



## California Regional Water Quality Control Board, San Diego Region

December 10, 2014

**Via email only**

Stephen Maduli-Williams  
Vice President, Economic Development  
Jacobs Center for Neighborhood Innovation  
404 Euclid Avenue  
San Diego, California 92114  
[swilliams@jacobscenter.org](mailto:swilliams@jacobscenter.org)

**In reply refer to / attn:**  
**SM-828254:wchiu**

**Subject: Notice of Violation No. R9-2014-0145, Northwest Village Creek Construction Project, Order No. 2009-0009-DWQ, NPDES Permit No. CAS000002, Construction General Permit**

Mr. Maduli-Williams:

Enclosed is Notice of Violation (NOV) No. R9-2014-0145 issued to the Jacobs Center for Neighborhood Innovation for violations of Order No. 2009-0009-DWQ, issued by the California State Water Resources Control Board and overseen 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 December 19, 2014** that confirms the violations have been corrected, identify a date by which the violations were corrected, and description of the actions taken to ensure future violations of Order No. 2009-0009-DWQ will not occur.

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.

Please send any written correspondence in response to this letter to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov). These electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: **PIN: SM-828254:wchiu**.

For questions pertaining to the subject matter, please contact Wayne Chiu at (619) 521-3354 or [wchiu@waterboards.ca.gov](mailto:wchiu@waterboards.ca.gov).

Respectfully,



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

ESB:wc

Enclosure: Notice of Violation No. R9-2014-0145

cc (via email only): Andy Dipalma, Savant Construction ([adipalma@savantccf.com](mailto:adipalma@savantccf.com))  
Marisa Dauber, Whitson CM ([mdauber@whitsoncm.com](mailto:mداuber@whitsoncm.com))  
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Tech Staff Info & Use	
Order No.	2009-0009-DWQ
NPDES No.	CAS000002
Place ID	SM-828254
WDID	937C369293
Inspection ID	2024126
Violation ID	855292, 855293, 855294, 855295
Enforcement ID	417092



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**California Regional Water Quality Control Board, San Diego Region**

December 10, 2014

**NOTICE OF VIOLATION  
No. R9-2014-0145**

Stephen Maduli-Williams  
Vice President, Economic Development  
Jacobs Center for Neighborhood Innovation  
404 Euclid Avenue  
San Diego, CA 92114

Jacobs Center for Neighborhood Innovation  
  
Northwest Village Creek Construction Project  
PIN No. SM-828254:wchiu

**Violations of  
  
Order No. 2009-0009-DWQ,  
Construction General Permit**

The JACOBS CENTER FOR NEIGHBORHOOD INNOVATION 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 JACOBS CENTER FOR NEIGHBORHOOD INNOVATION 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).

**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. Observation:** On December 4, 2014, the San Diego Water Board received a complaint of a discharge of sediment-laden storm water from the Northwest Village Creek construction site (WDID 937C369293) to Chollas Creek. The Jacobs Center for Neighborhood Innovation is the Legally Responsible Person (LRP) enrolled under the Construction General Permit (CGP) for the site. On December 4, 2014, the San Diego Water Board inspector observed evidence of sediment discharged from the site due to inadequate and ineffective implementation of best management practices (BMPs), constituting an unauthorized discharge of sediment from the site.

On December 8, 2014 the San Diego Water Board received photo and video documentation of sediment-laden storm water discharges from the site directly to Chollas Creek. The discharge was the result of inadequate implementation of erosion controls and inappropriately utilized and/or designed post-construction BMP basins for the construction phase observed during the December 4, 2014 inspection. See attached December 4, 2014 Facility Inspection Report Photos 4 through 8 and 12 through 16.

## 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 Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants.
- b. Pursuant to Provision IX and Section A.1.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water 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.
- c. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed the lack of effective erosion controls, perimeter sediment controls, and run-on and runoff controls required by the CGP, which directly lead to erosion and sedimentation that ultimately resulted in the discharge of sediment and sediment-laden water from the site observed and/or documented on December 4, 2014. The discharge was a result of the implementation of controls, structures, and BMPs that do not achieve BCT. See attached December 4, 2014 Facility Inspection Report Photos 4 through 13.

**3. Failure to Implement Good Site Management “Housekeeping” Best Management Practices (BMPs) for Construction Materials and Waste Management:**

- a. Pursuant to Provision IX and Section B.1.a of Attachment C of 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 IX and Section B.2.f of Attachment C of 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. Observation:** During the December 4, 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, berm, containment or protection, resulting in erosion and sediment transport. See attached December 4, 2014 Facility Inspection Report Photos 1 and 4 through 8.

