM
To: Chiu, Wayne@Waterboards
Cc: Arias, Christina@Waterboards; Becker, Eric@Waterboards; Ballesteros, Julie; Adams, Lisa; Naval, Christopher; Fridman, Bella; Wright, Ken
Subject: RE: Poway Road Bicycle Path Construction Storm Water BMPs
Attachments: 2014-2015 Rainy Season Letters.pdf; Inspection Reports - 26September thru 7Nov 2014.pdf; Stormwater - Project Information Sheet 2014-2015.pdf

Wayne,

Please see our responses (in red) below to your site visit and concerns, as well as, the attached documents from our project stormwater inspections to date.

On Friday, November 14, I dropped by the Poway Road Bicycle Path construction project and did an inspection of the construction storm water BMPs. I met with Joe Suchma and Shawn Parrish while on site. They informed me that it was a City of San Diego project and you are the Resident Engineer on the project.

The very large stockpile has been observed on the site for several weeks by one of our staff and its location adjacent to a creek (i.e. Los Penasquitos Creek) that is tributary to a water body listed as impaired by sedimentation (i.e. Los Penasquitos Lagoon) with a Total Maximum Daily Load (TMDL) that is currently in effect is of great concern to the Board. It should also be a great concern to the City of San Diego, which is one of the responsible agencies named in the TMDL for reducing sediment loads that can impact Los Penasquitos Lagoon. **The Los Penasquitos Creek and Lagoon TMDL impairments are of great concern to the City of San Diego and we will do everything necessary to ensure that these bodies of water are protected from any sediment loads being discharged into them from this project site or any other project upstream of them. We appreciate the Regional Board visiting our project sites to assist us in protecting the Los Penasquitos Creek and Lagoon bodies of water by pointing out possible stormwater bmp management and controls that may need additional attention on construction sites within our jurisdiction.**

During my inspection I noted that there were no erosion control BMPs being implemented anywhere, especially for the large stockpile. I reviewed the Water Pollution Control Program (WPCP) for the project and noted that there were no erosion control BMPs for disturbed soil areas identified, and no BMPs specific to properly managing soil stockpiles. **In review of the WPCP, we agree that there are no specific bmp's identified for managing soil stockpiles and only Bonded Fiber Matrix identified for the disturbed slopes on the plan sheet. We have met with the project contractor's foreman onsite to reiterate your concerns and the need to install more Erosion Control type bmp's on and around the disturbed and stockpiled soil/material areas. Noting that the silt fencing is placed at the limits of work and the MHPA Environmental limit along this southerly project boundary and the project Keystone wall footing will be constructed in some locations within 4 feet of the silt fencing, we have suggested to the contractor that they use multiple types/lines of erosion control measures (i.e. jute matting, visqueen, fiber rolls, bonded fiber matrix, etc...) to prevent erosion from the project construction site (i.e. stockpiles, material storage piles and the sanitary facility area).**

I also noted deficiencies in non-storm water management, containment of sanitation facilities, construction materials management, maintenance of perimeter sediment controls, and run-on/runoff controls. I asked Joe and Shawn for copies of any construction storm water BMP inspection reports from the City, and they did not have any available. **We have pointed out in the stormwater rainy season letter the contractor responsibilities and internet links of CASQA and the City of San Diego's Stormwater website to get more information regarding their responsibilities and stormwater bmp data. We have informed them that copies of the City's Stormwater Inspection Reports should be included with the Onsite stormwater documents.**

Joe and I discussed the erosion control BMPs that I would expect to see for the stockpile, as well as the expectations that we have for them to be complying with the construction storm water BMPs requirements of the City's ordinances,

especially considering this is a City project. As I understand it, he will be having erosion control BMPs applied to the stockpile early this week.

I have some additional question about this project. Please send me the answers to the following questions by Wednesday, November 19:

1. Why is this project not enrolled in the Construction General Storm Water Permit (Order No. 2009-0009-DWQ)?
The disturbed acreage for this project was not to exceed 1-acre at anytime during construction. This project does not meet any of the activities covered under the General Permit.
2. Is there any documentation of your construction storm water BMP inspections? If so, please send me copies of any construction storm water BMP inspection records or documentation for the project.
Yes, and we have attached the bmp inspections for this project to date.
3. What does the City plan on doing to bring the site into compliance with City's construction storm water BMP requirements.
In review of the WPCP, we agree that there are no specific bmp's identified for managing soil stockpiles and only Bonded Fiber Matrix identified for the disturbed slopes on the plan sheet. We have met with the project contractor's foreman onsite to reiterate your concerns and the need to install more Erosion Control type bmp's on and around the disturbed and stockpiled soil/material areas.

We have also informed them that they need to update the WPCP throughout the project construction to clearly outline the Stormwater Bmp's being utilized and that I would be checking these documents more thoroughly as part of my stormwater inspections.

We have made recommendations to the contractor regarding possible stockpile bmp's that could be implemented. (I.e. High Performance bmp's such as; Bonded Fiber Matrix and/or anchored erosion control blankets and at least two lines of defense for sediment control, including perimeter control bmp's)

These High Performance bmp's are to be used on exposed disturbed slopes and on soil/material stockpiles when not in use. (Covered daily)

We have pointed out in the stormwater rainy season letter the contractor responsibilities and internet links of CASQA and the City of San Diego's Stormwater website (Stormwater Standards Manual) to get more information regarding their responsibilities and stormwater bmp data. We have informed them that copies of the City's Stormwater Inspection Reports should be included with the Onsite stormwater documents.

We have given the contractor copies of our Clean Construction - Tips for Pollution Prevention Pamphlet, the Geotextiles, Mats, Plastic Covers and Erosion Control Blankets Fact Sheet SS-7, Stockpile Management Fact Sheet WM-3 as stormwater bmp options available to use to become in compliance with your concerns and the City of San Diego's Stormwater Standards given the project's proximity to the Los Penasquitos Creek and Lagoon.

We are giving the contractor to the end of the workday on Friday November 21, 2014 to have all of our and your concerns substantially addressed. I would like to invite you back to our project site next week to walk with me to assess these modifications to our contractor's stormwater bmp implementation.

We will enforce the storm water standards requirements to the full extent and will not hesitate to issue a stop work order with a notification for termination of contract on the basis of breach of contract for not complying with storm water standards.

Please feel free to contact me directly regarding your concerns on this matter, I will make myself available to meet with you if needed.

Thanks,
Ken

Ken Wright

Resident Engineer
Engineering and Capital Projects
Field Engineering Division

KAWright@sandiego.gov


Office: (858) 495-7875

Mobile: (619) 804-8554

Fax: (858) 627-3297

MS 18



 Please consider the environment before printing this e-mail. Thank you.

From: Chiu, Wayne@Waterboards [mailto:Wayne.Chiu@waterboards.ca.gov]

Sent: Monday, November 17, 2014 10:02 AM

To: Wright, Ken

Cc: Arias, Christina@Waterboards; Becker, Eric@Waterboards; Joe Suchma

Subject: Poway Road Bicycle Path Construction Storm Water BMPs

Hi Ken,

On Friday, November 14, I dropped by the Poway Road Bicycle Path construction project and did an inspection of the construction storm water BMPs. I met with Joe Suchma and Shawn Parrish while on site. They informed me that it was a City of San Diego project and you are the Resident Engineer on the project.

The very large stockpile has been observed on the site for several weeks by one of our staff and its location adjacent to a creek (i.e. Los Penasquitos Creek) that is tributary to a water body listed as impaired by sedimentation (i.e. Los Penasquitos Lagoon) with a Total Maximum Daily Load (TMDL) that is currently in effect is of great concern to the Board. It should also be a great concern to the City of San Diego, which is one of the responsible agencies named in the TMDL for reducing sediment loads that can impact Los Penasquitos Lagoon.

During my inspection I noted that there were no erosion control BMPs being implemented anywhere, especially for the large stockpile. I reviewed the Water Pollution Control Program (WPCP) for the project and noted that there were no erosion control BMPs for disturbed soil areas identified, and no BMPs specific to properly managing soil stockpiles. I also noted deficiencies in non-storm water management, containment of sanitation facilities, construction materials management, maintenance of perimeter sediment controls, and run-on/runoff controls. I asked Joe and Shawn for copies of any construction storm water BMP inspection reports from the City, and they did not have any available.

Joe and I discussed the erosion control BMPs that I would expect to see for the stockpile, as well as the expectations that we have for them to be complying with the construction storm water BMPs requirements of the City's ordinances, especially considering this is a City project. As I understand it, he will be having erosion control BMPs applied to the stockpile early this week.

I have some additional question about this project. Please send me the answers to the following questions by Wednesday, November 19:

1. Why is this project not enrolled in the Construction General Storm Water Permit (Order No. 2009-0009-DWQ)?
2. Is there any documentation of your construction storm water BMP inspections? If so, please send me copies of any construction storm water BMP inspection records or documentation for the project.
3. What does the City plan on doing to bring the site into compliance with City's construction storm water BMP requirements.

Please let me know if you have any questions.



THE CITY OF SAN DIEGO

October 1, 2014

Jess Libsack, Project Manager
Ramona Paving and Construction Corporation
1303 Olive Street
Ramona, CA 92065

Subject: Storm Water Pollution Prevention for Construction sites
Rainy Season: October 1st through April 30th
Poway Road Bicycle Path-Class I, Grading & Improvement Plans;
WBS# S-00943

This letter serves as a notification for all construction sites to take the necessary actions in preparation for the rainy season which begins October 1, 2014. In accordance with the San Diego Municipal Code Section 43.03, Storm Water Standards Manual, State Construction General Permit (CGP), Order No. 2010-0014-DWQ and the Municipal Storm Water Permit Order No. R9-2007-0001, NPDES NO. CAS0108758, and the Standard Specifications for Public Works Sections 7-8.1, 7-8.6.1, 7-8.6.3 and 701, effective storm water Best Management Practices (BMPs) to the maximum extent practicable to prevent pollutant discharges into regional waters are required to be implemented. It is the Developer's, owner's and contractor's responsibility to be familiar with and understand the requirements of the aforementioned Storm Water regulations and permits.

Storm Water Pollution Prevention measures are required all year around, however it is particularly critical to take effective measures prior to and during the rainy season to protect receiving water from pollutant and sediment discharge to the maximum extent practical.

The BMP objectives are as follows:

- Scheduling to Minimize disturbed areas
- Stabilize disturbed areas
- Protect channels and slopes
- Control site perimeter
- Retain sediment on site
- Provide erosion, sediment and wind control
- Provide tracking control at all exits
- Contain materials and waste
- Practice good housekeeping

When applicable, a Weather Triggered Action Plan (WTAP) along with a BMP Implementation Plan (BIP) shall be prepared and available on site. The BIPs shall be implemented within 24 hours of a 50% or greater probability of a rain event. Sites shall be maintained and monitored during every rain event and all Storm Water Pollution Prevention Plans (SWPPP) or Water Pollution Control Plans (WPCP) including inspection and sampling logs shall be updated and maintained on site. Non compliance of BMP's will result in an enforcement action by the City and/or the Regional Water Quality Control Board (RWQCB). This may include correction notices, violation notices, fines, stop work orders and/or occupancy holds.



Public Works Department

Field Engineering • 9485 Aero Drive • San Diego, CA 92123
Tel (858) 627-3200 Fax (858) 627-3297

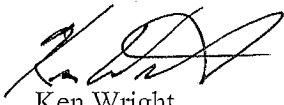
Page 2 of 2
Mr. Jess Libsack

Please refer to the attached letter dated September 12, 2014 from the RWQCB emphasizing the importance of implementing effective construction BMPs and their plan to visit sites for compliance.

Additional information and requirements are found at the City's website (www.sandiego.gov/stormwater/), as well as the California Storm Water Quality Association's website (www.casqa.org).

If you have any questions please contact the resident engineer for your project. Your cooperation is very much appreciated.

Sincerely,



Ken Wright,
Resident Engineer

Attachment: Letter dated September 12, 2014 from the RWQCB – Region 9

CC: Bella Fridman (OCA) Area Supervisor, Field Engineering Division
Construction Storm Water Section, Field Engineering Division



California Regional Water Quality Control Board, San Diego Region

September 12, 2014

Via Email Only

Orange County Municipal Storm Water Copermittees
Riverside County Municipal Storm Water Copermittees
San Diego County Municipal Storm Water Copermittees

In reply refer to / attn:
Place ID 786088:wchiu

**Subject: CONSTRUCTION STORM WATER OVERSIGHT BY MUNICIPALITIES
FOR 2014-15 RAINY SEASON**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is providing this courtesy reminder for your municipal construction storm water programs to prepare for the 2014-15 rainy season, which begins October 1. With California facing one of the most severe droughts on record it may seem like an odd time to prepare for the upcoming rainy season. In this extraordinarily dry year, however, environmental stresses to agricultural, municipal, and fish and wildlife beneficial uses of State waters are mounting. In order to limit harm from the drought, it is essential that the Copermittees continue to take all necessary steps to manage municipal separate storm sewer system (MS4) discharges to protect the quantity, quality and diversity of aquatic resources in the San Diego Region as well as water supplies vital to health and human safety.

As you know, Copermittees regulated under an MS4 permit (i.e. Order Nos. R9-2009-0002, R9-2010-0016, and R9-2013-0001) are prohibited from discharging storm water from their MS4 containing pollutants which have not been reduced to the maximum extent practicable (MEP). Reducing pollutants originating from construction sites within your jurisdiction that may be discharged in storm water from the MS4 to the MEP means that each construction site must be implementing ALL of the designated minimum best management practices (BMPs) specified by the jurisdictional runoff management program (JRMP), and as required by local ordinances.

Designated minimum BMPs required for all construction sites, especially during the rainy season, are expected to include, but are not limited to:

- Erosion prevention as the most important measure for keeping sediment on site during construction, but never as the single method.
- Sediment controls to be used as a supplement to erosion prevention for keeping sediment on site during construction.
- Minimization of areas of exposed (i.e. cleared and graded, and/or disturbed) soil and time of exposure.
- Temporary or permanent stabilization of areas of exposed soil with the provision of effective soil cover as soon as feasible.

HENRY ABARBANEL, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, CA 92108-2700 | (619) 516-1990 | www.waterboards.ca.gov/sandiego



During this period of transition to the upcoming rainy season please review the adequacy of your municipal construction storm water program and take any actions necessary to reduce, eliminate, and prevent reoccurrence of any non-compliance identified. The San Diego Water Board will also be inspecting construction sites throughout the San Diego Region during the rainy season for proper implementation of BMPs, especially for erosion control. Findings from these inspections will be used to evaluate Copermittee compliance with MS4 permit requirements to reduce pollutants originating from construction sites in storm water discharged from the MS4 to the MEP. The San Diego Water Board will continue to expect prompt and complete follow-up from the Copermittees to correct any non-compliance identified.

