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Mr. John H. Roburtus
Executive Officer
Attn: Ben Neil
California Regional Water Quality Control Board,
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

April 24, 2006

Re: Required Technical Report in Response Notice of Violation NO. R9-2007-0063, reference number CWU:10-3022900.02:neilb

Dear Mr. Roburtus:

The North County Transit District ("NCTD") respectfully submits this letter, attached Required Technical Report ("RTR"), and Storm Water Pollution Prevention Plan ("SWPPP") in accordance with the requirements of the California Regional Water Quality Control Board, San Diego Region ("Board") correspondence and Notice of Violation ("NOV") dated April 3, 2007. This letter and its attachments address alleged violations of NCTD's NPDES Storm Water Permit for Discharges Associated with Construction Activity ("Construction General Permit") identified during a site inspection conducted on March 21, 2007.

As stated in our letter regarding Notice of Violation NO. R9-2007-0050, NCTD views the site inspection process and any other feedback it receives from the Board as an opportunity to improve its ability to manage storm water while constructing much needed rail access corridors throughout the North County region. NCTD therefore welcomes your comments, and looks forward to working with you to enhance NCTD's implementation of the Construction General Permit.

As requested, the attached RTR provides a description of the immediate actions that NCTD or its contractors took to remedy the alleged violations. It additionally includes a discussion of the current status of each site that Board Staff identified in the NOV. Lastly, it also includes photographic evidence of the BMPs and other measures that NCTD contractors have put in place.

As requested, we have also attached an SWPPP. Included with the SWPPP is: 1) a complete copy of the onsite SWPPP; 2) copies of all pre, during, and post rainstorm inspection reports since the project start dates; and 3) a current map of the site showing all storm drain inlets and their subsequent outfalls to the waters of the State.

As detailed in the attached RTR, NCTD either has already or will be taking steps to ensure that its construction sites remain in full compliance with the terms of the Construction General Permit. These steps include, but are not limited to:

- 1) Installing silt fences and other sediment control BMPs to prevent sediment discharges to Loma Alta Creek near the El Camino Real Road Crossing, and along Oceanside Boulevard South near Union Plaza Court.
- 2) Replacing fiber rolls along the entire construction site perimeter.
- 3) Installing new gravel bags around storm drain inlets.
- 4) Replacing tracking control BMPs at construction site entrance/exits and adding additional aggregate to the BMPs so that they are 50 feet long and run the full width of the entrance/exit.
- 5) Ensuring workers use the tracking control BMPs rather than driving around them.
- 6) Using sweepers to reduce the impact of any sediment that is inadvertently tracked onto the street from the site.
- 7) Placing a silt fence around the soil stockpiles at NCTD's El Camino Real and Rancho del Oro construction yards.
- 8) Cleaning up and properly disposing of all trash at the construction yards and on the jobsite.

We appreciate the opportunity to work cooperatively with the Board in improving the quality of storm water runoff from NCTD's construction sites. Although it is often difficult to ensure that all of its contractors and subcontractors are abiding by both the letter and spirit of the Construction General Permit, it is NCTD's intent to continually improve the level of permit compliance at construction sites on NCTD property. NCTD is committed to the protection of water quality and correspondingly, implementation of the Construction General Permit's requirements.

Our staff looks forward to working with you to discuss and resolve any further issues as we consider iterative improvements to NCTD's water quality program. If you should have any questions, please do not hesitate to contact me, or Don Bullock, our Sprinter Project Manager. Mr. Bullock can be reached at 760.737.8625 x257.

Lastly, per the Regional Board's request, I submit the following statement:

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 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 possibility of fine and imprisonment for knowing violations.