**4. Failure to Implement Good Site Management “Housekeeping” BMPs for Vehicle Storage and Maintenance:**

- a. Pursuant to Provision IX and Section B.3.a of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.
- b. Pursuant to Provision IX and Section B.3.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
- c. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector several construction equipment and vehicles stored without appropriate BMPs to prevent oil, grease or fuel to leak in to the ground, storm drains or surface waters. See attached December 4, 2014 Facility Inspection Report Photos 2 and 3.

**5. Failure to Implement Adequate Erosion Controls for Inactive Areas:**

- a. Pursuant to Provision IX and Section D.2 of Attachment C of 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 December 4, 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. In particular, a large topographic feature (claimed to be a stockpile by the site superintendent) documented by a concerned citizen from as early as September 30, 2014 to the date of the inspection (December 4, 2014), lacked any effective soil cover for erosion control. Evidence of erosion and sediment transport due to lack of erosion control measures were observed throughout the site during the inspection. See attached December 4, 2014 Facility Inspection Report Photos 4 through 8.

## **6. Failure to Implement Adequate Perimeter Sediment Controls:**

- a. Pursuant to Provision IX and Section E.1 of Attachment C of 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 December 4, 2014 inspection, the San Diego Water Board inspector observed several areas of the site where perimeter controls were not established or maintained to sufficiently control erosion and sediment discharges from the site. One construction entrance/exit lacked controls to prevent offsite tracking or discharges of sediment by surface runoff. See attached December 4, 2014 Facility Inspection Report Photos 9 through 11.

## **7. Failure to Implement Adequate Run-on and Runoff Controls:**

- a. Pursuant to Provision IX and Section F.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 shall effectively manage all run-on, all runoff within the site and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in the CGP.
- b. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed at least one area of the site where perimeter controls were not established or maintained to prevent run-on to the site, resulting in offsite sediment being allowed to run-on to the site, which contributed to the sediment discharges from the site. See attached December 4, 2014 Facility Inspection Report Photos 9 and 10.

## **8. Failure to Implement, Inspect, Maintain and Repair BMPs in the SWPPP:**

- a. Pursuant to Provision XIV.B of State Water Board Order No. 2009-0009-DWQ:** To demonstrate compliance with requirements of the CGP, the Qualified SWPPP Developer (QSD) shall include information in the SWPPP that supports the conclusions, selections, use, and maintenance of BMPs.



- b. Pursuant to Provision IX and Section G.1 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall ensure that all inspection, maintenance, repair and sampling activities at the project location shall be performed or supervised by a QSP representing the discharger. The QSP may delegate any or all of these activities to an employee trained to do the task(s) appropriately, but shall ensure adequate deployment.
- c. Pursuant to Provision IX and Section G.2 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall perform weekly inspections and observations, and at least once each 24-hour period during extended storm events, to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or by trained by the QSP.
- d. Pursuant to Provision IX and Section G.3 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Upon identifying failures or other shortcomings, as directed by the QSP, Risk Level 1 dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
- e. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed a lack of implementation, and failures or other shortcomings in the implementation of good site management “housekeeping” , erosion controls, sediment controls, and run-on and runoff controls that were included in the SWPPP. For the most part, the lack of implementation, and failures or other shortcomings in the implementation of the BMPs in the SWPPP were not identified as requiring implementation, maintenance or repair by the QSP or person trained by the QSP in the weekly inspection reports reviewed. See attached December 4, 2014 Facility Inspection Report Findings 1-7.

## 9. Failure to Submit 2013-2014 Annual Report:

- a. Pursuant to Provision XVI.A of State Water Board Order No. 2009-0009-DWQ:** All dischargers shall prepare and electronically submit an Annual Report no later than September 1 of each year. An annual report is required if a project is active more than one continuous three month period.
- b. Observation:** Following the December 4, 2014 inspection, the San Diego Water Board inspector went on to the Storm Water Multiple Application and Report Tracking System (SMARTS) to review the 2013-2014 Annual Report. According to SMARTS, the project became active on March 26, 2014. SMARTS indicated that the 2013-2014 Annual Report is Past Due as of September 1, 2014. See attached December 4, 2014 Facility Inspection Report Finding 8.

