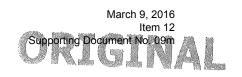
### **ERRATA SHEET**

l decl of my	testi:	mony, taken on <u>12/29/2015</u> (city), <u>CA</u>	(date) at (state), and that
the same	is a t e set	rue record of the testimony given by me at forth, with the following exceptions:	•
Page	Line	Should read:	Reason for Change:** (See below before completion)
9	9	John Quenzer and John Draminski	(See below before completion)
10	13	I have a degree in ecology, behavior, and	
12	8	D-Max my current company. And I started with	1 DMax
19	12	Engineering. And then I had some just reviewing	
19	13	past inspection materials and reading documents	
20	21_	our company typically does for like, the	
20	22	industrial/commercial inspections	
20 20 29	20	I think the time stamps are off on one day John Quenzer, December 26, 2014.	
43	22	John Quenzas, December 26, 2014.	
81	3	yes, I agree that Exhibit 16 does - indicating	
			A Section 2015
<del></del>			
Date:	1/18	/(6 Signature of Wi	itness
		Tad Nakatani	
		Name Typed or	Printed
**	DIS	C "REASON FOR CHANGE" COLUMN SHOULD ON TRICT OR BANKRUPTCY COURT MATTERS (F OULD NOT BE COMPLETED FOR STATE COURT A	RCP RULE $30(e)$ ). THIS COLU
Ioh	No		Rev. 3/15/14





# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

IN THE MATTER OF:	,
ADMINISTRATIVE CIVIL	,
LIABILITY COMPLAINT NO.	,
R9-2015-0110	,
AGAINST SAN ALTOS - LEMON	Ì
GROVE, LLC.	,
	)

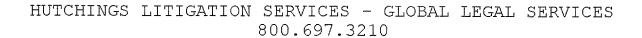
THE DEPOSITION OF TAD NAKATANI, a witness herein, noticed by Opper & Varco, LLP, at 225 Broadway, Suite 1900, San Diego, California, at 8:42 a.m., on Tuesday, December 29, 2015, before R. Jerrod Jones, CSR 11750, RPR

Job Number 598613

Page 2 1 APPEARANCES OF COUNSEL: 2 3 4 For San Altos, Lemon Grove, LLC: 5 OPPER & VARCO, LLP LINDA C. BERESFORD, ESQ. 6 S. WAYNE ROSENBAUM, ESO. 225 Broadway 7 Suite 1900 San Diego, California 92101 (619) 231-5858 8 Lindab@envirolaywer.com 9 Swr@envirolaywer.com For California State Water Resources Control Board: 10 CALIFORNIA ENVIRONMENTAL PROTECTION 11 AGENCY, STATE WATER RESOURCES CONTROL 12 BOARD, OFFICE OF ENFORCEMENT BY: DAVID M. BOYERS, ESQ. 13 1001 I Street P.O. Box 100 Sacramento, California 14 95812 (916) 341-527615 David.boyers@waterboards.ca.gov 16 For Deponent, Gary Harper: 17 LOUNSBERY, FERGUSON, ALTONA & PEAK, LLP JAMES P. LOUGH, ESQ. 18 960 Canterbury Place Suite 300 19 Escondido, California 92025 (760) 743-120120 Jpl@lfap.com 21 Also Present: Joshua Rosenbaum 22 Frank Melbourn 23 24

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3	WITN	ESS: TAD NAKATANI		
4	EXAM:	INATION BY:		PAGE
5	MS. 1	BERESFORD		5
6	MR. 1	BOYERS		82
7				
8		EXHIBITS		
9		oit identification within the tra		S
0	IIаg	ged with "[EXH]" as an identifier	<b>.</b>	
1	EXHII	BIT DESCRIPTION II	ENTIFIED	MARKED
2	1	San Altos - Lemon Grove, LLC's	7	88
		Notice of Deposition of Tad		
3		Nakatani and Request for Production of Documents [EXH-1]		
4				
5	2	NPDES Stormwater Program Construction Stormwater	22	88
		Compliance Inspection Form		
6		dated 12/9/14 [EXH-2]		
7	3	NPDES Stormwater Program Construction Stormwater	30	. 88
8		Compliance Inspection Form		
		dated 12/11/14 [EXH-3]		
9	4	City of Lemon Grove Notice,	31	88
С		Administrative Citation	<u> </u>	00
1		dated 12/11/14 [EXH-4]		
	5	D-Max Engineering Memo dated	33	88
2		12/12/14 [EXH-5]		
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		dated 12/16/14 [EXH-6]		
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1	7	E-Mail From Malik Tamimi to John Quenzer dated 12/16/14	43	88	
2 3	8	[EXH-7] D-Max Engineering Memo dated 12/17/14 [EXH-8]	45	88	
4 5	9	D-Max Engineering Memo dated 12/31/14 [EXH-9]	47	88	
6 7 8	10	NPDES Stormwater Program Construction Stormwater Compliance Inspection Form dated 1/6/15 [EXH-10]	48	88	
9	11	NPDES Stormwater Program Construction Stormwater Compliance Inspection Form dated 1/14/15 [EXH-11]	54	88	
11	12	D-Max Engineering Memo dated 1/16/15 [EXH-12]	58	88	**************************************
12 13 14	13	E-Mail from Leon Firsht to Tad Nakatani dated 2/4/15 [EXH-13]	64	88	
15 16	14	NPDES Stormwater Program Construction Stormwater Compliance Inspection Form dated 3/18/15 [EXH-14]	66	88	
17 18	15	NPDES Stormwater Program Construction Stormwater Compliance Inspection Form dated 4/29/15 [EXH-15]	70	88	
19	16	E-Mail From Tad Nakatani to Malik Tamimi dated 9/14/15 [EXH-16]	71	88	
21 22	17	E-Mail From Tad Nakatani to Gary Harper dated 9/16/15 [EXH-17]	73	88	
<ul><li>23</li><li>24</li><li>25</li></ul>	18	NPDES Stormwater Program Construction Stormwater Compliance Inspection Form dated 9/15/15 [EXH-15]	74	88	
20		aacca 5/10/10 [HMI 10]			



1	SAN DIEGO, CALIFORNIA; TUESDAY, DECEMBER 29, 2015
2	8:42 A.M.
3	
4	TAD NAKATANI,
5	having been first duly sworn, was
6	examined and testified as follows:
7	
8	EXAMINATION
9	
10	BY MS. BERESFORD:
11	Q. Good morning, Mr. Nakatani.
12	A. Hi.
13	Q. My name is Linda Beresford. I'm one of
14	the attorneys for San Altos-Lemon Grove, LLC,
15	representing them in the matter of the Administrative
16	Civil Liability Complaint Number R9-2015-0110, issued
17	by the Regional Water Quality Control Board.
18	Would you state your name and spell it for the
19	record.
20	A. Tad Nakatani, T-a-d, N-a-k-a-t-a-n-i.
21	Q. Thank you. Have you had your deposition
22	taken before?
23	A. No.
24	Q. There's a few ground rules that I'd like
25	to go over with you, just to try to make the process
•	

Q. Okay. And finally, I'm sorry, but I do

go a little more smoothly. We are here today at a hearing under oath. We have a court reporter taking down everything that we say. So when I ask a question, if it's possible, please try to respond verbally, "yes," "no," a sentence, rather than a shrug or "uh-huh," things that are difficult to read on a transcript. Understood?

- A. Yes.
- Q. Okay. And in order to have an accurate transcript, it's important that you understand my question and I understand your answer. So if possible, we'll try to have one person speaking at a time. So if you can wait for me to finish my question; and I, in turn, will also do my best and wait for you to finish your answer before we stop speaking -- before I start speaking so that we're not talking over each other.

Do you understand?

- A. Yes.
- Q. Please feel free to take a break at any time. The only thing I ask is that if I have a question pending before you, that you answer the question before we take a break; is that understood?
  - A. Yes.

1	have to ask: Are you taking any medication, or is
2	there any other reason why you can't give your best
3	testimony today?
4	A. No.
5	Okay. Great.
6	MS. BERESFORD: If you could please mark that
7	as Exhibit 1.
8	(Exhibit Number 1 was marked for
9	identification.)
10	BY MS. BERESFORD:
11	Q. Would you please review that.
12	A. Is this the full copy on the back?
13	Q. One document is your Notice of Deposition
14	with the Request for Production of Documents. And
15	one should be the Subpoena with the Request for
16	Production. It's my understanding that the Request
17	for Production of Documents are identical for both
18	the Notice of Deposition and the Subpoena.
19	A. Okay.
20	Q. But my first question is, have you seen
21	that document before?
22	A. Yes.
23	Q. Okay. Can you identify for the record
24	what it is?
25	A. I forgot what just called it, but the

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but it's my understanding that this is my Subpoena to appear today, and a list of documents to be provided.

- Q. Okay. Thank you.
- A. Yes.
- Q. Did you bring any documents with you today?
- A. We worked would Jim last week to -- he asked us to give it to them on DVD.

Are you Wayne, by the way?

MR. ROSENBAUM: Yes.

THE WITNESS: He said he would talk to Wayne and let us know.

MR. LOUGH: We added theirs. It's on the CD-ROM we gave you.

BY MS. BERESFORD:

- Q. So it's your testimony that all of the documents that you have responsive to that, you provided to Mr. Lough to produce with the City of Lemon Grove's documents?
- A. Yes. I believe they were on different DVDs but submitted to him.

I'm guessing you gave those at the same time.

Q. Okay. In your review of documents, did you identify any documents that you thought were possibly responsive but you did not produce for some

reason?
A. No, not that I'm aware of.
Q. Did you do anything else to prepare for
your deposition today?
A. We did have a brief meeting with Jim and
some people from Lemon Grove.
Q. Did you talk to anybody at D-Max about the
deposition?
A. John Quenzer and John Zrinski.
Q. What was that discussion about?
A. Mostly we were we coordinated getting
all of the documents together mainly because it was a
lot of overlap. And then yeah, I guess just general
discussion of what we needed to do, to show up and
then bring and stuff like that.
<u> </u>
specifically to prepare for today?
A. Just what I kind of may have glanced over
in pulling in all of the e-mails mostly, I guess.
Q. Okay.
A. Yeah. So not an actual thorough review of
any of the documents that were listed on here.
Q. Okay. Thanks. I would like to talk about
your education a little bit.

A. Okay.

	1	
1	Q.	Where did you graduate from high school?
2	Α.	Glendale High School in Glendale,
3	California	•
4	Q.	And then did you go to college?
5	А.	Yes.
6	Q.	Where was that?
7	А.	UC San Diego.
8	Q.	Did you graduate?
9	А.	Yes.
10	Q.	What year was that?
11	А.	2004.
12	Q.	What was your degree?
13	Α.	I had a degree in ecology behavior in
14	evolution,	and psychology as a second.
15	Q.	Interesting. Do you have any advanced
16	degrees?	
17	Α.	I have a master's.
18	Q.	And what is that in?
19	А.	That's in animal behavior from UC Davis.
20	Q.	When you did get that degree?
21	Α.	I believe 2008.
22	Q.	Is that a master's of science?
23	Α.	Yes.
24	Q.	Okay. Do you have any other advanced
25	degrees bes	sides that?

