Appendix C

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION

FACILITY INSPECTION DATA ENTRY FORM

INSPECTION DATE: August 29, 2006 TIME: 9:45	WDIDs:	ORDER NOs.	FILE NOs.
	9 00001C091	01C-091	18-2001091.02
	9 33C320657	99-08-DWQ	10-3020657.02
	9 0000512S1	R9-2004-001	10-7000.02

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: None

Ashby USA NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE	Peter Olah OWNER CONTACT NAME AND PHONE #
Roripaugh Ranch Tract 29353 FACILITY OR DEVELOPER NAME (if different from owner)	Jason Ochoa FACILITY OR DEVELOPER CONTACT NAME AND PHONE #
Nicolas Road and Butterfield Stage Road FACILITY STREET ADDRESS	Temecula, CA FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS (CHECK ALL THAT APPLY)

- X **MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766**
- X **CONSTRUCTION GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002**
- ☐ **CALTRANS GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003**
- ☐ **INDUSTRIAL GENERAL PERMIT ORDER NO. 97-03-DWQ, NPDES NO. CAS000001**
- ☐ **GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES**
- ☐ **GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS**
- X **SECTION 401 WATER QUALITY CERTIFICATION**
- ☐ **CWC SECTION 13264**

INSPECTION TYPE (Check One)

A1	____	"A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
B1	____	"B" type compliance--A routine nonsampling inspection. (EPA Type C)
02	____	Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
03	X	Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
04	X	Complaint--Inspection made in response to a complaint.
05	____	Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
06	____	Miscellaneous – inspection type is not included on this list, may include NOT, NEC, NONA or other types
07	____	Pretreatment Audit (every five years)
08	____	Pretreatment Compliance (yearly except audit year)

INSPECTION FINDINGS

Y Were violations noted during this inspection? (Yes/No/Review Sample Results)

N Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

I. CONSTRUCTION STORMWATER COMPLIANCE HISTORY

NOV R9-2003-0197 was issued on April 22, 2003 for discharges of sediment and inadequate BMPs. NOV R9-20030392 was issued on November 4, 2003. ACL Order R9-2003-0302 was issued by the San Diego Regional Water Quality Control Board (Regional Board) on November 12, 2003 in the amount of $51,000. On March 21, 2006, a SEA was issued for discharges of sediment and inadequate BMPs.

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Introduction

On August 29, 2006, Tony Felix and Kristin Schwall conducted a complaint inspection of Ashby USA, LLC Roripaugh Ranch located at 39600 Pourroy Road in Temecula, California. Roripaugh Ranch is regulated under the Statewide General Construction Storm Water Permit, Order No. 9-08-DWQ. The complainant, over a three-year period, claims: (1) significant sediment discharge onto his property at the downgrade perimeter from Roripaugh Ranch's sediment basin and, (2) significant erosion of a tributary (an unnamed tributary to Santa Gertrudis Creek), which abuts his property caused by low and high velocity flows from the sediment basin. The complainant's neighbors also shared similar concerns about sediment discharges onto their property from Roripaugh Ranch's sediment basin, especially during wet season flows. The complainant stated "these effects never occurred before, but started when Roripaugh began construction of the site and started discharging from their sediment basin."

Pre-inspection Incident

Our 10:00 a.m. arrival at the site was interrupted by a water line break, which occurred at the intersection of Murrieta Hot Springs Road and Pourroy Road (see vicinity map). Gravel bags, which were initially used to contain the pooling sediment-laden water, were being erroneously removed. This allowed the polluted water to flow freely down Murrieta Hot Springs Road (photos 1 and 2).

We immediately alerted the Ashby USA workers that the release of sediment-laden water is strictly prohibited under state regulations and city ordinances. Upon recognizing that we were Regional Board employees, the Ashby workers immediately began replacing the gravel bags to contain the flowing water. By that time there was a significant volume of sediment-laden water discharging along Murrieta Hot Springs Road and entering the storm drain inlet at the intersection of Red Bridge Road (photo 2). The discharge along Murrieta Hot Spring Road occurred for about 30 minutes with approximately 10-20 gallons of sediment-laden water entering the storm drain inlet.

Mr. Henry Martinez, Storm Water Pollution Prevention Plan (SWPPP) person for Ashby USA, and his supervisor were present during the incident. Mr. Felix notified Mr. Aldo Licitra, City of Temecula, of the incident. Approximately, fifteen minutes after the discharge occurred, Mr. Henry Martinez had the workers install a series of sediment traps along Murrieta Hot Springs Road to further contain the discharge (photos 3, 4 and 5). Mr. Licitra proposed that the city will conduct a follow up inspection of the incident. He also requested a copy of this inspection report.