## 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](mailto:wchiu@waterboards.ca.gov).



Eric S. Becker, P.E.  
Senior Water Resource Control Engineer  
Storm Water Management

ESB:wc

Attachments: Facility Inspection Report dated December 4, 2014

Tech Staff Info & Use	
Place ID	SM-828254
WDID	937C369293
Inspection ID	2024126
Violation ID	855292, 855293, 855294, 855295
Enforcement ID	417092



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

**FACILITY INSPECTION REPORT**

**FACILITY:** Northwest Village Creek (Walgreens)      **INSPECTION DATE/TIME:** 12/4/2014; 11:30 am

**WDID/FILE NO.:** 937C369293

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

NAME: Wayne Chiu

AFFILIATION: San Diego Water Board

NAME: Andy Dipalma

AFFILIATION: Savant Construction, Inc.

Jacobs Center for Neighborhood Innovation  
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

Northwest Village Creek  
FACILITY OR DEVELOPER NAME (if different from owner)

404 Euclid Avenue  
San Diego, CA 92114  
OWNER MAILING ADDRESS

602 Euclid Avenue  
San Diego, CA 92114  
FACILITY ADDRESS

Stephen Maduli-Williams, 619-527-6161  
OWNER CONTACT NAME AND PHONE #

Same  
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

**APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:**

- |   |   |
|---|---|
| <input type="checkbox"/> MS4 URBAN RUNOFF REQUIREMENTS          | <input type="checkbox"/> GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES  |
| <input checked="" type="checkbox"/> CONSTRUCTION GENERAL PERMIT | <input type="checkbox"/> GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS |
| <input type="checkbox"/> CALTRANS GENERAL PERMIT                | <input type="checkbox"/> SECTION 401 WATER QUALITY CERTIFICATION                      |
| <input type="checkbox"/> INDUSTRIAL GENERAL PERMIT              | <input type="checkbox"/> CWC SECTION 13264  |

**INSPECTION TYPE (Check One):**

- "A" TYPE COMPLIANCE--COMPREHENSIVE INSPECTION IN WHICH SAMPLES ARE TAKEN. (EPA TYPE S)
- "B" TYPE COMPLIANCE--A ROUTINE NONSAMPLING INSPECTION. (EPA TYPE C)
- NONCOMPLIANCE FOLLOW-UP--INSPECTION MADE TO VERIFY CORRECTION OF A PREVIOUSLY IDENTIFIED VIOLATION.
- ENFORCEMENT FOLLOW-UP--INSPECTION MADE TO VERIFY THAT CONDITIONS OF AN ENFORCEMENT ACTION ARE BEING MET.
- COMPLAINT--INSPECTION MADE IN RESPONSE TO A COMPLAINT.
- PRE-REQUIREMENT--INSPECTION MADE TO GATHER INFO. RELATIVE TO PREPARING, MODIFYING, OR RESCINDING REQUIREMENTS.
- NO EXPOSURE CERTIFICATION (NEC) - VERIFICATION THAT THERE IS NO EXPOSURE OF INDUSTRIAL ACTIVITIES TO STORM WATER.
- NOTICE OF TERMINATION REQUEST FOR INDUSTRIAL FACILITIES OR CONSTRUCTION SITES - VERIFICATION THAT THE FACILITY OR CONSTRUCTION SITE IS NOT SUBJECT TO PERMIT REQUIREMENTS.
- COMPLIANCE ASSISTANCE INSPECTION - OUTREACH INSPECTION DUE TO DISCHARGER'S REQUEST FOR COMPLIANCE ASSISTANCE.

**INSPECTION FINDINGS:**

Y WERE VIOLATIONS NOTED DURING THIS INSPECTION? (YES/NO/PENDING SAMPLE RESULTS)

Facility: Northwest Village Creek  
Inspection Date: 12/4/2014

## I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On morning of December 4, 2014, the San Diego Water Board received a complaint by telephone from a concerned citizen about a discharge of sediment-laden water from a construction site located on the corner of Euclid Avenue and Market Street to Chollas Creek. The complaint was called in during a storm event that began on December 3, 2014 and ended in the area late morning on December 4, 2014.

Wayne Chiu of the San Diego Water Board performed an inspection of the Northwest Village Creek construction site for compliance with the requirements of the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP). According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is as a Risk Level 1 construction site, approximately 3.7 acres in size, and owned by the Jacobs Center for Neighborhood Innovation. There was no precipitation during the inspection.