I greatly appreciate your consideration of my request on behalf of the San Diego Water Board and the citizens of the San Diego Region. In the subject line of any response, please include the reference number **Place ID 786088:wchiu**. For questions or comments, please contact Wayne Chiu by phone at 619-521-3354, or by email at wchiu@waterboards.ca.gov.

Respectfully,



David W. Gibson
Executive Officer
San Diego Water Board

DWG:jgs:dtb:esb:wc

Tech Staff Info & Use	
Order No.	R9-2009-0002, R9-2010-0016, and R9-2013-0001
NPDES No.	CAS0108740, CAS0108766, and CAS0109266
Place ID	786088

STORM WATER POLLUTION PREVENTION INSPECTION

ID:

PROJECT: S-00943 - Poway Road Bicycle Path - Class I

INSPECTION DATE: 9/26/2014

SITE STATUS: Active Grading

WEATHER: Sunny

% COMPLETE: 1.0

INSPECTION LOCATION: Poway Road (Southside) between Interstate 15N and Sabre Springs Parkway

Condition Satisfactory

May Require Follow-Up

- CORRECTIVE ACTIONS:
- Existing BMP adequately maintained
 - BMP inadequate, adjustments needed

- Maintain SWPP Documents
- Improve Erosion Control BMP
- Improve Sediment Control BMP
- Improve Perimeter Control BMP
- Improve Materials Handling
- Maintain Street Sweeping
- Maintain Construction Access

FOLLOW-UP REQUIRED: YES NO

STOP WORK ORDER: YES NO

Compliance Date:

COMMENTS:

Tracking and Dust Control bmps at this site needs constant (daily) attention. Please maintain construction entrance, street sweeping, and existing adjacent bmps. Keep inlet area clean.

PROJECT DETAIL

ASSIGNED RE: Wright, Ken

PRJ ID: 1057

PROJECT OWNER: City of San Diego - Public Works Department

PROJECT ADDRESS: Poway Road (Southside) between Interstate 15N and Sabre Springs Parkway

CONTRACTOR NAME: Ramona Paving and Construction Corp.

PHONE: 1-(760)788-2847

SITE CONTACT: Jess Libsack, Project Manager

PHONE: 1-(760)788-2847

ATTACHMENTS:

STORM WATER POLLUTION PREVENTION INSPECTION

ID:

PROJECT: S-00943 - Poway Road Bicycle Path - Class I

INSPECTION DATE: 10/10/2014

SITE STATUS: Active Grading

WEATHER: Sunny

% COMPLETE: 1.0

INSPECTION LOCATION: Poway Road (Southside) between Interstate 15N and Sabre Springs Parkway

Condition Satisfactory

May Require Follow-Up

- CORRECTIVE ACTIONS:**
- Existing BMP adequately maintained
 - BMP inadequate, adjustments needed

- Maintain SWPP Documents
- Improve Erosion Control BMP
- Improve Sediment Control BMP
- Improve Perimeter Control BMP
- Improve Materials Handling
- Maintain Street Sweeping
- Maintain Construction Access

FOLLOW-UP REQUIRED: YES NO

STOP WORK ORDER: YES NO

Compliance Date:

COMMENTS: Tracking and Dust Control bmps at this site needs constant (daily) attention. Please maintain construction entrance, street sweeping, and existing adjacent bmps. Keep inlet area clean. Keep silt fencing in good condition.

PROJECT DETAIL

ASSIGNED RE: Wright, Ken

PRJ ID: 1057

PROJECT OWNER: City of San Diego - Public Works Department

PROJECT ADDRESS: Poway Road (Southside) between Interstate 15N and Sabre Springs Parkway

CONTRACTOR NAME: Ramona Paving and Construction Corp.

PHONE: 1-(760)788-2847

SITE CONTACT: Jess Libsack, Project Manager

PHONE: 1-(760)788-2847

ATTACHMENTS:

STORM WATER POLLUTION PREVENTION INSPECTION

ID:

PROJECT: S-00943 - Poway Road Bicycle Path - Class I

INSPECTION DATE: 10/24/2014

SITE STATUS: Active Grading

WEATHER: Ptly Cldy

% COMPLETE: 5

INSPECTION LOCATION: Poway Road (Southside) between Interstate 15N and Sabre Springs Parkway

Condition Satisfactory

May Require Follow-Up

CORRECTIVE ACTIONS:

- Existing BMP adequately maintained
- BMP inadequate, adjustments needed

- Maintain SWPP Documents
- Improve Erosion Control BMP
- Improve Sediment Control BMP
- Improve Perimeter Control BMP
- Improve Materials Handling
- Maintain Street Sweeping
- Maintain Construction Access

FOLLOW-UP REQUIRED: YES NO

STOP WORK ORDER: YES NO

Compliance Date:

COMMENTS:

Perimeter, Tracking and Dust Control bmps at this site needs constant (daily) attention. Please maintain construction entrance, street sweeping, and existing adjacent bmps. Keep inlet area clean. Keep silt fencing maintained and in good condition.

PROJECT DETAIL

ASSIGNED RE: Wright, Ken

PRJ ID: 1057

PROJECT OWNER: City of San Diego - Public Works Department

PROJECT ADDRESS: Poway Road (Southside) between Interstate 15N and Sabre Springs Parkway

CONTRACTOR NAME: Ramona Paving and Construction Corp.

PHONE: 1-(760)788-2847

SITE CONTACT: Jess Libsack, Project Manager

PHONE: 1-(760)788-2847

ATTACHMENTS:

STORM WATER POLLUTION PREVENTION INSPECTION

ID:

PROJECT: S-00943 - Poway Road Bicycle Path - Class I

INSPECTION DATE: 11/7/2014

SITE STATUS: Active Grading

WEATHER: Ptlly Cldy

% COMPLETE: 10

INSPECTION LOCATION: Poway Road (Southside) between Interstate 15N and Sabre Springs Parkway

Condition Satisfactory

May Require Follow-Up

- CORRECTIVE ACTIONS:
- Existing BMP adequately maintained
 - BMP inadequate, adjustments needed

- Maintain SWPP Documents
- Improve Erosion Control BMP
- Improve Sediment Control BMP
- Improve Perimeter Control BMP
- Improve Materials Handling
- Maintain Street Sweeping
- Maintain Construction Access

FOLLOW-UP REQUIRED: YES NO

STOP WORK ORDER: YES NO

Compliance Date:

COMMENTS:

Perimeter, Tracking and Dust Control bmps at this site needs constant (daily) attention. Please maintain construction entrance, street sweeping, and existing adjacent bmps. Keep inlet area clean and working stockpiles wet and protected from erosion. Keep silt fencing maintained and in good condition.

PROJECT DETAIL

ASSIGNED RE: Wright, Ken

PRJ ID: 1057

PROJECT OWNER: City of San Diego - Public Works Department

PROJECT ADDRESS: Poway Road (Southside) between Interstate 15N and Sabre Springs Parkway

CONTRACTOR NAME: Ramona Paving and Construction Corp.

PHONE: 1-(760)788-2847

SITE CONTACT: Jess Libsack, Project Manager

PHONE: 1-(760)788-2847

ATTACHMENTS:

File Attachment

PROJECT INFORMATION

TITLE	Poway Road Bicycle Path - Class I	ACTUAL START DATE	8/25/2014
WBS	S-00943	ACTUAL FINISH DATE	
ASSIGNED RE	Wright, Ken		
SECTION	Districts 2 & 4		
PRIORITY	<input checked="" type="radio"/> HIGH <input type="radio"/> MEDIUM <input type="radio"/> LOW		

LOCATION (site address)	Poway Road (Southside) between Interstate 15N and Sabre Springs Parkway
PERMIT NUMBER	K-14-5963-DBB-3
PROJECT OWNER	City of San Diego - Public Works Department

ADV TX REQ	<input type="checkbox"/> Advanced Treatment Required
Permanent BMP	<input type="checkbox"/> Check if Required
RAINY SEASON GRADING LIMITATION REQUIREMENT	
NOT REQUIRED	<input checked="" type="radio"/> Total project < 5 acres
PHASED GRADING	<input type="radio"/> Total project > 5 acres, but < 5 acres at any one time.
WTAP & BIP	<input type="radio"/> Total project > 5 acres at any one time

WATERSHED MANAGEMENT AREA

- (check all that apply)
- Mission Bay | La Jolla
 - Penasquitos
 - San Diego Bay
 - San Diego River
 - San Dieguito
 - Tijuana River

CONTRACTOR INFORMATION		CONTACT INFORMATION	
NAME	Ramona Paving and Construction Corp.	NAME	Jess Libsack, Project Manager
PHONE	1-(760)788-2847	PHONE	1-(760)788-2847
EMAIL	jlibsack@ramonapaving.com	FAX	1-(760)789 9935

PROJECT COMMENTS	
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Attachment 6
to
City of San Diego MS4
Audit Inspection Report
November/December 2014

Hilton Garden Inn

Staff Enforcement Letter dated November 17, 2014
October 16, 2014 Storm Water Notice (Photo from Inspection)
October 16, 2014 Storm Water Notice (Provided by City)
November 18, 2014 Storm Water Notice (Provided by City)
Approval Status Report (Provided by City)

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WDID 937C369598 (Hilton Garden Inn): 14 November 2014 Inspection

Chiu, Wayne@Waterboards

Sent: Monday, November 17, 2014 12:57 PM**To:** Gustavo Maldonado [gmaldonado@davisreedinc.com]**Cc:** Larry Holley [larry.holley@summiterosion.com]; Arias, Christina@Waterboards; Becker, Eric@Waterboards**Attachments:** 2014-1114 Inspection Photo~1.pdf (302 KB)

Hi Gustavo,

I want to thank you, Tim and Bob for taking the time to walk with me around the Hilton Garden Inn construction site last Friday. Hopefully you have a better understanding of the BMPs we expect to see to be in compliance with the requirements of the Construction General Permit, Order No. 2009-0009-DWQ (CGP) and will be able to convey this information to the Qualified SWPPP Developer (QSD) and Qualified SWPPP Practitioner (QSP) to correct the situation.

Attached are some photos taken during the inspection that show examples of areas that need to be addressed to demonstrate compliance with the CGP requirements for a Risk Level 1 site. Please send me the following information and documentation by **November 20, 2014**:

1. The SWPPP does not include any erosion control BMPs other than scheduling and preservation of existing vegetation. All the vegetation from the site has been removed and the project has been scheduled to allow exposed disturbed soil for extended periods of time. Additional erosion control BMPs are required to be included in the SWPPP to indicate when and how disturbed soil areas will be protected from erosion when they become inactive or when a rain event is expected. Please provide me a schedule for when the SWPPP will be updated by the QSD and uploaded to the Storm Water Multiple Application and Report Tracking System (SMARTS).
2. All persons responsible for implementing the SWPPP, which includes contractors and subcontractors, are required to be trained and documentation of that training is required to be maintained with the SWPPP. Please provide me copies of the training records to document all personnel working on the site have received training on their responsibilities for implementing the requirements of the SWPPP.
3. Good housekeeping BMPs are necessary for controlling pollutant sources and preventing pollutants from being exposed and potentially transported and discharged from the site during storm events. Photos 1 through 4 show examples of areas of the site where trash needs to be properly disposed and contained, trash containers need to have covers available, sanitation facilities need to be properly maintained and inspected to prevent spills and leaks, and a waste oil container needs to be properly contained/protected and/or disposed. Please provide photos that demonstrate good housekeeping BMPs have been implemented to address the deficiencies identified.
4. Non-storm water needs to be properly managed to prevent any non-storm water discharges and the transport of sediment and other pollutants of the site. Photos 5 and 6 show examples of locations we observed during the inspection where non-storm water discharges can be better managed to prevent non-storm water discharges from the site. Please provide photos or other documentation that demonstrate proper non-storm water management is being implemented to address the deficiencies identified.
5. Erosion control BMPs that provide effective soil cover are required to be implemented to prevent the mobilization of sediment before it can be transported to other parts of the site and potentially off site. Erosion control BMPs must protect inactive disturbed soil areas from wind and surface runoff erosion. Photos 7 and 8 show areas of the site that should have had erosion control BMPs applied. Photo 6 also shows evidence of the lack of erosion controls already resulting in erosion and sediment transport. Please provide photos or other documentation that demonstrate erosion control BMPs are being implemented or available to be implemented to address the deficiencies identified.
6. Sediment control BMPs are required to be implemented to reduce the potential for sediment to be transported within and potentially off site. Photos 7, and 9 through 12 show areas of the site where perimeter sediment controls have not been adequately implemented, installed, and/or maintained. Please provide photos or other

documentation that demonstrate sediment control BMPs are being adequately implemented to address the deficiencies identified.

When a QSP identifies and documents deficiencies in BMP implementation or maintenance in the weekly inspection reports, repairs or design changes are required to be initiated within 72 hours of identification and completed as soon as possible. Please provide me the next two QSP weekly inspection reports by **December 1, 2014** which should document that all the deficiencies identified during my inspection have been addressed.

Please let me know if you have any questions.

Thanks,

Wayne Chiu, PE

Water Resource Control Engineer

Storm Water Management Unit

California Regional Water Quality Control Board

San Diego Region

2375 Northside Drive, Suite 100

San Diego, CA 92108

Direct Line: (619) 521-3354

Main Line: (619) 516-1990



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12

CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



STORM WATER NOTICE

JOB ADDRESS <i>4200 T-24</i>		PAGE 1 OF
OWNER / CONTRACTOR / COMPANY		APPROVAL / PERMIT NUMBER
WORKER / DRIVER	LIC. PLATE NUMBER	PROJECT / PLAN FILE NUMBER
OWNER / LESSEE MAILING ADDRESS		

OWNER / LESSEE TRACT NAME

You are in violation of the City of San Diego's Municipal Code §43.0301, Storm Water Management and Discharge Control.

Read Reverse Side

- STOP WORK** - Remove discharge(s) from storm water drainage system, capture and dispose of all debris, sediment, materials, etc. in an approved manner to prevent further pollution.
- Construction not in accordance with approved Storm Water Pollution Protection Plan.
- Best Management Practices (BMP's) are not in place, or adequate to prevent the discharge(s) of pollutants from entering the storm water drainage system or water courses.
- STOP WORK** - Until authorized to continue by the Inspector.