Very Truly Yours,



Don Bullock
Sprinter Project Manager
North County Transit District

cc: Karen King, Executive Officer, NCTD
Tom Lichterman, Director of Rail Services

bcc: C. Michael Cowett
Paula C.P. de Sousa

Required Technical Report (RTR) Response to NOV No. R9-2007-0063

Response to Violations within the City of Oceanside

I. Failure to Prevent Prohibited Discharges

Pursuant to Water Quality Order No. 99-08, Prohibition A.2

Observation: Your site was documented as having two unauthorized discharges of sediment to Loma Alta Creek. The two unauthorized discharges were within the City of Oceanside near the El Camino Real Road crossing and along Oceanside Blvd South near Union Plaza Court.

Immediate Actions: NCTD Contractors installed silt fences and other sediment control BMPs to provide the proper level of protection for Loma Alta Creek (see photos 5, 6, 8, & 9).

Site Status: Loma Alta creek now has the proper BMPs in place to protect against any sediment discharges. The large amount of sediment in the creek near El Camino Real Road (photo 6 in the NOV) was a preexisting condition (see photo 7 taken on 10/24/04). Recognizing that sediment is an ongoing a problem for the creek, NCTD contractors will pay extra attention to ensure that the recently upgraded BMPs are diligently maintained.

II. Failure to implement/Maintain Best Management Practices

Pursuant to Water Quality Order No. 99-08, Special Provision C.2, Section A.8

Observation: Your site entirely lacked effective sediment controls along the site perimeter. Fiber rolls have been driven over repeatedly destroying the fiber rolls. Other areas along Oceanside Blvd and Loma Alta Creek completely lacked sediment controls such as silt fencing or fiber rolls. Storm drain inlet protection had an inadequate amount of gravel bag protection and a temporary construction road built across the corner of one inlet.

Immediate actions: Immediately following the inspection, NCTD contractors replaced the fiber rolls along Oceanside Blvd (see photos 1 & 2). NCTD contractors likewise placed gravel bags two rows high around the drainage inlet to provide the necessary level of protection for the inlet (see photo 3).

Site Status: NCTD contractors are continuing to monitor all of the BMPs to ensure they are in good working order. The fiber rolls and gravel bags are all in good condition and working properly, and no sediment has been discharged off site.

**Pursuant to Water Quality Order No. 99-08, Special Provision C.2,
Section A.8**

Observation: Construction site exits had insufficient BMPs to reduce the tracking of sediment onto paved roads. Significant sediment tracking was observed onto Oceanside Blvd near Rancho Del Oro. The rock gravel apron implemented to prevent tracking was inadequate in width and length. Site personnel purposefully drove around the rock apron to exit the site.

Immediate Actions: NCTD contractors have reconstructed the existing tracking control BMP. Contractors placed more aggregate around the BMP to make sure that it was the proper length (fifty feet). The BMP was additionally extended so that it covers the entire width of the entrance/exit point (photo 11). Third, NCTD instructed workers to make sure they drove over the BMP, rather than around it, to avoid sediment tracking. Lastly, NCTD contractors are using sweepers on a regular basis to clean up any sediment tracking throughout the project.

Site Status: NCTD contractors are continuing to monitor all of the BMPs to ensure they are in good working order. The tracking control BMPs are all in good condition and working properly, and no sediment has been discharged off site

**Pursuant to Water Quality Order No. 99-08, Special Provision C.2,
Section A.5.b.4 & b.5**

Observation: Your site had inadequate BMPs to minimize or eliminate the exposure to storm water to construction waste and trash. Near El Camino Real rail crossing, a soil stockpile and construction waste pile were uncovered and not contained to minimize exposure to storm water runoff.

Immediate Actions: NCTD contractors placed silt fencing around the soil stockpile in the El Camino real yard. That stockpile has since been removed and used as backfill on the jobsite. NCTD contractors also placed silt fencing around the soil stockpile in the Rancho del Oro yard (photo 10). These BMPs remain in place. Lastly, NCTD contractors have cleaned up and properly disposed of any construction trash or debris at both yards.