1	A. No.
2	Q. What was your first job after you finished
3	your master's at UC Davis?
4	A. I had a I had an internship, like a
5	full-time internship with the Air Resources Board in
6	Sacramento. Although I don't technically remember
7	so that was through the summer, from about June to
8	September. I don't remember if my degree award date
9	was actually June or September. It technically may
10	not have been after; it may have been during.
11	Q. That's okay. Let me back up a little bit.
12	Did you work in between the time you graduated from
13	UCSD and went to UC Davis?
14	A. Yes.
15	Q. What did you do during that period?
16	A. I worked as a biostatistician for one
17	year; and I worked in biotech for the second year;
18	and then began grad school after two years, I
19	believe.
20	Q. Where were you a biostatistician?
21	A. The Virtual Reality Medical Center. It
22	sounds fake, I know.
23	Q. Where was that?
24	A. That was in San Diego.

Q. And then, I'm sorry, you were a biotech?

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- A. Yeah. I was a biotech technician, I guess would be the title, at Diazyme Laboratories, also in San Diego.
- Q. When you completed your internship with the Air Resources Board, what did you do after that?
- A. I moved back to San Diego in the fall and began applying for jobs. And then I interviewed with D-Max, my parent company. And I started with D-Max in I believe January of '09.
  - Q. What was your first position with D-Max?
  - A. Staff scientist, I believe.
  - Q. And what did you do as a staff scientist?
- A. I don't know all of it. I did under -with that job title, because I don't recall exactly
  how long I had that one. But I -- I mean, do you
  want a list of some of the tasks I can think of?
- Q. Did you do any storm water inspections as a staff scientist?
  - A. Yes.
- Q. So you started doing storm water inspections in 2009 as a staff scientist?
  - A. Yes.
- Q. What type of training did you have -- or did you have any training before you did storm water inspections as a staff scientist?

1	A. Yeah. We did we did field training
2	with other staff, more experienced staff members.
3	Q. And was that all the training you received
4	at that time?
5	A. I mean, there's probably some additional,
6	you know, like just reading materials that they gave
7	to new people to start with, you know, with permits
8	and stuff like that.
9	Q. What type of storm water inspections were
10	you doing at that time?
11	A. Initially it was industrial/commercial,
12	the beginning. Probably also some treatment control
13	BMP or structural BMP, maintenance verification
14	inspections. Yeah, that was probably after a couple
15	of months. Yeah, that probably was performed under
16	that same job title.
17	Q. Okay. How long were you a staff
18	scientist?
19	A. I don't remember.
20	Q. Do you remember what your next title was?
21	A. I believe there's Staff Scientist II was
22	the next level.
23	Q. Do you do similar type of storm water
24	inspections as a Staff Scientist II?
25	A. Probably. I would say there was probably

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less industrial/commercial inspections and more of the structural, postconstruction BMPs as I progressed. I don't know where that picks up with the job titles, honestly.

- Q. Okay. About how many inspections a year did you do as a Staff Scientist I, a Staff Scientist II?
  - A. I have no idea.
  - O. More than five?
  - A. Yeah.
  - Q. More than ten?
- A. Yeah. So I guess I would say probably -so if I were to be doing a full time, let's say I
  worked one week and I'm doing all five days, fully
  dedicated to inspections, I would probably while
  doing industrial/commercial I could do about 20 to 30
  in a week. And then if it were in treatment control
  or structural, postconstruction, less than that
  maybe, 15 to 25 a week, so -- but I don't at this
  point recall how much of my time was on just
  inspections.
- Q. Okay. Who were you doing the inspections for?
- A. Like, who was my supervisor; or who was my client?

1	Q. Who were your clients?
2	A. The City of San Diego was the main one.
3	So the bulk was probably done for them. At various
4	times we I have also done inspections for probably
5	the City of National City. Do you want like a
6	complete list, or as complete as I can give you right
7	now?
8	Q. Were you acting mostly as a subcontractor
9	for cities?
10	A. Yes.
11	Q. And during that time, were you doing
12	inspections for the General Construction Storm Water
13	Permit?
14	A. No, not in the early years.
15	Q. Okay. What was your title after you were
16	a Staff Scientist II?
17	A. I believe Assistant Project Scientist.
18	Q. And do you know when you became an
19	Assistant Project Scientist?
20	A. No.
21	Q. Do you think it was one year ago or
22	approximately
23	A. No, multiple years ago. I don't remember
24	which one.

Q. And did you do storm water inspections as

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### an Assistant Project Scientist?

- Α. Yes. I believe I did some, but probably the more supervising of the inspections under that title.
- Q. Were you either performing or supervising inspections for the Construction General Storm Water Permit?
- Under that job title, I don't know. Α. Let me think on that one. Probably. I don't know exactly when a transition -- the next title would be Project Scientist, which is my current one. So I would guess probably under that title is when I was doing some construction stuff, but I'm really not sure. I don't know when the job titles synced up with different actions.
  - Ο. Okav. But you're a Project Scientist now?
  - Α. Yes.
- Q. Do you know when you became a Project Scientist?
  - Α. No.
- Your parents must not ask you too many Q. questions as they ask me.

Approximately how long do you -- would you estimate that you have been a Project Scientist?

> Α. Oh, gosh. Probably within the last two

years. That's about -- I can vaguely remember joking with a coworker that the new job title didn't mean that much to me. So that's -- it didn't really change what I was doing work-wise. So yeah, I don't have a good recollection of when that official change was.

- Q. Okay. But you just indicated that your duties didn't really change that much, or did they? Can you elaborate. What did you do as --
- A. I think if you are talking about like the different jobs, like tasks I'm working on, I think that really would be something that changed more with different contracts that my company had, as opposed to what my job title was. Because a lot of the contracts we have are for, you know, just several months or something.

So if we had a six months -- a six-month contract to do a certain task, then that's really what determined like we're doing this project with the Lemon Grove construction program. So that kind of determined what I was doing more so than my job title.

- Q. Okay.
- A. At that point, yeah.
- Q. Over the past two years, did you do any

1	inspections for the Construction General Storm Water
2	Permit?
3	A. Yes.
4	Q. For whom were you doing those inspections?
5	A. So I did constructions for the City of
6	Lemon Grove. And I also did construction or I did
7	inspection as a QSP for Marathon General, a
8	contractor for a project in Santee.
9	Q. So you just indicated to me that you are a
10	Qualified Storm Water Professional, QSP; is that
11	correct?
12	A. I believe the P is Practitioner, right?
13	But yeah, QSP.
14	Q. Okay. When did you become a QSP?
15	A. Let's see. I believe that was on my
l 6	resume. Do you have that? I could I don't recall
L7	offhand. But it should be on the resume that was on
L 8	the DVD from Jim.
19	Q. Okay. Do you think it was approximately a
20	year ago?
21	A. No. It was a few years ago. In my head
22	I've sort of got 2012, but I don't know if that's
23	correct or not. But it was multiple years ago.
24	Q. Okay. Are you a Qualified SWPPP
25	Developer, a OSD?

1	A. Yes.
2	Q. Do you know when?
3	A. That would be the same date.
4	Q. Okay. What specific training have you had
5	for storm water compliance investigations?
6	A. Specific to construction, or just in
7	general storm water compliance?
8	Q. Let's talk about just construction for
9	now.
10	A. Okay. Let's see. I had the QSP/QSD
11	training, which I took that with I believe Rick
12	Engineering. And then I had some just my year of
13	pass inspection material and reading with documents,
14	like with coworkers.
15	Q. Did you go to any of the specific training
16	that the Water Board has put on?
17	A. No.
18	Q. Are you a Trainer of Record?
19	A. No.
20	Q. Okay. Can you describe the relationship
21	between D-Max and the City of Lemon Grove for me?
22	A. Yes. So D-Max was hired by the City of
23	Lemon Grove. Specific to this project, they hired us
24	to do inspections of construction sites. D-Max also
25	has some additional contracts with the City to do

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other storm water work as well.

- Q. When was D-Max specifically hired to do inspection of construction sites?
- A. I believe this particular contract -- I mean, I don't know when all of the contracting documentation was finalized. I believe my first time out there was December of last year, December 2014.
- Q. Okay. Do you know why they hired D-Max for that purpose?
- A. I believe initially it was I think two sites. They wanted us to come in and do inspections of -- construction inspections of two sites.
- Q. Did anyone specifically say why they wanted you to do that?
- A. So I guess I didn't -- I don't think I spoke to the City at the time. It would be -- John Quenzer was my supervisor. So I don't know exactly what was said specifically, other than the City wanted our assistance just to provide, you know, basically our assessment of the site, similar to what the water company typically does for, like, a municipal construction inspection.
  - Q. Who was your primary contact at the City?
  - A. At first or --
  - Q. At first and then later.

1	A. I think honestly, that's sort of been
2	unclear or changing
3	Q. Okay.
4	A at times. So I'm I believe I
5	mean, Leon was the one sort of Leon Firsht was in
6	charge of it. So I think he was probably the main
7	contact initially. But I don't know honestly if the
8	contract was between the City and D-Max was kind of
9	done through by Malik or Leon. Because I know Malik,
10	you know, is the one who is most involved in storm
11	water. He's the one typically in contact with our
12	company more frequently about contracts. So I don't
13	know which one of them reached out to us initially.
14	Q. Okay. But throughout the course of the
15	contract, you had both you had contact with
16	Mr. Firsht and Mr. Malik Tamimi?
L7	A. Yes.
L8	Q. Who else at the City did you talk to or
L9	meet with specifically about this site?
20	A. Gary Harper probably would be the person
21	that I had contact with by phone or e-mail, and also
22	just he was on site many of the times I was there
23	too. So who else? Let's see. Tamara O'Neil. J.J.
24	Arrington was more recently. Let's see. Those were
25	the main ones. I'm just trying to think. I'm going

	Page 22					
1	through City staff. I think Dave I may have had					
2	contact with, but I don't think related to this					
3	project. I don't think.					
4	Q. Okay.					
5	A. That probably covers the main contacts.					
6						
7	Q. I understand Miss O'Neil is not with the					
	City of Lemon Grove anymore. Do you know anything					
8	about that?					
9	A. That's correct.					
10	Q. Do you know where she is?					
11	A. I do not.					
12	Q. Who is Mr. Arrington?					
13	A. J.J. or Jeremiah, he's a I believe he's					
14	an engineer, some sort of engineering title. I don't					
15	know exactly what the title is. He hasn't been there					
16	that long, probably just I believe he started in					
17	2015 sometime.					
18	MS. BERESFORD: Okay. If you could please mark					
19	this as Exhibit 2.					
20	(Exhibit Number 2 was marked for					
21	identification.)					
22	MR. BOYERS: Do you have another copy? I know					
23	it's in there somewhere.					
24	(Discussion off the record.)					
25	MR. BOYERS: Okay. Perfect. Thank you.					

	rage					
1	BY MS. BERESFORD:					
2	Q. Have you seen this document before?					
3	A. Yes.					
4	Q. Can you tell me what it is?					
5	A. It's my Inspection Form from December 9th,					
6	2014.					
7	Q. So did you visit the site on December 9,					
8	2014?					
9	A. Yes.					
10	Q. And you prepared this form following that					
11	site visit?					
12	A. Uh-huh. Yes. Oh, actually, on your					
13	earlier question when you asked about why was I asked					
14	to go out there, I'm pretty confident that I was told					
15	by John Quenzer that the City had specifically was					
16	having problems with the Valencia site. So they					
17	wanted us to come in. So I think I was initially					
18	told that.					
19	I don't know if I was told of previous issues.					
20	I don't know if there was even issues with the					
21	involvement with the Regional Board before that. I					
22	don't know. But I know I was told that it was a site					
23	they were having problems with.					
24	Q. Okay. I see at the top it says, "First					
25	permit required inspection." What is the permit that					

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### you were referring to there?

A. I believe that is referring to the General Construction Permit. Although, I pretty much was just using that option as a -- I would say it's not really, you know, something that we're -- excuse me. That wouldn't be the General Construction Permit. I believe that one is referring to the Municipal Permit.