Complaint Inspection Findings

At 10:33 a.m., we entered Roripaugh Ranch to walk the site and to inspect the sediment basin. The basin is at the base of the panhandle of the site, directly behind the club house. The basin, 0.7 acre in size, is designed to capture the stormwater runoff from the "plateau" and the surrounding areas (photos 7 and 9). Close inspection of the basin shows the outlet is level with the base of the basin, making the basin a flow-through system (see photo 8). The basin lacks

an anchored-riser that would facilitate sediment desilting time. The basin's 6-inch outlet pipe continues through an eighteen-inch pipe and daylights through the headwall located down gradient from the plateau (photo 10). Storm water runoff discharges through riprap, placed at the headwall, to diffuse the high velocity flows from the sediment basin (photo 10). We observed most of the riprap was covered with sediment and therefore, not expected to provide much velocity reduction. In response to the complaints, the City of Temecula had requested more riprap placed at the outlet to further reduce flow velocities from the sediment basin.

We traced the path of storm water discharge from the sediment basin's headwall through various private properties to the complainant's property. From the headwall the discharge continues through a grassy swale of a neighbor's backyard through a culvert pipe fitted with riprap at the inlet (photos 11 and 12). The complainant's property begins down gradient, at the intersection of the culvert pipe outlet and Kimberly Lane.

At the culvert pipe outlet, where storm water discharges enter the complainant's property, we observed severe erosion and sediment deposits within the natural waterway. The erosion effects and sediment deposits were more pronounced in areas along the complainant's property (photos 13 and 15). The natural waterway was scoured in some areas up to about 6 feet high (photo 15). The complainant recalled, "...as a child I could easily walk across the natural waterway." Getting across the tributary is now difficult or impossible because of the depth of erosion gullies that are formed from storm water discharges.

We observed significant amount of erosion, scouring of the embankment, and sediment buildup within the unnamed tributary that abuts the complainant's property and Liefer Road (see photos 16 and 17).

Summary of Construction Storm Water Violations

Based on the inspection evidence, it appears that storm water discharges from Roripaugh Ranch's sediment basin is causing erosion and down gradient sediment discharges in prohibition of the general Construction Storm Water Permit, Order No. 99-08-DWQ.

II. 401 CERTIFICATION COMPLIANCE HISTORY

401 Certification No. 01-091 was issued to Ashby USA, LLC for the Roripaugh Ranch Residential Development by the Executive Officer on December 11, 2002. Construction work began during the week of March 10, 2003.

401 Cert Inspection Findings

Long Valley Wash has been disturbed from its natural condition as shown in photos 18-23. Ashby USA is in violation of Condition 8 which requires the existing low flow wash of Long Valley Wash to remain in its natural condition, except as detailed in the amended application dated July 25, 2002. The wash should be returned to a natural condition as soon as possible.

The concrete bottom of one culvert was noted in Long Valley Wash as shown in photos 24 and 25. Riprap was piled at the downstream side of this culvert awaiting final placement as shown in photo 26. This concrete culvert is authorized under modifications to 401 Certification No. 01C-091.

The cement bottom to another culvert in Santa Gertrudis Creek was being constructed as authorized by modifications to 401 Certification No. 01C-091.

Mitigation for this project has not begun. Ashby USA is in violation of Condition 13 which requires mitigation to be complete within the same calendar year as the impacts or at least no later than 9 months following the close of the calendar year in which the impacts occurred. Impact first occurred in March of 2003 so mitigation was originally required to be complete by September 2004. Minor Modification 2 to the 401 Certification was issued on October 20, 2005. Condition 1 of Minor Modification 2 requires a mitigation plan to be submitted by December 20, 2005. Condition 2 of Minor Modification 2 requires the mitigation plan to be implemented by 1 year from the impacts. The impacts occurred prior to the issuance of Minor Modification 2 on October 20, 2005, so the date of impacts for the purpose of Minor Modification 2 is established as the issuance date of Minor Modification 2. The mitigation is required to be implemented by one year from October 20, 2005, which is October 20, 2006. The mitigation plan is still being negotiated with the resource agencies for impacts to the Nicolas Road Project. Due to the long time between impacts and mitigation, additional mitigation may be necessary.