CORRECTIONS REQUIRED

- CONTACT INSPECTOR AND ARRANGE FOR APPOINTMENT (See telephone number below)
- CORRECTIONS LISTED BELOW MUST BE MADE BEFORE WORK CAN BE RECOMMENCED
- PAY REINSPECTION FEE (See back). THEN CALL FOR REINSPECTION AT (858) 581-7111

PARTIAL APPROVAL

- CORRECTIVE MEASURES FOR THE ITEMS LISTED BELOW HAVE BEEN IMPLEMENTED.
DATE _____

<input checked="" type="checkbox"/>	1. Soils, debris and all construction materials must be contained within your job site/property. Remove from public right of way.
<input checked="" type="checkbox"/>	2. Sediment Barriers (e.g. Drain inlets, Traps/Basins, Gravel Bags, Straw Bales, Silt Fences, etc.) to be <ul style="list-style-type: none"> <input type="checkbox"/> a. Installed per plans <input type="checkbox"/> b. Maintained at all times <input type="checkbox"/> c. Functioning properly (repair or replace with acceptable alternative)
<input checked="" type="checkbox"/>	3. All material handling, storage and maintenance areas to be kept reasonably clean and free of spills, leaks, or any deleterious materials
<input checked="" type="checkbox"/>	4. Materials and equipment must be covered when not in use and all associated leaks and spills to be isolated from leaving the site
<input checked="" type="checkbox"/>	5. Provide a stabilized entrance and exit for vehicles to prevent tracking soils off site
<input checked="" type="checkbox"/>	6. Exposed slopes must be protected from erosion through the implementation of acceptable soil stabilization practices
<input checked="" type="checkbox"/>	7. Materials to control pollutants from entering the storm drain are required to be on the job site for emergency purposes
<input type="checkbox"/>	A verbal warning / previous notice was issued to correct the items listed above on _____ / _____ / _____
<input type="checkbox"/>	A hold will be placed on this project. No further inspections will be given until the items listed above have been corrected. To remove the hold call for reinspection at (858) 581-7111 between 7:00 a.m. - 4:00 p.m. and press "F", then "0".
<input type="checkbox"/>	This notice will be forwarded to: <ul style="list-style-type: none"> <input type="checkbox"/> Neighborhood Code Compliance, (619) 236-5500 <input type="checkbox"/> Engineering and Capital Projects, (858) 627-3200 <input type="checkbox"/> Storm Water Pollution Prevention Program, (619) 235-1000 for further action.

Actions to correct item(s) indicated above are required FORTHWITH / WITHIN _____ business day(s) or prior to next rainfall, whichever occurs first. Failure to comply with this notice may result in the suspension of inspections, issuance of fines or both.

[Signature]
NAME OF INSPECTOR (PRINT)

INSPECTOR'S SIGNATURE

(858)

OFFICE TEL. NO.

DATE

7:15 A.M. TO 7:45 A.M.

MONDAY THRU FRIDAY

CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



STORM WATER NOTICE

JOB ADDRESS 4200 TAYLOR ST		PAGE 1 OF
OWNER / CONTRACTOR / COMPANY		APPROVAL / PERMIT NUMBER 1243665
WORKER / DRIVER	LIC. PLATE NUMBER	PROJECT / PLAN FILE NUMBER
OWNER / LESSEE / TRACT NAME		OWNER / LESSEE MAILING ADDRESS

You are in violation of the City of San Diego's Municipal Code §43.0301, Storm Water Management and Discharge Control.

Read Reverse Side

- STOP WORK - Remove discharge(s) from storm water drainage system, capture and dispose of all debris, sediment, materials, etc. in an approved manner to prevent further pollution.
- Construction not in accordance with approved Storm Water Pollution Protection Plan.
- Best Management Practices (BMP's) are not in place, or adequate to prevent the discharge(s) of pollutants from entering the storm water drainage system or water courses.
- STOP WORK - Until authorized to continue by the Inspector.

CORRECTIONS REQUIRED

- CONTACT INSPECTOR AND ARRANGE FOR APPOINTMENT. (See telephone number below)
- CORRECTIONS LISTED BELOW MUST BE MADE BEFORE WORK CAN BE RECOMMENCED.
- PAY REINSPECTION FEE (See back); THEN CALL FOR REINSPECTION AT (858) 581-7111.

PARTIAL APPROVAL

CORRECTIVE MEASURES FOR THE ITEMS LISTED BELOW HAVE BEEN IMPLEMENTED.

DATE: **10-20-14**

- 1. Soils, debris and all construction materials must be contained within your job site/property. Remove from public right of way.
- 2. Sediment Barriers (e.g. Drain Inlets, Traps/Basins, Gravel Bags, Straw Bales, Silt Fences, etc.) to be:
 - a. Installed per plans
 - b. Maintained at all times
 - c. Functioning properly (repair or replace with acceptable alternative)
- 3. All material handling, storage and maintenance areas to be kept reasonably clean and free of spills, leaks, or any deleterious materials.
- 4. Materials and equipment must be covered when not in use and all associated leaks and spills to be isolated from leaving the site.
- 5. Provide a stabilized entrance and exit for vehicles to prevent tracking soils off site.
- 6. Exposed slopes must be protected from erosion through the implementation of acceptable soil stabilization practices.
- 7. Materials to control pollutants from entering the storm drain are required to be on the job site for emergency purposes.

A verbal warning / previous notice was issued to correct the items listed above on ____/____/____.

A hold will be placed on this project. No further inspections will be given until the items listed above have been corrected. To remove the hold, call for reinspection at (858) 581-7111 between 7:00 a.m. - 4:00 p.m. and press "#", then "0".

This notice will be forwarded to: Neighborhood Code Compliance, (619) 236-5500 Engineering and Capital Projects, (858) 627-3200
 Storm Water Pollution Prevention Program, (619) 235-1000 for further action.

Actions to correct item(s) indicated above are required FORTHWITH / WITHIN _____ business day(s) or prior to next rainfall, whichever occurs first. Failure to comply with this notice may result in the suspension of inspections, issuance of fines or both.

NAME OF INSPECTOR (PRINT)

(858) **627-2055** 10/16/14

INSPECTOR'S SIGNATURE

OFFICE TEL. NO.

DATE

CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



STORM WATER NOTICE

JOB ADDRESS 4200 TAYLOR	PAGE 1 OF
OWNER / CONTRACTOR / COMPANY BEED CONST	APPROVAL / PERMIT NUMBER 1243663
WORKER / DRIVER LIC. PLATE NUMBER	PROJECT / PLAN FILE NUMBER
OWNER / LESSEE / TRACT NAME	OWNER / LESSEE MAILING ADDRESS

You are in violation of the City of San Diego's Municipal Code §43.0301, Storm Water Management and Discharge Control.

Read
Reverse
Side

- STOP WORK - Remove discharge(s) from storm water drainage system, capture and dispose of all debris, sediment, materials, etc. in an approved manner to prevent further pollution.
- Construction not in accordance with approved Storm Water Pollution Protection Plan.
- Best Management Practices (BMP's) are not in place, or adequate to prevent the discharge(s) of pollutants from entering the storm water drainage system or water courses.
- STOP WORK - Until authorized to continue by the Inspector.

CORRECTIONS REQUIRED

- CONTACT INSPECTOR AND ARRANGE FOR APPOINTMENT. (See telephone number below)
- CORRECTIONS LISTED BELOW MUST BE MADE BEFORE WORK CAN BE RECOMMENCED.
- PAY REINSPECTION FEE (See back); THEN CALL FOR REINSPECTION AT (858) 581-7111.

PARTIAL APPROVAL

- CORRECTIVE MEASURES FOR THE ITEMS LISTED BELOW HAVE BEEN IMPLEMENTED.

DATE: _____

<input checked="" type="checkbox"/>	1. Soils, debris and all construction materials must be contained within your job site/property. Remove from public right of way.				
<input checked="" type="checkbox"/>	2. Sediment Barriers (e.g. Drain Inlets, Traps/Basins, Gravel Bags, Straw Bales, Silt Fences, etc.) to be: <table style="width: 100%; margin-top: 5px;"> <tr> <td style="width: 33%;"><input type="checkbox"/> a. Installed per plans</td> <td style="width: 33%;"><input type="checkbox"/> b. Maintained at all times</td> <td style="width: 33%;"><input checked="" type="checkbox"/> c. Functioning properly (repair or replace with acceptable alternative)</td> </tr> </table>	<input type="checkbox"/> a. Installed per plans	<input type="checkbox"/> b. Maintained at all times	<input checked="" type="checkbox"/> c. Functioning properly (repair or replace with acceptable alternative)	
<input type="checkbox"/> a. Installed per plans	<input type="checkbox"/> b. Maintained at all times	<input checked="" type="checkbox"/> c. Functioning properly (repair or replace with acceptable alternative)			
<input checked="" type="checkbox"/>	3. All material handling, storage and maintenance areas to be kept reasonably clean and free of spills, leaks, or any deleterious materials.				
<input checked="" type="checkbox"/>	4. Materials and equipment must be covered when not in use and all associated leaks and spills to be isolated from leaving the site.				
<input checked="" type="checkbox"/>	5. Provide a stabilized entrance and exit for vehicles to prevent tracking soils off site.				
<input checked="" type="checkbox"/>	6. Exposed slopes must be protected from erosion through the implementation of acceptable soil stabilization practices.				
<input checked="" type="checkbox"/>	7. Materials to control pollutants from entering the storm drain are required to be on the job site for emergency purposes.				
<input checked="" type="checkbox"/>	A verbal warning / previous notice was issued to correct the items listed above on <u>11/18/14</u> .				
<input type="checkbox"/>	A hold will be placed on this project. No further inspections will be given until the items listed above have been corrected. To remove the hold, call for reinspection at (858) 581-7111 between 7:00 a.m. - 4:00 p.m. and press "#", then "0".				
<input type="checkbox"/>	This notice will be forwarded to: <table style="width: 100%; margin-top: 5px;"> <tr> <td style="width: 50%;"><input type="checkbox"/> Neighborhood Code Compliance, (619) 236-5500</td> <td style="width: 50%;"><input type="checkbox"/> Engineering and Capital Projects, (858) 627-3200</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Storm Water Pollution Prevention Program, (619) 235-1000 for further action.</td> </tr> </table>	<input type="checkbox"/> Neighborhood Code Compliance, (619) 236-5500	<input type="checkbox"/> Engineering and Capital Projects, (858) 627-3200	<input type="checkbox"/> Storm Water Pollution Prevention Program, (619) 235-1000 for further action.	
<input type="checkbox"/> Neighborhood Code Compliance, (619) 236-5500	<input type="checkbox"/> Engineering and Capital Projects, (858) 627-3200				
<input type="checkbox"/> Storm Water Pollution Prevention Program, (619) 235-1000 for further action.					

Actions to correct item(s) indicated above are required FORTHWITH / WITHIN _____ business day(s) or prior to next rainfall, whichever occurs first. Failure to comply with this notice may result in the suspension of inspections, issuance of fines or both.

NAME OF INSPECTOR (PRINT)

INSPECTOR'S SIGNATURE

(858) 627-2055 11/18/14

OFFICE TEL. NO. DATE

7:15 A.M. TO 7:45 A.M. MONDAY THRU FRIDAY




Approval Status Report

THE CITY OF SAN DIEGO
Development Services

L64A-008

1222 First Avenue, San Diego, CA 92101-4154

Project Information

Project Nbr: **355257** Title: Hilton Garden Inn Job Order: 

Project Mgr: Johnson, Derrick (619)446-5477 dnjohnson@sandiego.gov


Scope: OLD TOWN SAN DIEGO Building, electrical, mechanical & plumbing permits for new 4 story hotel over 1 level of basement garage, 4 trellis & trash enclosure. OTSDPD-Rosecrans/SDP #1071702/Brush Mgmt/Geo Haz 31.
CONCURRENT PROCESSING

Job Information

Job: 4200 TAYLOR ST Street Address: 4200 TAYLOR ST Thomas Brothers: 1268-F4

APN: 442-510-1600 Parcel Owner: M 5 D E V L L C

Approval Information

Approval Nbr: **12 43663** Type: Building Permit Status: Issued 

Scope: New 4 story hotel over 1 level of basement garage, 4 trellis & trash enclosure.

Permit Holder: Reed Construction, Inc. Issued By: Kozachenko, Justy Issued Date: 08/25/2014

Inspection Plan for Approval Nbr 12 43663

Insp	Type SubType	Status	Inspector Note	Scheduled	Performed End	Result	Tier
2514685	Structural - Storm Water C<	Completed	Ellrott, Rick (858) 627-6272	10/17/2014	10/20/2014	Fail	2
	All Stormwater Const BMPs [Fail]						
2516404	Structural - Storm Water C<	Completed	Ellrott, Rick (858) 627-6272 working on corrections from previous notice	10/20/2014	10/20/2014	Fail	2
	All Stormwater Const BMPs [Fail]						
2546654	Structural - Storm Water C<	Completed	Ellrott, Rick (858) 627-6272	10/21/2014	10/21/2014	Pass	2
	All Stormwater Const BMPs [Pass]						
2546603	Structural - Storm Water C<	Scheduled	Ellrott, Rick (858) 627-6272	12/04/2014			2
2335727	Structural - Foundation	Unavailable	Call (858) 581-7111 to schedule this inspection				2
2335728	Structural - Frame	Unavailable	Call (858) 581-7111 to schedule this inspection				2
2335729	Structural - Insulation	Unavailable	Call (858) 581-7111 to schedule this inspection				2
2335730	Structural - Lath & Drywall	Unavailable	Call (858) 581-7111 to schedule this inspection				2
2335731	Structural - Suspended Cei	Unavailable	Call (858) 581-7111 to schedule this inspection				2
2335732	Structural - Prefinal (2)	Unavailable	Call (858) 581-7111 to schedule this inspection				2
2461776	Landscape - Final	Unavailable	Call (619) 980-7208 to schedule this inspection				2
2477598	Structural - Customer Requ	Completed	Ellrott, Rick (858) 627-6272 Elev pit fig	08/26/2014	08/26/2014	Partial Pass	3
	Customer Request [Partial Pass]						
2479323	Structural - Customer Requ	Completed	Ellrott, Rick (858) 627-6272 Elev pit walls	08/28/2014	08/28/2014	Pass	3
	Customer Request [Pass]						
2501566	Structural - Customer Requ	Completed	Ellrott, Rick (858) 627-6272 Info	10/01/2014	10/01/2014	Fail	3
	Customer Request [Fail]						
2502088	Structural - Customer Requ	Completed	Ellrott, Rick (858) 627-6272	10/02/2014	10/02/2014	Fail	3
	Customer Request [Fail]						
2509938	Structural - Customer Requ	Completed	Ellrott, Rick (858) 627-6272 Shotcrete wall steel anop	10/14/2014	10/14/2014	Pass	3
	Customer Request [Pass]						
2512267	Structural - Customer Requ	Completed	Ellrott, Rick (858) 627-6272 Ftg anop	10/15/2014	10/16/2014	Partial Pass	3
	Customer Request [Partial Pass]						
	Stormwater Const BMPs [Fail]						
2534669	Structural - Customer Requ	Completed	Ellrott, Rick (858) 627-6272 first floor deck anop	11/18/2014	11/18/2014	Fail	3
	Customer Request [Fail]						
2535007	Structural - Customer Requ	Cancelled	Ellrott, Rick (858) 627-6272	11/18/2014			3
2335726	Structural - Final(3)	Unavailable	Call (858) 581-7111 to schedule this inspection				3



