



California Regional Water Quality Control Board, San Diego Region

March 11, 2014

Via email only

Paul Manasjan
Director Environmental Affairs
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138
pmanasja@san.org

In reply refer to / attn:
CW-255233:wchiu

Subject: Notice of Violation No. R9-2014-0033, Airport Construction Storm Water Management Program, Order No. R9-2007-0001, NPDES Permit No. CAS0108758, AND Rental Car Center, Order No. 2009-0009-DWQ, NPDES Permit No. CAS000002

Mr. Manasjan:

Enclosed is Notice of Violation (NOV) No. R9-2014-0033 issued to the San Diego County Regional Airport Authority (Airport) for violations of California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) Order No. R9-2007-0001 and California State Water Resources Control Board Order No. 2009-0009-DWQ, enforced by the 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 11, 2014** 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.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." For questions pertaining to the subject matter, please contact Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.

Respectfully,



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

ESB:wc

Enclosure: Notice of Violation No. R9-2014-0033

cc (via email only): Richard Gilb, Airport (rgilb@san.org)
Rick Adcock, Airport (radcock@san.org)
Bill Hays, Airport (bhays@san.org)
Tony Gunter, Austin Sundt (tgunter@austin-ind.com)
Brandon Fonesca, Austin Sundt (pbfonesca@austinsundtjv.com)

Tech Staff Info & Use	
CIWQS Place ID	CW-255233
CIWQS Reg Measure ID	214427
CIWQS Inspection ID	15619340
CIWQS Violation ID	964955
SMARTS Place ID	SM-825499
WDID	937C367658
SMARTS Inspection ID	2021578
SMARTS Violation ID	853499, 853500



California Regional Water Quality Control Board, San Diego Region

March 11, 2014

**NOTICE OF VIOLATION
No. R9-2014-0033**

Paul Manasjan
Director Environmental Affairs
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138

San Diego County Regional
Airport Authority

Construction Management Program
PIN No. CW-255233:wchiu
AND
Rental Car Center
PIN No. SM-825499:wchiu

Violations of

**Order No. R9-2007-0001,
Municipal Storm Water Permit
AND
Order No. 2009-0009-DWQ,
Construction General Permit**

The SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY 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 SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY 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) 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* (Municipal Storm Water 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. **Pursuant to Provision III.D of State Water Board Order No. 2009-0009-DWQ:**
Debris resulting from construction activities are prohibited from being discharged from construction sites.
- c. **Observation:** In response to a complaint, the San Diego Water Board inspected the Rental Car Center construction site (WDID 937C367658) on February 27, 2014. The San Diego County Regional Airport Authority (Airport) is the Legally Responsible Person (LRP) enrolled under the Construction General Permit (CGP) for the site. The San Diego Water Board inspector observed significant off-site tracking of sediment originating from the site, constituting an unauthorized non-storm water discharge from the site. The off-site tracking was the result of construction traffic to and from the site. See attached February 27, 2014 Facility Inspection Report Photos 1 through 3.

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 BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
- b. **Observation:** During the February 27, 2014 inspection, the San Diego Water Board inspector observed storm water in the street from rainfall that occurred earlier in the day. The vehicle traffic to and from the site resulted in discharges of the sediment to a storm drain inlet. The discharge was a result of the implementation of controls, structures, and management practices that do not achieve BCT. See attached February 27, 2014 Facility Inspection Report Photos 1 through 3.

3. Failure to Adequately Train Persons Responsible for Implementing Requirements of the Construction General Permit:

- a. **Pursuant to Provision VII.A of State Water Board Order No. 2009-0009-DWQ:**
The discharger shall ensure that all persons responsible for implementing the requirements of this General Permit shall be appropriately trained in accordance with this Section.

b. Observation: During the February 27, 2014 inspection, the Senior Superintendent for the Airport's construction general contractor and Airport's construction project manager failed to understand that the site was not in compliance with several requirements under the CGP due to inadequate training by the discharger. The sub-contractors that were driving to and from the site did not understand that the off-site tracking was a considered an unauthorized non-storm water discharge from the site and failed to advise the Airport's construction general contractor or Airport's construction project manager that the tracking control BMPs were ineffective due to inadequate training by the discharger.

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

a. Pursuant to Provision B.1.a of Attachment C to 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 B.1.e of Attachment C to State Water Board Order No. 2009-0009-DWQ: Risk Level 1 dischargers are required to implement BMP to prevent off-site tracking of loose construction and landscape materials.

c. Observation: During the February 27, 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 or berm. There were no effective BMPs that were implemented to prevent off-site tracking of loose construction materials and landscaped materials, as evidenced by significant amounts of sediment observed in the street outside the perimeter of the site. See attached February 27, 2014 Facility Inspection Report Photos 1 through 3 and 6 through 8.

5. Failure to Implement Good Site Management "Housekeeping" BMPs for Waste Management:

a. Pursuant to Provision B.2.d of Attachment C to State Water Board Order No. 2009-0009-DWQ: Risk level 1 dischargers are required to cover waste disposal containers at the end of every business day and during a rain event.

b. Pursuant to Provision B.2.f of Attachment C to 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. **Pursuant to Provision B.2.i of Attachment C to State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.
- d. **Observation:** During the February 27, 2014 inspection, the San Diego Water Board inspector observed several waste disposal containers without covers, stockpile of waste materials that appeared to be inactive, or could be scheduled to be inactive without adequate protection or
- e. containment, and no containment for concrete washout areas so there is not discharge into the underlying soil and onto surrounding areas. See attached February 27, 2014 Facility Inspection Report Photos 4 through 8.

6. Failure to Adequately Manage Non-Storm Water Discharges:

- a. **Pursuant to Provision C.1 of Attachment C to State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall implement measures to control all non-storm water discharges during construction.
- b. **Pursuant to Provision C.3 of Attachment C to State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall clean streets in such a manner as to prevent unauthorized non-storm water discharges from reaching surface water or MS4 drainage systems.
- c. **Observation:** During the February 27, 2014 inspection, the San Diego Water Board inspector observed significant off-site tracking of sediment originating from the site, constituting an unauthorized non-storm water discharge from the site. The off-site tracking was the result of construction traffic to and from the site. The construction traffic caused the unauthorized non-storm water discharge into the Airport's MS4. See attached February 27, 2014 Facility Inspection Report Photos 1 through 3.

7. Failure to Implement Adequate Erosion Controls:

- a. **Pursuant to Provision D.2 of Attachment C to 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 February 27, 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. See attached February 27, 2014 Facility Inspection Report Photos 8 and 9.