The extended detention basin behind the construction offices on Pourroy Road shown in photos 2 and 3 had mulched and planted slopes. The outlet shown in photo 3 is at the elevation of the basin floor allowing the water to flow straight through without detaining the water quality volume. According to the CASQA guidelines, no more than 50% of the water quality volume should drain from the basin in the first 24 hours. CASQA recommends the use of a riser with an orifice to drain the water quality volume in 72 hours. The County of Riverside's WQMP Design Manual recommends either a perforated riser or a submerged horizontal orifice. This Riverside WQMP Design Manual also states:

"The basin outlet is designed to release the design runoff over a 48-hour drawdown period. The drawdown time refers to the minimum amount of time the design volume must be retained. In order to avoid vector breeding problems, the design volume should always empty within 72 hours. To function properly, the outlet must also be sized to retain the first half of the design volume for a minimum of 24 hours."

Summary of 401 Certification Violations

This outlet design fails to detain and treat the water quality volume and is in violation of Clean Water Act Section 401 Water Quality Certification No. 01C-091. Ashby USA is in violation of Condition 16 of 401 Certification No. 01C-091 which states that post-construction BMPs including detention basins will be implemented to treat and control urban runoff.

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Photos 11, 12, 13, and 14 show illegal fills of waters of the US downstream of the detention basin. The complainant said that these fill areas were placed to address the erosion from the detention basin discharge.

The basin outlet design is causing erosion in the creek downstream from the outlet as shown in photos 8, 10, and 11. Ashby USA is in violation of Condition 16 of 401 Certification No. 01C-091 for failing to implement BMPs as described in the WQMP.

SWPPP Reviewed: YES___ NO_X__

COPY PROVIDED TO OPERATOR? YES___ NO_X__ COPY TO BE MAILED? YES_X__ NO___

Questions pertaining to this inspection should be directed to Mr. Tony Felix at (858) 636-3134 or via e-mail at TFelix@waterboards.ca.gov and/or Ms. Kristin Schwall at (858) 467-2345 or KSchwall@ waterboards.ca.gov. Written correspondence pertaining to this inspection should be directed to the following address:

Michael P. McCann
Supervising Water Resource Control Engineer
Attention: Tony Felix
California regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Tony Felix — August 29, 2006
STAFF INSPECTOR — SIGNATURE — INSPECTION DATE

Kristin K. Schwall J.G. Smith for KKS — August 29, 2006
STAFF INSPECTOR — SIGNATURE — INSPECTION DATE

IV. (For internal use only)

Reviewed by Supervisor: _____ Date 3 Nov 06

cc: City _____ Contact _____

Program: NPDES STORM NON15-WDR 401 NPS TITLE 27 AGT DoD LNDISP PTPRG RCRA SLIC REC

Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____

S:\Industrial Compliance\Stormwater\Inspection Report Form 11-20-02.doc
CIWQS Roripaugh 401 Inspection Report: 830304
Tract 29353 Construction Inspection Report: 834218
Reg measure: 313474 Inspection Report SEA
Violation I: 438464
Violation II: 438467
Violation III: 438468
Violation IV: 438469
Violation V: 438816
Violation VI: 438470

Photo 01: Ashby, USA workers attending to water line break. Initially, the workers were observed erroneously removing the gravel bags releasing the sediment-laden water along Murrieta Hot Springs Road.