The San Diego Water Board inspector met with Mr. Andy Dipalma, the superintendent for the site. According to Mr. Dipalma, the Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) performing inspections for the project is on site on a bi-weekly basis, and Mr. Dipalma performs the inspections for the weeks the QSP does not conduct inspections. Mr. Dipalma escorted the San Diego Water Board inspector during the inspection.

Following the inspection, the concerned citizen who submitted the complaint provided several photos and videos of the site before and during the storm event. Photos from the concerned citizen are referenced and included as photo documentation in this inspection report.

## II. FINDINGS

1. The SWPPP available on the site had the following deficiencies:
  - a) There did not appear to a certification page signed by the Legally Responsible Person (LRP).
  - b) Weekly inspection reports were available for the last several weeks, but none of them indicated that the erosion controls were inadequate or required implementation as outlined in the SWPPP.
  - c) No training records were available to indicate anyone (i.e. construction personnel, contractors, sub-contractors) other than Mr. Dipalma received training on their responsibilities under the SWPPP.
2. Construction waste stockpile observed without adequate cover or containment (See Photo 1). Evidence of erosion and sediment transport from the stockpile observed during the inspection. All construction sites are required to contain and

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Inspection Date: 12/4/2014

securely protect stockpiled waste material from wind and rain at all times unless actively being used.

3. Several construction equipment and vehicles observed without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters (See Photos 2-3). All construction sites are required to prevent oil, grease or fuel to leak in to the ground, storm drains, or surface waters, and to place all equipment and vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
4. Several areas were observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control potential erosion. All construction sites are required to provide effective soil cover for inactive (i.e. areas that have been disturbed and not scheduled to be re-disturbed for at least 14 days) areas and all finished slopes, open space, utility backfill, and completed lots.

In particular, a large topographic feature (claimed to be a stockpile by Mr. Dipalma) documented by a concerned citizen from as early as September 30, 2014 to the date of the inspection (December 4, 2014), lacked any effective soil cover for erosion control. Evidence of erosion and sediment transport due to lack or erosion control measures were observed throughout the site during the inspection (See Photos 4 through 8).

5. Lack of effective perimeter sediment controls observed in several locations of the site (See Photos 9 through 11). One construction entrance/exit was not adequately controlled which resulted in sediment discharges from the site. All construction sites are required to establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
6. Lack of effective run-on controls observed which resulted in sediment discharges to the site, and contributed to sediment discharges from the site (See Photo 10). All construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site. Run-on from off site must be directed away from all disturbed areas or collectively be in compliance with the effluent limitations of the CGP.
7. Unauthorized discharge of sediment-laden storm water was documented through photos and videos provided by concerned citizen. The San Diego Water Board inspector was not aware of and did not search for the discharge location during the inspection.

The unauthorized discharge originated from the two basins that appeared to be constructed to be post-construction BMPs, and were not appropriately modified to be sediment traps (or sediment basins) during the construction phase as the outlets (or storm drain inlets) are located on the bottom of the basins without any

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Inspection Date: 12/4/2014

risers or spillways (See Photos 12 and 13). In addition, erosion controls were not implemented to reduce the potential for sediment to be transported to the sediment traps (or sediment basins). The outlets from the post-construction BMPs are connected to a six-inch pipe outfall that discharges directly to Chollas Creek (See Photos 14 through 16).

All construction sites are required to minimize or prevent pollutants in storm water discharges through the use of controls, structures, and management practices that achieve the Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) standard for conventional pollutants.

8. A review of SMARTS indicates that the Annual Report for 2013-2014 is past due. All Risk Level 1 sites are required to prepare and electronically submit an Annual Report no later than September 1 of each year.

### III. COMMENTS AND RECOMMENDATIONS

#### Comments

1. There is evidence that good site management “housekeeping” BMPs were not being adequately implemented (See Findings 2 and 3).
2. There is evidence that erosion controls were not adequately implemented for at least one inactive area between September 30, 2014 and December 4, 2014 for a total of 65 days contributing to discharges of sediment and sediment-laden storm water from the site (See Finding 4).
3. There is evidence that perimeter sediment controls, as well as run-on and runoff controls, were not adequately implemented which contributed to discharges of sediment from the site (See Findings 5 and 6).
4. There is evidence that erosion and sediment control BMPs were not adequately implemented to minimize or prevent the discharge of sediment in storm water from the site to Chollas Creek (See Findings 4 and 7).
5. There was evidence observed during the inspection that the site has not implemented BMPs to meet BCT Technology Based Effluent Limitations (TBELs) under Section V.A.2 of the CGP, as required for all construction sites, which resulted in the unauthorized discharges of sediment and sediment-laden water from the site observed or documented on December 4, 2014 (See Findings 2 through 7).
6. There is evidence that weekly inspections by the QSP, or performed by persons trained by the QSP were not adequately identifying and recording BMPs that

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 Inspection Date: 12/4/2014

need implementation or maintenance to operate effectively, that have failed, or that could fail to operate as intended (See Findings 1 and 4).