8. Failure to Implement Adequate Sediment Controls:

- a. **Pursuant to Provision E.1 of Attachment C to 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 February 27, 2014 inspection, the San Diego Water Board inspector observed significant off-site tracking of sediment originating from the site, due to ineffective perimeter controls. In addition, at least one section of the perimeter controls was observed to be missing, thus inadequate and ineffective. See attached February 27, 2014 Facility Inspection Report Photos 1 and 10.

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

- a. **Pursuant to Provision F of Attachment C to State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall effectively manage all run-on, all runoff within the site and all runoff that discharges off the site. Run-on from offsite shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in this General Permit.
- b. **Observation:** During the February 27, 2014 inspection, the San Diego Water Board inspector observed at least one section of the perimeter controls that was missing, thus inadequate and ineffective for run-on or runoff control. See attached February 27, 2014 Facility Inspection Report Photos 1 and 10.

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 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 Airport failed to require the implementation of designated minimum BMPs required for construction sites within its jurisdiction. Sediment was observed to be discharged from the construction site to Sassafras Street. Sassafras Street is part of the Airport's MS4. Sediment in storm water was discharged from Sassafras Street to an offsite storm drain inlet. The Airport failed to reduce the discharge of pollutants in storm water from the Airport's MS4 to the MEP. See attached February 27, 2014 Facility Inspection Report.

2. Failure to Comply with Effective Prohibition of Non-Storm Water Discharges to the MS4

- a. **Pursuant to Provision B.1 of San Diego Water Board Order Order No. R9-2007-0001:** Each Copermittee shall effectively prohibit all types of non-storm water discharges into its MS4 unless such discharges are either unauthorized by a separate NPDES permit; or not prohibited in accordance with sections B.2 and B.3 below.
- b. **Observation:** Off-site tracking of sediment from a construction site under the jurisdiction was observed to have been discharged to Sassafras Street. Sassafras Street is part of the Airport's MS4. The Airport failed to effectively prohibit non-storm water discharges to its MS4 by failing to identify and eliminate the source of the discharge, and by not issuing any enforcement actions to have the source cease and clean up the discharge. See attached February 27, 2014 Facility Inspection Report.

3. Failure to Implement or Require 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.(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.
- d. **Observation:** During multiple inspections, the Airport has been informed of its failure to require the implementation of adequate minimum BMPs at construction sites. The Rental Car Center construction site was jointly inspected by the Airport and the San Diego Water Board on November 19, 2013. No significant areas of non-compliance were observed during the November 19, 2013 inspection, but the San Diego Water Board inspector had provided several recommendations to the Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) for the site to improve erosion control and perimeter sediment control BMPs. The

recommended improvement would be necessary to be fully in compliance with the CGP requirements, and likely necessary to be in compliance with the Airport's own designated minimum BMPs.

The Rental Car Center construction site was also part of an audit the San Diego Water Board conducted on December 6, 2013 for the Airport's construction storm water management program. The results of the December 6, 2013 audit revealed that the Airport's construction storm water program inspectors failed to identify inadequate implementation of the minimum designated BMPs required by the Airport and the Municipal Storm Water Permit for construction projects. See attached December 6, 2013 Facility Inspection Report Findings 16 to 18.

During the February 27, 2014 inspection of the Rental Car Center construction site, the San Diego Water Board observed that the Airport had still not required the implementation of designated minimum BMPs required by the Municipal Storm Water Permit. Minimum construction BMPs are also identified in the Airport's 2008 Storm Water Management Plan, including, but not limited to, minimization of areas that are graded and/or disturbed and exposed, stabilization of disturbed areas as rapidly as feasible, retention, reduction, and proper management of all pollutant discharges on site to the MEP standard (i.e. construction material and waste management), erosion control BMPs, sediment control BMPs. Failure to require implementation of these 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. See attached February 27, 2014 Facility Inspection Report.

4. Failure to Implement an Escalating Enforcement Process

- a. Pursuant to Provision D.2.e of San Diego Water Board Order 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 Copermittee's water quality protection permit requirements and ordinances. This enforcement process shall include authorizing the Copermittee'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.
- b. Observation:** During the February 27, 2014 inspection of the Rental Car Center construction site, the Airport failed to issue an enforcement action such as a stop work order or similar action to achieve prompt corrective actions at the site for violations of the Airport's requirements to implement designated minimum BMPs, or requirements to effectively prohibit non-storm water discharges (i.e. the off-site tracking of sediment) from the construction site. See attached February 27, 2014 Facility Inspection Report Findings 9 through 11.

5. Failure to Adequately Educate Municipal Department and Personnel

- a. Pursuant to Provision D.5.b.(1)(b) of San Diego Water Board Order Order No. R9-2007-0001:** Each Copermittee shall implement an education program that includes annual training prior to the rainy season so that it construction, building, code enforcement, and grading review staffs, inspectors, and other responsible construction staff have, at a minimum, and understanding of the following topics, as appropriate for the target audience, including, among others: i) Federal, state, and local water quality laws and regulation applicable to construction and grading activities; ii) The connection between construction activities and water quality impacts (i.e., impacts from land development and urbanization and impacts from construction materials such as sediment); iii) Proper implementation of erosion and sediment control and other BMPs to minimize the impacts to receiving water quality resulting from construction activities; iv) The Copermittee’s inspection, plan review, and enforcement policies and procedures to verify consistent application.
- b. Observation:** The CGP, Municipal Storm Water Permit, and the Airport’s jurisdictional requirements are Federal, state, and local water quality laws and regulation applicable to construction and grading activities. The Senior Superintendent and Airport’s construction project manager exhibited a lack of understanding that the site was not in compliance with several requirements under the CGP, Municipal Storm Water Permit, and the Airport’s jurisdictional requirements. The Airport’s construction project manager and environmental inspector exhibited a lack of understanding that enforcement was necessary to bring the site into compliance, even after being made aware of the discharge earlier in the day, as evidenced by the continued construction activity and traffic observed during and after the inspection causing non-storm water discharges from the site that were being transported to and entering the MS4.