But I don't know that this is necessarily meaning that we're doing this inspection to meet the inspection frequency requirement of the Municipal Permit. My understanding of this box was just sort of that that's a, hey, this is our sort of a routine inspection that we're doing for the City.

- Q. Okay. When you were asked or when you went to go inspect the site, what was the standard that you were comparing it against? Were you doing an inspection per the Construction General Storm Water Permit; or were you inspecting the site in accordance with the City's Jurisdictional Urban Runoff Management Plan?
- A. So this would be in accordance with the City's standards.
- Q. So you were inspecting it in accordance with the city's JURMP?

1	A. Yeah. Or actually, they have a lot in
2	their Municipal Code as well.
3	Q. But when you were inspecting, you were not
4	inspecting for purposes of the Construction General
5	Storm Water Permit, correct?
6	A. Correct. My intention was to be doing it
7	for the City in accordance with the City standards.
8	Q. Okay. And then the next line says,
9	"Construction Project Priority."
10	A. Uh-huh.
11	Q. It looks like originally you checked
12	"High." Did you scratch that out and then check
13	"Medium"?
14	A. Yes.
15	Q. Can you describe what happened there a
16	little bit for me.
17	A. Well, I don't honestly remember exactly
18	why I initially checked "High." But that priority is
19	something that the City assigns to it. So I I
20	just may have found out initially I believed it was
21	high; and then found out from the City that they had
22	assigned a medium priority to it, maybe. I don't
23	know the exact thought process at that point.
24	Q. Okay. Sure. On the second page of the
25	document, you indicated that there were no

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- A. Yes, that's what's indicated there.
- Q. And is this your handwriting at the bottom of the Recommended Corrective Action?
  - A. Yes. Yes, it is.
- Q. Does this inspection document discuss whether or not there were concerns with BMPs with respect to active versus inactive areas?
  - A. Yes, there is a mention of inactive areas.
- Q. Can you point out to me where that reference is?
- A. I noticed one under one comment on the Recommended Corrective Actions on page two, the first one there mentions inactive areas.
  - Q. Can you read that sentence to me.
- A. "Add erosion control to all disturbed areas inactive for ten days, including roadways not currently in use."
- Q. So when you were evaluating an active versus inactive area, your evaluation was whether it was active or inactive for a ten-day period; is that correct?
- A. In this instance, that appears to be correct.
  - Q. And how would you have known whether an

1	area was active or inactive for ten days?
2	A. At this point I would not have.
3	Q. You didn't ask anybody?
4	A. I don't recall. Let me see. Yeah, I
5	don't recall.
6	Q. Towards the top of the page, there's a
7	column. I think it's the third one down on page two.
8	It says, "Are material stockpiles protected, covered,
9	contained, and located away from non-storm water
10	discharges?" Do you see that?
11	A. Uh-huh.
12	Q. Then you checked "yes"?
13	A. Uh-huh.
14	Q. And then it says, "Several unprotected
15	stockpiles." Do you see that?
16	A. Uh-huh.
17	Q. Did you talk to anyone about how long the
18	stockpiles have been there, or when they were going
19	to go away, or anything like that?
20	A. I couldn't tell you for a particular
21	inspection whether or not I spoke to someone about
22	that, you know, unless I have a specific note about
23	it.
24	Q. So if you saw a stockpile, is it possible
25	it could have been moved later that day?

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- A. Yes. Yeah.
- Q. Is it possible that the same stockpile could have been moved the day before?

MR. BOYERS: Objection. Speculation. BY MS. BERESFORD:

- Q. I will rephrase. If you went out and did an inspection and you saw a stockpile, did you have any knowledge of when that stockpile was placed there?
- A. I may or may not have spoken to someone on site during the inspection. But I can't tell just from my notes at this point whether or not that's the case.
- Q. So for these stockpiles, you can't tell me whether or not you knew when those stockpiles were created?
- A. Let's see. Someone may have told me when it was created or last active, but they may not have. I don't know at this point.
- Q. Okay. Did you discuss this inspection with anybody?
- A. I don't know. I would say there was -I'm not sure. Gary Harper may have been there during
  that inspection, as he was there for many of them.
  But just from looking at these forms, I can't tell

1	who either from the City or from the developer that
2	may or may not have spoken to on site.
3	Q. Did anybody from the Water Board ever call
4	you to talk about this inspection?
5	A. I don't believe so.
6	Q. Okay. How come you don't have any
7	pictures?
8	A. There are photos. Those were on the DVD.
9	Q. You took photos when you went on every
10	inspection?
11	A. I believe there were photos that
12	corresponded with each Inspection Form.
13	Q. Did you take photos when you went?
14	A. Yes.
15	Q. Were they dated or time stamped in any
16	way?
17	A. Yes. I believe they should have date and
18	time stamps on each one from every inspection.
19	Q. Okay.
20	A. I think the time stamps are on Monday,
21	whenever the time change happened; otherwise, it
22	would be accurate.
23	Q. The time change throughout the date?
24	A. The time is off by an hour.
25	Q. Just the time?

1	A. Yeah.
2	MS. BERESFORD: Okay. We can mark this as
3	Exhibit 3, please.
4	(Exhibit Number 3 was marked for
5	identification.)
6	BY MS. BERESFORD:
7	Q. Have you seen this document before?
8	A. Yes.
9	Q. Can you describe what it is, please.
10	A. This is my Inspection Form from
11	December 11th, 2014.
12	Q. And that's the inspection of the site?
13	A. Yes.
14	Q. And when we say the site, we mean the
15	Valencia Hills construction project on San Altos
16	Place; is that correct?
17	A. Correct.
18	Q. I should have defined that earlier.
19	You indicated, again, that there were no
20	violations after this inspection; is that correct?
21	A. Yes, that is what's indicated.
22	Q. Is that your handwriting at the bottom of
23	that page?
24	A. Yes.
25	Q. I only ask because it looks different from

1	the handwriting on the December 9th inspection.
2	A. Oh.
3	Q. Do you recall if you discussed this
4	inspection with Gary Harper or Leon Firsht?
5	A. I do not recall.
6	Q. Did you discuss this inspection with
7	anyone from the Water Board?
8	A. I don't believe so.
9	Q. Do you know whether or not a citation was
10	issued by the City of Lemon Grove on December 11th?
11	A. I don't know.
12	MS. BERESFORD: We'll mark that as Exhibit 4.
13	It says Exhibit Number 6 at the top of the document,
L4	but for purposes of this deposition it's Exhibit 4.
L5	(Exhibit Number 4 was marked for
L6	identification.)
L7	BY MS. BERESFORD:
_8	Q. Have you seen that document before?
- 9	A. I'm not sure.
20	Q. Can you
21	A. There's I'm sorry. Go ahead.
22	Q. Can you state for the record what it is?
23	A. It's an Administrative Citation from the
24	City of Lemon Grove.
25	O. What is the date of it?

1	A. The date of violation observed is
2	12/11/14.
3	Q. And there's may I see it for a moment?
4	On the violation observed, it says, "See attached
5	report." Do you see that writing?
6	A. The "Inadequate BMPs - see attached
7	Inspection Reports"?
8	Q. Yes. Do you see that language?
9	A. Yes.
10	Q. Do you know whose reports those were?
11	A. I do not know for sure. It's likely that
12	those were mine, but I'm not sure.
13	Q. Do you recall if Mr. Firsht talked to you
14	about issuing a citation?
15	A. I don't recall.
16	Q. Does it surprise you that they issued a
17	citation based on a report that you did that day that
18	indicated there were no violations?
19	MR. BOYERS: Objection. It misstates his
20	testimony.
21	BY MS. BERESFORD:
22	Q. I'll go back. In your inspection of
23	December 11th, it notes that there are no violations;
24	is that correct?
25	A. Yes, that's what's indicated there.

1	Q. Did they talk to you about why they were
2	going to issue a citation that day when you had a
3	report that said no violations?
4	A. At this point, I don't recall if we had
5	any conversations.
6	MS. BERESFORD: Okay. We'll make this
7	Exhibit 5. This is the December 12th, D-Max Memo.
8	(Exhibit Number 5 was marked for
9	identification.)
10	(Discussion off the record.)
11	BY MS. BERESFORD:
12	Q. Have you seen this document before?
13	A. Yes.
14	Q. And can you please state what it is.
15	A. This is a Memo from D-Max reporting the
16	sampling results from the 12th of December 2014.
17	Q. Do you know who asked for turbidity
18	sampling?
19	A. Someone at the City. It would likely be
20	Malik or Leon. I'm not sure.
21	Q. Do you think turbidity data can support a
22	violation of the General Construction Permit?
23	MR. BOYERS: Objection. It calls for a legal
24	conclusion. Speculation.
25	BY MS. BERESFORD:

1	Q. You can still answer.
2	A. Can you restate the question?
3	Q. Sure. Can turbidity data be used to
4	support a violation of the General Construction
5	Permit?
6	MR. BOYERS: The same objections.
7	BY MS. BERESFORD:
8	Q. It's okay. He can object.
9	A. Okay.
10	Q. You generally are still supposed to
11	answer, unless someone directs you not to answer.
12	A. Okay. So you are saying legally? You are
13	asking if legally a turbidity sample
14	Q. I'll rephrase. How is turbidity data used
15	when evaluating compliance with the General
16	Construction Storm Water Permit?
17	MR. BOYERS: Objection. It calls for
18	speculation.
19	THE WITNESS: I mean, the I mean, that's not
20	really what we were doing. This was for the City,
21	not for the General Construction Permit. So I'm not
22	really sure how that would be used.
23	BY MS. BERESFORD:
24	Q. Okay. What was the point of taking the
25	turbidity data?
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1	A. That was I think that that was really
2	from a question for the requester from the City.
3	We were just wanting to know what the turbidity was.
4	Q. Okay.
5	A. Yeah.
6	Q. No one discussed with you why they wanted
7	to collect turbidity data?
8	A. Well, they wanted to know their turbidity.
9	I mean, they may have wanted to look at it in
10	relation to the actual levels from the General
11	Construction Permit, but I'm not sure. That's
12	that's their
13	Q. Right. I'm trying to find out if anybody
14	had a specific conversation with you about why they
L5	wanted it?
16	A. The request for sampling was most likely a
L7	conversation between the City and John Quenzer for
L 8	this one I would guess.
L9	Q. Okay.
20	A. I believe in most cases of sampling, that
21	that's who would be involved in the conversation from
22	D-Max.
23	Q. Okay. Were you involved in this sampling
24	effort at all?
25	A. No, I don't believe so.

1	Q. And do you recall if you were on site on
2	December 12th?
3	A. I don't recall. But I most likely not, if
4	I don't have an Inspection Form for that date.
5	Q. Okay. Were you aware that the Water Board
6	inspected the site on December 15, 2014?
7	A. At this point, not by memory.
8	Q. I'll provide that for you to refresh your
9	recollection. We're not going to make it an exhibit.
10	A. Okay.
11	Q. I'm referring, however, to the document
12	that has Exhibit Number 8 at the top.
L3	A. Okay.
L4	Q. Did you hear any discussion that
L5	inspection was going to occur?
L6	A. Prior to the inspection?
L7	Q. Yes.
L8	A. At this point, I don't remember.
L9	Q. Do you know why a representative from
20	D-Max wasn't participating in that inspection?
21	A. We were only at an inspection if we were
22	asked to be there by the City.
23	Q. All right. Let me take that back.
24	And just to close the loop on that, then, since
25	you were not there, the presumption is that the City

1	did not ask you to attend; is that correct?
2	A. Most likely, yes. I believe that to be
3	true.
4	MS. BERESFORD: Okay. Let's mark that as
5	Exhibit 6. This is Mr. Nakatani's Inspection of
6	December 16th.
7	(Exhibit Number 6 was marked for
8	identification.)
9	(Discussion off the record.)
10	BY MS. BERESFORD:
11	Q. Have you seen this document before?
12	A. Yes.
13	Q. Can you please identify it for me?
14	MR. BOYERS: Can we wait until I have a copy?
L5	MR. J. ROSENBAUM: I'll go make copies.
L6	MR. BOYERS: Okay. It's part of the Regional
L7	Board's Exhibit 9. Go ahead.
L8	MS. BERESFORD: I thought you had one.
.9	MR. BOYERS: I know. I needed it in front of
20	me when you were asking him questions. Thank you for
21	waiting.
22	BY MS. BERESFORD:
23	Q. Could you please identify what this is?
24	A. This is the Inspection Form from
25	December 16th, 2014.