7. There is evidence that the discharger has failed to submit the 2013-2014 Annual Report for the site by the September 1, 2014 due date, as required for Risk Level 1 sites (See Finding 8).

Recommendations

1. Issue a Notice of Violation for discharges of sediment and sediment-laden water from the site and failure to implement Risk Level 1 requirements of CGP.
2. Refer the site to the Compliance Assurance Unit to determine whether or not issuing formal enforcement action may be appropriate.

**IV. SIGNATURE SECTION**

Wayne Chiu		12/4/2014
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		12/10/14
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C369293
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Inspection Date: 12/4/2014



**Photo 1**

**Photo 1** show soil stockpile without adequate cover or containment. Evidence of erosion and sediment transport along that base of the stockpile. Photo taken by San Diego Water Board inspector on December 4, 2014.



**Photo 2**



**Photo 3**

**Photos 2 and 3** show construction equipment and vehicles without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters. Photo 2 provided by concerned citizen, taken in the morning on December 3, 2014. The same vehicles were observed by the San Diego Water Board inspector on December 4, 2014, also without appropriate BMPs. Photo 3 taken by the San Diego Water Board inspector on December 4, 2014.

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Inspection Date: 12/4/2014



**Photo 4**



**Photo 5**

**Photos 4 and 5** show the large topographic feature without any erosion controls. Linear sediment controls can be observed. Photo 4 provided by concerned citizen, taken in the morning on September 30, 2014. Photo 5 provided by concerned citizen, taken in the morning on December 3, 2014. Approximate size and shape of the topographic feature has not changed.



**Photo 6**

**Photo 6** shows the evidence of erosion and sediment transported to the base of the slope. Photo 6 also shows the linear sediment controls were not properly installed, as the fiber rolls are not overlapped and properly trench into the slope. Photo 6 provided by concerned citizen, taken in the morning on December 3, 2014.

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**Photo 7**



**Photo 8**

**Photos 7 and 8** show evidence of erosion, in the form of rills on the slope. Photo 7 also shows evidence that erosion has resulted in sediment transport to v-ditch at base of the topographic feature, which drains to a post-construction BMP basin. Photos 6 and 7 taken by San Diego Water Board inspector on December 4, 2014.



**Photo 9**



**Photo 10**

**Photos 9 and 10** show factors that contributed to uncontrolled sediment discharges from the site. Photo 9 shows lack of perimeter sediment controls or tracking controls at an entrance/exit to the site. Significant offsite tracking of sediment can be seen in Photo 9. Photo 10 shows a missing section of the perimeter controls allowing offsite sediment to run-on to the site, which contributed to the sediment discharges from the site shown in Photo 9. Photos 9 and 10 taken by the San Diego Water Board inspector on December 4, 2014.



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**Photo 11**

**Photo 11** shows an additional location where perimeter sediment controls were not established, resulting in a discharge of sediment from the site. Photo 11 taken by the San Diego Water Board inspector on December 4, 2014.



**Photo 12**



**Photo 13**

**Photos 12 and 13** show the post-construction BMP basin that were inappropriately used and/or designed for the construction phase. Photo 12 shows the eastern basin, which collects runoff from the topograph feature seen in the background. Photo 13 shows the western basin. In both photos, the outlets (or storm drain inlets) can be seen surrounded by gravel bags. According to the superintendent, the outlets are covered with filter fabric. Photos 12 and 13 taken by the San Diego Water Board inspector on December 4, 2014.

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Inspection Date: 12/4/2014



**Photo 14**



**Photo 15**

**Photos 14 and 15** show the 6-inch pipe outfall connected to the post-construction BMP basins on the site discharging sediment-laden storm water directly to Chollas Creek. Photo 15 also shows a plume of sediment-laden storm water traveling downstream in Chollas Creek. Photos 14 and 15 provided by concerned citizen, taken in the morning on December 4, 2014.



**Photo 16**

**Photo 16** shows plume of sediment-laden storm water downstream from discharge point shown in Photos 14 and 15. Photo 16 provided by concerned citizen, taken in the morning on December 4, 2014.