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

ESB:wc

Attachments: Facility Inspection Report dated February 27, 2014
Facility Inspection Report dated December 6, 2013

Tech Staff Info & Use	
CIWQS Place ID	CW-255233
CIWQS Reg Measure ID	214427
CIWQS Inspection ID	15619340
CIWQS Violation ID	964955
SMARTS Place ID	SM-825499
WDID	937C367658
SMARTS Inspection ID	2021578
SMARTS Violation ID	853499, 853500

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
STORM WATER MANAGEMENT PROGRAM**

FACILITY INSPECTION REPORT

FACILITY: San Diego International Airport MS4 **INSPECTION DATE/TIME:** 2/27/14; 1:30 pm

CIWQS Place ID: CW-255233

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: <u>Wayne Chiu</u>	AFFILIATION: <u>San Diego Water Board</u>
NAME: <u>Brian Lahr</u>	AFFILIATION: <u>Airport Authority, Project Manager</u>
NAME: <u>Rick Adcock</u>	AFFILIATION: <u>Airport Authority, Sr. Env. Specialst</u>
NAME: <u>Tony Gunter</u>	AFFILIATION: <u>Austin Sundt, Sr. Superintendent</u>
NAME: <u>Brandon Fonesca</u>	AFFILIATION: <u>Austin Sundt, QSP, Fld Superintendent</u>

San Diego County Regional Airport Authority
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

3225 Harbor Drive
San Diego, CA 92101
OWNER MAILING ADDRESS

Paul Manasjan 619-400-2783
OWNER CONTACT NAME AND PHONE #

FACILITY OR DEVELOPER NAME (if different from owner)

3225 Harbor Drive
San Diego, CA 92101
FACILITY ADDRESS

Richard Gilb 619-400-2790
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 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.
- 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: San Diego International Airport MS4
Inspection Date: 2/27/2014

I. BACKGROUND AND PURPOSE

At approximately 1:00 pm on February 27, 2014, Wayne Chiu, inspector from the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), received a complaint of turbid water entering the storm sewer system at the intersection of Pacific Highway and Sassafras Street. The reported source of the turbid water entering the storm sewer system was trucks transporting concrete to a nearby construction project.

The San Diego Water Board inspector went to investigate the complaint to determine if a discharge from a construction site subject to the requirements of the Construction General Storm Water Permit Order No. 2009-0009-DWQ (CGP) was the source of the discharge, and if the site was adequately implementing best management practices (BMPs) to prevent the discharge of pollutants in storm water to the municipal separate storm sewer system (MS4) in compliance with the CGP.

The San Diego Water Board inspector arrived at the intersection of Pacific Highway and Sassafras Street at approximately 1:30 pm, and identified the source of the complaint as the Rental Car Center construction site (WDID 937C367658), which is a Risk Level 1 construction site. The San Diego County Regional Airport Authority (Airport) is the Legally Responsible Person (LRP) for Rental Car Center construction site under the CGP. The Rental Car Center construction site is also under the Airport's jurisdiction and subject to the construction storm water management requirements of the San Diego County Municipal Storm Water Permit, Order No. R9-2007-0001 (MS4 Permit).

The Rental Car Center had been previously inspected by both the Airport and the San Diego Water Board on November 19, 2013. No significant areas of non-compliance were observed during this November 19, 2013 inspection, but the San Diego Water Board inspector had provided several recommendations to the Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) for the site, Brandon Fonesca, to improve erosion control and perimeter sediment control BMPs.

The Rental Car Center was also part of a December 6, 2013 audit the San Diego Water Board for the Airport's construction storm water management program. The audit of the Airport's program identified several areas of non-compliance with the MS4 Permit requirements. The areas of non-compliance included: 1) failure to identify inadequate implementation of the minimum designated BMPs required for construction projects pursuant to the MS4 Permit and the Airport's jurisdictional requirements; 2) failure to enforce the requirements to implement minimum designated BMPs required for construction projects pursuant to the MS4 Permit and the Airport's jurisdictional requirements; and, 3) failure to adequately train the Airport's personnel on the requirements to implement minimum designated BMPs required for construction projects pursuant to the MS4 Permit and the Airport's jurisdictional requirements.

A Notice of Violation was not issued and the Airport had an opportunity to provide recommendations for bringing its construction storm water management program into

Facility: San Diego International Airport MS4
Inspection Date: 2/27/2014

compliance with the requirements of the MS4 Permit. On February 7, 2014, the Airport provided a written response to the audit findings, with recommendations for bringing its construction storm water management program into compliance with the requirements of the MS4 Permit. The response indicated that the Airport's Environmental Affairs Department had educated the all parties and the Airport's construction project managers of the requirements of the CGP, the MS4 Permit, Federal and state laws and regulations, and the Airport's own jurisdictional requirements.

II. FINDINGS

1. A series of storms was predicted to bring 1 to 2 inches of rainfall to the San Diego coastal areas beginning February 27, 2014. The rainfall had been predicted at least 72 hours before it began. According to the National Weather Service (NWS), at least 0.1 inches of rainfall was recorded at Lindberg Field between 6:00 am and 12:00pm on February 27, 2014. There was no rainfall observed during the inspection. According to the NWS, over 1.5 inches of rainfall was recorded at Lindberg Field between February 28 and March 2, 2014.
2. Despite the significant rainfall predictions, the Rental Car Center construction site was active during the inspection. Several cement trucks and other large vehicles were observed to be entering and leaving the Rental Car Center construction site via Sassafras Street during and after the inspection (see Photo 1). Three construction sites adjacent to the Rental Car Center construction site did not appear to be active.
3. At the intersection of Pacific Highway and Sassafras Street, the San Diego Water Board inspector observed highly turbid ponded water very close to an unprotected storm drain inlet located near the center of the intersection, coming from Sassafras Street, which is part of the Airport's MS4. Vehicles driving through the ponded water and through the intersection were causing the water to enter the storm drain inlet. (See Photos 2-3). A person that appeared to be from the Rental Car Center construction site was observed by the San Diego Water Board inspector to be attempting to clean up the turbid ponded water (See Photo 2).
4. The ponded water observed on Sassafras Street appeared to be the remnants of the rainfall from earlier in the day. The source of the turbidity in the ponded water appeared to be due to the off-site tracking of sediment by the cement trucks and other vehicles leaving the Rental Car Center construction site via Sassafras Street. Tracking control BMPs were in place, but were obviously inadequate and ineffective at preventing sediment from being discharged from the site. Significant tracking of sediment was observed in Sassafras Street and into the Pacific Highway intersection (See Photos 2-3).
5. While trying to locate the site superintendent and/or QSP for the site, the San Diego Water Board observed several BMPs that did not appear to be adequately

Facility: San Diego International Airport MS4
Inspection Date: 2/27/2014

implemented pursuant to CGP and/or MS4 Permit requirements, especially prior to and during a storm event:

