

Appendix D



California Regional Water Quality Control Board

San Diego Region

Linda Adams
Secretary

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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CERTIFIED MAIL – RETURN RECEIPT
7004 0750 0001 2969 2691

November 2, 2006

In reply refer to:
WPN:10-3020657.02,18-2001091.02:schwk

Mr. Peter Olah
Ashby USA, LLC
39353 Winchester Road #107-393
Murrieta, CA 92563

Subject Site: Roripaugh Ranch Residential Development Project

**RE: NOTICE OF VIOLATION NO. R9-2006-0135 &
REQUIRED TECHNICAL REPORT**

Dear Mr. Olah,

Enclosed is **Notice of Violation (NOV) No. R9-2006-0135** for the subject site in the City of Temecula. The violations specified were identified during a site inspection on August 29, 2006. Corrective measures and Best Management Practices (BMPs) should be implemented immediately to address these violations.

Pursuant to California Water Code (CWC) Sections 13267 and 13383, the Regional Water Quality Control Board, San Diego Region (Regional Board) directs you to submit a **Required Technical Report (RTR)** received at the Regional Board no later than **5:00 PM, November 30, 2006**. The RTR is required due to the violations noted in the enclosed NOV and to assess the need for further possible enforcement actions. The RTR shall include the following Sections:

1. An Immediate Actions Section describing the reasons for the discharge of sediment from the subject site into the Municipal Separate Storm Sewer System or Waters of the United States and what immediate steps were taken to prevent future unauthorized discharges.
2. A Storm Water Pollution Prevention Plan (SWPPP) Status Report Section including:
 - a) A site map boldly indicating all flow lines, storm water inlets and outfalls (designate active or inactive), direct discharge (if applicable) to a water of the state, and BMPs (Maps should be no bigger than 11" x 17").

- b) A statement giving the exact date construction began.
 - c) Photocopies of all annual Compliance Certifications (to date).
 - d) A photocopy of the SWPPP Signatory Requirement page.
3. A Site Status Report Section including photo-documentation of implementation of the SWPPP, including proper installation of BMPs addressing, but not limited to, those specific violations indicated in the attached NOV.
4. A Hydrologic Study Section certified by a Registered Civil Engineer, for each sediment basin serving any tributary area as erosion control. Include:
- a) Site Map delineating topographic tributary area (scaled) with flowlines.
 - b) Basin dimensions and calculated maximum volume.
 - c) Outlet and filtration calculations and specifications.
 - d) Hydrologic calculations based on one of the prescribed methods specified in Order No. 99-08-DWQ.
 - e) All supporting documentation.

The submitted Required Technical Report shall include the following signed certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385.

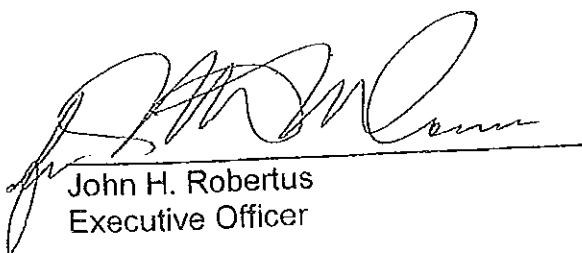
Submission of the above listed items does not exempt you from further enforcement action based on prior noted violations.

November 2, 2006

Mr. Peter Olah
RTR and NOV R9-2006-135

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Kristin Schwall at 858-467-2345 or kschwall@waterboards.ca.gov. Written correspondence should be directed to the following address:

John H. Robertus, Executive Officer
Attn: Kristin Schwall
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340



John H. Robertus
Executive Officer

Nov 2, 2006
Date

Attachments: Notice of Violation
Facility Inspection Report (w/ site map and photo-documentation)

Cc: Ms. Ellen Blake, US EPA

Aldo Licitra
City of Temecula
P.O.Box 9033
Temecula, CA 92589-9033

File No. 10-3020657.02 and 18-2001091.02

CIWQS Reg measure: 313549
Violation I: 438464
Violation II: 438467
Violation III: 438468
Violation IV: 438469
Violation V: 438470

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)

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- 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
- 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 Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
- 04 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.