Site Status: NCTD contractors are continuing to monitor all of the BMPs to ensure they continue to remain in good working order. The silt fencing around the soil stockpile in the Rancho del Oro yard is in good condition and working properly, and no sediment has been discharged off site. Likewise, NCTD contractors are continuing to monitor construction trash and debris to ensure that if any piles accumulate, they are protected with the appropriate BMPs.

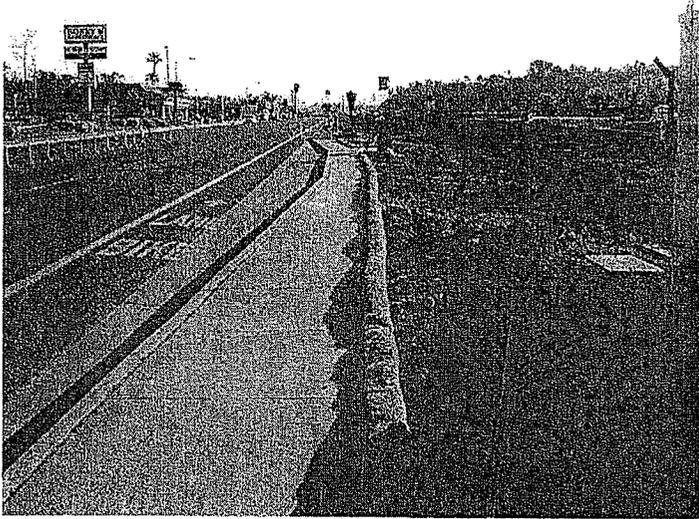


Photo 1
Repair to Photo 1 in the NOV. New fiber rolls are in place.

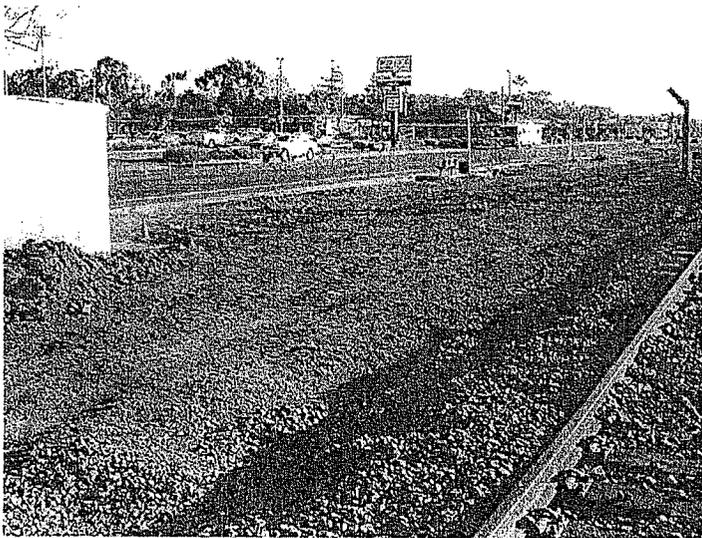


Photo 2
Repair to photo 2 in the NOV. Fiber rolls in place to provide sediment control.



Photo 3

Repair to Photo 3 in the NOV. New gravel bags in place to provide adequate inlet protection.



Photo 4

Repair to photo 4 in the NOV. Silt fence has been placed at the toe of slope next to the creek. The large amount of sediment in the middle was a preexisting condition.