- a. Scheduling to reduce or cease construction activities and scheduling to implement BMPs prior to a storm event was not implemented to reduce to the potential for erosion or the discharge of pollutants in storm water from the site, as evidenced by the continued construction activities and traffic observed during the inspection.
 - b. Inadequate concrete waste management BMPs were observed during the inspection (See Photos 4-5).
 - c. Construction waste containers were observed to be inadequately covered, and there was no evidence that the containers were covered during the rainfall that occurred earlier in the day (See Photo 4-6).
 - d. Construction waste and soil stockpiles were observed throughout the site without adequate cover or containment, and there was no evidence that cover or containment had been provided during the rainfall that occurred earlier in the day (See Photos 6-8).
 - e. Several areas of the site were observed to be inactive, or could be scheduled to be inactive, without effective soil cover or other BMPs that could prevent erosion (See Photos 8-9).
 - f. In addition to the ineffective tracking control BMPs to prevent sediment discharges, at least one area of the perimeter control BMPs were not adequately implemented to prevent run-on to and/or run-off from the site (See Photo 10).
6. The San Diego Water Board inspector met with the Mr. Fonesca, Field Superintendent and QSP for the Rental Car Center construction site, to look at the tracking control BMPs and sediment tracking in Sassafras Street. Mr. Fonseca (the QSP) was provided an opportunity to explain what the plan was to take care of the sediment that was tracked from the site. He indicated that they had been aware of the tracking since the morning, and that a street sweeper had been called to come clean the sediment. The street sweeper arrived before the San Diego Water Board inspector departed from the site, but several hours after the sediment that had been discharged from the site had entered the storm sewer system. The QSP did not offer to improve the tracking control BMPs or to stop the traffic to and from the site.
7. The QSP was provided an opportunity to explain what the plan was to implement erosion control BMPs in preparation for or during the predicted series of storms. According to the QSP, the Airport's construction program inspectors had inspected the site the day before the complaint, on February 26, 2014. The QSP indicated that the Airport's inspectors found the perimeter control BMPs to be adequately implemented, and the site was required to cover the stockpiles and waste containers

Facility: San Diego International Airport MS4
Inspection Date: 2/27/2014

to prepare for the storms, but no erosion control BMPs were required. The QSP indicated that no erosion control BMPs had been implemented, or were planned to be implemented in preparation of or during the predicted storms.

8. The San Diego Water Board inspector requested that the QSP contact the construction site superintendent and Airport's construction project manager for a meeting to discuss the ineffective tracking control BMPs, lack of erosion control BMPs, and inadequate implementation of other housekeeping BMPs. The Senior Superintendent, Tony Gunter, and Airport's construction project manager, Brian Lahr, as well as Rick Adcock, the Airport's construction storm water inspector, were present at the site's construction trailer at the time of the inspection.
9. The Senior Superintendent, the Airport's construction project manager, and the Airport's environmental inspector indicated that they had been aware of the off-site tracking of sediment before the San Diego Water Board arrived.
10. The Senior Superintendent and Airport's construction project manager were provided an opportunity to explain what the plan was to address the ineffective tracking control BMPs. The Senior Superintendent confirmed that a street sweeper had been called, but acknowledged that the street sweeper was unlikely to clean the sediment very well given the wet conditions, and that the street sweeper had likely arrived too late to prevent a discharge of sediment to the storm sewer system.

Neither the Senior Superintendent nor the Airport's construction project manager offered to improve the tracking control BMPs, or to stop the traffic to and from the site to prevent traffic from tracking additional sediment on to Sassafras Street. Apparently, the Airport's construction program manager and environmental inspector did not believe the off-site tracking of sediment warranted a stop work order or other similar action, even after being made aware of the discharge earlier in the day, as evidenced by the continued construction activity and traffic observed during and after the inspection.

11. The Senior Superintendent and Airport's construction project manager were provided an opportunity to explain what the plan was to implement erosion control and other source control BMPs in preparation for or during the predicted series of storms. The Senior Superintendent initially indicated that they did not have a plan and that he did not believe erosion control and other source control BMPs were necessary to be implemented. The Senior Superintendent and Airport's construction project manager confirmed that the Airport's inspectors found the perimeter control BMPs to be adequately implemented, and the site was required to cover the stockpiles and waste containers to prepare for the storms, but no erosion control BMPs were required.
12. Even though the Airport's February 7, 2014 response to the December 6, 2014 audit indicated all parties and the Airport's construction project managers been educated about the requirements of the CGP, the MS4 Permit, Federal and state laws and

Facility: San Diego International Airport MS4
Inspection Date: 2/27/2014

regulations, and the Airport's own jurisdictional requirements, the Senior Superintendent and Airport's construction project manager did not appear to understand that the site was not in compliance with several requirements under the CGP, MS4 Permit, and the Airport's own jurisdictional requirements. This lack of understanding was exhibited when the Senior Superintendent and Airport's construction project manager tried to dispute the San Diego Water Board inspector's observations of non-compliance on multiple occasions during the meeting.

RECOMMENDATIONS AND ADDITIONAL COMMENTS

Comments

1. There was evidence observed during the inspection that the Rental Car Center construction site, owned by the Airport, was in violation of the following requirements under the CGP:
 - a. Section III.B: All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by [the CGP] or another NPDES permit.
 - b. Section III.D: Debris resulting from construction activities are prohibited from being discharged from construction sites.
 - c. Section V.A.2: 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 BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
 - d. Section VII.A: The discharger shall ensure that all persons responsible for implementing the requirements of [the CGP] shall be appropriately trained in accordance with this Section.
 - e. Attachment C, section B.1.b: Cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).
 - f. Attachment C, section B.1.e: Implement BMPs to prevent the off-site tracking of loose construction and landscape materials.
 - g. Attachment C, section B.2.d: Cover waste disposal containers at the end of every business day and during a rain event.
 - h. Attachment C, section B.2.f: Contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.

Facility: San Diego International Airport MS4
Inspection Date: 2/27/2014

- i. Attachment C, section B.2.i: Ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.
 - j. Attachment C, section C.1: Risk Level 1 dischargers shall implement measures to control all non-storm water discharges during construction.
 - k. Attachment C, section C.3: Risk Level 1 dischargers shall clean streets in such a manner as to prevent unauthorized non-storm water discharges from reaching surface water or MS4 drainage systems.
 - l. Attachment C, section D.2: Risk Level 1 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.
 - m. Attachment C, section E.1: 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.
 - n. Attachment C, section F: Risk Level 1 dischargers shall effectively manage all run-on, all runoff within the site and all runoff that discharges off the site. Run-on from offsite shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in [the CGP].
2. There was evidence observed during the inspection that the Airport's construction storm water management program was in violation of the following requirements under the MS4 Permit:
- a. Section A.2: Discharges from MS4s containing pollutants which have not been reduced to the maximum extent practicable (MEP) are prohibited.
 - b. Section B.1: Each Copermittee shall effectively prohibit all types of non-storm water discharges into its Ms4 unless such discharges are either unauthorized by a separate NPDES permit; or not prohibited in accordance with sections B.2 and B.3 below.
 - c. Section C.1: Each Copermittee shall establish, maintain, and *enforce* [emphasis added] adequate legal authority to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means.
 - d. Section D.2: 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.