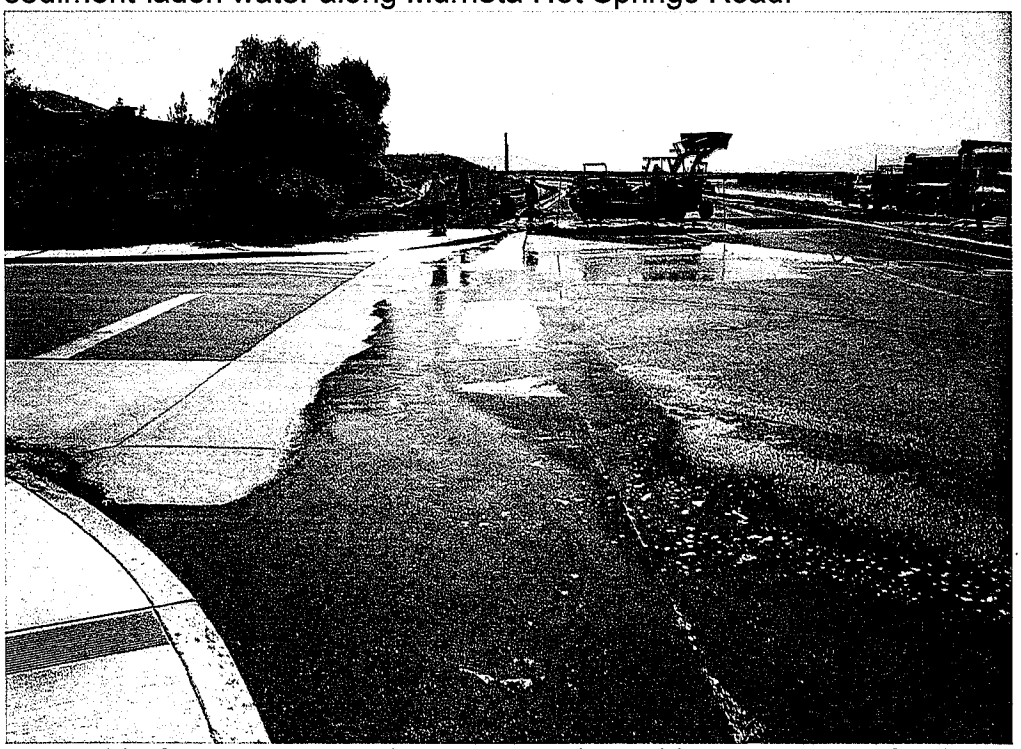

Photo 02: Our presence quickly alerted the Ashby works to maintain the BMPs, as sediment-laden water entered the storm drain along Murrieta Hot Springs Road.

Photo 03: Workers attempting to shut off the water main. The SWPPP person, Mr. Henry Martinez, and his supervisor were present at the time of the incident.

Photo 04: Sediment traps were immediately installed along Murrieta Hot Spring Road to contain and capture the sediment-laden water.