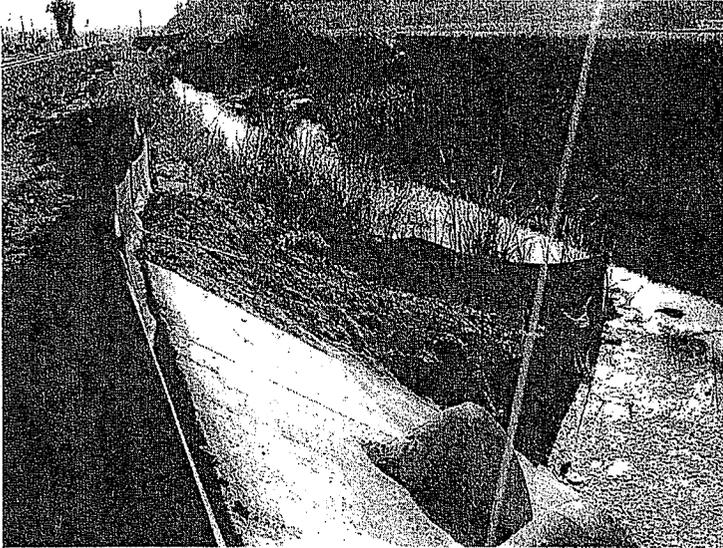


Photo 5
Repair to Photo 5 in the NOV. Silt fence has been placed at the toe of slope next to the creek.

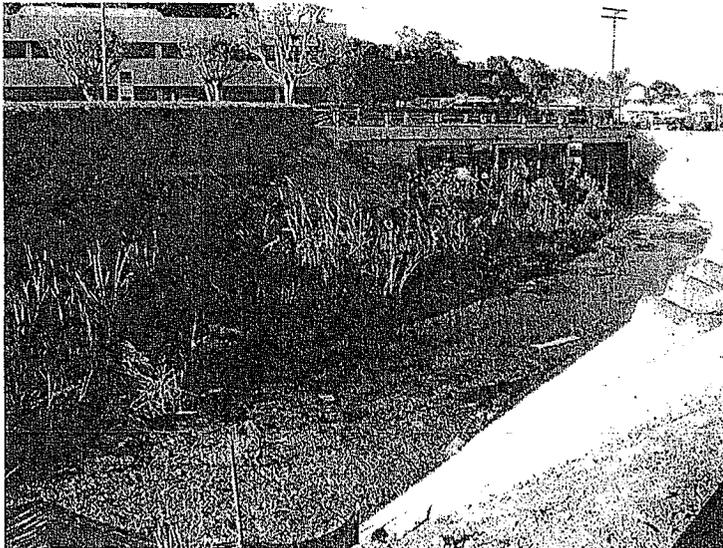


Photo 6
Repair to photo 6 in the NOV.

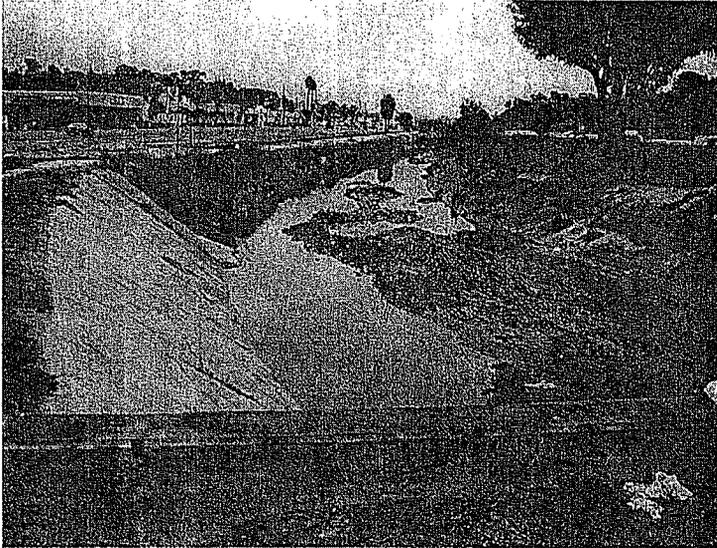


Photo 7
Preexisting condition for the area in NOV photo 6. Photo was taken on 10/26/2004.

