



# California Regional Water Quality Control Board San Diego Region



**Matthew Rodriquez**  
Secretary for  
Environmental Protection

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

**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>

March 22, 2012

**Certified Mail:**

7010 1060 0000 4952 7686

Hank Rupp  
Rancho Guejito Corporation  
17224 San Pasqual Valley Road  
Escondido, CA 92027

**In reply refer to:**

**777579: dbradford**

To Hank Rupp:

**Subject: Notice of Violation No. R9-2012-0040; Rancho Guejito Corporation**

Enclosed is Notice of Violation (NOV) No. R9-2012-0040 issued to Rancho Guejito Corporation (Discharger), as represented by Hank Rupp, for violations of California Water Code (CWC) Sections 13260 for failure to file a Report of Waste Discharge (ROWD). You are also in violation of CWC Section 13050 for failure to comply with San Diego Basin Plan, Waste Discharge Prohibitions Nos. 1 & 14, issued 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 April 30, 2012 that either confirms the violations have been corrected or identifies a date by which the violations will be corrected.

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.

For questions pertaining to the subject matter, please contact Darren Bradford at (858) 637-7137 or [DBradford@waterboards.ca.gov](mailto:DBradford@waterboards.ca.gov).

**PLEASE INCLUDE "777579: dbradford" IN THE SUBJECT LINE OF FUTURE CORRESPONDENCES.**

*California Environmental Protection Agency*

cc (electronic copy):

Meris Bantilan-Smith  
U.S. Army Corps of Engineers  
Regulatory Division  
Meris.Bantilan-Smith@usace.army.mil

Randy Rodriguez  
California Department of Fish and Game  
rfrdriguez@dfg.ca.gov

David Smith  
U.S. Environmental Protection Agency  
Wetlands Regulatory Office  
R9-WTR8-Mailbox@epa.gov

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Division of Water Quality  
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Keith Garner, AICP  
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KGarner@sheppardmullin.com

Derek Gade  
San Diego County Public Works  
derek.gade@sdcounty.ca.gov

Michelle Moreno  
U.S. Fish and Wildlife  
Michelle\_Moreno@fws.gov'

CIWQS:

Tech Staff Info & Use	
File No.	424365
WDID	937CN601781
Reg. Measure ID	383417
Place ID	777579
Party ID	528784
Inspection ID	383417



# California Regional Water Quality Control Board San Diego Region



Mathew Rodriguez  
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March 22, 2012

IN THE MATTER OF:

Hank Rupp  
Rancho Guejito Corporation  
17224 San Pasqual Valley Road  
Escondido, CA 92027

NOTICE OF VIOLATION  
NO. R9-2012-0040

In reply refer to:  
777579: dbradford

**California Water Code Sections 13260 & 13050**  
**Water Quality Control Plan for the San Diego Basin**  
*Waste Discharge Prohibition Nos. 1 & 14*

**Subject Site(s): Rancho Guejito, 17224 San Pasqual Valley Road, Escondido, CA**  
**(APNs: 240-280-08-00, 242-030-02-00, 242-030-03-00, and 242-031-01-00)**

**YOU ARE HEREBY NOTIFIED THAT:**

You are in violation of California Water Code (CWC) Section 13260 for failure to file a Report of Waste Discharge (ROWD). You are also in violation of CWC Section 13050 for failure to comply with the Water Quality Control Plan for the San Diego Basin (Basin Plan), Waste Discharge Prohibitions Nos. 1 & 14. Such violations subject you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region (San Diego Water 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 \$5,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

During an inspection on January 24, 2012, the San Diego Water Board, represented by Darren Bradford, Jody Ebsen, and Alan Monji, found that road grading had resulted in the direct fill of at least 5 unnamed tributaries to Guejito Creek (waters of United States and/or State), hereafter referred to as "Unnamed Drainages." The natural flow of all five Unnamed Drainages has been obstructed by the placement of fill within the stream channels. In addition, along the 1.2 miles of newly graded road, side casting of road material was observed to enter the bed and banks of Guejito Creek and associated unnamed drainages. The road construction occurred at 17224 San Pasqual Valley Road, Escondido, CA, 92027. A copy of the Facility Inspection Report is attached hereto as Exhibit A.

*California Environmental Protection Agency*

Recycled Paper



**III. FAILURE TO COMPLY WITH SAN DIEGO BASIN PLAN, WASTE DISCHARGE PROHIBITION NO. 14**

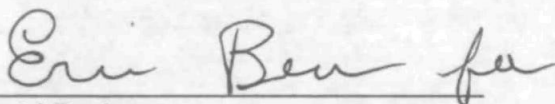
➤ **Pursuant to Waste Discharge Prohibition No.14 of the Water Quality Control Plan for the San Diego Basin:**

- The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom depositions, turbidity or discoloration in waters of the State or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

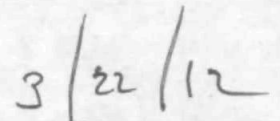
**Observation:** A discharge of waste including earthen materials has occurred within waters of the State. The discharged material remains in waters of the State. Additionally, the steep road cut and un-compacted side-cast material perched on the stream banks threaten further sediment and debris delivery to waters of the state through erosion or catastrophic slope failure.

Questions pertaining to the issuance of this Notice of Violation should be directed to Darren Bradford at (858) 637-7137 ([DBradford@waterboards.ca.gov](mailto:DBradford@waterboards.ca.gov)). Written correspondence pertaining to this Notice of Violation should be directed to the following address:

David Barker, Supervising Engineer  
Attn: Darren Bradford  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340



David Barker  
Supervising WRCE



DATE

Attachment:  
Exhibit A: Facility Inspection Report, dated January 24, 2012.