Facility: San Diego International Airport MS4
Inspection Date: 2/27/2014

- e. Section D.2.a.(2)(a): 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.
- f. Section D.2.c.(3): Each Copermittee shall *implement, or require the implementation of*, [emphasis added] the designated minimum BMPs and any additional measures necessary to comply with [the MS4 Permit] at each construction site within its jurisdiction year round.
- g. Designated minimum BMPs required by the MS4 Permit include, at a minimum, among others, the following:
 - i. Section D.2.c.(1)(a)iii: Minimization of areas that are cleared and graded to *only the portion of the site that is necessary* [emphasis added] for construction.
 - ii. Section D.2.c.(1)(a)iv: Minimization of exposure time of disturbed soil areas.
 - iii. Section D.2.c.(1)(a)v: Minimization of grading during the wet season and correlation of grading with season dry weather periods to the extent feasible.
 - iv. Section D.2.c.(1)(a)vi: Limitation of grading to a maximum disturbed area as determined by each Copermittee [determined by the Airport to be 1 acre] *before either temporary or permanent erosion controls are implemented* [emphasis added] to prevent storm water pollution.
 - v. Section D.2.c.(1)(a)vii: Temporary stabilization and reseeded of disturbed soil areas *as rapidly as feasible* [emphasis added].
 - vi. Section D.2.c.(1)(a)xi: Retention, reduction, and proper management of all pollutant discharges *on site to the MEP standard* [emphasis added].
 - vii. Section D.2.c.(1)(b)i: Erosion prevention, to be used as *the most important measure for keeping sediment on site* [emphasis added] during construction, but never as the single method.
 - viii. Section D.2.c.(1)(b)ii: Sediment controls, to be used as a supplement to erosion prevention for *keeping sediment on-site* [emphasis added] during construction.
 - ix. Section D.2.c.(1)(b)iv: Slope stabilization on all active slopes during rain events regardless of the season.
- h. Section D.2.e: 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 Copermittee'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.


Facility: San Diego International Airport MS4
 Inspection Date: 2/27/2014

- i. Section D.5.b.(1)(b): Each Copermittee shall implement an education program that includes annual training prior to the rainy season so that it construction, building, code enforcement, and grading review staffs, inspectors, and other responsible construction staff have, at a minimum, and understanding of the following topics, as appropriate for the target audience:
 - i. Federal, state, and local water quality laws and regulation applicable to construction and grading activities.
 - ii. The connection between construction activities and water quality impacts (i.e., impacts from land development and urbanization and impacts from construction materials such as sediment).
 - iii. Proper implementation of erosion and sediment control and other BMPs to minimize the impacts to receiving water quality resulting from construction activities.

Recommendations

- 3. Issue a Notice of Violation to the Airport for failing to implement and meet the requirements of both the CGP and MS4 Permit.
- 4. Refer the site to the Compliance Assurance Unit to consider whether additional formal enforcement actions are necessary.

III. SIGNATURE SECTION

Wayne Chiu		2/27/2014
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		3/11/14
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
CIWQS Place ID	CW-255233
CIWQS Reg Measure ID	214427
CIWQS Inspection ID	15619340
CIWQS Violation ID	964955
SMARTS Place ID	SM-825499
WDID	937C367658
SMARTS Inspection ID	2021578
SMARTS Violation ID	853499, 853500

Facility: San Diego International Airport MS4
Inspection Date: 2/27/2014



Photo 1

Photo 1 shows a cement truck entering the Rental Car Center construction site when the San Diego Water Board inspector arrived on site. Significant off-site tracking of sediment can be observed outside the entrance/exit of the site on Sassafras Street.



Photo 2

Photo 2 shows turbid ponded water on Sassafras Street that can be discharged into the storm drain inlet in the intersection with Pacific Highway when vehicles drive through ponded water. Significant off-site tracking of sediment can be observed in the intersection of Sassafras Street and Pacific Highway.



Photo 3

Photo 3 shows a large vehicle driving through turbid ponded water over the storm drain inlet shown in Photo 2.

Note: This photo was provided by the Airport to the San Diego Water Board. The photo was received by the Airport through a complaint submitted to them earlier in the day before the San Diego Water Board inspector arrived.

Facility: San Diego International Airport MS4
Inspection Date: 2/27/2014



Photo 4

Photo 4 shows concrete waste materials that have been discharged to a pervious surface on the site. The waste container in the picture does not have a cover, or evidence that a cover was in place during the rainfall that occurred earlier in the day.



Photo 5

Photo 5 shows a concrete washout that has been placed on a pervious area of the site, without any BMPs to contain potential spills. There also appeared to be concrete waste spillage around the concrete washout. The concrete washout and the waste container in the picture do not have covers, or evidence that any covers were in place during the rainfall that occurred earlier in the day.



Photo 6

Photo 6 shows two waste containers that do not have covers, or evidence that any covers were in place during the rainfall that occurred earlier in the day. The picture also shows a construction waste stockpile without cover or containment, or evidence that any cover or containment were in place during the rainfall that occurred earlier in the day.

Facility: San Diego International Airport MS4
Inspection Date: 2/27/2014



Photo 7 shows soil stockpiles without cover or containment, or evidence that any cover or containment were in place during the rainfall that occurred earlier in the day.

Photo 7



Photo 8



Photo 9

Photos 8 and 9 shows areas of the site without any effective soil cover or other BMPs to prevent erosion that do not appear to have any construction activity that is necessary and could be considered inactive, or scheduled to be inactive. Photo 8 also shows a soil stockpile without cover or containment, or evidence that any cover or containment were in place during the rainfall that occurred earlier in the day. Photo 8 also shows concrete waste materials that have been discharged to a pervious surface on the site.



Photo 10

Photo 10 shows a gap in the perimeter sediment controls that would potentially allow run-on to or run-off from the site.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
STORM WATER MANAGEMENT PROGRAM**

FACILITY INSPECTION REPORT

FACILITY: San Diego International Airport MS4 **INSPECTION DATE/TIME:** 12/06/2013; 9:00 am

CIWQS Place ID: CW-255233

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: Wayne Chiu AFFILIATION: San Diego Water Board

NAME: Richard Gilb AFFILIATION: Airport Authority

NAME: Rick Adcock AFFILIATION: Airport Authority

San Diego County Regional Airport Authority
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

FACILITY OR DEVELOPER NAME (if different from owner)

3225 Harbor Drive
San Diego, CA 92101
OWNER MAILING ADDRESS

3225 Harbor Drive
San Diego, CA 92101
FACILITY ADDRESS

Paul Manasjan 619-400-2783
OWNER CONTACT NAME AND PHONE #

Richard Gilb 619-400-2790
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: San Diego International Airport MS4
Inspection Date: 12/06/2013

I. BACKGROUND AND PURPOSE

On November 19, 2013, Wayne Chiu from the Regional Water Quality Control Board, San Diego Region (San Diego Water Board) inspected four construction sites (WDIDs 937C365424, 937C367052, 937C367421, and 937C367658) under the jurisdiction of the San Diego County Regional Airport Authority (Airport). The purpose of the inspections was to determine if the sites were implementing BMP in compliance with Construction General Storm Water Permit Order No. 2009-0009-DWQ (CGP), and to assess whether the Airport was implementing its construction site inspections in compliance with San Diego County Municipal Storm Water Permit Order No. R9-2007-0001 (MS4 Permit).

