

Stewart, Rebecca@Waterboards

From: Chiu, Wayne@Waterboards
Sent: Tuesday, January 14, 2014 2:06 PM
To: 'Myles Cooper'
Cc: Becker, Eric@Waterboards; Felix, Tony@Waterboards; Arias, Christina@Waterboards; 'Dave Zoumaras'
Subject: WDID No. 9 37C321980 (Estates at Costa del Mar): 7 January 2014 Inspection Report (SM-223833)
Attachments: 2014-0107 Estates and Costa del Mar Inspection Report.pdf

Mr Cooper:

Please find attached the report for the inspection conducted by the San Diego Water Board on January 7, 2014.

Please provide a written response by January 31, 2014 that confirms and documents the deficiencies in the recordkeeping, training, reporting, and implementation of BMPs identified in the findings of the inspection report have been corrected, or identifies a date by which the deficiencies will be corrected.

Your response to the inspection report, and findings from future inspection by the City of San Diego and/or San Diego Water Board staff will be used to determine if enforcement action will be necessary to bring the site into compliance.

Please let me or Tony Felix know if you have any questions.

Thank you,

Wayne Chiu, PE

Water Resource Control Engineer

Storm Water Management Unit

California Regional Water Quality Control Board

San Diego Region

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

FACILITY INSPECTION REPORT

FACILITY: Estates at Costa del Mar

INSPECTION DATE/TIME: 01/07/14; 10:30 am

WDID/FILE NO.: 9 37C321980

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: Tony Felix

AFFILIATION: San Diego Water Board

NAME: Wayne Chiu

AFFILIATION: San Diego Water Board

NAME: Myles Cooper

AFFILIATION: CEA Engineering, Project Manager

Perl Family Trust
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

FACILITY OR DEVELOPER NAME (if different from owner)

PO Box 5054
Beverly Hills, CA 90209
OWNER MAILING ADDRESS

11650 Arroyo Sorrento Place
San Diego, CA 92130
FACILITY ADDRESS

Iris Kornberg, 310-466-1759
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)

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I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On January 7, 2014, Tony Felix and Wayne Chiu of the San Diego Water Board performed a routine inspection of the Estates at Costa del Mar residential construction site. The site is located in the City of San Diego, east of Interstate Highway 5 and south of State Highway 56. According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is 10.88 acres in size. The site originally received coverage in June 2003 under Order No. 99-08-DWQ, and became certified under Order No. 2009-0009-DWQ in October 2010.

The site is identified as a Risk Level 1 construction site in SMARTS, but the Site Sediment Risk Factor was not completed and the Receiving Water Risk Factor was identified as High, which would make the site at least a Risk Level 2 site. According to SMARTS, the 2011-2012 Annual Report was submitted November 14, 2012 by Iris Kornberg, owner of the site, over two months after the September 1, 2012 due date. The 2012-2013 Annual Report had not been submitted to SMARTS as of the date of the inspection, approximately four months after the September 1, 2013 due date.

The Stormwater Pollution Prevention Plan (SWPPP) available on SMARTS was uploaded to SMARTS on October 14, 2010, and is dated May 3, 2010. The SWPPP available on SMARTS appeared to be based on the SWPPP requirements for Order No. 99-08-DWQ and not Order No. 2009-0009-DWQ, as there is no information provided about the site's Risk Level, or Qualified SWPPP Developer (QSD) and Qualified SWPPP Practitioner (QSP) information. The SWPPP includes a copy of Order No. 99-08-DWQ, and a copy of Order No. 2009-0009-DWQ was not included or referenced.

San Diego Water Board inspectors met with Mr. Myles Cooper, Project Manager for the construction site, who is also the QSP performing the QSP inspections. Mr. Cooper informed the inspectors that he is also certified as a QSD, but is not the QSD for the SWPPP. The SWPPP and inspection reports by the QSP were available for review on site. There were no training records available for review. Mr. Cooper informed the inspectors that Grant Bowers from the City of San Diego has recently been inspecting the site approximately every two weeks.

II. FINDINGS

1. The SWPPP provided by Mr. Cooper for review on site appeared to be the same as the SWPPP available on SMARTS. Mr. Cooper indicated that the SWPPP had been updated and knew that the site was a Risk Level 2 site. When the inspectors informed Mr. Cooper that the SWPPP he provided appeared to be based on Order No. 99-08-DWQ requirements and did not meet Order No. 2009-0009-DWQ SWPPP requirements for a Risk Level 2 site, he assured inspectors that there was a SWPPP developed and uploaded to SMARTS that meets Order No. 2009-0009-DWQ requirements. Inspectors reviewed SMARTS upon return to the office and did not find any record of a SWPPP that meets the requirements of Order No. 2009-0009-DWQ for a Risk Level 2 site.