Facility: Rancho Guejito, 17224 San Pasqual Valley Road, Escondido, CA 92027

Inspection Date: 1/24/2012

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

**EXHIBIT A  
FACILITY INSPECTION REPORT**

**FACILITY:** 17224 San Pasqual Valley Road, Escondido, CA

**INSPECTION DATE/TIME:** January 24, 2012, 0900-1300 hrs

**WDID/FILE NO.:** No Report of Waste Discharges (ROWD) has been filed

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

NAME: Darren Bradford AFFILIATION: San Diego Water Board

NAME: Jody Ebsen AFFILIATION: San Diego Water Board

NAME: Alan Monji AFFILIATION: San Diego Water Board

Rancho Guejito Corporation  
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

\_\_\_\_\_  
FACILITY OR DEVELOPER NAME (if different from owner)

17224 San Pasqual Valley Road, Escondido, CA 92027  
OWNER MAILING ADDRESS

Same  
FACILITY ADDRESS

Hank Rupp  
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 checked="" type="checkbox"/> GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES  |
| <input type="checkbox"/> CONSTRUCTION GENERAL PERMIT   | <input checked="" type="checkbox"/> GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS |
| <input type="checkbox"/> CALTRANS GENERAL PERMIT       | <input checked="" 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.

Facility: Rancho Guejito, 17224 San Pasqual Valley Road, Escondido, CA 92027

Inspection Date: 1/24/2012

**II. RECOMMENDATIONS AND ADDITIONAL COMMENTS**

Applicant was instructed to not perform any type of construction related activities within waters of the US/State until/unless all applicable permits are obtained, except for installation and maintenance of BMPs. Exposed areas should be stabilized and re-vegetated with native species appropriate for the area, monitored and maintained for successful reestablishment.

Fill discharges should be removed and waters of the state should be restored to pre-project conditions, unless/until the discharger obtains all necessary permits and conducts compensatory mitigation for impacts and temporal loss of functionality.

Alternative stream crossing designs should be considered for the proposed project such as span bridges or open bottom arch culverts.

Bioengineering bank stabilization techniques should be used to minimize impacts to on-site waters where practicable.

The unpaved portions of road should be corrected in order to incorporate Best Management Practices (BMPs) designed for unpaved roads. Design, construction and maintenance of unpaved roads should be consistent with state and federal guidance. These include:

- USEPA 2006 "Environmentally Sensitive Maintenance for Dirt and Gravel Roads." Gesford and Anderson, USEPA-PA-2005.
- US Forest Service, 1996. Forest Service Specifications for Construction of Roads & Bridges. EM-7720-100. Revised August 1996.
- University of California Division of Agriculture and Natural Resources, 2007. Rural Roads: A Construction and Maintenance Guide of California Landowners. Publication 8262.

Road segments proposed to be paved should be designed to comply with the County of San Diego, Standard Urban Stormwater Mitigation Plan (SUSMP) and other requirements of the Municipal Storm Water Permit (R9-2007-001). Paved portions of the road should incorporate low impact development (LID) post-construction retention BMPs, sized and designed to retain, onsite without runoff (via infiltration, capture-reuse, evapotranspiration or a combination thereof), the volume of runoff produced from a 24-hour 85th percentile storm event.

**III. SIGNATURE SECTION**

Darren Bradford		1/24/2012
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Chiara Clemente		1/24/2012
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

CIWQS:

Tech Staff Info & Use	
File No.	424365
WDID	937CN601781
Reg. Measure ID	383417
Place ID	777579
Party ID	528784
Inspection ID	383417

Facility: Rancho Guejito, 17224 San Pasqual Valley Road, Escondido, CA 92027

Inspection Date: 1/24/2012

Picture No.3: Sidecasted fill on banks of Guejito Creek.



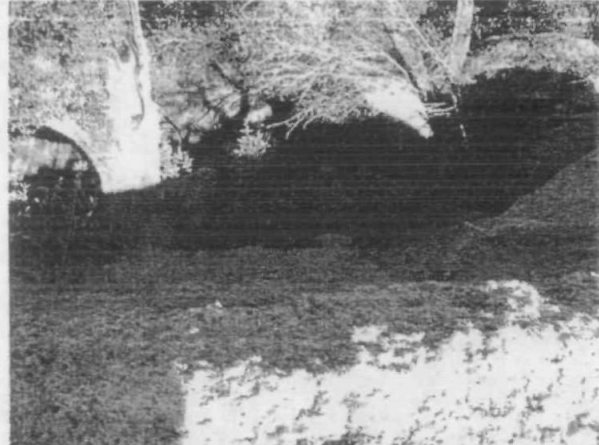
Picture No.6: Loose fill material threatening discharge to Guejito Creek.



Picture No. 4: Sediment discharge to the bed and banks of Guejito Creek.



Picture No.7: Loose fill on banks of Guejito Creek.



Picture No. 5: Newly Installed Road BMPs.



Picture No. 8: Filled Stream Crossing #1.



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hank Rupp  
 Rancho Guejito Corporation  
 17224 San Pasqual Valley Road  
 Escondido, CA 92027

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label)

7010 1060 0000 4952 7686

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.  
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**OFFICIAL USE**

Postage	\$	Postmark Here
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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$3.60	

Sent To  
 Hank Rupp, Rancho Guejito Corporation  
 Street, Apt. No.,  
 or PO Box No. 17224 San Pasqual Valley Road  
 City, State, ZIP+4<sup>®</sup> Escondido, CA 92027

PS Form 3800, August 2006 See Reverse for Instructions

7010 1060 0000 4952 7686

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