The November 19, 2013 inspections were conducted jointly with Rick Adcock, Senior Environmental Specialist with the Airport, and Anna Wernet, contractor conducting construction storm water inspections for the Airport. Several BMP implementation deficiencies were noted for the construction sites inspected, which had not been identified by the Airport during previous construction storm water inspections.

Because the Airport's construction storm water inspection program did not identify the BMP implementation deficiencies identified by the San Diego Water Board inspector, the San Diego Water Board conducted an audit of the Airport's construction management program to identify other potential deficiencies in other elements of the Airport's construction management program. On December 6, 2013, Wayne Chiu conducted follow up inspections of three construction sites (WDIDs 937C365424, 937C367052, and 937C367421), and met with Richard Gilb, Manager of Environmental Affairs with the Airport, and Rick Adcock to review the deficiencies identified by the audit. The findings from the November 19, 2013 and December 6, 2013 construction site inspections, and the audit of the Airport's construction management program are summarized below.

II. FINDINGS

November 19, 2013 Inspection Findings

1. The Airport inspectors present during the inspection indicated that the four construction sites were being inspected by the Airport on a weekly basis, which exceeds the minimum construction inspection frequency requirements under the MS4 Permit.
2. A rain event was predicted to occur within 48 hours after the November 19, 2013 inspection. According to the National Weather Service, there was over 1 inch of precipitation recorded at Lindbergh Field between November 20 and 22, 2013.
3. Three of the construction sites inspected on November 19, 2013 (WDID 937C365424 [SAN Park 2], WDID 937C367658 [Rental Car Center], and WDID 937C367052 [Fixed Base Operator]) are each greater than 10 acres in size. Greater than 90 percent of the area of each site had been or was being disturbed. The

Facility: San Diego International Airport MS4
Inspection Date: 12/06/2013

Airport is the Legally Responsible Person (LRP) for the SAN Park 2 and Rental Car Center sites under the CGP. The LRP for the Fixed Base Operator site is a private third party, Landmark Aviation.

4. Inadequate implementation and maintenance of perimeter sediment control BMPs was observed for two of the construction sites inspected (SAN Park 2 and WDID 937C367421 [North Side Interior Road]). The Airport is the LRP for both projects under the CGP.
5. No erosion control BMPs were observed for any of the construction sites. The Qualified SWPPP Practitioner (QSP) and project manager for the SAN Park 2 site indicated that they did not have erosion control BMPs ready to be deployed if there is a significant rain event. The QSP for the Rental Car Center site indicated that geotextiles would be deployed to protect any erodible slopes if there is a significant rain event. No one was available to provide information about erosion control BMPs for the North Side Interior Road and Fixed Base Operator sites during the inspection.
6. The Storm Water Pollution Prevention Plans (SWPPPs), QSP inspection reports, and training records were not reviewed during the inspection. Copies of the available QSP inspection reports and training records were requested from each site. The SWPPPs available on SMARTS were reviewed after the inspection. The following summarizes the findings from the review of these documents:
 - a. SAN Park 2: The Airport's project manager for the site, Luis Alarcon, provided copies of QSP inspection reports and training records that appear to demonstrate adequate inspection frequency and training. A discharge was reported on the November 22, 2013 QSP inspection report; the same report also noted sediment build up observed behind fiber rolls utilized for perimeter control.

Section 5.2 and Tables 5-1A and 5-1B of the SWPPP identify the erosion control BMPs that can and/or will be implemented to prevent erosion. However, Table 5-1B identifies scheduling (EC-1) as the only erosion control BMP that will be used. No soil stabilization erosion control BMPs were included as potential BMPs to be implemented during a storm event. No soil stabilization erosion control BMPs were included on the water pollution control drawing submitted with the SWPPP.

Because greater than 10 acres of the site were disturbed and exposed with a rain event forecasted within 48 hours of the inspection, it was apparent that scheduling was not being implemented to avoid exposing soil during a potential rain event. The site project manager and QSP indicated that they did not have erosion control BMPs ready to be deployed if there is a significant rain event. .

- b. Rental Car Center: The QSP for the site, Patrick Fonseca, provided copies of QSP inspection reports and training records that appear to demonstrate adequate inspection frequency and training. Section 3.2.1 and Table 3.2 of the

Facility: San Diego International Airport MS4
Inspection Date: 12/06/2013

SWPPP identify the erosion control BMPs that can and/or will be implemented to prevent erosion, including scheduling (EC-1), geotextiles and mats (EC-7), slope drains (EC-11), and soil preparation-roughening (EC-15), and appears to meet the minimum erosion control BMP requirements of the CGP.

Because greater than 10 acres of the site was disturbed and exposed with a rain event forecasted within 48 hours of the inspection, it was apparent that scheduling was not being implemented to avoid exposing soil during a potential rain event. During the inspection, however, the QSP indicated that geotextiles would be deployed on unprotected slopes if there is a significant storm event, consistent with the SWPPP.

- c. North Side Interior Road: The Airport's project manager for the site, Luis Alarcon, provided copies of QSP inspection reports and training records that appear to demonstrate adequate inspection frequency and training. Section 5.2 and Tables 5-1A and 5-1B of the SWPPP identify the erosion control BMPs that can and/or will be implemented to prevent erosion. However, Table 5-1B identifies scheduling (EC-1) and preservation of existing vegetation (EC-2) as the only erosion control BMPs that will be used. No soil stabilization erosion control BMPs were included as potential BMPs to be implemented during a storm event. No soil stabilization erosion control BMPs were included on the water pollution control drawing submitted with the SWPPP.

There did not appear to be existing vegetation that could be preserved for the project site. Also, grading activities and over 1 acre of disturbed and exposed soil were observed with a rain event forecasted within 48 hours of the inspection. It was apparent that scheduling was not being implemented to avoid exposing soil during a potential rain event. The site superintendent and/or QSP did not appear to be preparing to implement any other erosion control BMPs during the inspection.

- d. Fixed Base Operator: The site superintendent, Bill Janda, provided QSP inspection reports and training records that appear to demonstrate adequate inspection frequency and training. Section 3.2.1 and Table 3.2 of the SWPPP identify the erosion control BMPs that can and/o will be implemented to prevent erosion. However, Table 3.2 identifies scheduling (EC-1) as the only erosion control BMP that will be used. No soil stabilization erosion control BMPs were included as potential BMPs to be implemented during a storm event. No soil stabilization erosion control BMPs were included on the water pollution control drawing submitted with the SWPPP.