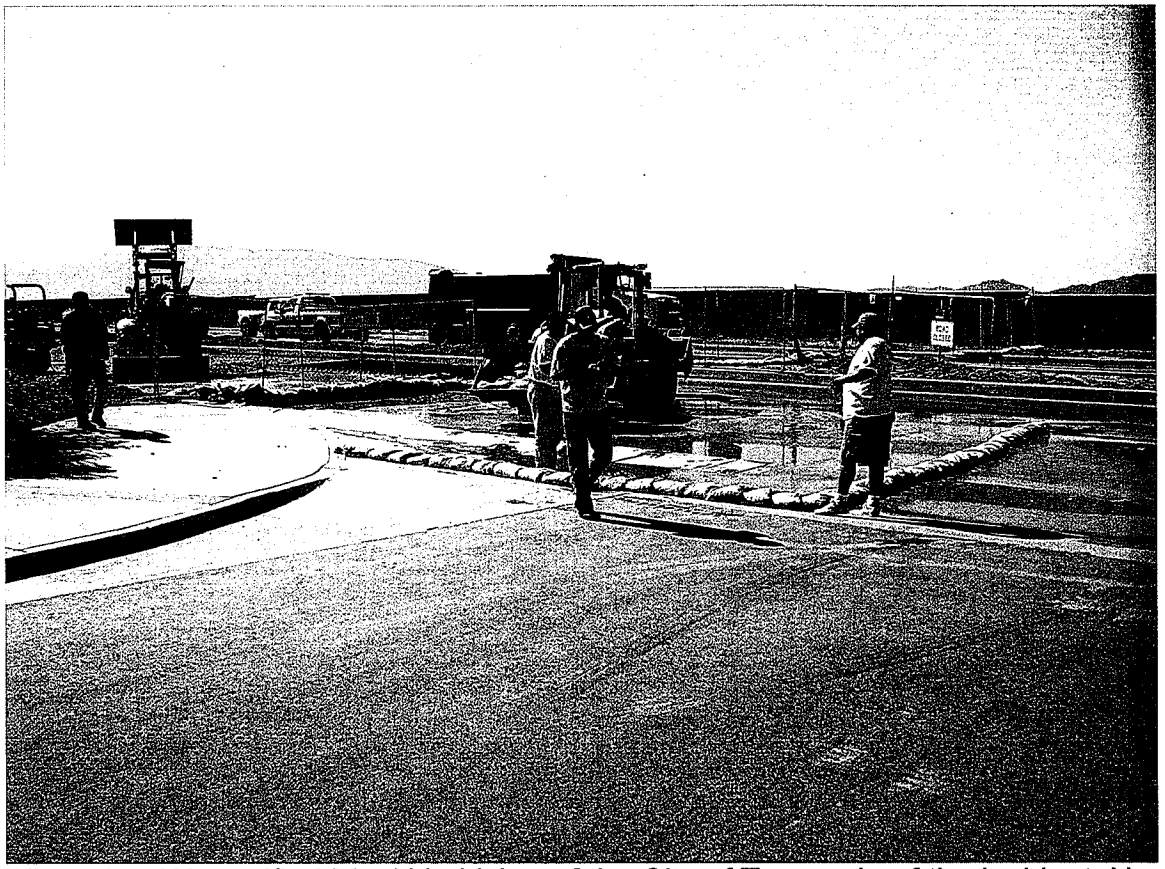

Photo 05: We notified Mr. Aldo Licitra of the City of Temecula of the incident. He proposed to conduct a follow up inspection of the incident to ensure proper clean up of the sediment that was deposited along Murrieta Hot Springs Road. The incident occurred the moment we approach the site entrance on Pourroy Road.

About an hour later, the Ashby workers had laid out a series of sediment traps along Murrieta Hot Springs Road to contain the sediment discharge. The closest storm drain, located at the intersection on Red Bridge Road, was protected with gravel bags to contain the runoff.

There was discharge into the City's storm drain located at the intersection of Murrieta Hot Springs Road and Red Bridge Road, which is in violation of the City of Temecula's Municipal Separate Storm Sewer Systems (MS_4) permit.

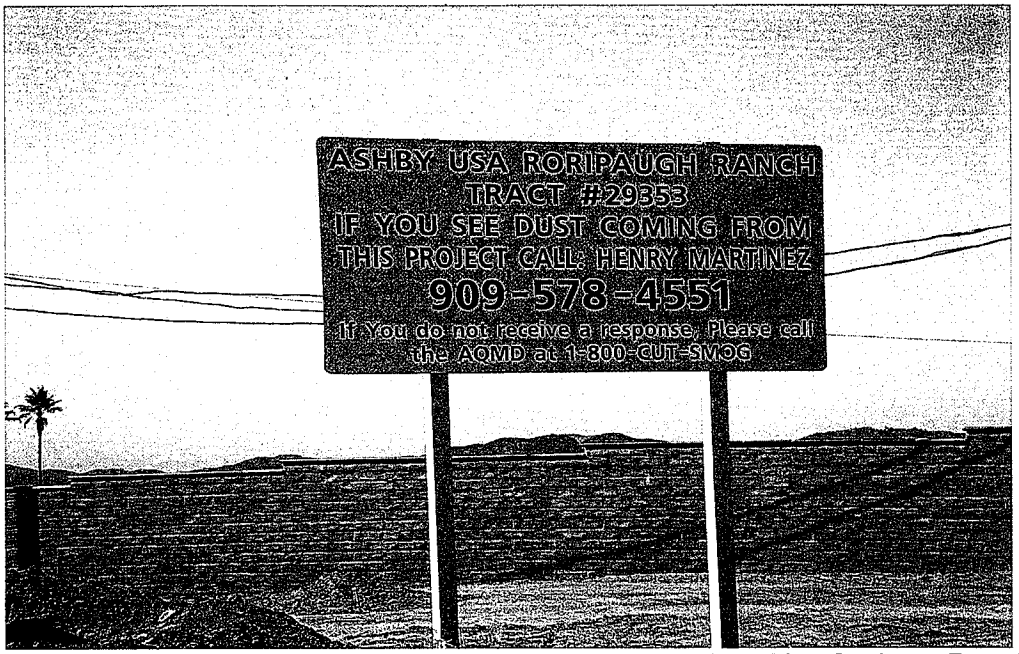

Photo 06: Site entrance at Pourroy Road off Murrieta Hot Springs Road in Temecula, CA.