Approval Status Report

THE CITY OF SAN DIEGO
Development Services

L64A-008

1222 First Avenue, San Diego, CA 92101-4154

Inspection Issues

Issue	Created By	Visibility	Description	Cleared by	Cleared Date	Cleared Note	Tier
170230	Braun, Corey	Regular	Call Planning Reviewer Corey Braun at (619) 446-5311 for final inspection of details for Old Town San Diego Architectural and Landscaping Standards and Criteria.	Braun, Corey	8/26/2014 2:55 pm	Moved to Tier 3 for final inspection.	2
170295	Mansour, Amanda	Regular	Contractor must provide an affidavit that all cut quantities shall be exported to an approved legal site.	Mansour, Amanda	8/29/2014 7:38 am	Affadavit provided by Richard Walton, NAtion Engineering Inc, Dated 8/27/14. (routed to records)	2
170296	Mansour, Amanda	Regular	Note to building inspector: no work shall be allowed outside the building footprint, prior to grading permit issuance.				2
169872	Aleem, Syed	Regular					3
169873	Aleem, Syed	Regular					3
169874	Aleem, Syed	Regular		Montessoro, Martin	10/9/2014 7:46 am	Cambell Certified Inc. will make USS/HSS/ rebar structural steel miscellaneous metals. They are Certificate by the city of Los Angeles #FB01801.	3
169875	Aleem, Syed	Regular					3
169876	Aleem, Syed	Regular					3
169877	Aleem, Syed	Regular	Foundation mat slab, Bsmnt Ret. Walls, Conc. Slab above basement				3
169878	Aleem, Syed	Regular					3
169879	Aleem, Syed	Regular					3
169880	Aleem, Syed	Regular					3
169881	Aleem, Syed	Regular					3
169882	Aleem, Syed	Regular	roof trusses				3
169883	Aleem, Syed	Regular	steel stairs				3
171846	Galvez III, Oscar	Regular	Place hold on final inspection pending payment of DIF; Fee Deferral Agreement effective 8/20/14.				3
172224	Braun, Corey	Regular	Call Planning Reviewer Corey Braun at (619)446-5311 for final inspection of details for the Old Town San Diego Architectural and Landscaping Standards and Criteria.				3

Inspection Dependent Approvals

Description	Approval	Approval Type	Approval Status	Will Expire	Created By
Required	1300788	Grading Permit	Created		Mansour, Amanda
Required	1300789	Right Of Way Permit	Created		Mansour, Amanda
Required	1392382	Fire Permit - Alarm	Created		Yambao, Genevive
Required	1398807	Deferred Document Review	Created		Johnson, Aaron

Fee Status for Approval Nbr 12 43663

Fee Type	Qty Needed	Qty Paid	Unit	Invoice Status	Note
BuildgStand Surcharge SB1473	14,249,661.73	14,249,661.73	Valuation -CBC		
C&D Deposit-NonRes New	123,245.00	123,245.00	Square Feet		
DIF-Old San Diego	0.00	0.00	Dollars		
Fence-Masonry / Concrete BP	228.00	228.00	Square Feet		
Fence-Masonry / Concrete PC	228.00	228.00	Square Feet		
Housing Trust Fund	36,787.84	36,787.84	Dollars		
Issuance-With Plans	1.00	1.00	Each		
Parkg Garage-Complete (FR) BP	27,593.00	27,593.00	Square Feet		
Parkg Garage-Complete (FR) PC	27,593.00	27,593.00	Square Feet		
Patio Cover-Residential BP	1,669.00	1,669.00	Square Feet		
Patio Cover-Residential PC	1,669.00	1,669.00	Square Feet		





Approval Status Report

THE CITY OF SAN DIEGO
Development Services

1222 First Avenue, San Diego, CA 92101-4154

L64A-008

Public Arts Fee	71,248.31	71,248.31	Dollars
Records-Com/MDU(Calcs&Std)	1.00	1.00	Each
Res-MDU Complete (FR) BP	93,983.00	93,983.00	Square Feet
Res-MDU Complete (FR) PC	93,983.00	93,983.00	Square Feet
Seismic Fee (Bldg Permit)	14,249,661.73	14,249,661.73	Valuation -CBC
Stormwater Insp HP (up to 4)	1.00	1.00	Each
Water/Sewer PC	55.00	55.00	Equivalent Dwelling Uni
Water/Sewer PC-Cross Connect	55.00	55.00	Equivalent Dwelling Uni

Fee Exceptions:

Fee Warnings:

Description	Needed Qty	Normal Range
C&D Deposit-NonRes New	123245	100 - 18000
Res-MDU Complete (FR) BP	93983	100 - 18000
Parkg Garage-Complete (FR)	27593	100 - 18000
Res-MDU Complete (FR) PC	93983	100 - 18000
Parkg Garage-Complete (FR)	27593	100 - 18000

Document Exceptions:

Review Cycle	Package	Document	-----Quantity-----		
			Needed	Received	Approved
53 LDR-Eng Building Review(Appm	Reference Material	Reference Material	1	0	<input type="checkbox"/>

Completion or final of the approval requires the following:

Not all final inspections are complete and passed.
 You have 8 inspections remaining in the plan.
 You have 1 inspections scheduled after this performed date 12/4/2014.

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Attachment 7
to
City of San Diego MS4
Audit Inspection Report
November/December 2014

La Jolla Del Rey Phase 1
Notice of Violation No. R9-2014-0148, dated December 12, 2014

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California Regional Water Quality Control Board, San Diego Region

December 15, 2014

Via email only

Jaime Ralph
WM Builders
9948 Hibert Street, Suite 210
San Diego, California 92131
jaimeralph@WMBuilders.com

In reply refer to / attn:
SM-828551:wchiu

Subject: Notice of Violation No. R9-2014-0148, La Jolla Del Rey Phase 1 Construction Project, Order No. 2009-0009-DWQ, NPDES Permit No. CAS00002, Construction General Permit

Mr. Ralph:

Enclosed is Notice of Violation (NOV) No. R9-2014-0148 issued to WM Builders for violations of Order No. 2009-0009-DWQ, issued by the California State Water Resources Control Board and overseen by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response **by December 22, 2014** that confirms the violations have been corrected, identify a date by which the violations were corrected, and description of the actions taken to ensure future violations of Order No. 2009-0009-DWQ will not occur.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

Please send any written correspondence in response to this letter to SanDiego@waterboards.ca.gov. These electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: **PIN: SM-828551:wchiu**.

For questions pertaining to the subject matter, please contact Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.

Respectfully,



Eric S. Becker, P.E.
Senior Water Resource Control Engineer
Storm Water Management Unit

ESB:wc

Enclosure: Notice of Violation No. R9-2014-0148

cc (via email only): Ed Underwood, WM Builders (EdUnderwood@WMBuilders.com)
Ted Pigott, WM Builders (TedPigott@WMBuilders.com)
Shaun Schmidt, WM Builders (ShaunSchmidt@WMBuilders.com)
Julie Ballesteros, City of San Diego (BallesterosJ@sandiego.gov)

Tech Staff Info & Use	
Order No.	2009-0009-DWQ
NPDES No.	CAS000002
Place ID	SM-828551
WDID	937C369565
Inspection ID	2024140
Violation ID	8855301, 855302, 855303, 855304
Enforcement ID	417112



California Regional Water Quality Control Board, San Diego Region

December 15, 2014

NOTICE OF VIOLATION
No. R9-2014-0148

Jaime Ralph
WM Builders
9948 Hibert Street, Suite 210
San Diego, CA 92131

WM Builders

La Jolla Del Rey Phase 1 Construction Project
PIN No. SM-828551:wchiu

Violations of

Order No. 2009-0009-DWQ,
Construction General Permit

WM BUILDERS is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

WM BUILDERS is in violation of State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, NPDES No. CAS000002, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit).

A. Summary of Violations

Construction General Permit Violations

1. Failure to Comply with Discharge Prohibitions for Construction Activities:

- a. Pursuant to Provision III.B of State Water Board Order No. 2009-0009-DWQ: All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit.
b. Observation: On December 4, 2014, the San Diego Water Board inspected the La Jolla Del Rey Phase 1 construction site (WDID 937C369565). WM Builders is the

Legally Responsible Person (LRP) enrolled under the Construction General Permit (CGP) for the site. On December 4, 2014, the San Diego Water Board inspector observed evidence of sediment discharged from the site due to inadequate and ineffective implementation of best management practices (BMPs), constituting an unauthorized discharge of sediment from the site. See attached December 4, 2014 Facility Inspection Report Photos 8, 10, and 11.

2. Failure to Comply with Effluent Limitations for Construction Activities:

- a. **Pursuant to Provision V.A.2 of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants.
- b. **Pursuant to Provision IX and Section A.1.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
- c. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed the lack of effective erosion controls, perimeter sediment controls, and run-on and runoff controls required by the CGP, which directly lead to erosion and sedimentation that ultimately resulted in the discharge of sediment from the site observed on December 4, 2014. The discharge was a result of the implementation of controls, structures, and BMPs that do not achieve BCT. See attached December 4, 2014 Facility Inspection Report Photos 1, 3 through 6, 8 and 9.

3. Failure to Implement Good Site Management “Housekeeping” Best Management Practices (BMPs) for Waste Management:

- a. **Pursuant to Provision IX and Section B.1.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are ensure containment of sanitation facilities (e.g. portable toilets) to prevent discharges of pollutants to storm water drainage systems and receiving waters.
- b. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed a portable toilet located next to site boundary with evidence of runoff flowing through location and offsite into the storm water drainage system. See attached December 4, 2014 Facility Inspection Report Photo 1.

4. Failure to Implement Good Site Management “Housekeeping” BMPs for Vehicle Storage and Maintenance:

- a. **Pursuant to Provision IX and Section B.3.a of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.
- b. **Pursuant to Provision IX and Section B.3.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
- c. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector equipment and vehicles stored without appropriate BMPs to prevent oil, grease or fuel to leak in to the ground, storm drains or surface waters. See attached December 4, 2014 Facility Inspection Report Photo 2.

5. Failure to Implement Adequate Erosion Controls for Inactive Areas:

- a. **Pursuant to Provision IX and Section D.2 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.
- b. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector was informed that the site had been inactive for several months. The entire site lacked effective soil cover or other BMPs that could prevent erosion. Evidence of erosion and sediment transport due to lack or erosion control measures were observed throughout the site during the inspection. See attached December 4, 2014 Facility Inspection Report Photos 3 through 7.

6. Failure to Implement Adequate Perimeter Sediment Controls:

- a. **Pursuant to Provision IX and Section E.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
- b. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed several areas of the site where perimeter controls were not established or maintained to sufficiently control erosion and sediment discharges from the site. See attached December 4, 2014 Facility Inspection Report Photos 8 and 9.

7. Failure to Implement Adequate Run-on and Runoff Controls:

- a. **Pursuant to Provision IX and Section F.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 shall effectively manage all run-on, all runoff within the site and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in the CGP.
- b. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed no runoff controls within the site, and at least one area of the site where perimeter controls were not established or maintained to prevent runoff from the site, resulting in sediment being allowed to be discharged in runoff from the site. See attached December 4, 2014 Facility Inspection Report Photo 8.

8. Failure to Implement, Inspect, Maintain and Repair BMPs in the SWPPP:

- a. **Pursuant to Provision XIV.B of State Water Board Order No. 2009-0009-DWQ:** To demonstrate compliance with requirements of the CGP, the Qualified SWPPP Developer (QSD) shall include information in the SWPPP that supports the conclusions, selections, use, and maintenance of BMPs.
- b. **Pursuant to Provision IX and Section G.1 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall ensure that all inspection, maintenance, repair and sampling activities at the project location shall be performed or supervised by a QSP representing the discharger. The QSP may delegate any or all of these activities to an employee trained to do the task(s) appropriately, but shall ensure adequate deployment.
- c. **Pursuant to Provision IX and Section G.2 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall perform weekly inspections and observations, and at least once each 24-hour period during extended storm events, to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or by trained by the QSP.
- d. **Pursuant to Provision IX and Section G.3 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Upon identifying failures or other shortcomings, as directed by the QSP, Risk Level 1 dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
- e. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed a lack of implementation, and failures or other shortcomings in the implementation of good site management “housekeeping,” erosion controls, sediment controls, and run-on and runoff controls. For the most part, the lack of implementation, and failures or other shortcomings in the implementation of the

BMPs in the SWPPP were not identified as requiring implementation, maintenance or repair by the QSP or person trained by the QSP in the weekly inspection reports reviewed. See attached December 4, 2014 Facility Inspection Report Finding 2.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.



Eric S. Becker, P.E.
Senior Water Resource Control Engineer
Storm Water Management

ESB:wc

Attachments: Facility Inspection Report dated December 4, 2014

Tech Staff Info & Use	
Place ID	SM-828551
WDID	937C369565
Inspection ID	2024140
Violation ID	8855301, 855302, 855303, 855304
Enforcement ID	417112

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED PROTECTION PROGRAM**

FACILITY INSPECTION REPORT

FACILITY: La Jolla del Rey Phase 1 **INSPECTION DATE/TIME:** 12/4/2014; 9:30 am

WDID/FILE NO.: 937C369565

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: Wayne Chiu

AFFILIATION: San Diego Water Board

NAME: Chiara Clemente

AFFILIATION: San Diego Water Board

NAME: Ed Underwood

AFFILIATION: WM Builders

WM Builders
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

La Jolla del Rey Phase 1
FACILITY OR DEVELOPER NAME (if different from owner)

9948 Hibert Street, Ste 210
San Diego, CA 92131
OWNER MAILING ADDRESS

6316 Gullstrand Street
San Diego, CA 92122
FACILITY ADDRESS

Jaime Ralph, 619-527-6161
OWNER CONTACT NAME AND PHONE #

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)

Facility: La Jolla del Rey Phase 1
Inspection Date: 12/4/2014

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On morning of December 4, 2014, a member of the San Diego Water Board staff did a drive-by inspection of the site and noticed potential evidence of sediment discharges from the site. The drive-by inspection was during a storm event that began on December 3, 2014 and ended in the area by the morning on December 4, 2014.