FACILITY: Roripaugh Residential Ranch WQID: 9 00001C091 INSPECTION DATE: August 29, 2006
9 0000512S1
9 33C320657

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

FACILITY: Roripaugh Residential Ranch WQID: 9 00001C091 INSPECTION DATE: August 29, 2006
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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.

FACILITY: Roripaugh Residential Ranch WQID: 9 00001C091 INSPECTION DATE: August 29, 2006
9 0000512S1
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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.

FACILITY: Roripaugh Residential Ranch WDID: 9 00001C091 INSPECTION DATE: August 29, 2006
9 0000512S1
9 33C320657

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

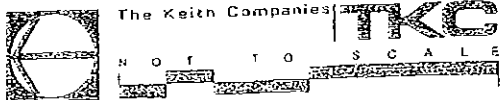
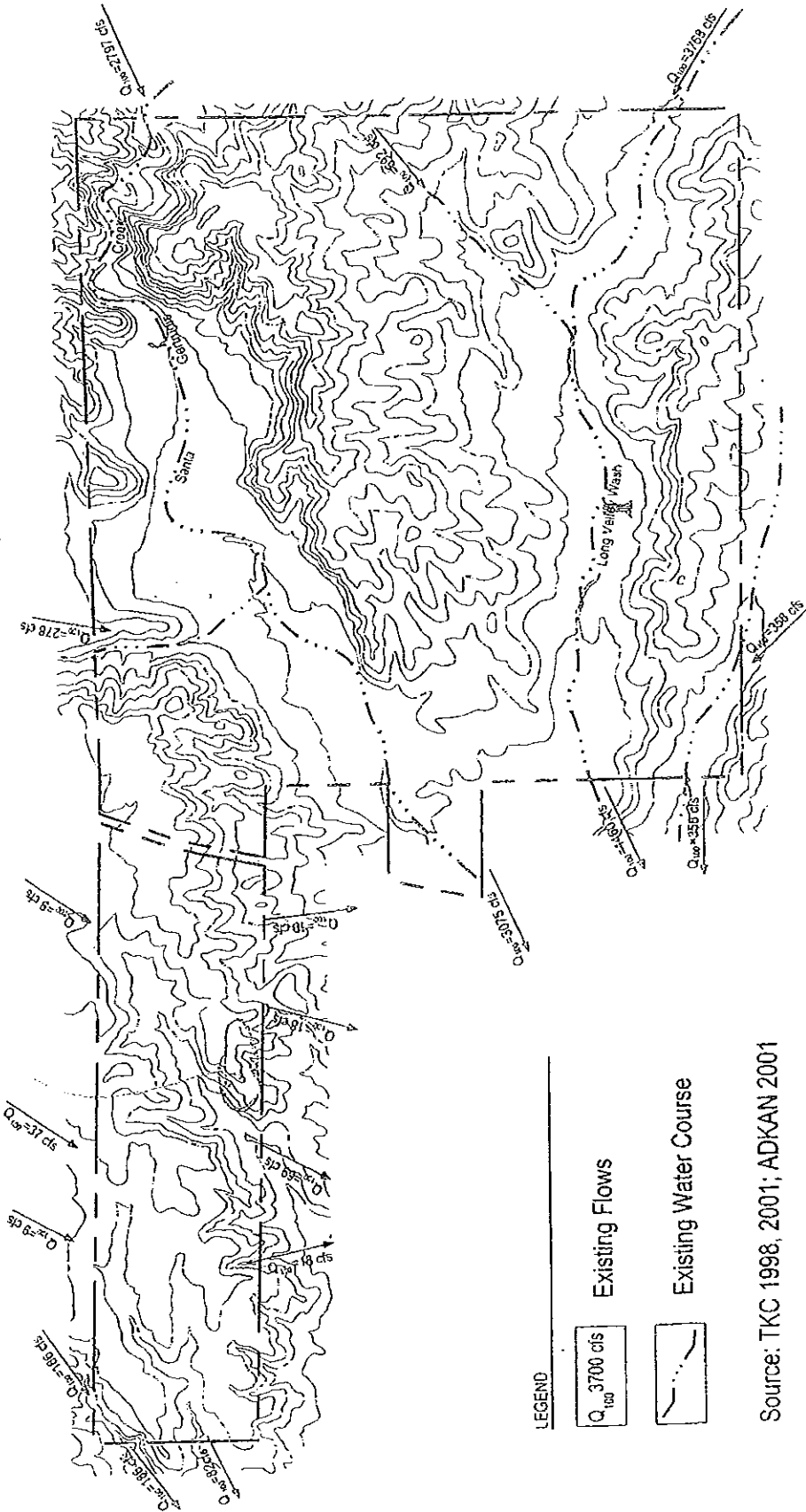
Kristin K. Schwall August 29, 2006
STAFF INSPECTOR SIGNATURE INSPECTION DATE