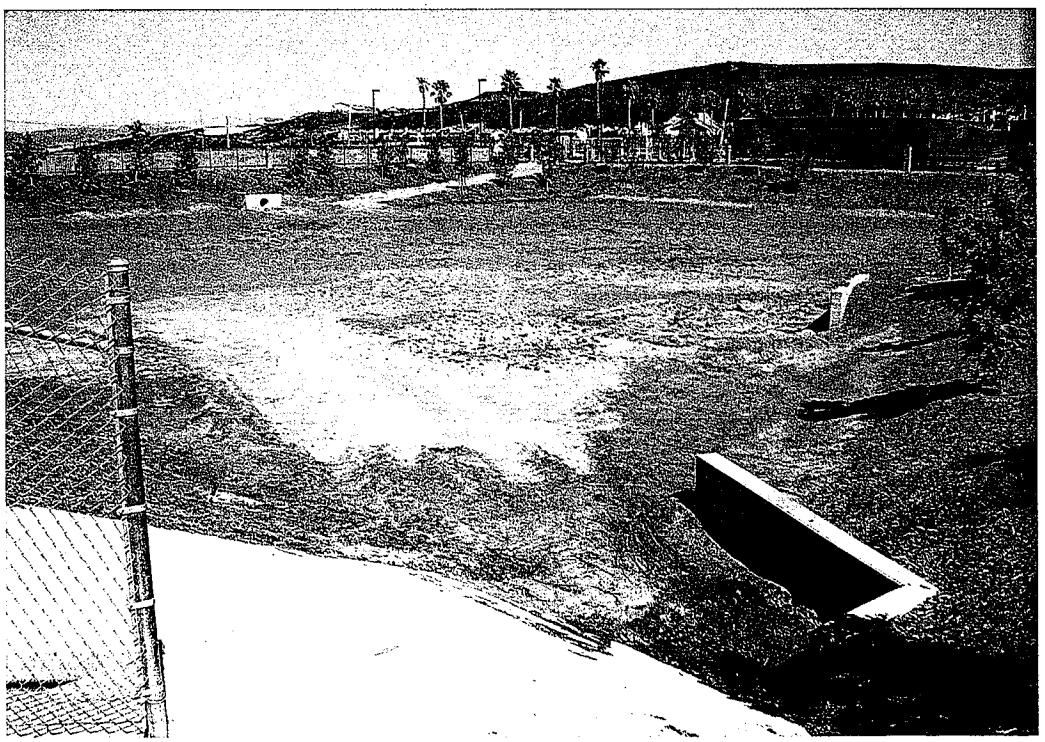

Photo 07: The sediment basin is expected to contain storm water runoff from adjoining east and west graded lots (referred to as the Plateau).

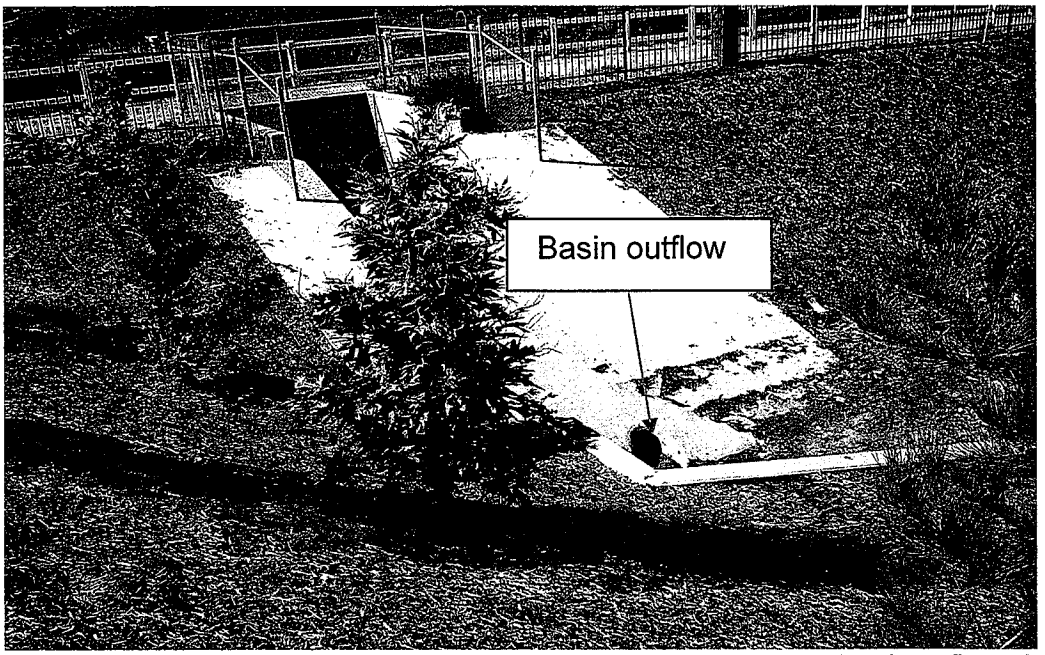

Photo 08: Placement of the basin outflow indicates the design is a flow-through system, eliminating settling time.