Wayne Chiu and Chiara Clemente of the San Diego Water Board performed an inspection of the La Jolla Village Phase 1 construction site for compliance with the requirements of the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP). According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is as a Risk Level 1 construction site, approximately 2.1 acres in size, and lists Jaime Ralph, Project Manager for WM Builders under Owner Info. The Storm Water Pollution Prevention Plan (SWPPP) in SMARTS, however, shows a Mr. Shaun Schmidt as the Legally Responsible Person who is supposed to sign and certify the SWPPP. There was no precipitation during the inspection.

The San Diego Water Board inspectors met with Mr. Ed Underwood, the superintendent for the site. Mr. Underwood informed the San Diego Water Board inspectors that he is the Qualified SWPPP Practitioner (QSP) performing the weekly inspections. According to Mr. Underwood, the site has been inactive to several months. Mr. Underwood escorted the San Diego Water Board inspectors during the inspection.

II. FINDINGS

1. There was no SWPPP available on the site for review. The SWPPP available on SMARTS had the following deficiencies:
 - a) The name of the LRP on the certification page is Shaun Schmidt, which is not the LRP listed in SMARTS.
 - b) The SWPPP does not appear to include all the information to support the conclusions, selections, use, and maintenance of BMPs. In particular, the erosion control BMPs included in the SWPPP did not appear to include enough information to determine when, where, or what types of erosion control BMPs would be implemented.
2. Weekly inspection reports were available for the last several weeks, but none of them indicated that the erosion controls were inadequate or required implementation. Weekly inspection reports were signed and certified by Mr. Underwood. The weekly inspection reports certify that Mr. Underwood has the following qualifications: QSD, QSP, CPESC, CESSWI, erosion control subcontractor. Mr. Underwood's QSP/QSD certification number could not be found on the CASQA QSD and QSP Lookup website (<http://www.owp.csus.edu/qsd-lookup.php>). There does not appear to be a certified QSP performing or overseeing weekly inspections of the site.

Facility: La Jolla del Rey Phase 1
Inspection Date: 12/4/2014

3. Available training records indicate that training was given to contractors or subcontractors about erosion control, but no signatures of trainees were included in the records.
4. Sanitation facilities placed in runoff flow lines and in front of a discharge point from the site with inadequate protection or containment to prevent runoff from transporting pollutants from sanitation facilities offsite (See Photo 1). All construction sites are required to ensure containment of sanitation facilities to prevent discharges of pollutants to the storm water drainage system or receiving water.
5. Equipment and vehicles observed without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters (See Photo 2). All construction sites are required to prevent oil, grease or fuel to leak in to the ground, storm drains, or surface waters, and to place all equipment and vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
6. The entire site was observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control potential erosion (See Photos 3 through 7). 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.
7. Lack of effective perimeter sediment controls observed in several locations of the site which resulted in unauthorized sediment discharges from the site (See Photos 8 through 11). 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.
8. Lack of effective runoff controls observed within and around the site which contributed to sediment discharges from the site (See Photos 3 through 11). All construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site.

III. COMMENTS AND RECOMMENDATIONS

Comments

1. There is evidence that good site management "housekeeping" BMPs were not being adequately implemented (See Findings 4 and 5).

Facility: La Jolla del Rey Phase 1
 Inspection Date: 12/4/2014

2. There is evidence that erosion controls were not adequately implemented for several inactive areas contributing to discharges of sediment from the site (See Finding 6).
3. There is evidence that perimeter sediment controls, as well as run-on and runoff controls, were not adequately implemented which contributed to discharges of sediment from the site (See Findings 7 and 8).
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 water from the site observed or documented on December 4, 2014 (See Findings 4 through 8).
5. There is evidence that weekly inspections were not adequately identifying and recording BMPs that need implementation or maintenance to operate effectively, that have failed, or that could fail to operate as intended (See Findings 2 and 5 through 7).

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.

IV. SIGNATURE SECTION

Wayne Chiu		12/4/2014
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		12/12/14
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C369565
Place ID	SM-828551
Inspection ID	2024140
Violation ID	855301, 855302, 855303, 855304

Facility: La Jolla del Rey Phase 1
Inspection Date: 12/4/2014

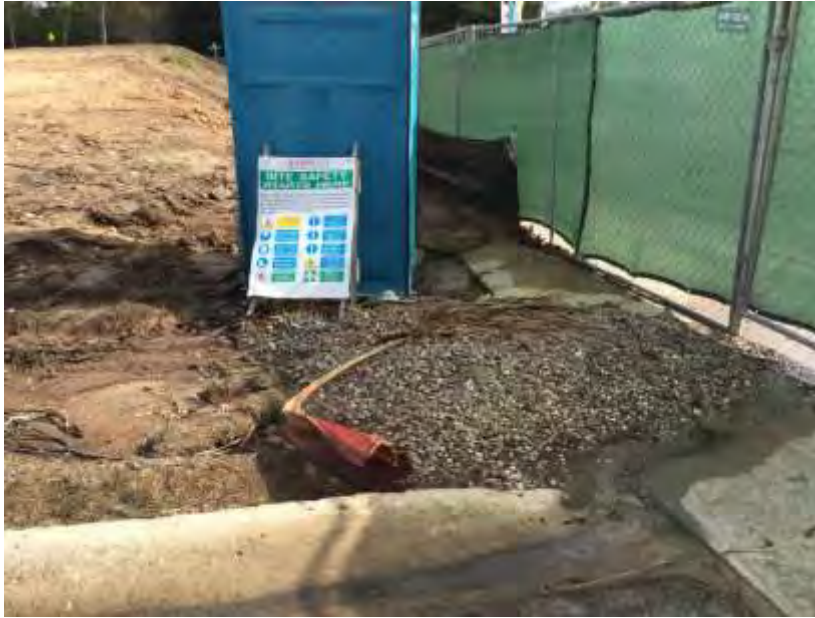


Photo 1

Photo 1 shows sanitation facilities (i.e. portable toilet) located next to site boundary with evidence of runoff flowing through location, and lack of perimeter sediment controls. Evidence of erosion and sediment transport through location and discharge of sediment and storm water from area without perimeter controls.



Photo 2

Photo 2 shows equipment and vehicles stored on site lacking appropriate BMPs to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters.

Facility: La Jolla del Rey Phase 1
Inspection Date: 12/4/2014



Photo 3



Photo 4



Photo 5



Photo 6

Photos 3 through 7 show lack of erosion controls for areas that are considered inactive, which is the entire site. Photo 3 shows the site looking toward the northeast corner. Photo 4 shows the site looking toward the northwest corner. Photo 5 shows the site looking toward the southeast corner. Photo 6 shows the site looking toward the southwest corner. Photo 7 is looking northwest toward the southeast corner of the site showing the slopes that lack any erosion controls.



Photo 7

Facility: La Jolla del Rey Phase 1
Inspection Date: 12/4/2014



Photo 8



Photo 9

Photos 8 and 9 show two locations along the boundary of the site where there is an obvious lack of perimeter sediment and run-on/runoff controls. Photo 8 also shows evidence of sediment discharged from the site due to lack of erosion and perimeter sediment controls.



Photo 10



Photo 11

Photos 10 and 11 show evidence of sediment discharges from the site due to lack of erosion and perimeter sediment controls. Photo 10 is looking south along the eastern boundary of the site. Photo 11 is looking west along the southern boundary of the site.

Attachment 8
to
City of San Diego MS4
Audit Inspection Report
November/December 2014

La Jolla Del Rey Phase 2
October 8, 2014 BMP Notice (Photo from Inspection)
November 5, 2014 BMP Notice (Photo from Inspection)
Notice of Violation No. R9-2014-0149, dated December 12, 2014

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The City of San Diego
BMP NOTICE

STORM WATER POLLUTION PREVENTION INSPECTION
 Public Works - Engineering and Capital Projects
 Field Engineering (858) 527-3200

DATE: 10/8/2014 12:00:00 AM

NAME: Iniguez, Sergio

WEATHER: Sunny

NOTICE: _____ PRIORITY: Medium

PROJECT: 24003816 - La Jolla del Rey

CONTRACTOR: WM Builders, Inc.

PHONE: 858-271-0582

SITE CONTACT Jaime Ralph

PHONE: 858-688-1163

OWNER: Edmond Pigott

PERMIT NUMBER 1131153

WORK ORDER 24003816

ADDRESS: 6345 Gullstrand St

LOCATION: 6345 Gullstrand St

SITE STATUS: Grading

- CORRECTIVE ACTIONS:
- Existing BMP adequately maintained
 - BMP inadequate, adjustments needed
 - Maintain SWPP Documents
 - Improve Erosion Control BMP
 - Improve Sediment Control BMP
 - Improve Perimeter Control BMP
 - Improve Materials Handling
 - Maintain Street Sweeping
 - Maintain Construction Access

COMMENTS:

Please restore the silt fence in front of Gullstrand St as well as Governor Dr. Material stored at the south side of the project needs to be kept contained.
 Improve material handling and housekeeping



The City of San Diego
BMP NOTICE

STORM WATER POLLUTION PREVENTION INSPECTION

Public Works - Engineering and Capital Projects
 Field Engineering (858) 627-3200

DATE: 11/5/2014 12:00:00 AM

NAME: Iniguez, Sergio

WEATHER: Sunny

NOTICE: _____ PRIORITY: Medium

PROJECT: 24003816 - La Jolla del Rey

CONTRACTOR: WM Builders, Inc.

PHONE: 858-271-0582

SITE CONTACT Jaime Ralph

PHONE: 858-688-1163

OWNER: Edmond Pigott

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ADDRESS: 6345 Gullstrand St

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 - Maintain SWPP Documents
 - Improve Erosion Control BMP
 - Improve Sediment Control BMP
 - Improve Perimeter Control BMP
 - Improve Materials Handling
 - Maintain Street Sweeping
 - Maintain Construction Access

COMMENTS:

It is required to upgrade BMP's perimeter control by installing silt fence along the perimeter of the jobsite. Also those areas that have been disturbed and left exposed and inactive for 14 or more days then they need to be fully protected for erosion. Please bring the site into compliance no later than Nov 14, 2014 or before if there is a 40% chance of rain.



California Regional Water Quality Control Board, San Diego Region

December 15, 2014

NOTICE OF VIOLATION
No. R9-2014-0149

Jaime Ralph
WM Builders
9948 Hibert Street, Suite 210
San Diego, CA 92131

WM Builders

La Jolla Del Rey Phase 2 Construction Project
PIN No. SM-827215:wchiu

Violations of

Order No. 2009-0009-DWQ,
Construction General Permit

WM BUILDERS is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

WM BUILDERS is in violation of State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, NPDES No. CAS000002, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit).

A. Summary of Violations

Construction General Permit Violations

1. Failure to Comply with Discharge Prohibitions for Construction Activities:

- a. Pursuant to Provision III.B of State Water Board Order No. 2009-0009-DWQ: All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit.
b. Observation: On December 4, 2014, the San Diego Water Board inspected the La Jolla Del Rey Phase 2 construction site (WDID 937C368646). WM Builders is the

Legally Responsible Person (LRP) enrolled under the Construction General Permit (CGP) for the site. On December 4, 2014, the San Diego Water Board inspector observed evidence of sediment discharged from the site due to inadequate and ineffective implementation of best management practices (BMPs), constituting an unauthorized discharge of sediment from the site. See attached December 4, 2014 Facility Inspection Report Photos 8, 10, and 11.

2. Failure to Comply with Effluent Limitations for Construction Activities:

- a. **Pursuant to Provision V.A.2 of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants.
- b. **Pursuant to Provision IX and Section A.1.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
- c. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed the lack of effective erosion controls, perimeter sediment controls, and run-on and runoff controls required by the CGP, which directly lead to erosion and sedimentation that ultimately resulted in the discharge of sediment from the site observed on December 4, 2014. The discharge was a result of the implementation of controls, structures, and BMPs that do not achieve BCT. See attached December 4, 2014 Facility Inspection Report Photos 1, and 4 through 9.

3. Failure to Implement Good Site Management “Housekeeping” Best Management Practices (BMPs) for Construction Materials and Waste Management:

- a. **Pursuant to Provision IX and Section B.1.a of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).
- b. **Pursuant to Provision IX and Section B.2.f of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
- c. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed soil stockpiles without adequate cover, berm, containment or

protection, resulting in erosion and sediment transport. See attached December 4, 2014 Facility Inspection Report Photo 1.

4. Failure to Implement Good Site Management “Housekeeping” BMPs for Vehicle Storage and Maintenance:

- a. **Pursuant to Provision IX and Section B.3.a of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.
- b. **Pursuant to Provision IX and Section B.3.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
- c. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector several construction vehicles stored without appropriate BMPs to prevent oil, grease or fuel to leak in to the ground, storm drains or surface waters. See attached December 4, 2014 Facility Inspection Report Photos 2 and 3.

5. Failure to Implement Adequate Erosion Controls for Inactive Areas:

- a. **Pursuant to Provision IX and Section D.2 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.
- b. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed several areas of the site that appeared to be inactive, or could be scheduled to be inactive, without effective soil cover or other BMPs that could prevent erosion. In particular, two completed building pads and a slope adjacent to the pads lacked any effective soil cover for erosion control. Evidence of erosion and sediment transport due to lack or erosion control measures were observed throughout the site during the inspection. See attached December 4, 2014 Facility Inspection Report Photos 4 through 9.

6. Failure to Implement Adequate Perimeter Sediment Controls:

- a. **Pursuant to Provision IX and Section E.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
- b. **Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed several areas of the site where perimeter controls were not established or maintained to sufficiently control erosion and sediment discharges

from the site. See attached December 4, 2014 Facility Inspection Report Photos 6 and 9.

7. Failure to Implement Adequate Run-on and Runoff Controls:

- a. Pursuant to Provision IX and Section F.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 shall effectively manage all run-on, all runoff within the site and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in the CGP.
- b. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed no runoff controls within the site, and at several areas around the site where perimeter controls were not established or maintained to prevent runoff from the site, resulting in sediment being allowed to be discharged in runoff from the site. See attached December 4, 2014 Facility Inspection Report Photos 4 through 9.