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2. By email on January 7, 2014, Mr. Cooper indicated that he had located the updated SWPPP in another location after the inspectors had left the site, and provided electronic copies of the signed QSD SWPPP certification page, signed Legally Responsible Person (LRP) SWPPP certification page, the amendment log that indicates the SWPPP had been amended on October 20, 2011 by the QSD, Allan Cooper (QSD No. 20518), and Risk Level determination documentation that indicate the site is Risk Level 2.

Mr. Cooper provided the remaining parts of the SWPPP in subsequent emails on January 13, 2014. The inspectors confirmed that the updated SWPPP had been adequately amended to meet the SWPPP requirements for a Risk Level 2 site, but had not been uploaded to SMARTS. The updated SWPPP was uploaded to SMARTS on January 10, 2014. However, several amendments to the SWPPP appear to be necessary for the project construction schedule and BMPs being implemented or scheduled to be implemented.

3. The QSP inspection reports provided by Mr. Cooper during the inspection were on forms entitled Visual Inspection Field Log Sheet, from Appendix D (Field Monitoring and Analysis Guidance) from the CASQA Stormwater BMP Handbook Portal, dated January 2011. Between October 2012 and the date of the inspection, Visual Inspection Field Log Sheet forms had been filled out only for pre-rain event inspections, during rain event inspections, and quarterly non-storm water inspections. Forms were available for October 2012, December 2012, January 2013, February 2013, March 2013, June 2013, and October 2013. Several forms were not completed. No detailed BMP inspection checklists were attached to the forms.

The inspectors informed Mr. Cooper that under Order No. 2009-0009- DWQ, inspections are required to be conducted by the QSP on a weekly basis, the QSP inspection reports were required to include a checklist of BMPs inspected, and the QSP inspection reports were required to be kept on site with the SWPPP. Mr. Cooper indicated he was aware of the requirements, but could not produce any weekly QSP inspection reports that meet the requirements of Order No. 2009-0009-DWQ. Mr. Cooper assured the inspectors that he had been performing inspections at least weekly and was regularly uploading photos from those inspections to SMARTS. Inspectors reviewed SMARTS upon return to the office and did not find any record of weekly inspection photos or QSP inspection reports other than copies of the forms provided by Mr. Cooper on site, and about a dozen photos taken between October 2011 and January 2012 provided with the 2011-2012 Annual Report.

In the updated SWPPP provided by Mr. Cooper on January 13, 2014, the forms for the QSP inspection reports included BMP inspection checklists in addition to the Visual Inspection Field Log Sheet forms, indicating the QSP inspections were not being adequately documented in accordance with the SWPPP.

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4. A Rain Event Action Plan (REAP) dated October 8, 2013 was found by the inspectors, but no REAPs for the November 20-22 or December 7, 2013 rain events could be found.
5. Mr. Cooper was not able to provide any training logs or documentation at the time of the inspection. Mr. Cooper assured the inspectors that everyone working on the site had received training. However, upon arriving at the site, the San Diego Water Board inspectors questioned the backhoe operator about the location of the SWPPP and any SWPPP training received. The backhoe operator did not know what a SWPPP was, nor did he know of any training provided to contractors and sub-contractors about the SWPPP.
6. Inspectors informed Mr. Cooper that the 2012-2013 Annual Report had not been submitted and was due in September 2013. Mr. Cooper assured the inspectors that 2012-2013 Annual Report had been completed and submitted. Inspectors reviewed SMARTS upon return to the office and did not find any record of the 2012-2013 Annual Report.
7. Good Site Management "Housekeeping" BMPs were observed to be inadequately implemented throughout the site, as noted by the following:
 - a. Construction debris was observed without any containment or protection from wind and rain;
 - b. Several soil stockpiles were observed to have inadequate or no cover and containment;
 - c. No trash receptacles were observed during the inspection of the site, and trash and construction debris was observed in several areas of the site;
 - d. No spill response equipment or materials were observed during the inspection of the site;
 - e. A small, unlined earthen basin was observed that appeared to contain evidence of concrete washout activities; and
 - f. Housekeeping BMPs were not being documented in the SWPPP and REAPs, as required for Risk Level 2 sites.
8. Erosion Control and Sediment Control BMPs were observed to be inadequately implemented throughout the site, as noted by the following.
 - a. Several slopes located in the interior and exterior of the site appeared to be inactive and had inadequately implemented, inadequately maintained, or did not have erosion control BMPs to provide effective soil cover and stabilization (see Photos 1-4);