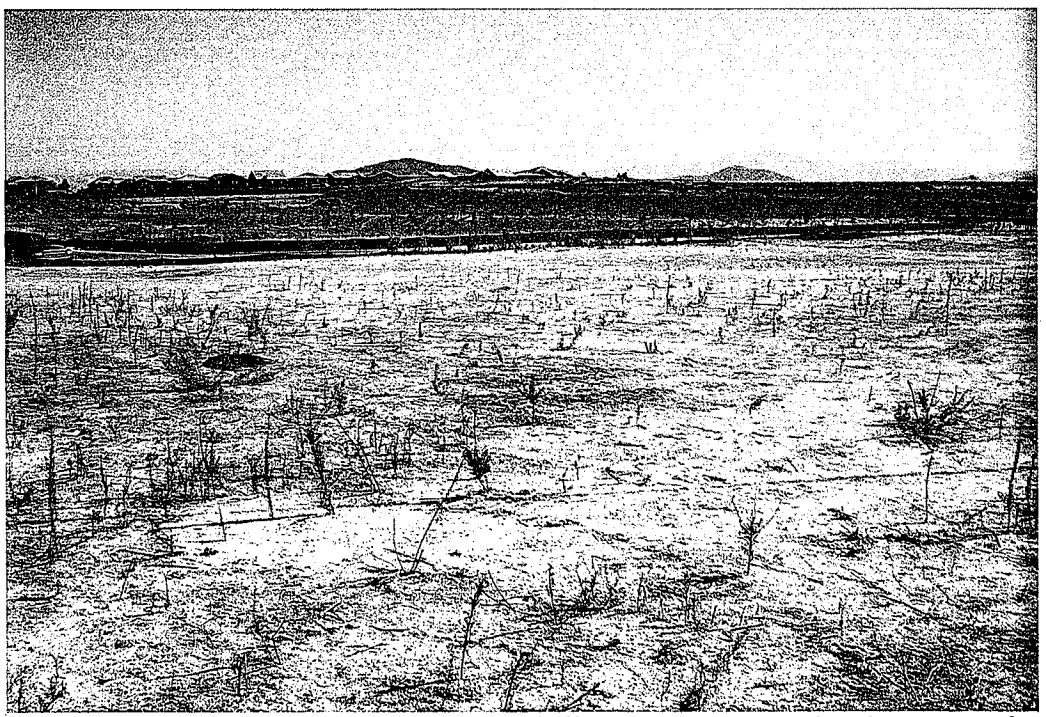

Photo 09: Most of the storm water runoff to the sediment basin comes from the 'plateau' portion of the site and the adjoining graded parcel (west).