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

Proposed
11.5 A (84) 3,200 sq
Foot



Roripaugh  Ranch

Existing Hydrology



California Regional Water Quality Control Board San Diego Region



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November 2, 2006

IN THE MATTER OF:)
Mr. Peter Olah)
Ashby USA, LLC)
39353 Winchester Road #107-393)
Murrieta, CA 92563)
)
)
)
)
)

NOTICE OF VIOLATION
NO. R9-2006-0135

WDID NOs. 9 33C320657
9 00001C091

In reply refer to:
WPS:10-3020657.02,18-
2001091.02:schwkw

**NPDES Permit No. CAS000002, SWRCB Order 99-08-DWQ and
Clean Water Act Section 401 Water Quality Certification 01C-091**

**Subject Site: Roripaugh Ranch Residential Development Project
39600 Pourroy Road, Temecula**

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of waste discharge requirements contained in State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* and Clean Water Act Section 401 Water Quality Certification 01C-091. Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region (Regional Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

On August 29, 2006, Kristin Schwall and Tony Felix of the Regional Board conducted an inspection of subject site and observed, documented, and photo-documented evidence of specific violations indicated in the attached Facility Inspection Report (FIR) incorporated herein by reference.

Summary of Violations:

I. FAILURE TO CONSTRUCT AS REQUIRED BY 401 CERTIFICATION 01C-091

➤ Pursuant to 401 Certification 01C-091 Condition 8:

- The existing low flow wash will remain in its natural condition ...
Observation: Your site was documented as having disturbed Long Valley Wash from its natural conditions.

II. FAILURE TO SUBMIT A CONSERVATION EASEMENT OR DEED RESTRICTION THAT PROHIBITS THE REMOVAL OF VEGETATION

➤ Pursuant to 401 Certification 01C-091 Condition 10:

- Ashby USA, LLC shall submit, within 90 days of the issuance of this certification, a draft conservation easement or deed restriction that prohibits the removal of native vegetation including, but not limited to, mowing, pruning, and spraying, in Santa Gertrudis Creek and Long Valley Wash on the project site.
- Ashby USA, LLC shall submit proof of a completed conservation easement or deed restriction within one year of the issuance of this certification.
- Ashby USA, LLC shall also provide written verification that Riverside County Flood Control and Water Conservation District (RCFCWCD) agree to the prohibition.

Observations: No draft or final easement or deed restriction has been developed. RCFCWCD has not agreed to the prohibition.

III. FAILURE TO COMPLETE MITIGATION

➤ Pursuant to Condition 1 of Minor Modification 2 to 401 Certification 01C-091:

- A revised mitigation plan shall be submitted to this office for approval within 60 days of the date of the modification letter, October 20, 2005.

Observation: A mitigation plan was not submitted by December 20, 2005, as required and has not been submitted to date.

➤ Pursuant to Condition 2 of Minor Modification 2 to 401 Certification 01C-091:

- Mitigation shall be constructed within 1 year that impacts occur, or additional mitigation acreage may be required.

Observation: 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.

IV. FAILURE TO PROPERLY IMPLEMENT POST-CONSTRUCTION BMP

➤ Pursuant to 401 Certification 01C-091 Condition 16:

- Post-construction Best Management Practices (BMPs) that will be implemented to treat and control urban and storm water runoff ... These BMPs will be implemented and maintained as described in the Water Quality Management Plan (WQMP).