8. Failure to Implement, Inspect, Maintain and Repair BMPs in the SWPPP:

- a. Pursuant to Provision XIV.B of State Water Board Order No. 2009-0009-DWQ:** To demonstrate compliance with requirements of the CGP, the Qualified SWPPP Developer (QSD) shall include information in the SWPPP that supports the conclusions, selections, use, and maintenance of BMPs.
- b. Pursuant to Provision IX and Section G.1 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall ensure that all inspection, maintenance, repair and sampling activities at the project location shall be performed or supervised by a QSP representing the discharger. The QSP may delegate any or all of these activities to an employee trained to do the task(s) appropriately, but shall ensure adequate deployment.
- c. Pursuant to Provision IX and Section G.2 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall perform weekly inspections and observations, and at least once each 24-hour period during extended storm events, to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or by trained by the QSP.
- d. Pursuant to Provision IX and Section G.3 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Upon identifying failures or other shortcomings, as directed by the QSP, Risk Level 1 dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
- e. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed a lack of implementation, and failures or other shortcomings in

the implementation of good site management "housekeeping," erosion controls, sediment controls, and run-on and runoff controls. For the most part, the lack of implementation, and failures or other shortcomings in the implementation of the BMPs in the SWPPP were not identified as requiring implementation, maintenance or repair by the QSP or person trained by the QSP in the weekly inspection reports reviewed. See attached December 4, 2014 Facility Inspection Report Finding 1c.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.



Eric S. Becker, P.E.
Senior Water Resource Control Engineer
Storm Water Management

ESB:wc

Attachments: Facility Inspection Report dated December 4, 2014

Tech Staff Info & Use	
Place ID	SM-827215
WDID	937C368646
Inspection ID	2024141
Violation ID	855305, 855306, 855307
Enforcement ID	417113

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED PROTECTION PROGRAM**

FACILITY INSPECTION REPORT

FACILITY: La Jolla del Rey Phase 2 **INSPECTION DATE/TIME:** 12/4/2014; 9:30 am

WDID/FILE NO.: 937C368646

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: Wayne Chiu AFFILIATION: San Diego Water Board

NAME: Chiara Clemente AFFILIATION: San Diego Water Board

NAME: Ed Underwood AFFILIATION: WM Builders

WM Builders
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

9948 Hibert Street, Ste 210
San Diego, CA 92131
OWNER MAILING ADDRESS

Jaime Ralph, 619-527-6161
OWNER CONTACT NAME AND PHONE #

La Jolla del Rey Phase 2
FACILITY OR DEVELOPER NAME (if different from owner)

6345 Gullstrand Street
San Diego, CA 92122
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)

Facility: La Jolla del Rey Phase 2
Inspection Date: 12/4/2014

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On morning of December 4, 2014, a member of the San Diego Water Board staff did a drive-by inspection of the site and noticed potential evidence of sediment discharges from the site. The drive-by inspection was during a storm event that began on December 3, 2014 and ended in the area by the morning on December 4, 2014.

Wayne Chiu and Chiara Clemente of the San Diego Water Board performed an inspection of the La Jolla Village Phase 2 construction site for compliance with the requirements of the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP). According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is as a Risk Level 1 construction site, approximately 3.3 acres in size, and lists Jaime Ralph, Project Manager for WM Builders under Owner Info, but also shows a Mr. Shaun Schmidt of Willmark Communities with the title of Owner under Site Info. The Storm Water Pollution Prevention Plan (SWPPP) also shows a Mr. Shaun Schmidt as the Legally Responsible Person who is supposed to sign and certify the SWPPP. There was no precipitation during the inspection.

The San Diego Water Board inspectors met with Mr. Ed Underwood, the superintendent for the site. Mr. Underwood informed the San Diego Water Board inspectors that he is the Qualified SWPPP Practitioner (QSP) performing the weekly inspections. Mr. Underwood escorted the San Diego Water Board inspectors during the inspection.

II. FINDINGS

1. The SWPPP available on the site had the following deficiencies:
 - a) The SWPPP certification page was not signed by the Legally Responsible Person (LRP). The name of the LRP on the certification page is Shaun Schmidt, which is not the LRP listed in SMARTS.
 - b) The SWPPP that was available for review did not appear to include all the information to support the conclusions, selections, use, and maintenance of BMPs. In particular, the erosion control BMPs included in the SWPPP did not appear to include enough information to determine when, where, or what types of erosion control BMPs would be implemented.
 - c) Weekly inspection reports were available for the last several weeks, but none of them indicated that the erosion controls were inadequate or required implementation. Weekly inspection reports were signed and certified by Mr. Underwood. The weekly inspection reports certify that Mr. Underwood has the following qualifications: QSD, QSP, CPESC, CESSWI, erosion control subcontractor. Mr. Underwood's QSP/QSD certification number could not be found on the CASQA QSD and QSP Lookup website (<http://www.owp.csus.edu/qsd-lookup.php>). There does not appear to be a certified QSP performing or overseeing weekly inspections of the site.

Facility: La Jolla del Rey Phase 2
Inspection Date: 12/4/2014

- d) Available training records indicate that training was given to contractors or subcontractors about erosion control, but no signatures of trainees were included in the records.
2. Construction waste stockpile observed without adequate cover or containment (See Photo 1). 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.
 3. Construction equipment and vehicles observed without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters (See Photos 2 and 3). All construction sites are required to prevent oil, grease or fuel to leak in to the ground, storm drains, or surface waters, and to place all equipment and vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
 4. Several areas were observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control potential erosion. In particular, two completed building pads and a slope (See Photos 4 and 5), which had not been disturbed for at least a month according to Mr. Underwood, 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 5 and 6). 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.
 5. Lack of effective perimeter sediment controls observed in several locations of the site which resulted in unauthorized sediment discharges from the site (See Photos 6 through 9). 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.
 6. Lack of effective runoff controls observed within and around the site which contributed to sediment discharges from the site (See Photos 4 and 9). All construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site.

Facility: La Jolla del Rey Phase 2
 Inspection Date: 12/4/2014

III. COMMENTS AND RECOMMENDATIONS

Comments

1. There is evidence that good site management “housekeeping” BMPs were not being adequately implemented (See Findings 2 and 3).
2. There is evidence that erosion controls were not adequately implemented for several inactive areas contributing to discharges of sediment from the site (See Finding 4).
3. There is evidence that perimeter sediment controls, as well as run-on and runoff controls, were not adequately implemented which contributed to discharges of sediment from the site (See Findings 5 and 6).
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 water from the site observed or documented on December 4, 2014 (See Findings 2 through 6).
5. There is evidence that weekly inspections were not adequately identifying and recording BMPs that need implementation or maintenance to operate effectively, that have failed, or that could fail to operate as intended (See Findings 1b and 4).

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.

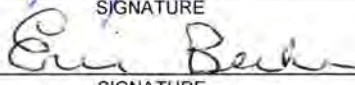
IV. SIGNATURE SECTION

Wayne Chiu
 STAFF INSPECTOR


 SIGNATURE

12/4/2014
 INSPECTION DATE

Eric Becker
 REVIEWED BY SUPERVISOR


 SIGNATURE

12/12/14
 DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C368646
Place ID	SM-827215
Inspection ID	2024141
Violation ID	855305, 855306, 855307

Facility: La Jolla del Rey Phase 2
Inspection Date: 12/4/2014



Photo 1

Photo 1 shows soil stockpile without adequate cover or containment next to a storm drain inlet. Evidence of erosion and sediment transport along that base of the stockpile.



Photo 2



Photo 3

Photos 2 and 3 show construction equipment and vehicles without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters.

Facility: La Jolla del Rey Phase 2
Inspection Date: 12/4/2014



Photo 4

Photo 4 shows completed building pads without any erosion controls or runoff controls and evidence of erosion and sediment transport. .



Photo 5

Photo 5 shows slope adjacent to completed building pad without any erosion controls.

Facility: La Jolla del Rey Phase 2
Inspection Date: 12/4/2014



Photo 6



Photo 7



Photo 8



Photo 9

Photos 6 through 9 show inadequate implementation of perimeter sediment controls to prevent discharges of sediment from the site. Photo 6 shows evidence of erosion and sediment transport from completed building pads that contributed to an offsite discharge of sediment, with accumulation of sediment in a v-ditch outside of the site boundaries due to lack of perimeter controls at the base of the slope. Photos 7 and 8 shows evidence of erosion and sediment transport from the site that contributed to an offsite discharge of sediment and sediment-laden storm water due to inadequately installed perimeter controls. Photo 9 shows evidence of sediment transport through the site with lack of runoff controls and perimeter controls along the chain-link fence to prevent sediment discharges from the site.

Attachment 9
to
City of San Diego MS4
Audit Inspection Report
November/December 2014

Northwest Village Creek

September 26, 2014 Storm Water Notice (Photo from Inspection)
September 5, 2014 BMP Notice (Photo from Inspection)
October 2, 2014 BMP Notice (Photo from Inspection)
October 30, 2014 BMP Notice (Photo from Inspection)
November 26, 2014 BMP Notice (Photo from Inspection)
December 1, 2014 BMP Notice (Photo from Inspection)
Notice of Violation No. R9-2014-0145, dated December 10, 2014

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CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT



STORM WATER NOTICE

JOB ADDRESS: 602 Euclid Ave
 OWNER / CONTRACTOR / COMPANY:
 WORKER / DRIVER: THE PLACE NUMBER:
 APPROVAL / PERMIT NUMBER: 11 9000 4
 ENCLAVE / PLAT FILE NUMBER:

OWNER / LESSEE / TRACT NAME: _____
 OWNER / LESSEE MAILING ADDRESS: _____

You are in violation of the City of San Diego's Municipal Code 543.0301, Storm Water Management and Discharge Control.

Read Reverse Side

STOP WORK - Remove discharge(s) from storm water drainage system, capture and dispose of all debris, sediment, materials, etc. in an approved manner to prevent further pollution.

Construction not in accordance with approved Storm Water Pollution Protection Plan.

Best Management Practices (BMP's) are not in place, or adequate to prevent the discharge(s) of pollutants from entering the storm water drainage system or water courses.

STOP WORK - Until authorized to continue by the Inspector.

CORRECTIONS REQUIRED

CONTACT INSPECTOR AND ARRANGE FOR APPOINTMENT (See telephone number below)

CORRECTIONS LISTED BELOW MUST BE MADE BEFORE WORK CAN BE RECOMMENDED.

PAY REINSPECTION FEE (See back), THEN CALL FOR REINSPECTION AT (858) 581-7111

PARTIAL APPROVAL

CORRECTIVE MEASURES FOR THE ITEMS LISTED BELOW HAVE BEEN IMPLEMENTED

DATE: _____

- 1. Soils, debris and all construction materials must be contained within your job site/property. Remove from public right of way.
- 2. Sediment Barriers (e.g. Drain Inlets, Traps/Basins, Gravel Bags, Straw Bales, Silt Fences, etc.) to be:
 - a. Installed per plans
 - b. Maintained at all times
 - c. Functioning properly (repair or replace with acceptable alternative)
- 3. All material handling, storage and maintenance areas to be kept reasonably clean and free of spills, leaks, or any deleterious materials.
- 4. Materials and equipment must be covered when not in use and all associated leaks and spills to be isolated from leaving the site.
- 5. Provide a stabilized entrance and exit for vehicles to prevent tracking soils off site.
- 6. Exposed slopes must be protected from erosion through the implementation of acceptable soil stabilization practices.
- 7. Materials to control pollutants from entering the storm drain are required to be on the job site for emergency purposes.

site

Info Only

A verbal warning / previous notice was issued to correct the items listed above on ____ / ____ / ____

A hold will be placed on this project. No further inspections will be given until the items listed above have been corrected. To remove the hold, call for reinspection at (858) 581-7111 between 7:00 a.m. - 4:00 p.m. and press "W", then "0".

This notice will be forwarded to: Neighborhood Code Compliance, (619) 236-5500 Engineering and Capital Projects, (858) 627-3200

Storm Water Pollution Prevention Program, (619) 235-1000 for further action

Actions to correct item(s) indicated above are required FORTHWITH / WITHIN _____ business day(s) or prior to next rainfall, whichever occurs first. Failure to comply with this notice may result in the suspension of inspections, issuance of fines or both.

Steph A. Buel
 NAME OF INSPECTOR (PRINT)

Steph A. Buel
 INSPECTOR'S SIGNATURE

(858) 627 2046 9 26 14
 OFFICE TEL. NO. DATE

7:15 A.M. TO 7:45 A.M. MONDAY THRU FRIDAY



THE CITY OF SAN DIEGO

BMP NOTICE

STORM WATER POLLUTION PREVENTION INSPECTION
FIELD ENGINEERING DIVISION, ECP

Date: 9/5/14
Name: Victor Ruzo
Weather: Sunny
Notice #: 1 Priority: M

Project: Northwest Village Creek
Contractor: Savant Construction Phone: (502) 665-0626
Site contact person: Jaemy Zavilla FAX: () _____
Owner: _____

Permit number: W _____ Work order number: IO# 24004170

Address: 504/602 Euclid Avenue

Location: _____

Site Status: _____

(grading, storm drains, underground utilities, paving, buildings, percent complete)

- Existing BMP's adequately maintained
- BMP's inadequate, adjustments needed
- Maintain SWPPP Document
- Improve Erosion Control BMP's
- Improve Sediment Control BMP's
- Improve Perimeter Control BMP's
- Improve Materials handling (i.e. Good Housekeeping: concrete wash out, site clean-up, trash, debris)
- Maintain Street Sweeping
- Maintain construction access

Comments: _____

WHITE: Contractor CANARY: SWPP Division File PINK: RE file



THE CITY OF SAN DIEGO

BMP NOTICE

STORM WATER POLLUTION PREVENTION INSPECTION
FIELD ENGINEERING DIVISION, ECP

Date: 10/2/14
Name: Vicki Ruzon
Weather: Smy
Notice #: 1 Priority: 1

Project: Northwest Village Creek
Contractor: Savant Construction Phone: (522) 665-0626
Site contact person: Jeremy Zeillo FAX: ()
Owner: _____
Permit number: W _____ Work order number: JO# 290-4170
Address: 504/602 Euclid Ave corner with Market St
Location: _____
Site Status: _____

(grading, storm drains, underground utilities, paving, buildings, percent complete)

- Existing BMP's adequately maintained
- BMP's inadequate, adjustments needed
- Maintain SWPPP Document
- Improve Erosion Control BMP's
- Improve Sediment Control BMP's
- Improve Perimeter Control BMP's
- Improve Materials handling (i.e. Good Housekeeping; concrete wash out, site clean-up, trash, debris)
- Maintain Street Sweeping
- Maintain construction access