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1	Q.	So did you visit the site on that day?
2	Α.	Yes.
3	Q.	Why did you go back out to the site on
4	that day?	
5	Α.	Most likely it was because the City asked
6	me to go o	n that day.
7	Q.	Do you recall if they said why?
8	Α.	I don't recall.
9	Q.	Okay. Do you see that there's some yellow
10	highlighti	ng on that document?
11	A.	Yes.
12	Q.	Did you make that highlighting?
13	Α.	No.
14	Q.	Do you know who did?
15	Α.	No.
16	Q.	Does this report discuss failure to have
17	erosion co	ntrol BMPs in inactive and active areas?
18	Α.	I don't see specific mention of active
19	versus ina	ctive.
20	Q.	Do you recall if you discussed with anyone
21	at the sit	e on that day
22	Α.	I don't recall.
23	Q.	Let me finish my question.
24	Α.	Sorry.
25	Q.	I guess you didn't recall talking about it
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1	at all. But just to be clear, did you talk to anyone
2	at the site that day about which areas were active
3	and which areas were inactive?
4	A. I don't recall what, if any, conversations
5	I had on that day.
6	Q. And to be clear, you were talking about
7	active versus inactive; from your mind, that's
8	whether or not they were doing work in that area
9	within the past ten days; is that correct?
10	A. Say that again, please.
11	Q. In defining the difference between an
12	active versus an inactive area, when you're
13	evaluating that, is that based on whether they have
14	done work there in the past ten days, or do you have
15	a different standard?
16	A. Yes. I believe that that's what I was
17	that was the time frame for defining inactive area.
18	Q. Ten days was the time frame?
19	A. I believe so.
20	Q. Okay. On the second page of your report,
21	if you would look under "Violations."
22	A. Uh-huh.
23	Q. It looks like originally you had checked
24	the box of "No Violations."
25	A. Uh-huh.

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- Q. And then that changed. Can you explain to me what happened there?
- A. I don't know for sure what the history of that was. But I would say that the Violations section was -- that's something that basically the City staff was making decisions on typically. So that would be usually something that would be told to me by, you know, discussion, either in the field or a phone call, or it could be in an e-mail.
- Q. Were there instances where the City told you to change a recommendation from a "No Violation" to a "Violation"?
- A. Well, typically I would be getting input from them first. So it's not a case where I would say, I believe it is this; and the City would say change your -- change what you marked.

It would be -- although there may have been times when I've thought I think they want me to write this, but then they said, hey. And when I checked in with them, they said we want it to be, you know, considered as such. But I don't know in this particular case what that exact history was.

Q. Would they have given you input on whether or not they thought something was a violation when they hadn't on -- on a day when they hadn't had a

1	representative their own representative at the
2	site? Does that make sense?
3	MR. BOYERS: Objection. Speculation.
4	BY MS. BERESFORD:
5	Q. I will rephrase. Did they ever ask you
6	I'll start again.
7	Did they ever have a discussion about whether
8	something was a violation or not when you were the
9	only person who had visited the site that day?
10	A. I don't recall.
11	Q. Do you know if anybody visited the site
12	with you on December 16th?
13	A. I don't remember.
14	Q. Were there times that you were the only
15	person inspecting the site?
16	A. Yes.
17	Q. Did they always have input on whether or
18	not you checked violation or not?
19	A. Who do you mean by "they"?
20	Q. The City.
21	A. I would say that as far as a discussion,
22	we there was not a discussion every single time.
23	So yes, there were times when I'd fill out the form,
24	including the "Violation" section without a
25	discussion with the City.

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I would say typically that was done when, you know, when things were similar to a previous situation where I had had that conversation. So I could fill out the form in a similar way based on similar situations.

- Q. Can you explain to me why it was -whether or not there was a violation up to
  discussion? And let me give you a little more
  information. I would think if you go to the site and
  you see something, and it either is or it is not a
  violation of the Municipal Code or the JURMP. Am I
  incorrect on that assumption?
- A. I would say that my understanding in filling out these forms is that I was brought on to assess the adequacy of the BMPs. But it wasn't my role to determine what was considered a violation or not. That was the City's role still.
- Q. Do other cities work in a similar fashion?

  MR. BOYERS: Objection. It calls for speculation.

THE WITNESS: I'm not --

BY MS. BERESFORD:

Q. Based on your experience, have you had similar experiences with other cities wanting to have notice if there's been a violation?

1	A. I have not had experience with other
2	cities where that has been the case.
3	Q. Did you ever discuss this December 16th
4	inspection with anyone from the Water Board?
5	A. I don't believe so.
6	MS. BERESFORD: Does someone have the time?
7	MR. ROSENBAUM: It is ten of 10:00.
8	MS. BERESFORD: Why don't we take a five-minute
9	break. We're going to go off the record.
10	(A recess was taken.)
11	(Mr. Lough exits the conference room.)
12	MS. BERESFORD: Back on the record.
13	Can we please mark this as Exhibit 7.
L4	(Exhibit Number 7 was marked for
L5	identification.)
L6	BY MS. BERESFORD:
L7	Q. Have you seen this document before?
-8	A. Most likely. I appear to be CCed on it,
9	yeah.
20	Q. Can you describe what it is?
21	A. This is an e-mail from Malik to me and to
22	John Anderson, December 26, 2014.
23	Q. What is the time on the e-mail?
24	A. 10:53 a.m.
25	Q. And what time did you inspect the site on

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1	December 16th? I will refer you to Exhibit 6.
2	A. 12:25.
3	Q. So was Mr. Tamimi asking for an Inspection
4	Report before you had performed the inspection?
5	MR. BOYERS: Objection. Speculation.
6	THE WITNESS: Am I still to answer this?
7	BY MS. BERESFORD:
8	Q. Yes.
9	A. I believe let me read this e-mail a
10	second. I believe in this e-mail, he is requesting
11	that I perform the inspection.
12	Q. And why does he want the report?
13	MR. BOYERS: Objection. Speculation.
14	THE WITNESS: I don't know.
15	BY MS. BERESFORD:
16	Q. Can you read the first sentence.
17	A. "Johnwe would like the follow-up
18	inspection today so that we can attach it to our
19	enforcement letter that we will be drafting today."
20	Q. So he was asking for an Inspection Report
21	to attach to an enforcement letter? Is that what the
22	first sentence says?
23	MR. BOYERS: Objection. Speculation.
24	THE WITNESS: He says he's asking for an
25	inspection so that we can attach it to our

enforcement letter. 1 2 BY MS. BERESFORD: 3 0. So he was planning on attaching an 4 Inspection Report to the enforcement letter before the inspection occurred; is that correct? 5 6 MR. BOYERS: Objection. Speculation. 7 I'm not sure what he was THE WITNESS: 8 planning. 9 MS. BERESFORD: Okay. We will mark this as Exhibit 8. Exhibit 8 to the deposition says Exhibit 10 Number 10 at the top of the document. 11 (Exhibit Number 8 was marked for 12 13 identification.) BY MS. BERESFORD: 14 15 Q. Have you seen this document before? 16 Α. Yes. 17 Could you please state what it is? 0. 18 Α. It's a memo from D-Max to Malik Tamimi on 19 December 17th. 2.0 Q. What is the purpose of the memo? 21 This is reporting Brian Nemerow's field Α. 22 visit on December 17th. 23 Who is Mr. Nemerow? Q. 24 He's a former employee of D-Max. Α. 25 Do you know where he is now? Q.

1	A. Employment-wise?
2	Q. Yes.
3	A. The City of the Vista. Wait. No. Yes.
4	Yes, Vista.
5	Q. It's okay. What was his role at D-Max?
6	A. As in his job title, or the tasks that he
7	performed?
8	Q. Job title is fine.
9	A. Probably Staff Scientist II I would guess,
10	not positive.
11	Q. Previously you had stated that Mr. Quenzer
12	is your supervisor?
13	A. Correct.
14	Q. So then Mr. Nemerow was a subordinate to
15	you? Did you supervise him?
16	A. Yes, I did on some projects. I don't
17	recall in this particular one if he was working more
18	under John Quenzer or myself. I would wager he was
19	probably yeah, I think he was working more under
20	John Quenzer for this particular task, since John was
21	the one that did the previous sampling.
22	Q. Okay. Were you on site on December 17th,
23	2014?
24	A. Not that I know of. Unless there's an
25	Inspection Form from that day that I filled out, it's

1	unlikely.
2	MS. BERESFORD: Let's make this Exhibit 9.
3	This will be Exhibit 9 to the deposition, although
4	the document says Exhibit 12 at the top.
5	(Exhibit Number 9 was marked for
6	identification.)
7	BY MS. BERESFORD:
8	Q. Have you seen this document before?
9	A. Yes.
10	Q. Can you please describe what it is.
11	A. This is a memo from D-Max to the City of
12	Lemon Grove on December 31st, 2014, reporting a field
13	visit on December 31st.
14	Q. I would like to refer you both to well,
15	first, let's talk about Exhibit 8. There's some
16	highlighting on Exhibit 8.
17	A. Uh-huh.
18	Q. Did you do that highlighting?
19	A. No.
20	Q. And there's highlighting on Exhibit 9.
21	Did you do any of that?
22	A. No.
23	Q. Okay. Have you ever taken turbidity
24	samples?
25	A. Yes.

1	Q. I'd like to direct you to the third
2	paragraph of this memo.
3	A. Exhibit 9?
4	Q. Yes, please.
5	A. Uh-huh.
6	Q. The last sentence says, "To approximate a
7	certain effect," I'm paraphrasing there, "the settled
8	sediment at the Akins entrance/exit location was
9	disturbed, and a sample was taken a few minutes
10	later."
11	Do you think that follows a proper sampling
12	protocol to take a turbidity sample?
13	A. Let me finish reading here. Okay. Can
14	you repeat the question, please.
15	Q. Do you think that's a proper sampling
16	protocol, to disturb the puddle and then take the
17	sample?
18	A. Not that I'm aware of.
19	Q. Do you know if you were on site on
20	December 31st?
21	A. I don't believe I was.
22	MS. BERESFORD: Okay. Could you please mark
23	this as Exhibit 10.
24	(Exhibit Number 10 was marked for
25	identification.)

1	BY MS. BERESFORD:
2	Q. Have you seen that document before?
3	A. Yes.
4	Q. Can you identify it for me, please?
5	A. This is my Inspection Report from
6	January 6, 2015.
7	Q. And that's for the site?
8	A. Yes.
9	Q. Do you know why you went to inspect the
10	site on January 6th?
11	A. It would be either because the City
12	requested specifically I go out that time, or they
13	had previously requested that I inspect it at a
14	normally-scheduled date.
15	Q. Is there anything in this document that
16	reports the weather conditions?
17	A. No, I don't believe so. Unless I happen
18	to have a note somewhere in here that kind of hints
L 9	at the weather, there's not a a field that is
20	specific to the weather.
21	Q. I'd like to direct you to page two. The
22	third row down it says, "Are material stockpiles
23	protected, covered, contained, and located away from
24	all storm water discharges?" Do you see that?
25	A. Uh-huh.