Because greater than 10 acres of the site was disturbed and exposed with a rain event forecasted within 48 hours of the inspection, it was apparent that scheduling was not being implemented to avoid exposing soil during a potential rain event. The site superintendent and/or QSP did not appear to be preparing to implement any other erosion control BMPs during the inspection.

Facility: San Diego International Airport MS4
Inspection Date: 12/06/2013

7. The BMP implementation deficiencies identified during the inspection were communicated to the QSP, project superintendent, and/or Airport project manager for each site inspected, as well as the Airport's construction storm water inspection personnel. With the exception of the Rental Car Center site, they were also informed that the SWPPPs did not include the minimum erosion control BMPs required by the CGP and were not in compliance with the CGP requirements for SWPPPs. The responses were as follows:
- a. SAN Park 2: The Airport's project manager for the site, Luis Alarcon, provided photo-documentation of actions implemented to correct deficiencies identified for sediment control BMPs, and indicated that because the entire site (15.8 acres according to SMARTS) was considered active, soil stabilizing erosion control BMPs were not necessary at this time. The response also indicated that the scheduling erosion control BMP in the SWPPP was adequate.
 - b. Rental Car Center: The QSP for the site, Patrick Fonseca, responded by email to confirm that BMP repairs had been performed and exposed slopes will be protected with geotextiles as required.
 - c. North Side Interior Road: The Airport's project manager for the site, Luis Alarcon, provided photo-documentation of actions implemented to correct deficiencies identified for sediment control BMPs, and indicated that because the disturbed areas are considered active, soil stabilization erosion control BMPs were not necessary at this time. The response also indicated that the scheduling and preservation of natural vegetation erosion control BMPs in the SWPPP were adequate.
 - d. Fixed Base Operator: The site superintendent, Bill Janda, provided photo-documentation of provided photo-documentation of actions implemented to correct deficiencies identified for sediment control BMPs, and indicated that the QSD was visiting the site to review the erosion control BMPs and would update the SWPPP.
8. The Airport's construction storm water inspectors did not indicate that the erosion control BMPs were or were not in compliance with the Airport's storm water ordinances during and after the inspection.
9. Even after the discharge reported at the SANPark 2 site by the QSP on November 22, 2013 (see Finding 6a), the QSP and QSD did not recommend additional erosion control BMPs, and the Airport Authority construction storm water inspection program did not require the implementation of additional erosion control BMPs.

Facility: San Diego International Airport MS4
Inspection Date: 12/06/2013

10. A rain event was predicted to occur within 48 hours after the December 6, 2013 inspection. According to the National Weather Service, there was approximately 0.1 inch of precipitation recorded at Lindbergh Field on December 7, 2013.
11. Grading and excavation activities were observed during the inspection, and no documentation was provided to indicate that any reduction in grading or excavation activities was scheduled due to the forecasted rain event. Areas where active grading or excavation activities did not appear to be necessary were not protected with effective soil cover or other BMPs that could prevent erosion if the forecasted rain event produced significant runoff, as occurred on November 20-22, 2013.
12. Significant improvement to perimeter sediment control BMP implementation was observed for SANPark 2, North Side Interior Road, and Fixed Base Operator construction sites.
13. Site superintendent for the Fixed Base Operator site, Bill Janda, provided evidence that the QSD had re-evaluated the erosion control BMPs for the site and revisions to the water pollution control drawing and the SWPPP were forthcoming. Implementation of erosion control BMPs and additional sediment control BMPs were observed during the inspection, and Mr. Janda indicated additional erosion control BMPs would be deployed if necessary.
14. The QSD for the SANPark 2 and North Park Interior Road sites, Roger Chung, was provided an opportunity to explain how the scheduling erosion control BMP was adequate to prevent erosion during a rain event. The QSD's response was that the site was primarily relying upon the perimeter sediment control BMPs to prevent sediment from discharging from the site; and, because the entire site was active, soil stabilizing erosion control BMPs could not be implemented. The Airport's project manager for the project, Luis Alarcon, and the Airport's construction storm water inspector, Rick Adcock, were present during the response.

Construction Management Program Audit Findings

15. Pursuant to section D.2.a.(1) of the MS4 Permit, the Airport is required upgrade its grading ordinances, and other ordinances as necessary to achieve full compliance with the MS4 Permit. According to section 5.3 of the Airport's Storm Water Management Plan (SWMP), dated March 2008, which serves as its jurisdictional runoff management program (JRMP) document, the Airport does not have a grading ordinance because: a) "*[m]ass grading activities are generally not expected to be necessary...because the [Airport] is naturally relatively flat and, thus most sites are ready for buildings*"; and b) "*there is no private property on the [Airport's] jurisdiction.*"

Section 5.3 of the SWMP states that development and improvement projects by the Airport include self-imposed environmental mitigation measures which become part of the project design and/or implementation. For tenants, mitigation measures

Facility: San Diego International Airport MS4
Inspection Date: 12/06/2013

become part of the lease or permit. The environmental mitigation measures that are self-imposed or required by lease or permit are equivalent to the grading ordinances required by section D.2.a.(1) of the MS4 Permit.

16. Pursuant to section D.2.c.(1) of the MS4 Permit, the Airport is required to designate a minimum set of BMPs and other measures to be implemented at all construction sites. The designated set of minimum BMPs are required to include, among others:

- a) Minimization of areas that are cleared and graded to only the portion of the site that is necessary for construction;
- b) Minimization of expose time of disturbed soil areas;
- c) Minimization of grading during the wet season and correlation of grading with seasonal dry weather periods to the extent feasible;
- d) Limitation of grading to a maximum disturbed area as determined by the Copermittee before either temporary or permanent erosion controls are implemented to prevent storm water pollution, which may be temporarily increased by a set amount if the individual site is in compliance with applicable storm water regulations and the site has adequate control practices to prevent storm water pollution;
- e) Temporary stabilization and reseeded of disturbed soil areas as rapidly as feasible;
- f) Retention, reduction, and proper management of all pollutant discharges to the maximum extent practicable (MEP);
- g) Erosion prevention, to be used as the most important measure for keeping sediment on site during construction, but never as the single method;
- h) Sediment controls, to be used as a supplement to erosion prevention for keeping sediment on site during construction;
- i) Slope stabilization on all inactive slopes during the rainy season and during rain events during the dry season; and
- j) Slope stabilization on all active slopes during rain events regardless of the season.