Comments: _____

WHITE: Contractor CANARY: SWPP Division File PINK: RE file

This information is available in alternative formats upon request



THE CITY OF SAN DIEGO

BMP NOTICE

STORM WATER POLLUTION PREVENTION INSPECTION
FIELD ENGINEERING DIVISION, ECP

Date: 10/30/14
Name: Victor Pizarro
Weather: cloudy
Notice #: 1 Priority: M

Project: Northwest Village Creek
Contractor: _____ Phone: (312) 665-0650
Site contact person: Andy Dipalma FAX: () _____
Owner: _____
Permit number: W _____ Work order number: JA # 29009170

Address: _____
Location: Euclid Ave & Market St

Site Status: _____
(grading, storm drains, underground utilities, paving, buildings, percent complete)

- Existing BMP's adequately maintained
- BMP's inadequate, adjustments needed
- Maintain SWPPP Document
- Improve Erosion Control BMP's
- Improve Sediment Control BMP's
- Improve Perimeter Control BMP's
- Improve Materials handling (i.e. Good Housekeeping; concrete wash out, site clean-up, trash, debris)
- Maintain Street Sweeping
- Maintain construction access

Comments: _____

WHITE: Contractor CANARY: SWPP Division File PINK: RE file



THE CITY OF SAN DIEGO

BMP NOTICE

STORM WATER POLLUTION PREVENTION INSPECTION
FIELD ENGINEERING DIVISION, ECP

Date: 11/26/14
Name: Victor Ruzon
Weather: SUNY
Notice #: 1 Priority: H

Project: Northwest Village Creek
Contractor: Servant Construction Phone: (622) 665-6650
Site contact person: Andy Dipalma FAX: ()
Owner: _____
Permit number: W _____ Work order number: 24004170
Address: 404 N. Euclid Ave, San Diego Ca 92114
Location: Euclid & Market St
Site Status: _____

(grading, storm drains, underground utilities, paving, buildings, percent complete)

- Existing BMP's adequately maintained
- BMP's inadequate, adjustments needed
- Maintain SWPPP Document
- Improve Erosion Control BMP's
- Improve Sediment Control BMP's
- Improve Perimeter Control BMP's
- Improve Materials handling (i.e. Good Housekeeping: concrete wash out, site clean-up, trash, debris)
- Maintain Street Sweeping
- Maintain construction access

Comments: - Please clean around storm drain inlet at Euclid St 200 ft N
& replace damaged gravel bags from inlet at Market St
- Remove excess dirt from median at Euclid Ave
- Sweep gutter areas / street impacted by construction
- Apply BMPs to piles of dirt

WHITE: Contractor CANARY: SWPP Division File PINK: RE file



THE CITY OF SAN DIEGO

BMP NOTICE

STORM WATER POLLUTION PREVENTION INSPECTION
FIELD ENGINEERING DIVISION, ECP

Date: 12/1/14
Name: Victor Ruzon
Weather: cloudy
Notice #: 1 Priority: M

Project: Northwest Village Creek
Contractor: Sevant Construction Phone: (562) 665-0650
Site contact person: Andy Dipalma FAX: () _____
Owner: _____
Permit number: W _____ Work order number: 24004170
Address: _____
Location: Euclid & Market St

Site Status: _____
(grading, storm drains, underground utilities, paving, buildings, percent complete)

- Existing BMP's adequately maintained
- BMP's inadequate, adjustments needed
- Maintain SWPPP Document
- Improve Erosion Control BMP's
- Improve Sediment Control BMP's
- Improve Perimeter Control BMP's
- Improve Materials handling (i.e. Good Housekeeping: concrete wash out, site clean-up, trash, debris)
- Maintain Street Sweeping
- Maintain construction access

Comments: _____

WHITE: Contractor CANARY: SWPP Division File PINK: RE file



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

December 10, 2014

**NOTICE OF VIOLATION
No. R9-2014-0145**

Stephen Maduli-Williams
Vice President, Economic Development
Jacobs Center for Neighborhood Innovation
404 Euclid Avenue
San Diego, CA 92114

Jacobs Center for Neighborhood Innovation

Northwest Village Creek Construction Project
PIN No. SM-828254:wchiu

**Violations of

Order No. 2009-0009-DWQ,
Construction General Permit**

The JACOBS CENTER FOR NEIGHBORHOOD INNOVATION is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The JACOBS CENTER FOR NEIGHBORHOOD INNOVATION is in violation of State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, NPDES No. CAS000002, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit).

A. Summary of Violations

Construction General Permit Violations

1. Failure to Comply with Discharge Prohibitions for Construction Activities:

- a. Pursuant to Provision III.B of State Water Board Order No. 2009-0009-DWQ:**
All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit.

- b. Observation:** On December 4, 2014, the San Diego Water Board received a complaint of a discharge of sediment-laden storm water from the Northwest Village Creek construction site (WDID 937C369293) to Chollas Creek. The Jacobs Center for Neighborhood Innovation is the Legally Responsible Person (LRP) enrolled under the Construction General Permit (CGP) for the site. On December 4, 2014, the San Diego Water Board inspector observed evidence of sediment discharged from the site due to inadequate and ineffective implementation of best management practices (BMPs), constituting an unauthorized discharge of sediment from the site.

On December 8, 2014 the San Diego Water Board received photo and video documentation of sediment-laden storm water discharges from the site directly to Chollas Creek. The discharge was the result of inadequate implementation of erosion controls and inappropriately utilized and/or designed post-construction BMP basins for the construction phase observed during the December 4, 2014 inspection. See attached December 4, 2014 Facility Inspection Report Photos 4 through 8 and 12 through 16.

2. Failure to Comply with Effluent Limitations for Construction Activities:

- a. Pursuant to Provision V.A.2 of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants.
- b. Pursuant to Provision IX and Section A.1.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
- c. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed the lack of effective erosion controls, perimeter sediment controls, and run-on and runoff controls required by the CGP, which directly lead to erosion and sedimentation that ultimately resulted in the discharge of sediment and sediment-laden water from the site observed and/or documented on December 4, 2014. The discharge was a result of the implementation of controls, structures, and BMPs that do not achieve BCT. See attached December 4, 2014 Facility Inspection Report Photos 4 through 13.

3. Failure to Implement Good Site Management “Housekeeping” Best Management Practices (BMPs) for Construction Materials and Waste Management:

- a. Pursuant to Provision IX and Section B.1.a of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).
- b. Pursuant to Provision IX and Section B.2.f of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
- c. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed soil stockpiles that appeared to be inactive, or could be scheduled to be inactive without adequate cover, berm, containment or protection, resulting in erosion and sediment transport. See attached December 4, 2014 Facility Inspection Report Photos 1 and 4 through 8.

4. Failure to Implement Good Site Management “Housekeeping” BMPs for Vehicle Storage and Maintenance:

- a. Pursuant to Provision IX and Section B.3.a of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.
- b. Pursuant to Provision IX and Section B.3.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
- c. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector several construction equipment and vehicles stored without appropriate BMPs to prevent oil, grease or fuel to leak in to the ground, storm drains or surface waters. See attached December 4, 2014 Facility Inspection Report Photos 2 and 3.

5. Failure to Implement Adequate Erosion Controls for Inactive Areas:

- a. Pursuant to Provision IX and Section D.2 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.
- b. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed several areas of the site that appeared to be inactive, or could be scheduled to be inactive, without effective soil cover or other BMPs that could

prevent erosion. In particular, a large topographic feature (claimed to be a stockpile by the site superintendent) documented by a concerned citizen from as early as September 30, 2014 to the date of the inspection (December 4, 2014), lacked any effective soil cover for erosion control. Evidence of erosion and sediment transport due to lack of erosion control measures were observed throughout the site during the inspection. See attached December 4, 2014 Facility Inspection Report Photos 4 through 8.

6. Failure to Implement Adequate Perimeter Sediment Controls:

- a. Pursuant to Provision IX and Section E.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
- b. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed several areas of the site where perimeter controls were not established or maintained to sufficiently control erosion and sediment discharges from the site. One construction entrance/exit lacked controls to prevent offsite tracking or discharges of sediment by surface runoff. See attached December 4, 2014 Facility Inspection Report Photos 9 through 11.

7. Failure to Implement Adequate Run-on and Runoff Controls:

- a. Pursuant to Provision IX and Section F.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 shall effectively manage all run-on, all runoff within the site and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in the CGP.
- b. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed at least one area of the site where perimeter controls were not established or maintained to prevent run-on to the site, resulting in offsite sediment being allowed to run-on to the site, which contributed to the sediment discharges from the site. See attached December 4, 2014 Facility Inspection Report Photos 9 and 10.

8. Failure to Implement, Inspect, Maintain and Repair BMPs in the SWPPP:

- a. Pursuant to Provision XIV.B of State Water Board Order No. 2009-0009-DWQ:** To demonstrate compliance with requirements of the CGP, the Qualified SWPPP Developer (QSD) shall include information in the SWPPP that supports the conclusions, selections, use, and maintenance of BMPs.

- b. Pursuant to Provision IX and Section G.1 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall ensure that all inspection, maintenance, repair and sampling activities at the project location shall be performed or supervised by a QSP representing the discharger. The QSP may delegate any or all of these activities to an employee trained to do the task(s) appropriately, but shall ensure adequate deployment.
- c. Pursuant to Provision IX and Section G.2 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall perform weekly inspections and observations, and at least once each 24-hour period during extended storm events, to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or by trained by the QSP.
- d. Pursuant to Provision IX and Section G.3 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Upon identifying failures or other shortcomings, as directed by the QSP, Risk Level 1 dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
- e. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed a lack of implementation, and failures or other shortcomings in the implementation of good site management “housekeeping”, erosion controls, sediment controls, and run-on and runoff controls that were included in the SWPPP. For the most part, the lack of implementation, and failures or other shortcomings in the implementation of the BMPs in the SWPPP were not identified as requiring implementation, maintenance or repair by the QSP or person trained by the QSP in the weekly inspection reports reviewed. See attached December 4, 2014 Facility Inspection Report Findings 1-7.

9. Failure to Submit 2013-2014 Annual Report:

- a. Pursuant to Provision XVI.A of State Water Board Order No. 2009-0009-DWQ:** All dischargers shall prepare and electronically submit an Annual Report no later than September 1 of each year. An annual report is required if a project is active more than one continuous three month period.
- b. Observation:** Following the December 4, 2014 inspection, the San Diego Water Board inspector went on to the Storm Water Multiple Application and Report Tracking System (SMARTS) to review the 2013-2014 Annual Report. According to SMARTS, the project became active on March 26, 2014. SMARTS indicated that the 2013-2014 Annual Report is Past Due as of September 1, 2014. See attached December 4, 2014 Facility Inspection Report Finding 8.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.



Eric S. Becker, P.E.
Senior Water Resource Control Engineer
Storm Water Management

ESB:wc

Attachments: Facility Inspection Report dated December 4, 2014

Tech Staff Info & Use	
Place ID	SM-828254
WDID	937C369293
Inspection ID	2024126
Violation ID	855292, 855293, 855294, 855295
Enforcement ID	417092

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED PROTECTION PROGRAM**

FACILITY INSPECTION REPORT

FACILITY: Northwest Village Creek (Walgreens) **INSPECTION DATE/TIME:** 12/4/2014; 11:30 am

WDID/FILE NO.: 937C369293

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: Wayne Chiu

AFFILIATION: San Diego Water Board

NAME: Andy Dipalma

AFFILIATION: Savant Construction, Inc.

Jacobs Center for Neighborhood Innovation
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

Northwest Village Creek
FACILITY OR DEVELOPER NAME (if different from owner)

404 Euclid Avenue
San Diego, CA 92114
OWNER MAILING ADDRESS

602 Euclid Avenue
San Diego, CA 92114
FACILITY ADDRESS

Stephen Maduli-Williams, 619-527-6161
OWNER CONTACT NAME AND PHONE #

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)

Facility: Northwest Village Creek
Inspection Date: 12/4/2014

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On morning of December 4, 2014, the San Diego Water Board received a complaint by telephone from a concerned citizen about a discharge of sediment-laden water from a construction site located on the corner of Euclid Avenue and Market Street to Chollas Creek. The complaint was called in during a storm event that began on December 3, 2014 and ended in the area late morning on December 4, 2014.

Wayne Chiu of the San Diego Water Board performed an inspection of the Northwest Village Creek construction site for compliance with the requirements of the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP). According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is as a Risk Level 1 construction site, approximately 3.7 acres in size, and owned by the Jacobs Center for Neighborhood Innovation. There was no precipitation during the inspection.

The San Diego Water Board inspector met with Mr. Andy Dipalma, the superintendent for the site. According to Mr. Dipalma, the Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) performing inspections for the project is on site on a bi-weekly basis, and Mr. Dipalma performs the inspections for the weeks the QSP does not conduct inspections. Mr. Dipalma escorted the San Diego Water Board inspector during the inspection.

Following the inspection, the concerned citizen who submitted the complaint provided several photos and videos of the site before and during the storm event. Photos from the concerned citizen are referenced and included as photo documentation in this inspection report.

II. FINDINGS

1. The SWPPP available on the site had the following deficiencies:
 - a) There did not appear to a certification page signed by the Legally Responsible Person (LRP).
 - b) Weekly inspection reports were available for the last several weeks, but none of them indicated that the erosion controls were inadequate or required implementation as outlined in the SWPPP.
 - c) No training records were available to indicate anyone (i.e. construction personnel, contractors, sub-contractors) other than Mr. Dipalma received training on their responsibilities under the SWPPP.
2. Construction waste stockpile observed without adequate cover or containment (See Photo 1). Evidence of erosion and sediment transport from the stockpile observed during the inspection. All construction sites are required to contain and

Facility: Northwest Village Creek
Inspection Date: 12/4/2014

securely protect stockpiled waste material from wind and rain at all times unless actively being used.

3. Several construction equipment and vehicles observed without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters (See Photos 2-3). All construction sites are required to prevent oil, grease or fuel to leak in to the ground, storm drains, or surface waters, and to place all equipment and vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
4. Several areas were observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control potential erosion. All construction sites are required to provide effective soil cover for inactive (i.e. areas that have been disturbed and not scheduled to be re-disturbed for at least 14 days) areas and all finished slopes, open space, utility backfill, and completed lots.

In particular, a large topographic feature (claimed to be a stockpile by Mr. Dipalma) documented by a concerned citizen from as early as September 30, 2014 to the date of the inspection (December 4, 2014), lacked any effective soil cover for erosion control. Evidence of erosion and sediment transport due to lack or erosion control measures were observed throughout the site during the inspection (See Photos 4 through 8).