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Q.	And	can	vou	read	vour	descri	ption	there'
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- A. "Uncovered stockpiles reported as active."
- Q. Does anything in this report indicate whether the stockpiles were exposed to wind or rain?
- A. You mean currently, or in the past couple of days, or are you talking about in the future if there were rain or --
  - Q. At the date of this inspection.
- A. I don't -- I do not see any notes so far about wind or rain occurring at that time. Do you want me to review all of my notes?
  - O. Please.
- A. Okay. I don't see any notes indicating there was any wind or rain at the time of this inspection.
- Q. Okay. Is there any discussion about whether there was wind or rain the previous day or the next day?
  - A. I'm sorry. Repeat the question, please.
- Q. Does this report discuss whether there was wind or rain, the stockpiles were exposed to wind or rain the previous day or the next day?
- A. I don't see an indication in here that from my notes that there was rain on the previous day. As far as the following day, I don't see any

1	indication that there was rain in the forecast
2	necessarily for the next day.
3	Q. Do you have any other additional field
4	notes for your inspections that are not attached
5	here?
6	A. No.
7	Q. Okay. I think there's is there
8	highlighting on your Exhibit 10?
9	A. Yes.
10	Q. Did you do that highlighting?
11	A. No.
12	Q. Do you know who did?
13	A. No.
14	Q. Does anything in this report discuss
15	erosion controls for inactive or active areas?
16	A. Let me see. Yes, the note about
17	stockpiles on page two does discuss it as active.
18	And then note number seven on the third page refers
19	to "Stabilize area if inactive or rain is
20	forecasted."
21	Q. Okay. Let's go to the third page, your
22	first comment, number one. It says, "Fully
23	stabilized area. Utilize other erosion control
24	BMPs." Do you see that?
25	A. Uh-huh.

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25

1	Q. And then you have a map attached.
2	A. Uh-huh.
3	Q. Is the one on the map attached to that?
4	A. Uh-huh.
5	Q. Do you know if that area one was an active
6	or inactive area?
7	A. I don't recall whether it stated it at
8	that time. I would say that based on my notes there,
9	it sounds like it was inactive. But I don't recall
10	exactly what
11	Q. Do you recall if you asked anybody that
12	day whether an area was active or inactive?
13	A. I don't recall. However, I did notice
14	that that stockpile question did say that they
15	reported something as active, which does indicate
16	there was some conversation with the contractor or
17	their representatives that day.
18	Q. But looking at number one today, you don't
19	know whether that area was active or inactive?
20	A. I couldn't say for sure. I would say
<b>2</b> 1	based on the note, likely. But yeah, I can't
22	recall ·
23	Q. Okay.
24	A by memory on any given day whether some

particular area was active or inactive.

1	Q. And then number seven says, "Stabilize
2	area if inactive."
3	A. Uh-huh.
4	Q. Is that specific to any specific area?
5	A. Yes. There's an area on the page four
6	that looks like it would be the upper left-hand
7	corner of the page.
8	Q. So do you know on the date of inspection,
9	was the area active or inactive?
10	A. I don't know. I would say based on that
11	note on seven, that would be I think that note
12	would be something I would typically write of an area
13	that was currently active or I couldn't determine.
14	Q. Or you couldn't determine?
15	A. Right.
16	Q. Okay.
17	A. Yeah, that yeah.
18	Q. Okay. I'm not going to mark this as an
19	exhibit, but I would like you to take a look at that
20	document. Do you know if you've seen this document
21	before?
22	A. I don't think I have.
23	Q. Okay. For the record, it's an e-mail
24	dated January 1, 2015 to Mr. Chiu. If you haven't
25	seen it before, then I won't ask you any questions

1	about it.
2	Going back to your inspection of January 6th,
3	which was Exhibit 10, did you discuss this inspection
4	with anyone at the Water Board?
5	A. I don't believe so.
6	MS. BERESFORD: All right. And let's mark that
7	as Exhibit 11, please. It's Exhibit Number 25 at the
8	top of the document, and Exhibit Number 11 to the
9	deposition.
10	(Exhibit Number 11 was marked for
11	identification.)
12	BY MS. BERESFORD:
13	Q. Have you seen this document before?
14	A. Yes.
15	Q. And what is it?
16	A. This is my Inspection Report from
17	January 14th, 2015.
18	Q. Your inspection of the site?
19	A. Yes.
20	Q. Okay. There's highlighting on this
21	document. Did you do that?
22	A. No.
23	Q. Okay. I'd like to go to page two, and the
24	third row down talking about stockpiles. Can you
25	read your comments to me there.

1	A. It says, "Wood/scrap pile should be
2	removed or protected."
3	Q. And then there's another discussion about
4	stockpiles the second-to-last row up.
5	A. Uh-huh.
6	Q. Can you read that to me, please.
7	A. "Stockpiles are located too close to drain
8	in northeast basin. Remove or relocate them outside
9	of basin."
10	Q. Does anything in this report talk about
11	whether the stockpiles are exposed to wind and rain?
12	A. I don't see anything indicating
13	information about rain or wind at the time of the
14	inspection.
15	Q. The comment about the "stockpiles are
16	located too close to the drain in the northeast
17	basin," if you go back to Exhibit 10, and look at
18	that same row.
19	A. Uh-huh.
20	Q. Do you know if those were the same
21	stockpiles?
22	A. I believe so. I don't know for sure from
23	memory; but I do recall an issue with that stockpile
24	not getting moved for multiple inspections. So I
25	believe that's the stockpile that I'm thinking of.

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- Q. Do you know if you talked to anyone about whether the stockpiles had been moved?
- A. I don't recall for sure. But from the January 6th inspection, again, I would say it's likely I talked to the contractor or their representative, based on the note I had about a stockpile being reported as active.
  - Q. Do you --
  - A. And that was on the 6th.
- Q. Do you normally note in your Inspection Reports anywhere if you've talked to anyone about anything?
- A. No. There's no field for that. Yeah, so I will sometimes make a note, such as the one on the 6th, that suggested that there was a conversation, but there's no --
  - Q. -- specific documentation?
- A. Yeah, place. Whatever time you indicate whether or not you spoke to someone.
- Q. Does anything in your January 14th
  Inspection Report identify whether a specific area is
  inactive?
- A. Let's see. I don't see any specific indication that a particular area is inactive in my notes here.

So I see a note on five. Note five here

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2.4 2.5 on the third page it says, "Stabilize area if inactive or rain in forecast."

When you wrote that, do you know if you knew whether area five was inactive or not?

- Α. Similar to what I said on Exhibit 10. Ι would say that that note is something I would typically write if it was either active, or I just couldn't determine with certainty whether or not it was active.
- Ο. Okay. On page two of this inspection, you checked the box that there was a violation.
  - Α. Uh-huh.
  - Do you know what the basis for that was?
- I believe that that was something the City Α. asked me to indicate. I'm basing this on looking at the last couple exhibits from that time period that are marked in the similar -- the similar way of that same note about the ongoing Stop Work Notice/Administrative Citation

I believe that was a conversation or e-mail or phone call at some point where they said to check that as -- mark the "Violation" section that way for that time period while they had a Citation or Stop Notice or whatever it was.

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1	Q. As of January
2	14, did you think that
3	the site were in better
4	inspected the site in De
5	A. I don't reca
6	Q. Based on you
7	or not you thought it wa
8	MR. BOYERS: Objec
9	condition."
10	THE WITNESS: Yeah
11	MS. BERESFORD: St
12	exhibit and we can go fi
13	Exhibit 12. Exhibit 12
14	indicated as Exhibit 23
15	(Exhibit Number 12
16	identification.)
17	BY MS. BERESFORD:
18	Q. Have you seer
19	A. Yes.
20	Q. Can you pleas
21	A. This is a Mer
22	January 16th, 2015, summ
23	sampling from December a
24	Q. Based on this
25	you thought the storm wa

- y 14, your inspection January the storm water controls at condition than when you ecember?
  - ll at this point.
- r reports, can you say whether as in better condition?

ction. Vague as to "better

h, can you clarify?

ure. Let's go to the next rom there. So this will be to the deposition is at the top.

2 was marked for

- n this document before?
- se describe what it is.
- mo that I sent to the City on marizing inspections and and January.
- s Memo, can you say whether ater, the BMPs, and other

1	protections at the site were better at the site in
2	January than they were in December?
3	A. I would say that compared to early
4	December, like the December 9th time, that they did
5	implement a significant number of BMPs that they
6	had that had been deficient before. So yes, they
7	did improve several of the deficiencies they had,
8	specifically with erosion control in December or
9	December 9th.
10	Q. And your last inspection of the site was
11	January 14; is that correct?
12	A. Prior to this letter, I believe so.
13	Q. I'd like to go to the third page of the
14	Memo. The second row up discusses stockpiles. Do
15	you see that?
16	A. "The stockpiles were placed close to a
17	drain inlet." That one?
18	Q. Yes.
19	A. Yes.
20	Q. If you move to the next column over, the
21	second sentence says, "On January 14, the stockpiles
22	had been covered." Do you see that?
23	A. Yes.
24	Q. Do you know the date when the stockpiles
25	had been covered?

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1	A. I don't know the exact date they were
2	placed on there.
3	Q. Is it possible that they had been covered
4	on January 13th?
5	MR. BOYERS: Objection. Speculation.
6	THE WITNESS: Let me see on my January. Yeah,
7	I guess from these materials, all I can tell is that
8	they were it sounds like they were not covered on
9	the 6th, and they were covered when I returned on the
10	14th. I don't know the timing of anything in
11	between.
12	BY MS. BERESFORD:
13	Q. Let's go back to your January 14th
14	inspection.
15	A. Okay.
L6	Q. And your January 6th inspection. Let's go
L7	to the second page there.
L8	A. Uh-huh.
L9	Q. On January 6th, which is Exhibit 10, in
20	the third row down it says, "Uncovered stockpiles
21	reported as active." Do you see that?
22	A. Yes.
23	Q. And then on January 14th, on Exhibit 11,
24	on the third row down, can you say again what that
25	says to me.
-	

1	A. "Wood/scrap piles should be removed or
2	protected."
3	Q. Do you think that's the same stockpile
4	that you were talking about on January 6th?
5	A. Probably not, I would wager.
6	Q. Okay.
7	A. I would
8	Q. At some point
9	A. Can you hold on a second, so I can see if
1.0	I can find the corresponding part on the map?
11	Q. Sure.
12	A. So the one on January 14th of 2015?
13	Q. Yes.
14	A. That was wood/scrap pile. As it's shown
15	on the map, that is not in the same location as the
16	one that that's not the same stockpile that is
17	referred to on the January 16th report about being
18	placed too close to the drain. Those are two
19	separate stockpiles.
20	Q. Okay. And is there any note about the
21	stockpiles near the drain, about whether those were
22	covered or not?
23	A. Not specifically. It is possible on the
24	January 6th report that the uncovered stockpiles
25	reported as active may be referring to that, or may

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be referring to that and others, or may be referring to --

- Q. Not referring to it at all?
- A. I can't tell just from looking at that January 6th report.
- Q. Okay. Based on your Memo, a stockpile was not covered on January 6th.
- A. Wait. Actually, does that say -actually, based on the Memo in that line we were
  reading, the second from the last row, it doesn't
  specifically state that it was uncovered on the 6th.