The above minimum BMPs are also required by the Airport's SWMP, which "*are the same for each construction project regardless of the project's threat to water quality.*" The Airport's SWMP also limits grading "*to a maximum disturbed area of 1 acre...before either temporary or permanent erosion control are implemented to prevent storm water pollution; [with] the option of temporarily increasing the size of disturbed soil areas by a set amount beyond the maximum, if the individual site is in compliance with applicable storm water regulations and the site has adequate control practices to prevent storm water pollution.*"

17. Pursuant to sections D.2.a.(2)(a)-(b) of the MS4 Permit, prior to approval and issuance of local construction and grading permits, the Airport must require all individual proposed construction sites to implement designated BMPs and other measures so that pollutants discharges from the site will be reduced to the MEP, and verify that the projects storm water management plan (e.g. SWPPP) complies

Facility: San Diego International Airport MS4
Inspection Date: 12/06/2013

with their grading ordinance, and other ordinances, and the requirements of the MS4 Permit. The Airport approved SWPPPs for the SAN Park 2, Rental Car Center, North Side Interior Road, and Fixed Base Operator projects that failed to include the minimum BMPs required by the MS4 Permit, or the designated minimum BMPs in the Airport's SWMP (see Findings 6a-6d). The SWPPPs had the following deficiencies:

- a) There were no requirements to minimize areas cleared and graded, minimize exposure times, or limit grading to a maximum disturbed area of 1 acre, or any discussion that would allow a temporary increase in the size of disturbed soil areas beyond the maximum. There was no evidence in the SWPPPs approved by the Airport that the scheduling erosion control BMP was required to be implemented to minimize areas cleared and graded, minimize exposure times, or limit the disturbed area to 1 acre.
- b) There were no requirements to minimize grading during the wet season and correlation of grading with seasonal dry weather periods to the extent feasible. There was no evidence in the SWPPPs approved by the Airport that the scheduling erosion control BMP was required to be implemented to limit grading before or during rain events.
- c) Temporary stabilizing and reseeded of disturbed soil areas as rapidly as feasible, and stabilization of inactive slopes during the rainy season and active slopes during rain events regardless of the season were not required, as evidenced by the Airport allowing scheduling as the primary erosion control BMP, without any soil stabilization erosion control BMPs required.
- d) Retention, reduction, and proper management of all pollutant discharges to the MEP, as evidenced by the Airport allowing scheduling as the primary erosion control BMP, without requiring soil stabilization erosion control BMPs to be implemented to reduce pollutants in storm water to the MEP.
- e) Erosion prevention was not required to be used as the most important measure for keeping sediment on site during construction, as evidenced by the Airport allowing scheduling as the primary erosion control BMP, without any soil stabilization erosion control BMPs required.

18. Pursuant to section D.2.c.(3), the Airport is required to implement, or require implementation of the designated minimum BMPs and any additional measures necessary to comply with the MS4 Permit at each construction site within its jurisdiction year round. Pursuant to section D.2.d of the MS4 Permit, the Airport is required to inspect construction sites for compliance with its local ordinances, permits, and the requirements of the MS4 Permit. The Airport's construction storm water inspection program failed to identify the following deficiencies in the implementation of the designated minimum BMPs required by the SWMP for all construction sites:

Facility: San Diego International Airport MS4
Inspection Date: 12/06/2013

- a) There was no evidence that the Airport's inspectors required the sites to minimize areas cleared and graded, minimize exposure times, or limit the disturbed area to 1 acre (see Findings 3, 6a-6d, and 17a).
 - b) There was no evidence that the Airport's inspectors required the sites to limit grading before or during rain events (see Findings 2, 5 11, and 17b).
 - c) There was no evidence that the Airport's inspectors required temporary stabilizing and reseeded of disturbed soil areas as rapidly as feasible, and stabilization of inactive slopes during the rainy season and active slopes during rain events regardless of the season (see Findings 6a, 6c, 6d, 7a, 7c, 14, and 17c).
 - d) There was no evidence that the Airport's inspectors were requiring the implementation of BMPs to retain, reduce, and properly manage all pollutant discharges to the MEP (see Findings 6a, 6c, 6d, 7a, 7c, 14, and 17d).
 - e) There was no evidence that the Airport's inspectors were requiring the implementation of erosion prevention to be used as the most important measure for keeping sediment on site during construction (see Findings 6a, 6c, 6d, 7a, 7c, 14, and 17e).
19. Pursuant to section D.2.e of the MS4 Permit, the Airport is required to implement an escalating enforcement process that achieves prompt corrective actions at constructions sites for violations of the Airport's water quality protection requirements and ordinances. There was no evidence that the Airport was implementing an enforcement process because the Airport's inspectors were not identifying applicable violations during inspections (see Findings 18a-e).
20. Pursuant to section D.5.b.(1) of the MS4 Permit, the Airport is required to implement an education program so that its planning and development review staffs have an understanding of storm water management plan (e.g. SWPPP) development and review and source control BMPs. Education of the Airport's planning and development review staffs was not implemented or inadequate, as evidenced by SWPPPs approved by the Airport staff that do not include the designated minimum BMPs for construction sites and inadequate source control BMPs (i.e. erosion control BMPs).
21. Pursuant to section D.5.b.(2) of the MS4 Permit, the Airport is required to implement an education program so that its construction, building, code enforcement, and grading review staffs, inspectors, and other responsible construction staff have an understanding of Federal, state, and local water quality laws and regulations applicable to construction and grading activities, and proper implementation of erosion and sediment control and other BMPs to minimize impacts to receiving waters from construction activities. Education of the Airport's construction, building,

Facility: San Diego International Airport MS4
 Inspection Date: 12/06/2013

code enforcement, and grading review staffs, inspectors, and other responsible construction staff was not implemented or inadequate as evidenced by the lack of enforcement actions issued by the Airport’s inspectors for violations of the requirements of the CGP (i.e. state regulations) and the Airport’s designated minimum BMP requirements (i.e. erosion controls required by SWMP).

RECOMMENDATIONS AND ADDITIONAL COMMENTS

1. For the four construction sites under the Airport’s jurisdiction inspected by the San Diego Water Board, the Airport’s implementation of its construction management program is not in compliance with the requirements of sections D.2.a.(2)(a)-(b), D.2.c.(3), D.2.d, D.2.e, D.5.b.(1) and D.5.b.(2) of the MS4 Permit.
2. It is recommended that the Airport be allowed to provide recommendations for bringing its construction management program into compliance with the requirements of the MS4 Permit. Recommendations should include proposed modifications to the construction management program implementation processes, and documentation that will be developed to demonstrate the requirements of the MS4 Permit are being adequately implemented.
3. In the event the Airport does not bring its construction management program into compliance with the requirements of the MS4 Permit within a reasonable period of time, it is recommended that the San Diego Water Board initiate a formal enforcement action to compel the Airport to come into compliance with the requirements of the MS4 Permit.

III. SIGNATURE SECTION

Wayne Chiu		12/6/2013
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		1/6/14
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
Place ID	255233
Reg Measure ID	214427
Inspection ID	14888144
Violation ID	961125