5. Lack of effective perimeter sediment controls observed in several locations of the site (See Photos 9 through 11). One construction entrance/exit was not adequately controlled which resulted in sediment discharges from the site. 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.
6. Lack of effective run-on controls observed which resulted in sediment discharges to the site, and contributed to sediment discharges from the site (See Photo 10). All construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site. Run-on from off site must be directed away from all disturbed areas or collectively be in compliance with the effluent limitations of the CGP.
7. Unauthorized discharge of sediment-laden storm water was documented through photos and videos provided by concerned citizen. The San Diego Water Board inspector was not aware of and did not search for the discharge location during the inspection.

The unauthorized discharge originated from the two basins that appeared to be constructed to be post-construction BMPs, and were not appropriately modified to be sediment traps (or sediment basins) during the construction phase as the outlets (or storm drain inlets) are located on the bottom of the basins without any

Facility: Northwest Village Creek
Inspection Date: 12/4/2014

risers or spillways (See Photos 12 and 13). In addition, erosion controls were not implemented to reduce the potential for sediment to be transported to the sediment traps (or sediment basins). The outlets from the post-construction BMPs are connected to a six-inch pipe outfall that discharges directly to Chollas Creek (See Photos 14 through 16).

All construction sites are required to minimize or prevent pollutants in storm water discharges through the use of controls, structures, and management practices that achieve the Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) standard for conventional pollutants.

8. A review of SMARTS indicates that the Annual Report for 2013-2014 is past due. All Risk Level 1 sites are required to prepare and electronically submit an Annual Report no later than September 1 of each year.

III. COMMENTS AND RECOMMENDATIONS

Comments

1. There is evidence that good site management “housekeeping” BMPs were not being adequately implemented (See Findings 2 and 3).
2. There is evidence that erosion controls were not adequately implemented for at least one inactive area between September 30, 2014 and December 4, 2014 for a total of 65 days contributing to discharges of sediment and sediment-laden storm water from the site (See Finding 4).
3. There is evidence that perimeter sediment controls, as well as run-on and runoff controls, were not adequately implemented which contributed to discharges of sediment from the site (See Findings 5 and 6).
4. There is evidence that erosion and sediment control BMPs were not adequately implemented to minimize or prevent the discharge of sediment in storm water from the site to Chollas Creek (See Findings 4 and 7).
5. 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 water from the site observed or documented on December 4, 2014 (See Findings 2 through 7).
6. There is evidence that weekly inspections by the QSP, or performed by persons trained by the QSP were not adequately identifying and recording BMPs that

Facility: Northwest Village Creek
 Inspection Date: 12/4/2014

need implementation or maintenance to operate effectively, that have failed, or that could fail to operate as intended (See Findings 1 and 4).

7. There is evidence that the discharger has failed to submit the 2013-2014 Annual Report for the site by the September 1, 2014 due date, as required for Risk Level 1 sites (See Finding 8).

Recommendations

1. Issue a Notice of Violation for discharges of sediment and sediment-laden water 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.

IV. SIGNATURE SECTION

Wayne Chiu		12/4/2014
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		12/10/14
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C369293
Place ID	SM-828254
Inspection ID	2024126
Violation ID	855292, 855293, 855294, 855295

Facility: Northwest Village Creek
Inspection Date: 12/4/2014



Photo 1

Photo 1 show soil stockpile without adequate cover or containment. Evidence of erosion and sediment transport along that base of the stockpile. Photo taken by San Diego Water Board inspector on December 4, 2014.



Photo 2



Photo 3

Photos 2 and 3 show construction equipment and vehicles without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters. Photo 2 provided by concerned citizen, taken in the morning on December 3, 2014. The same vehicles were observed by the San Diego Water Board inspector on December 4, 2014, also without appropriate BMPs. Photo 3 taken by the San Diego Water Board inspector on December 4, 2014.

Facility: Northwest Village Creek
Inspection Date: 12/4/2014



Photo 4



Photo 5

Photos 4 and 5 show the large topographic feature without any erosion controls. Linear sediment controls can be observed. Photo 4 provided by concerned citizen, taken in the morning on September 30, 2014. Photo 5 provided by concerned citizen, taken in the morning on December 3, 2014. Approximate size and shape of the topographic feature has not changed.



Photo 6

Photo 6 shows the evidence of erosion and sediment transported to the base of the slope. Photo 6 also shows the linear sediment controls were not properly installed, as the fiber rolls are not overlapped and properly trench into the slope. Photo 6 provided by concerned citizen, taken in the morning on December 3, 2014.

Facility: Northwest Village Creek
Inspection Date: 12/4/2014



Photo 7



Photo 8

Photos 7 and 8 show evidence of erosion, in the form of rills on the slope. Photo 7 also shows evidence that erosion has resulted in sediment transport to v-ditch at base of the topographic feature, which drains to a post-construction BMP basin. Photos 6 and 7 taken by San Diego Water Board inspector on December 4, 2014.



Photo 9



Photo 10

Photos 9 and 10 show factors that contributed to uncontrolled sediment discharges from the site. Photo 9 shows lack of perimeter sediment controls or tracking controls at an entrance/exit to the site. Significant offsite tracking of sediment can be seen in Photo 9. Photo 10 shows a missing section of the perimeter controls allowing offsite sediment to run-on to the site, which contributed to the sediment discharges from the site shown in Photo 9. Photos 9 and 10 taken by the San Diego Water Board inspector on December 4, 2014.

Facility: Northwest Village Creek
Inspection Date: 12/4/2014



Photo 11

Photo 11 shows an additional location where perimeter sediment controls were not established, resulting in a discharge of sediment from the site. Photo 11 taken by the San Diego Water Board inspector on December 4, 2014.



Photo 12



Photo 13

Photos 12 and 13 show the post-construction BMP basin that were inappropriately used and/or designed for the construction phase. Photo 12 shows the eastern basin, which collects runoff from the topograph feature seen in the background. Photo 13 shows the western basin. In both photos, the outlets (or storm drain inlets) can be seen surrounded by gravel bags. According to the superintendent, the outlets are covered with filter fabric. Photos 12 and 13 taken by the San Diego Water Board inspector on December 4, 2014.

Facility: Northwest Village Creek
Inspection Date: 12/4/2014



Photo 14



Photo 15

Photos 14 and 15 show the 6-inch pipe outfall connected to the post-construction BMP basins on the site discharging sediment-laden storm water directly to Chollas Creek. Photo 15 also shows a plume of sediment-laden storm water traveling downstream in Chollas Creek. Photos 14 and 15 provided by concerned citizen, taken in the morning on December 4, 2014.



Photo 16

Photo 16 shows plume of sediment-laden storm water downstream from discharge point shown in Photos 14 and 15. Photo 16 provided by concerned citizen, taken in the morning on December 4, 2014.

Attachment 10
to
City of San Diego MS4
Audit Inspection Report
November/December 2014

Mission Gorge Apartments
Notice of Violation No. R9-2014-0154, dated December 23, 2014

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California Regional Water Quality Control Board, San Diego Region

December 23, 2014

Via email only

Keneth Keefe
KNR Mission Gorge LLC
7700 Irvine Center Drive
Irvine, California 92618
kkeefe949@gmail.com

In reply refer to / attn:
SM-826367:wchiu

Subject: Notice of Violation No. R9-2014-0154, Mission Gorge Apartments Construction Project, Order No. 2009-0009-DWQ, NPDES Permit No. CAS000002, Construction General Permit

Mr. Keefe:

Enclosed is Notice of Violation (NOV) No. R9-2014-0154 issued to KNR Mission Gorge LLC for violations of Order No. 2009-0009-DWQ, issued by the California State Water Resources Control Board and overseen by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response **by January 9, 2014** that confirms the violations have been corrected, identify a date by which the violations were corrected, and description of the actions taken to ensure future violations of Order No. 2009-0009-DWQ will not occur.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

Please send any written correspondence in response to this letter to SanDiego@waterboards.ca.gov. These electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: **PIN: SM-826367:wchiu**.

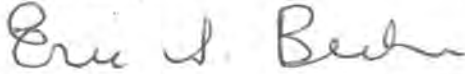
HENRY ABARBANEL, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, CA 92108-2700 | (619) 516-1990 | www.waterboards.ca.gov/sandiego



For questions pertaining to the subject matter, please contact Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.

Respectfully,



Eric S. Becker, P.E.
Senior Water Resource Control Engineer
Storm Water Management Unit

ESB:wc

Enclosure: Notice of Violation No. R9-2014-0154

cc (via email only): Scott Jones, Cobalt Construction (scott.jones@cobaltcc.com)
Donald Sturgeon, Whitson CM (dsturgeon@whitsoncm.com)
Julie Ballesteros, City of San Diego (BallesterosJ@sandiego.gov)

Tech Staff Info & Use	
Order No.	2009-0009-DWQ
NPDES No.	CAS000002
Place ID	SM-826367
WDID	937C368091
Inspection ID	2024193
Violation ID	855355, 855356
Enforcement ID	417210

California Regional Water Quality Control Board, San Diego Region

December 23, 2014

NOTICE OF VIOLATION
No. R9-2014-0154

Kenneth Keefe
KNR Mission Gorge LLC
7700 Irvine Center Drive
Irvine, California 92618

KNR Mission Gorge LLC

Mission Gorge Apartments Construction Project
PIN No. SM-826367:wchiu

Violations of

**Order No. 2009-0009-DWQ,
Construction General Permit**

KNR MISSION GORGE LLC is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

KNR MISSION GORGE LLC is in violation of State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, NPDES No. CAS000002, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit).

A. Summary of Violations

Construction General Permit Violations

1. Failure to Comply with Discharge Prohibitions for Construction Activities:

- a. Pursuant to Provision III.B of State Water Board Order No. 2009-0009-DWQ:**
All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit.
- b. Observation:** On December 12, 2014, the San Diego Water Board inspected the Mission Gorge Apartments construction site (WDID 937C368091). KNR Mission

Gorge LLC is the Legally Responsible Person (LRP) enrolled under the Construction General Permit (CGP) for the site. On December 12, 2014, the San Diego Water Board inspector observed discharges of sediment-laden storm water runoff from the site due to inadequate and ineffective implementation of BMPs, constituting an unauthorized discharge from the site. See attached December 12, 2014 Facility Inspection Report Photos 1 through 15.

2. Failure to Comply with Effluent Limitations for Construction Activities:

- a. Pursuant to Provision V.A.2 of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants.
- b. Pursuant to Provision IX and Section A.1.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
- c. Observation:** During the December 12, 2014 inspection, the San Diego Water Board inspector observed the lack of effective erosion controls, runoff controls within the site, and perimeter sediment controls required by the CGP, which directly lead to erosion and sedimentation that ultimately resulted in the discharge of sediment and sediment-laden storm water runoff from the site observed on December 12, 2014. The discharge was a result of the implementation of controls, structures, and BMPs that do not achieve BCT. See attached December 12, 2014 Facility Inspection Report Photos 1 through 15.

3. Failure to Implement Good Site Management "Housekeeping" Best Management Practices (BMPs) for Construction Materials and Waste Management:

- a. Pursuant to Provision IX and Section B.1.a of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).
- b. Pursuant to Provision IX and Section B.2.f of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
- c. Observation:** During the December 12, 2014 inspection, the San Diego Water Board inspector observed soil stockpiles without adequate cover, berm, containment

or protection, resulting in erosion and sediment transport. See attached December 12, 2014 Facility Inspection Report Photos 3 and 4.

4. Failure to Implement Adequate Erosion Controls for Inactive Areas:

- a. Pursuant to Provision IX and Section D.2 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.
- b. Observation:** During the December 12, 2014 inspection, the San Diego Water Board inspector observed several completed areas and slopes on the site that appeared to be inactive, or could be scheduled to be inactive, without effective soil cover or other BMPs that could prevent erosion. Evidence of erosion and sediment transport due to lack or erosion control measures for inactive areas were observed throughout the site during the inspection. See attached December 12, 2014 Facility Inspection Report Photos 5 through 10.

5. Failure to Implement Adequate Perimeter Sediment Controls:

- a. Pursuant to Provision IX and Section E.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
- b. Observation:** During the December 12, 2014 inspection, the San Diego Water Board inspector observed perimeter controls that were not adequately established or maintained to sufficiently control erosion and sediment discharges from the site. See attached December 12, 2014 Facility Inspection Report Photos 14 and 15.

6. Failure to Implement Adequate Runoff Controls within the Site:

- a. Pursuant to Provision IX and Section F of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 shall effectively manage all run-on, all runoff within the site and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in the CGP.
- b. Observation:** During the December 12, 2014 inspection, the San Diego Water Board inspector observed a lack of effective runoff controls within the site resulting in sediment being transported and discharged in runoff from the site. See attached December 12, 2014 Facility Inspection Report Photos 5 through 15.

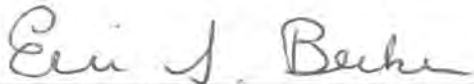
B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.



Eric S. Becker, P.E.
Senior Water Resource Control Engineer
Storm Water Management

ESB:wc

Attachments: Facility Inspection Report dated December 15, 2014

Tech Staff Info & Use	
Place ID	SM-826367
WDID	937C368091
Inspection ID	2024193
Violation ID	855355, 855356
Enforcement ID	417210

**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

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

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

6850 Mission Gorge Road
San Diego, CA 92120
FACILITY ADDRESS

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

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)

Facility: Mission Gorge Apartments
Inspection Date: 12/12/2014

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

Facility: Mission Gorge Apartments
Inspection Date: 12/12/2014

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.

Facility: Mission Gorge Apartments
 Inspection Date: 12/12/2014

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

Facility: Mission Gorge Apartments
Inspection Date: 12/12/2014



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.

Facility: Mission Gorge Apartments
Inspection Date: 12/12/2014



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.

Facility: Mission Gorge Apartments
Inspection Date: 12/12/2014



Photo 11



Photo 12



Photo 13



Photo 14

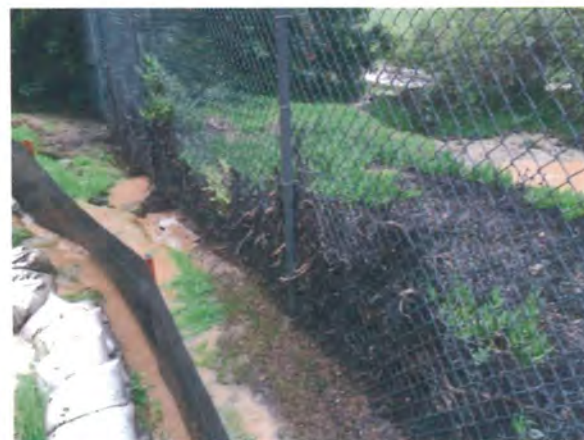


Photo 15

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.