"Stockpiles were placed close to a drain inlet. The inlet is elevated above the ground height in that area."

This deficiency was observed on January 6th. So based on reading that, this deficiency seems to be referring to the proximity to the drain, rather than to any coverage or lack thereof.

- Q. Okav.
- A. So yeah, that's what that one's referring to, I believe. "On January 14th the stockpiles had been covered, but they had not been moved sufficiently far enough away from the drain inlet."

So yeah, to me that means they were covered on the 14th. Just from reading this part alone, I can't

4	
1	tell that it's necessarily the case that that one
2	particular stockpile was or was not covered on the
3	6th.
4	Q. Okay. And then if we go up a little bit
5	higher, about the middle, there's a row that says,
6	the first column, it says, "Some stockpiles lacked
7	adequate cover." And then you say, "Covers were put
8	on stockpiles."
9	Do you see that?
10	A. Yes.
11	Q. Do you know if there are any corresponding
12	dates as to those observations?
13	A. From looking at this, I can't tell.
14	Typically that type of thing changes frequently. So
15	yeah, that could correspond to multiple different
16	inspections from this stack and multiple different
17	stockpiles (indicating).
18	Q. Okay. I think if you look on the pages
19	relating to the pictures, there are some things that
20	are highlighted. Do you do any of those highlights?
21	A. No, I didn't.
22	MR. BOYERS: Can we clarify what exhibit we're
23	looking at?
24	MS. BERESFORD: I'm sorry. I'm on Exhibit 12.
25	All of this last questioning was regarding Exhibit

1	12.
2	MR. BOYERS: Thank you.
3	BY MS. BERESFORD:
4	Q. Did you do the highlighting on Exhibit 12?
5	A. I did not do it.
6	Q. Was there highlighting on Exhibit 11?
7	A. Yes.
8	Q. Did you do that highlighting?
9	A. No, I did not.
10	Q. Did you ever discuss your inspection of
11	January 14th, Exhibit 11, with anyone from the Water
12	Board?
13	A. I don't believe so.
14	Q. Did you ever discuss Exhibit 12, your
15	January 16th Memo, with anyone from the Water Board?
16	A. No. I don't believe so, no.
17	MS. BERESFORD: Can we please mark this as
18	Exhibit 13.
19	(Exhibit Number 13 was marked for
20	identification.)
21	BY MS. BERESFORD:
22	Q. Have you seen this before?
23	A. Yes.
24	Q. Can you please describe what it is?
25	A. This is an e-mail from Leon Firsht to me

1	on February 4th, 2015.
2	Q. Can you explain to me the your
3	question?
4	A. So the first e-mail to Leon, I asked I
5	was asking him how he which of the checked boxes
6	at the top of the form he wanted me to check off.
7	Q. And what does that mean? What does that
8	matter?
9	A. As far as what does it matter? I'd say
10	that's a question for the City on how they handle it.
11	I don't know if they handle those any differently
12	based on how that's marked.
13	Q. Okay. And he says, "Permit required."
14	A. Uh-huh.
15	Q. Did that mean anything to you?
16	A. Similar to what we talked about earlier.
17	I believe that is referring to the Municipal Permit.
18	But I don't necessarily think it's I think it's
19	basically more what I gather it's interpreted more
20	this is sort of a routine, as opposed to the next
21	option, which is the follow-up.
22	Q. But to the extent it refers to the permit,
23	your interpretation is that it was referring to the
24	Municipal Permit?

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Yeah. That's my -- that's what I would

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1	guess. I don't know that I received a clarification
2	from the City one way or the other at any point,
3	though.
4	MS. BERESFORD: Okay. Can we please mark this
5	as inspection Exhibit 14.
6	THE WITNESS: Can I take a quick bathroom
7	break?
8	MS. BERESFORD: Yes. We will go off the
9	record.
10	(A recess was taken.)
11	MS. BERESFORD: Back on the record.
12	Let's mark this, then, as Exhibit Number 14.
13	This is Exhibit Number 14 to the deposition. This is
14	Exhibit Number 13 in the documents.
15	(Exhibit Number 14 was marked for
16	identification.)
17	BY MS. BERESFORD:
18	Q. Do you recognize this document?
19	A. Yes. This is my Inspection Form from the
20	site. It looks like March 18th, 2015. I think
21	that's a 3.
22	Q. If you go to your third page, will that
23	help you find the date?
24	A. Yes, 3/18/15.
25	Q. If we could go to the second page of the

1	Inspection Report. You indicated that there were no
2	violations; is that correct?
3	A. Yes, that is what is put there.
4	Q. And going up to sort of the central area,
5	there's a column that says, "Are wastes managed and
6	stored properly? (Solid, liquid, sanitary, concrete,
7	hazardous)."
8	And you checked that box "yes"; is that
9	correct?
10	A. Let's see. Yes.
11	Q. Now, the next line down it says, "Are
12	concrete washouts properly installed, maintained with
13	no evidence of discharges?"
14	You've checked the box "yes"; is that correct?
15	A. Uh-huh.
16	Q. And then you have some comments; is that
17	correct?
18	A. Correct.
19	Q. And what does that say?
20	A. "Concrete waste observed on ground outside
21	of washouts."
22	Q. There are some pictures attached to this
23	report; is that correct?
24	A. Yes.
25	Q. Did you take those pictures?

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I don't know. Α.

- Do you know if there's a picture -- let's Q. go to the third page of your report. It says number two, "Clean up concrete waste observed at multiple locations, and ensure that all employees use washouts properly."
  - Do you see that comment?
  - Α. Which number are you reading?
  - Ο. Number two.
  - Yes, I see that. Α.
- Q. Do you know if there are any pictures that support that statement?
- I see one that potentially does. Α. So if we're on the photos, the second page of photos, the bottom left corner, to me there appears to be a washout there. It's very difficult to tell from this small photo, but that may be one of the areas referenced there. Because it looks like there may be some concrete material outside of the washout in the foreground of the picture there.
- Q. Are there any other photos that address that comment?
  - Not that I can tell in these pictures. Α.
- Did you see any evidence that the concrete or waste actually discharged to the storm drain?

1	A. I don't recall. Let me review my notes to
2	see there's anything indicating that. I do not see
3	notes so far that indicate a discharge to the storm
4	drain.
5	Q. If you go to page two of your report,
6	there's a column, a row that says, "Are the discharge
7	locations I'm sorry, above that, "Is the site free
8	of evidence of illegal connections and/or illicit
9	discharges?" Do you see that?
10	A. Uh-huh.
11	Q. And checked the box "yes," correct?
12	A. Yes.
13	Q. So you noticed some concrete waste
L 4	discharged to the ground, but you indicated that the
15	site was free of illicit discharges; is that correct?
L 6	A. It's free of evidence of illegal
L7	connections or discharges, yes.
L 8	Q. And is there any highlighting on your
L 9	exhibit?
20	A. No.
21	Q. Did you make that highlighting?
22	A. No.
23	Q. There's some comments with boxes around
24	the photographs. Do you see that?
25	A. Yes, I see that.

Page '	7	0
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1	Q. Did you make those comments?
2	A. No, I don't believe so.
3	Q. Did you discuss this Inspection Report
4	with anyone from the Water Board?
5	A. I don't believe so.
6	Q. Do you know when the concrete waste to
7	the ground that you noted in this report, do you know
8	when that was cleaned up?
9	A. I'm not remembering, no.
10	MS. BERESFORD: Can we mark this as Exhibit 15,
11	please.
12	(Exhibit Number 15 was marked for
13	identification.)
14	BY MS. BERESFORD:
15	Q. Can you identify this document for me?
16	A. This is my Inspection Form from the site
17	on April 29th, 2015.
18	Q. Can you go to page two.
19	A. Uh-huh.
20	Q. Did you note if there were any violations?
21	A. There's no violations noted at the time.
22	Q. No violations?
23	A. Correct.
24	Q. And did you get recommendations for a
25	Correct Work?

1	A. Let's see. I do have some recommendations
2	on page three.
3	Q. But on page two, you didn't indicate that
4	there were recommended corrective actions required;
5	is that correct?
6	A. I did not check the "No violations;
7	however, recommended corrective actions required"
8	box. I did not check that. I do not know how the
9	City presented it to the contractor, though.
10	MS. BERESFORD: Okay. Let's go to Exhibit
11	this will be Exhibit Number 16.
12	(Exhibit Number 16 was marked for
13	identification.)
L4	Josh, could you please go make a copy of that
L5	quickly.
L 6	Let's go off the record for a second.
L7	(Discussion off the record.)
L8	BY MS. BERESFORD:
.9	Q. Have you seen this document before?
20	A. Yes.
21	Q. Can you please
22	I'm sorry. We're back on.
23	THE REPORTER: That's okay. I started typing.
24	BY MS. BERESFORD:
25	Q. Can you please state what it is.

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- A. This is an e-mail thread between myself and Malik Tamimi. The last e-mail was September 14th, 2015.
- Q. Can you please read the second paragraph of your e-mail dated September 14th to Mr. Tamimi.
  - A. The 10:32 a.m. one at the top?
  - Q. Yes.
  - A. Okay. The second paragraph?
- Q. Yes. Can you please read the first two sentences.
- A. "There were some deficiencies at Valencia last time I was there, but nothing too horrible by Valencia standards. They had actually done a pretty good job of addressing the deficiencies from their previous inspection. And the latest deficiencies were mostly new ones around areas of recent activity."
- Q. So based on this, did you think that they had done a good job addressing the deficiencies at the site?
- A. I guess, yes. I wrote that they had done a pretty good job of addressing deficiencies from the previous inspection. So yes, I would say that at that time, I did think they did a good job of addressing deficiencies.

1	MS. BERESFORD: Okay. Let's mark this as								
2	Exhibit 17.								
3	(Exhibit Number 17 was marked for								
4	identification.)								
5	BY MS. BERESFORD:								
6	Q. Have you seen this document before?								
7	A. Yes.								
8	Q. What is the cover page?								
9	A. It's an e-mail from myself to Gary Harper								
10	on September 16th, 2015.								
11	Q. And was anything attached to this e-mail?								
12	A. Yes. There were inspection forms for								
13	Valencia, as well as two other sites.								
14	Q. An inspection for what date?								
15	A. September 15th of 2015.								
16	Q. If you look at the September 15th								
17	Inspection Form for the site that was attached to								
18	this e-mail, and you go to the bottom of page two,								
L9	there's nothing indicating whether there are								
20	violations or not; is that correct?								
21	A. Correct.								
22	Q. And what is your e-mail asking?								
23	A. I was asking Gary I believe how he wanted								
24	that to be filled out. Yeah, I was asking him how he								
/ 5~ 📱	tranted me to fill that aut								

1	Q. Did Gary accompany you on your site							
2	inspection on September 15th?							
3	A. I don't recall. There is a chance he did.							
4	MS. BERESFORD: Can we please mark this as							
5	Exhibit 18. Exhibit 18 says Exhibit Number 22 at the							
6	top.							
7	(Exhibit Number 18 was marked for							
8	identification.)							
9	BY MS. BERESFORD:							
10	Q. Have you seen this document before?							
11	A. Yes.							
12	Q. And what is this?							
13	A. This is my Inspection Form of the site							
14	from September 15th, 2015.							
15	Q. And how does it differ from the document							
16	that was attached to your September 16th e-mail?							
17	A. So far I have noticed that the "Violation"							
18	section on page two has been filled out. And it is							
19	checked off for violation.							
20	Q. Was that your decision?							
21	A. I believe it was a City decision in							
22	response to the e-mail included in Exhibit 17.							
23	Q. So do you know what the violation of the							
24	Municipal Code was?							
25	A. I'm not sure what they went with there.							