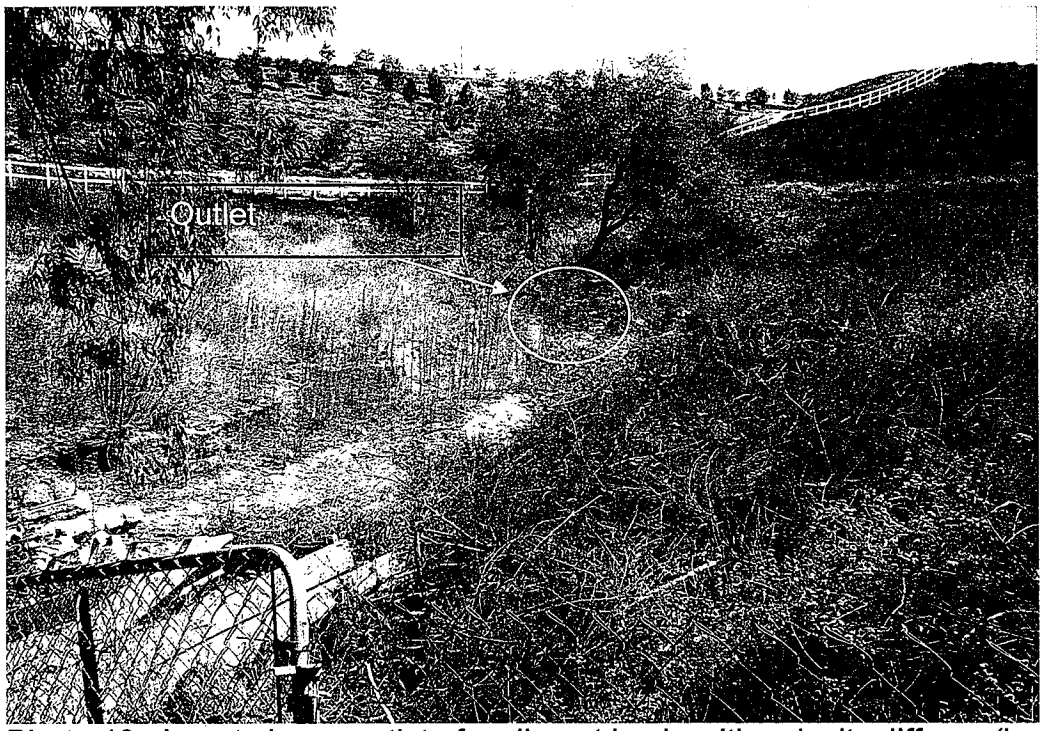

Photo 10: Insert shows outlet of sediment basin with velocity diffuser (barely visible because it is covered with sediment). Subsequent photos will trace the path of discharge from the sediment basin to the complainant's property.

Photo 11: Runoff from the sediment basin continues through this grassy swale exiting through the culvert pipe (seen in background).

Photo 12: Culvert pipe-shows buildup of sediment deposit from discharges from sediment basin.

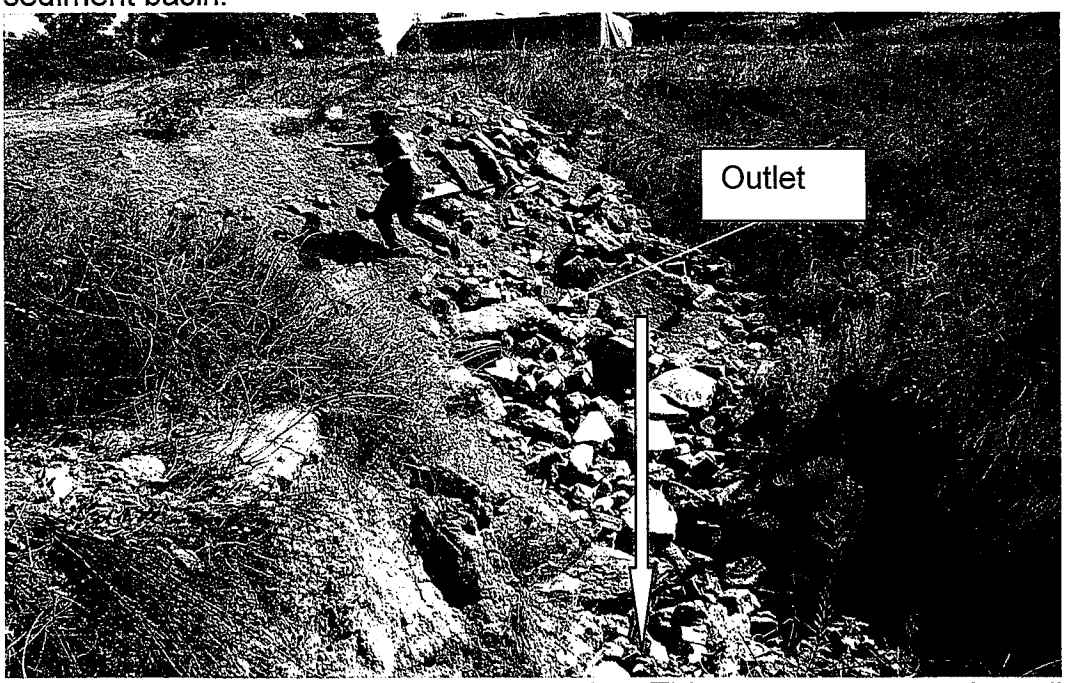

Photo 13: Insert shows culvert pipe's outlet. This natural waterway is a tributary to Santa Gertrudis Creek. Complainant states that the creek bed was at the level of the outlet pipe before the upstream Roripaugh basin was constructed.

Photo 14: Complainant filled natural waterway with waste concrete blocks to serve as velocity diffuser. More of this can be seen in previous photo.

Photo 15: Complainant claims that high velocity and long duration discharges from the sediment basin has created deep gullies within the natural waterway. Note the depth of erosion from top of bank to bottom of creek bed shown with white arrows. Erosion was generally 3 to 4 feet, and up to 6 feet deep, in this area.

Photo 16: Complainant's property (5 acres) is to the left. Scouring of the embankment from erosion from low drainage flows. Per the complainant, during the wet season the erosion effects and sediment deposits are more pronounced in this area.

Photo 17: Facing upstream of natural waterway across Liefer Road. Storm water discharges continues through pipe underneath Liefer Road.