



California Regional Water Quality Control Board

San Diego Region



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb9/>
9174 Sky Park Court, Suite 100, San Diego, California 92123
Phone (858) 467-2952 • FAX (858) 571-6972

CERTIFIED MAIL NO. 7002 1000 0004 6879 0875
(RETURN RECEIPT REQUESTED)

March 5, 2003

Lloyd Hubbs
Director of Public Works
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008

RE: NOTICE OF VIOLATION AND REQUIRED TECHNICAL REPORT

Dear Mr. Hubbs,

Enclosed is **Notice of Violation (NOV) No. R9-2003-0058** for the construction site located at the intersection of Canon Road and Faraday Avenue in the City of Carlsbad. The violations specified in the attached NOV were identified during site inspections on February 13, 26, 27, 2003. You should ensure that adequate corrective measures and best management practices (BMPs) are implemented at the site immediately to address these violations.

Pursuant to California Water Code section 13267 and 13383, the San Diego Regional Water Quality Control Board (SDRWQCB) directs you to submit a Required Technical Report (RTR) to be received at the SDRWQCB no later than 5:00 PM, **March 24, 2003**. The RTR is required due to the violations noted in the enclosed NOV. The RTR will be reviewed to assess the City's compliance with the SDRWQCB Order No. 2001-01 and to assess the need for further possible enforcement actions. The RTR shall include the following sections:

1. An Inspections and Enforcement Section describing and documenting all inspection and enforcement activity pertaining to the subject site that has been initiated to date.
2. A Subject Site Status Report Section, which describes and photo-documents the installation of BMPs addressing, but not limited to, those specific violations indicated in the attached NOV.
3. An Education Section describing the education efforts conducted as a result of the non-compliance at the subject site. Describe education efforts aimed at all parties responsible for the non-compliance, including municipal staff and construction site personnel. Also, describe education content covering the violations noted in the attached NOV.

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

California Environmental Protection Agency

Recycled Paper




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

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

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Christopher Means at (858) 637-5581 or meanc@rb9.swrcb.ca.gov. Written correspondence should be directed to the following address:

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



John H. Robertus
Executive Officer



DATE

Attachments: Notice of Violation No. R9-2003-058
Photocopies of Facility Inspection Reports

CC (With Attachments):

Sherilyn Sarb
California Coastal Commission
San Diego Coastal District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Conrad "Skip" Hammond
Deputy City Engineer
City of Carlsbad
5950 El Camino Real
Carlsbad, CA 92008

Lloyd Hubbs

Page 3

March 5, 2003

File No. 10-5001.02

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<p>IN THE MATTER OF</p> <p>Lloyd Hubbs Director of Public Works City of Carlsbad 1635 Faraday Avenue Carlsbad, CA 92008</p>	<p align="center">NOTICE OF VIOLATION NO. R9-2003-0058</p> <p align="center">WDID NO. 9 000510S12</p>
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Order No. 2001-01, NPDES No. CAS0108758

Subject Site: Shea Homes, Kelly Ranch Core Area Construction Site, Carlsbad CA

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of waste discharge requirements contained in San Diego Regional Water Quality Control Board (SDRWQCB) Order No. 2001-01, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District. Such violation subjects you to possible enforcement action by the SDRWQCB, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

On February 13, 26, 27, 2003, SDRWQCB staff conducted an inspection of the subject site and observed, documented, and photo-documented evidence of specific violations indicated in the attached Facility Inspection Reports incorporated herein by reference.

SUMMARY OF VIOLATIONS

I. Failure to prevent Prohibited Discharge

You failed to comply with **Discharge Prohibition A.2 of Order No. 2001-01** by allowing a prohibited discharge of sediment to occur which caused or contributed to an exceedence of receiving water quality objectives for surface waters.

On February 13, 26, 27, 2003, Regional Board staff observed and documented unauthorized discharges of sediment to Agua Hedionda Lagoon from the lot 166 & lot 164 detention basins located on the western perimeter of the subject site. The detention basins were observed to not be



functioning properly to remove sediment from storm water generated from the prior rain events. The Lot 166 detention basin seems to be unable to detain sediment laden water for even a short period of time, and discharge coming into the basin takes an almost direct path to the basin standpipe and discharges into the lagoon. The Lot 164 basin was observed to be functioning slightly better, but sediment is beginning to accumulate at the outfall structure and is in need of maintenance to avoid continued discharges to the lagoon (see inspection report and photos).

II. Failure to Implement Best Management Practices

- A. You failed to comply with **section F.2.f.2 of Order No. 2001-01** by not adequately implementing, or requiring implementation of, designated minimum best management practices (BMPs) for construction sites.

The City of Carlsbad did not ensure implementation of its designated minimum rainy season requirements at the subject site. The subject site lacked adequate erosion control on all disturbed slopes. The site lacked adequate perimeter control BMPs in along Cannon Road. Adequate sediment control BMPs were not implemented and maintained on site.

- B. You failed to comply with **section F.2.f.4 of Order No. 2001-01** by not adequately implementing, or requiring implementation of, additional controls for construction sites discharging directly to Clean Water Act section 303(d) water bodies impaired for sediment.

The City of Carlsbad did not require the implementation of additional controls necessary to prevent ongoing discharges of sediment from the subject site into Agua Hedionda lagoon.

III. Failure to Reduce the Discharge of Pollutants to the Maximum Extent Practicable

You failed to comply with **section E of Order No. 2001-01** by not implementing, or requiring implementation of, BMPs to ensure that pollutant discharges into and from the MS4 are reduced to the maximum extent practicable.

The lack of adequate BMPs at the subject site resulted in the discharge of sediment offsite and into the City of Carlsbad's MS4, and ultimately into Agua Hedionda Lagoon.

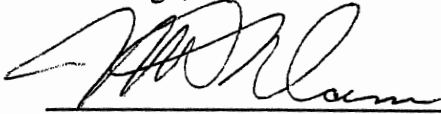
Questions pertaining to the issuance of this Notice of Violation should be directed to Christopher Means at (858) 637-5581 or meanc@rb9.swrcb.ca.gov. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

Mr. Lloyd Hubbs

Page 3

March 5, 2003

Michael P. McCann
Supervising Water Resource Control Engineer
Attn: Christopher Means
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340



Michael P. McCann
Supervising Water Resource Control Engineer

MAR 05, 2003
DATE

File No. 10-5001.02

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