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That would probably be a Gary or Malik question, since it was one of them that made that decision.

- Q. Do you know what you noted here that was a violation of the JURMP?
- A. Let me see what they have here. Yeah, just from looking at this, on September 15th, I don't know if exactly when -- it sounds like there was a rain event, but I don't know exactly when it was.

  But I can't tell from here for sure if there was some sort of BMP deficiency that was a violation of the JURMP.
- Q. I'd like you to look at page two. The second row down it says, "Are material stockpiles protected and covered?"
  - A. Uh-huh.
- Q. Your note says, "Some small sediment piles are not protected." What's a difference between a sediment pile and a stockpile?
- A. I'm not sure if I was referring here to something that may have been, you know, not necessarily an intentional stockpile for, you know, a traditional stockpile use, but just an area where some dirt had been piled up incidentally.

That may have been what I was referring to there. That's just kind of speculation, though,

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based on my note. I think I might refer to something like that, but I'm not positive at this point.

- Q. Having used the term sediment pile instead of stockpile, is that something different to you, then? It's not a stockpile?
- A. I would say it could technically be considered different. But the -- when it comes to a storm water BMP, we'd be talking about similar processes that would lead to, you know, erosion or sediment transport. So for BMP purposes, I would feel it's appropriate to treat them similarly.
- Q. Do you know if you saw a discharge of storm water with sediment in it from the site on this date?
- A. I believe -- let's see. I believe I just saw sediment that was in the gutter, according to this note here, and not necessarily discharge actively, actively leaving the site when I was there.
- Q. Is there anything in this report that identifies which areas are active or inactive?
- A. Page three has a mention of inactive, but it's not referring to any specific area I don't think. Oh, wait. Let me see. Yeah, not really referring to a specific area, but to many lots throughout the site. That's the only mention I'm

1	seeing of active and inactive.						
2	Q. You say previously you said you saw						
3	sediment in the gutter.						
4	A. Uh-huh.						
5	Q. Do you remember if you saw sediment						
6	leaving an adjacent property on Akins Street?						
7	A. I don't know. I would say I definitely						
8	saw the potential for that. But I don't think I						
9	actually saw you know, like I didn't see storm						
10	water actively discharging from the site itself.						
11	Likewise, I didn't see it discharging off the						
12	adjacent properties because it wasn't discharging						
13	there.						
14	Q. Did the neighbor's property on Akins						
15	Street have exposed dirt?						
L 6	A. Yes, I believe some of the ones along						
L7	Akins did.						
L 8	Q. Are there any portions of this document						
L9	highlighted on your copy?						
20	A. No, not this one.						
21	Q. Do you know if you ever discussed this						
22	inspection with the Water Board?						
23	A. I don't believe so.						
24	Q. Have you ever discussed this site with						
25	Mr. Chiu from the Water Board?						

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- I did -- I was on site one time when he was there doing an inspection. So I would assume we had some brief conversation. But I think other than that day, I don't recall ever discussing the site with him.
- 0. Have you ever met Mr. Melbourn with Okay. the Water Board?
- Just that one time he was there that same day, both Frank and --
- Q. Have you ever discussed this site with him other than that one-time inspection?
  - Α. No. No. Not that I can think of.
- Q. When you were on site during that inspection, did they ask you any questions about your prior Inspection Reports?
- I don't believe they asked any questions about those. I know Wayne mentioned that he had received those, but I don't recall any questions about those inspections.
- Ο. Have you ever discussed the site with anyone else at the Water Board?
  - Α. No.
- Ο. Have you ever been involved with any other sites that were subject to an Administrative Civil Liability Complaint from the Water Board for storm

1	water violations?
2	A. For construction?
3	Q. Yes.
4	A. No, I haven't.
5	Q. For any other type of storm water
6	violations?
7	A. I have worked with the City of San Diego
8	on their postconstruction structural BMP program.
9	They had received an ACL, I believe, for that.
10	Q. Okay. Are you aware that the Water Board
11	is seeking penalties of over \$800,000 for this site?
12	A. Yes.
13	Q. Are you aware of any other Water Board
14	enforcement action seeking a similar amount of
15	penalties?
16	A. I believe there was one. I've heard of
17	some they had against a couple of cities. I think
18	the City of San Diego and Encinitas I think I've
19	heard of.
20	Q. Any other private construction sites?
21	A. Not that I'm not that I'm aware of,
22	really.
23	MS. BERESFORD: Okay. Let's go off the record.
24	(Discussion off the record.)
25	MS. BERESFORD: I am ready to go on when

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Mr. Nakatani is ready.

THE WITNESS: Okay. I'm ready. I just wanted to correct or clarify in looking again at Exhibit 18. I think you had asked if there was any JURMP violations. I think potentially, yeah, I see now that there had been some rain.

And I did have notes indicating at that time that there weren't -- there were some deficiencies regarding some erosion and sediment control. So I think it is a potential, yes, that there may have been some violations of the JURMP regarding erosion and sediment control, BMP requirements.

- BY MS. BERESFORD:
- Q. Okay. Can I ask you to take a look again at Exhibit 16.
  - A. Sure.
  - Q. And that's your e-mail?
  - A. Yeah.
- Q. Where you thought that they had done a pretty good job addressing their deficiencies?
  - A. Yeah. But yeah, I would say --
  - Q. And then you went down --
- A. Yeah. It doesn't say that they had resolved everything, though, necessarily. So yeah, I can't tell for sure looking at these exactly, you

1	know, okay, at the time when it was falling on site,
2	if everything was free of any BMP deficiencies. But
3	yes, I agree that the Exhibit 16 does implicating
4	that they were doing a pretty good job compared to
5	their past history in resolving deficiencies. But
6	it's also not saying that they were completely free
7	of everything.
8	Q. Okay. And when you were out on the site
9	on the 15th, was it actually raining at that point in
10	time?
11	A. I don't think so. Based on what I can
12	remember and the note, that I saw sediment in the
13	gutter. So yeah, I think I think from looking at
14	this, I think this was right after it rained. But
15	like we talked about before, that was not recorded on
16	here.
17	MS. BERESFORD: Okay. Sounds good.
18	Do you have some questions?
19	I'm sorry. I have one more.
20	BY MS. BERESFORD:
21	Q. Based on your inspections, have you seen
22	any site that you thought was 100 percent perfect
23	100 percent of the time?
24	A. 100 percent of the time?
25	Q. Right.

Page	82
Lago	- U 4

1							
1	A. As in 100 percent of the time from the						
2	start of the project to the end of the project?						
3	Q. Yes.						
4	A. Not that I have seen so far.						
5	Q. Is it your experience that when you are						
6	inspecting a site, you can almost always come up with						
7	additional recommendations?						
8	A. From my experience, I would say I can						
9	usually come up with recommendations of ways to						
10	improve things, yes.						
11	MS. BERESFORD: Okay. Thanks very much.						
12							
13	EXAMINATION						
14							
15	BY MR. BOYERS:						
16	Q. I have a few questions. Let's start with						
17	Exhibit 2. If you could look at Exhibit 2.						
18	A. Okay.						
19	Q. And that's a copy of your December 9, 2014						
20	inspection of the site.						
21	A. Uh-huh.						
22	Q. First, I'd like you to look at the boxes						
23	two-thirds of the way down on the front page.						
24	There's a number of boxes indicated in gray: "BMP,"						
25	"Yes," "No," "N/A," "Description/Explanation" and						

## "Effective Yes or No."

2

Uh-huh. Α.

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Can you explain to me the meaning of the second box over from the left, the meaning the BMP yes versus no?

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I believe that is just indicating whether Α. or not they're implementing that type of BMP.

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Is it possible -- and I see that Okay. you've done this on a number of occasions -- where you mark that box "yes," but the "Effective" box "no"?

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Α. Correct. That's correct. I do find the column headings a bit confusing on these. But in general, yeah, I feel that the column on the far right, the "Effective yes/no" is the one that's more indicative of a problem. Because, you know, just asking if yes or no is BMP present, as I interpret the other columns to be asking, doesn't necessarily mean that it's there everywhere it needs to be and implemented properly. So I believe that that's the

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intention of the form is to capture that, so --

22 23 Q.

21

Is it fair to say that although the box indicates a BMP, the "yes" on the left may be checked, that doesn't necessarily mean that there's a violation, in your opinion, of either the JURMP or

Page 84

### the City code?

- 2
- A. The "yes" box?
- 3
- Q. Correct.

4 5 A. Yeah, I would say that's true. It does not necessarily mean there's a violation.

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Q. That a better indication of whether there's a violation, in your opinion, or not is the box on the right "Effective, yes or no," in the description column?

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A. I would say that the "yes or no" is my indication of adequacy of the BMP, as we've discussed before. The violation issue is sort of a one handled by the City.

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Q. Okay. And looking back at my notes, with respect to your testimony as to how you filled out these forms, you indicated that you were inspecting in accordance with the City's JURMP and the City's code, correct?

18 19

A. Yes.

2021

Q. And that were not looking for compliance with the construction general permit, correct?

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A. Yes.

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Q. Specifically on Exhibit 2, but this will relate to other exhibits as well, in the "Violations" section, when you indicate "no violations," is it

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fair to say you are not making any determination as to whether there's a violation of the Construction General Permit or not?

- A. I would -- I would say that that part is -- is something that the City is mainly determining. So I would say they are working within the context of their general Municipal Code in determining, from what I've heard from them, that's what they are going off of when they are calling things a violation or not.
- Q. In your discussions with the City, did they indicate to you that their intent was when filling out the "Violations" box, they wanted to indicate whether there was a violation of a Construction General Permit or not?
- A. I don't think they ever indicated that to me.
- Q. Okay. Let's look at Exhibit 3. This is related to your inspection of December 11, 2014 at the site.
  - A. Uh-huh.
- Q. Here you also indicate in the "Violations" section, you checked "No violations."
  - A. Uh-huh.
  - Q. And again, I want to make -- I want to ask

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whether	you	were	making	a deter	cmin	ation	here	whe	en yo	U
checked	this	box	whether	there	's a	. viola	ation	of	the	
Construction (		Gene	eral Per	mit or	not	.?				

- A. I would, again, say that that's how that's -- has been determined by the City more. But my understanding is that that's not based on the General Construction Permit.
- Q. Okay. If you could then just look at Exhibit 14, Exhibit 15, and Exhibit 17. And I'll indicate that Exhibit 14 and 15 also have the "No violations" box noted.
  - A. Uh-huh.
- Q. And I'll ask, is it the same testimony with respect to that as the prior exhibits?
  - A. Yes, it is the same.
- Q. And then quickly, my last question is with respect to Exhibit 16, if you could pull out 16. 16, the e-mail from September 14th at 10:32 a.m., the second paragraph reads, "There were some deficiencies at Valencia last time I was there, but nothing too horrible by Valencia standards."

Do you see that?

- A. Yes.
- Q. And those are your words?
- A. Yes.

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	Q.	. Can	you	tell	me	or	explain	to	me	what	you
mean	bv	"Valend	cia s	standa	ards	5 II S					

A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away.

MR. BOYERS: Thank you. I never know when you're done.

THE WITNESS: Sorry.

MR. BOYERS: Okay. That's all I have. Thanks.

THE WITNESS: Okay.

MS. BERESFORD: All right. We will conclude this as we have with other deposition transcripts. We're agreeing that Opper and Varco can take custody of the original transcript.

We will forward that to Mr. Nakatani with a request for him to review in less than 30 days.

We'll work on a schedule that's agreeable to you.