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- b. Most of the building pads appeared to be inactive and had a layer of gravel, but no erosion control BMPs (e.g. soil binder, bonded fiber mulch) providing effective soil cover were observed (see Photos 1, 5 and 6);
 - c. No erosion controls were observed to be implemented or ready to be implemented in conjunction with sediment control BMPs for areas that appeared to be under active construction, as required for Risk Level 2 sites;
 - d. Linear sediment controls were not observed along the toe of slopes and grade breaks of exposed slopes, as required for Risk Level 2 sites (see Photos 1-4)
 - e. Silt fence was observed around the perimeter of the site, but did not appear to be adequately maintained to sufficiently control erosion and sediment discharges from the site (see Photos 4 and 7); and
 - f. The entrance/exit to the site did not appear to be adequately stabilized to control erosion and sediment discharges from the site, and did not have BMPs (e.g. shaker plate or rumble strip) to minimize vehicle tracking on to the road (see Photo 7);
9. Storm drain inlets were inadequately protected, and evidence of sediment in surface runoff discharged from the site leading to the inlets was observed (see Photos 8).
10. BMPs that had been implemented throughout the site were not being adequately maintained (see Photos 1-4).
11. The QSP is not implementing the housekeeping BMPs and erosion and sediment control BMPs in accordance with the BMPs that are specified in the SWPPP provided by Mr. Cooper on January 13, 2014.

III. RECOMMENDATIONS AND ADDITIONAL COMMENTS

- 1. The SWPPP recently uploaded to SMARTS requires amendments by the QSD.
- 2. QSP inspections are required to be performed on a weekly basis. Dischargers are required to begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
- 3. All persons responsible for implementing the requirements of Order No. 2009-0009-DWQ (i.e. project personnel, contractors, and subcontractors) are required to be appropriately trained by the QSP.

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4. The site requires adequate erosion control and sediment control BMPs. All slopes require soil stabilization such as hydroseed, bonded fiber matrix, or erosion control blankets.
5. Refresh or replace rock and/or place additional BMPs (e.g., shaker plate or rumble strip, stone pads, concrete or steel wash racks) at entrance/exit to site to prevent offsite vehicle tracking of sediment;
6. Stabilization is required for inactive (i.e. not scheduled to be re-disturbed for at least 14 days) open spaces, utility backfill, and completed lots.
7. Risk Level 2 dischargers are required to implement appropriate erosion controls in conjunction with sediment control BMPs for areas under active construction.
8. The site perimeter lacks adequate sediment controls to prevent sediment from leaving the site.
9. The QSP for the site does not appear to have adequate training or qualifications to practice, and did not provide services in a manner that is consistent with the laws and regulations applicable to the project. Consider filing a complaint with the State Water Resource Control Board.
10. The City of San Diego inspector does not appear to be adequately inspecting and requiring implementation of BMPs in accordance with the requirements of Order No. R9-2007-0001. Consider conducting an audit of the City's construction inspection program.
11. These findings will be used to evaluate compliance with the requirements of Order No. 2009-0009-DWQ.

IV. SIGNATURE SECTION

Tony Felix
STAFF INSPECTOR

Wayne Chen for Tony Felix
SIGNATURE

1/7/2014
INSPECTION DATE

Eric Becker
REVIEWED BY SUPERVISOR

Eric Becker
SIGNATURE

1/14/14
DATE

SMARTS:

Tech Staff Info & Use	
Place ID	SM-223833
WDID	9 37C321980
Inspection ID	2020954
Violation ID	853278

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Photo 1



Photo 2



Photo 3



Photo 4

Photos 1-4 show lack of erosion and sediment control BMPs required to be implemented by Risk Level 2 dischargers for slopes throughout the site.

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Photo 5



Photo 6

Photos 5-6 show lack of erosion control BMPs implemented to provide effective soil cover for building pads that appears to be inactive at the site (also see Photo 1).



Photo 7

Photo 7 shows the entrance/exit to site lacking adequate stabilization to control erosion and sediment discharges from the site, and lack of BMPs to prevent tracking of sediment from the site.



Photo 8

Photo 8 shows lack of BMPs to protect storm drain inlets, with evidence of sediment in surface runoff discharged from the site leading to the inlets.