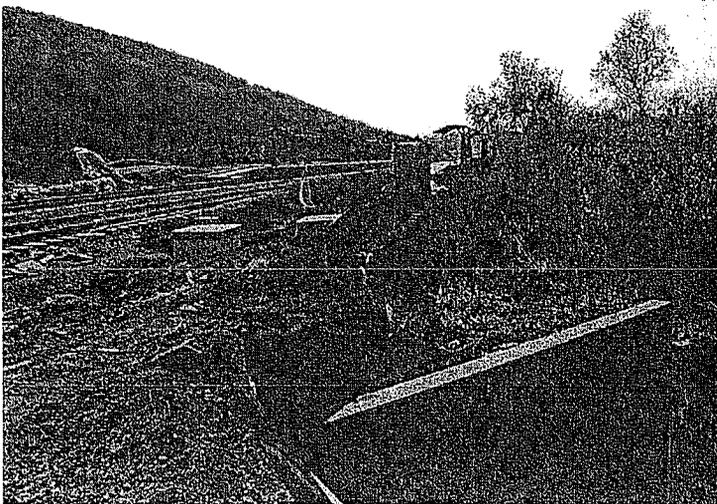


Photo 8
Repair to Photo 7 in the NOV.



Photo 9

Repair to Photo 9 in the NOV. Silt fence has been placed around new drainage structure.

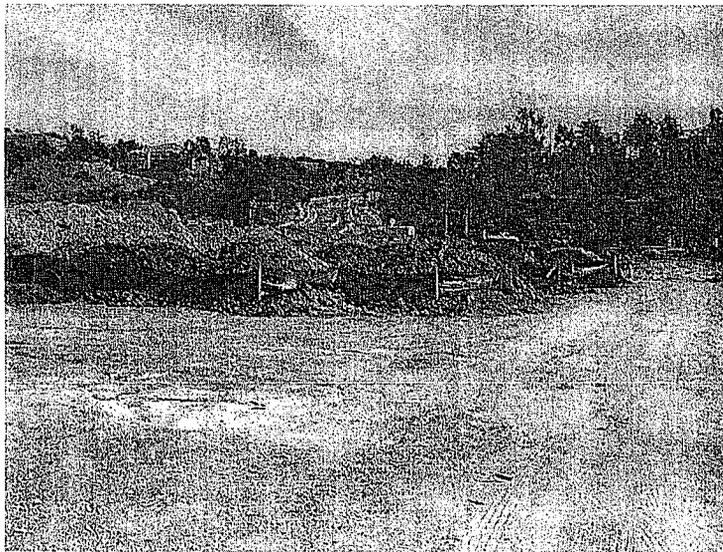


Photo 10

Repair to photo 10 in the NOV. Soil stockpile has sediment perimeter control in place. Stockpile is active, but is still protected.

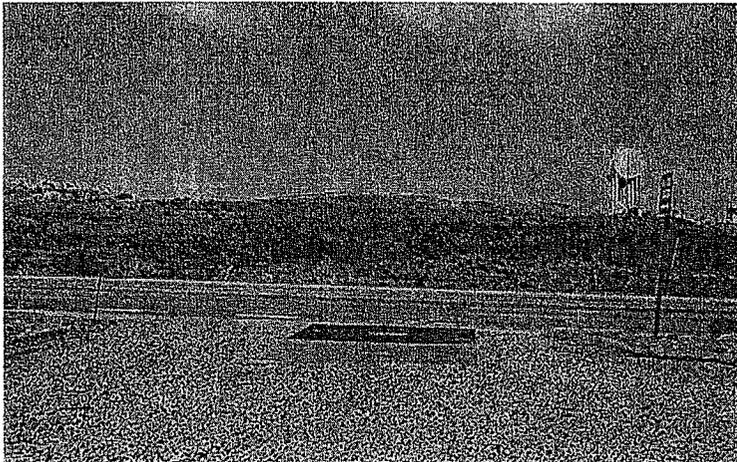


Photo 11

Repair to photo 11 in the NOV. More rock and 2 shaker plates have been placed. Rock extends the full width of the exit.