- The WQMP says "As much as possible, the 4 detention basins shall be designed to function similar to "constructed wetlands" or "enhanced wet ponds" ... While their primary function is to temporarily detain 100-year storm runoff to prevent down stream impacts, these basins shall also be designed to help maintain local water quality..."

Observation: The detention basin outlet design fails to detain and treat the water quality volume and the basin was not designed to function as much as possible like "constructed wetlands" or "enhanced wet ponds."

V. FAILURE TO PREVENT DOWNSTREAM EROSION

➤ Pursuant to Pursuant to 401 Certification 01C-091 Condition 16:

- These BMPs will be implemented and maintained as described in the WQMP.
- The WQMP discusses the potential for development to cause "water traveling at higher speeds which can erode or scour more soil away when it discharges into natural channels." The WQMP also says "Sedimentation and urban pollutants from this development can generally be controlled with a combination of special design features and Best Management Practices (BMPs), most of which control erosion during and after construction. Section F of this report outlines the BMPs recommended for this project."

Observation: The detention basin outlet is causing downstream erosion. The WQMP includes only preliminary designs of the basins and not a detailed design of the outlet and erosion control measures, but the intent to control downstream erosion is clear in the WQMP. Erosion control should have been addressed in the final design and installation of the detention basin.

➤ Pursuant to Water Quality Order No. 99-08-DWQ, Section A.5.a.2(c) and A.8:

- Temporary on-site drainages to carry concentrated flow shall be selected to comply with local ordinances, to control erosion, to return flows to their natural drainage courses, and to prevent damage to downstream properties.
- The outflow from a sediment basin that discharges into a natural drainage shall be provided with outlet protection to prevent erosion and scour of the embankment and channel.

Observations: The detention basin drains areas which are still under construction and could be considered a sediment basin under the General Construction Permit. The basin is temporarily being used to carry concentrated flows from the construction area. There were significant deposits of sediment and erosion observed downstream of the basin. There was scouring of the embankment from erosion caused by low and high velocity flows within the natural waterway down stream of the sediment basin. These effects have the potential to be more pronounced during the wet season.

VI. FAILURE TO MAINTAIN AND REPAIR BEST MANAGEMENT PRACTICES (BMPs) TO REDUCE OR ELIMINATE SEDIMENT DISCHARGES IN STORM WATER RUNOFF.

- Pursuant to Water Quality Order No. 99-08-DWQ, Section A.11:
- Inspections will be performed before and after storm events...to identify BMP effectiveness and implement repairs or design changes as soon as feasible.

Observation: The basin is erroneously designed as a flow-through system eliminating sediment settling time. It is probable that offsite storm water discharges from the basin are sediment-laden because the sediment is not allowed to settle before discharging. This is the likely cause of the sediment depositions noted above.

- Pursuant to Water Quality Order No. 99-08-DWQ, Section A.8:
- The discharger must consider any additional site-specific and seasonal conditions...when designing sediment control BMPs.

Observation: The riprap at the headwall appears ineffective in minimizing downstream erosion. The riprap was covered with sediment eliminating its usefulness in reducing the velocity and energy of concentrated storm water flows from the sediment basin.

VII. FAILURE TO PREVENT DISCHARGES OF NON-STORM WATER

- Pursuant to Water Quality Order NO. 99-08-DWQ, Special Provision C.3:
- Discharges of non-storm water are authorized only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of appropriate BMPs for elimination or reduction of pollutants. Implementation of appropriate BMPs is a condition of authorization of non-storm water discharges.

Observations: A discharge from an irrigation pipe break was observed carrying sediment to the storm drain. BMPs were being removed at the time of Regional Board arrival.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence, please include this code in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Questions pertaining to the issuance of this Notice of Violation should be directed to Kristin K. Schwall at (858) 467-2345 or schwkw@rb9.swrcb.ca.gov. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

Michael P. McCann, Supervising Water Resource Control Engineer
Attn: Kristin Schwall WPS:10-1014.02:schwkw
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340



Michael P. McCann
Supervising Water Resource Control Engineer

Nov. 2, 2006

DATE

CIWQS Reg measure: 313546
Violation I: 438464
Violation II: 439165
Violation III: 438467
Violation IV: 438468
Violation V: 438469
Violation VI: 438816
Violation VII: 438470