You'll return those -- if you have any changes,
you'll return those to us. We will share those with the Water Board.

We'll maintain custody of the original. If the

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original is lost, the Water Board agrees that a copy
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      can be used in its place.
 3
            MR. BOYERS: That's fine.
 4
            MS. BERESFORD: All right. I think we
 5
      are done.
            Oh, do you need to know if he's going to order?
 6
 7
            MR. BOYERS: We will order.
 8
            THE REPORTER:
                            Thanks.
 9
            MS. BERESFORD: We are done.
10
            (Exhibit Numbers 1 through 18 were marked
11
            for identification.)
12
             (The deposition concluded at 11:53 a.m.)
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1	STATE OF CALIFORNIA ) ss
2	
3	I, R. Jerrod Jones, CSR 11750, do hereby declare:
4	
5	That, prior to being examined, the witness named in
6	the foregoing deposition was by me duly sworn pursuant
7	to Section 2093(b) and 2094 of the Code of Civil
8	Procedure;
9	
10	That said deposition was taken down by me in
11	shorthand at the time and place therein named and
12	thereafter reduced to text under my direction.
13	
14	I further declare that I have no interest in the
15	event of the action.
16	
1.7	I declare under penalty of perjury under the laws
18	of the State of California that the foregoing is true
19	and correct.
20	
21	WITNESS my hand this31st day of
22	December 2015
23	Q Jenod Jones
24	R. Jerrod Jones, CSR 11750
25	



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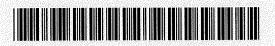
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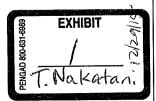


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ATTORNEYS FOR SAN ALTOS – LEMON GROVE, LLC



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

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11 IN THE MATTER OF:

12 ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R9-2015-0110

13 AGAINST SAN ALTOS – LEMON GROVE, LLC

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SAN ALTOS – LEMON GROVE, LLC'S NOTICE OF DEPOSITION OF TAD NAKATAMI AND REQUEST FOR PRODUCTION OF DOCUMENTS

Date: December 29, 2015

Time: 8:30 a.m.

Place: Law Offices of Opper & Varco LLP

225 Broadway, Suite 1900 San Diego, CA 92101

## TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 29, 2015 at 8:30 a.m., San Altos – Lemon Grove, LLC will take the deposition of Tad Nakatami in accordance with the enclosed subpoena. This deposition will take place at the law firm of Opper & Varco, LLP, located at 225 Broadway, Suite 1900, San Diego, CA 92101, before a certified reporter or person authorized to administer oaths who is present at the specified time and place. Said deposition will continue from day to day, Saturdays, Sundays and holidays excepted, until completed.

YOU ARE FURTHER NOTIFIED that the deposition may also be recorded by videotape as authorized by the Code of civil Procedure section 2025.340 and Plaintiff reserves the right to use any videotaped portion of the deposition testimony at a hearing in this matter. The deposition may also be recorded through such means as to provide the instant display of the testimony as also authorized by Code of Civil Procedure section 2025.340.

YOU ARE FURTHER NOTIFIED that San Altos-Lemon Grove, LLC requests that Tad Nakatami produce the documents identified in Attachment A to this Notice of Deposition and Request for Production of Documents. Dated: December <u>10</u>, 2015 OPPER & VARCO LLP Attorney for San Altos – Lemon Grove, LLC 

## **EXHIBIT A**

S. WAYNE ROSENBAUM (SBN 182456) OPPER & VARCO, LLP 2 225 Broadway, Suite 1900 San Diego, California 92101 3 Telephone: 619.231.5858 Facsimile: 619.231.5853 Email: swr@envirolawyer.com 4 5 Attorney for San Altos - Lemon Grove, LLC 6 BEFORE THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD 7 SAN DIEGO REGION 8 IN THE MATTER OF:, AFFIDAVIT IN SUPPORT OF SUBPOENA FOR 9 **Administrative Civil Liability Complaint** DOCUMENTS AND THINGS FROM TAD No. R9-2015-0110 Against San Altos - Lemon Grove, **NAKATAMI** 10 11 1. I, S. Wayne Rosenbaum, declare that I am counsel for San Altos - Lemon Grove, LLC ("San 12 Altos"), a Designated Party in the above-entitled matter. 13 On December 4, 2015, the Advisory Team for the California Regional Water Quality Control 14 Board, San Diego Region ("Advisory Team") issued the Final Hearing Procedures for ACLC R9-2015-0110. ("Final 15 Hearing Procedures"), which included a list of deadlines (the "Schedule") prior to the currently scheduled hearing 16 date of February 10, 2016. 17 3. The Schedule requires San Altos submit "All evidence (other than witness testimony to be 18 presented orally at the hearing) that the Designated Party would like the San Diego Water Board to consider" by 19 January 4, 2016. 20 4. Good cause exists for the production of the document described below because such evidence is 21 probative of the veracity of the alleged violations of the Complaint. 22 5. As an Employee of D-Max Engineering, Inc. providing on-call Storm Water inspection services 23 for the City of Lemon Grove, Tad Nakatami has, or should have, the documents described below in his possession 24 or control. 25 6. The exact documents to be produced include: 26 27 28 AFFIDAVIT IN SUPPORT OF SUBPOENA FOR DOCUMENTS AND THINGS FROM TAD NAKATAMI

All records and documents, including, but not limited to, inspection reports, notices of a. 1 violation, administrative citations, stop work notices, correct work notices, field notes, photographs, audio 2 or video recordings, phone logs, and internal communications, including emails, related to inspections that 3 occurred at the San Altos - Lemon Grove, LLC Valencia Hills Construction Site on the following dates: 4 December 1, 2014 5 December 2, 2014 6 December 3, 2014 7 8 December 4, 2014 9 December 5, 2014 December 6, 2014 10 11 December 7, 2014 December 8, 2014 12 December 9, 2014 13 December 11, 2014 14 December 12, 2014 15 December 15, 2014 16 December 16, 2014 17 December 17, 2014 18 December 31, 2014 19 January 6, 2015 20 January 7, 2015 21 January 8, 2015 22 January 9, 2015 23 January 10, 2015 24 January 11, 2015 25 January 12, 2015 26 27

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1	January 13, 2015
2	March 1, 2015
3	March 18, 2015
4	March 19, 2015
5	March 20, 2015
6	March 21, 2015
7	March 22, 2015
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10	March 25, 2015
11	March 26, 2015
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13	March 28, 2015
14	March 29, 2015
15	March 30, 2015
16	March 31, 2015
17	April 1, 2015
18	May 8, 2015
19	May 9, 2015
20	May 10, 2015
21	May 11, 2015
22	May 12, 2015
23	May 13, 2015
24	May 14, 2015
25	May 15, 2015
26	September 15, 2015
27	
28	A FEIDAVIT IN SUPPORT OF SURPORNA FOR DOCUMENTS AND THINGS FROM TAD NAK ATAMI

October 5, 2015

- b. Any additional records and documents, including, but not limited to, inspection reports, notices of violation, administrative citations, stop work notices, correct work notices, field notes, photographs, audio or video recordings, phone logs, and internal communications, including emails, related to inspections that occurred at the San Altos Lemon Grove, LLC Valencia Hills Construction Site, regardless of whether or not the inspection led to the issuance of a formal report, notice, or citation from Mr. Nakatami and/or the City of Lemon Grove to San Altos Lemon Grove, LLC from March 6, 2014 to October 19, 2015.
- c. Any documents, contracts, work orders, requests for services, communications or records thereof including but not limited to emails, or invoices related to inspections, testing, report writing, or materials related to services rendered by D-Max Engineering, Inc. on behalf of the City of Lemon Grove that involved or affected the San Altos Lemon Grove, LLC Valencia Hills Project Site during the period of March 6, 2014 through October 19, 2015.
- d. A copy of Mr. Nakatami's curriculum vitae listing his education, qualifications, and experience.
- 7. Emails, writings, or photographs should be provided in both printed and digital formats. Audio or video recordings may be provided in conventional formats accessible on personal computers without the assistance of specialized software.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 10th of December, 2015.

S. Wayne Rosenbaum

Attorney for San Altos - Lemon Grove, LLC

## BEFORE THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

	SUBPOENA FOR ADJUDICATIVE ACTION	
ATTO	RNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA (name, address, and telephone no.):	FOR REGIONAL WATER BOARD USE ONLY
Opper Phone	yne Rosenbaum, Esq. r & Varco LLP 225 Broadway, Suite 1900, San Diego, CA 92101 e: (619) 231-5858 Fax: (619) 231-5853 E-Mail: swr@envirolawyer.com	
REPF	RESENTING: San Altos - Lemon Grove, LLC	
TITLE	E OF THE PROCEEDING:	
	nistrative Civil Liability Complaint 9-2015-0110	
	SUBPOENA RE HEARING	
	SUBPOENA DUCES TECUM	
THE	PEOPLE OF THE STATE OF CALIFORNIA, TO (name): TAD NAKATAMI	
1.	YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you named in item 3:	ou make special agreement with the person
a.	Date: December 29, 2015 Time: 8:30 AM PST	
b.	Address: 225 Broadway, Suite 1900, San Diego, CA 92101	
2,	AND YOU ARE:	
	<ul> <li>a. Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs. Not required to appear in person if you produce the records described in the accompany sections 1560 and 1561. (Wat. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs., c. Ordered to appear in person and to produce the records described in the accompanying affor or other qualified witness and the production of the original records is required by this substance (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6.)</li> </ul>	ring affidavit in compliance with Evidence Code it. 23, § 649.6.) idavit. The personal attendance of the custodian pena. The procedure authorized by subdivision
3.	IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE FOR YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON EAPPEAR:	OU TO APPEAR, OR IF YOU WANT TO BE BEFORE THE DATE ON WHICH YOU ARE TO
a.	Name: S. Wayne Rosenbaum b. Telephone number: (619) 23	1-5858
	(Gov.	Code, § 11450.20(a); Code Civ. Proc., § 1985.2.)
4.	WITNESS FEES: You are entitled to witness fees and mileage actually traveled, both ways person who serves this subpoena or from the person named in item 3. (Wat. Code, §§ 1081 seq.; Code Civ. Proc., §§ 1986.5, 2065.)	, 1083, 1084; Gov. Code, §§ 11450.40, 68070 et
5.	If you object to the terms of this subpoena, you may file a motion for a protective order in made within a reasonable period after receipt of the subpoena, and shall be made with writing upon all parties attached. In response to your motion, the hearing officer may make an order, or directing compliance with it, or may make any order needed to protect the parties of demands, including unreasonable violations of the right to privacy. (Gov. Code, § 11450.35)	tten notice to all parties, with proof of service ler quashing the subpoena entirely, modifying r witnesses from unreasonable or oppressive D.) (Send motions to: San Diego Regional Water

Quality Control Board, 2375 Northside Drive, Suite 100, San Diego, CA 92108, Attn: David Gibson, with copies to all parties and to Catherine George Hagan, State Water Resources Control Board, Office of Chief Counsel, c/o San Diego Water Board, 2375 Northside Drive, Suite 100, San Diego, CA 92108.)

DISOBEDIENCE OF THIS SUBPOENA MAY CAUSE YOU TO BE LIABLE FOR CONTEMPT AND OTHER PENALTIES PROVIDED BY LAW

(Wat. Code, §§ 1090-1097; 23 CCR §648.8; Gov. Code, §§ 11450.20(b), 11455.10-11455.30.)

(signature)

Dated: December 10, 2015

Name: S. Wayne Rosenbauk

Partner - Opper & Varco LLP Attorney for San Altos - Lemon Grove, LLC

PROOF OF SERVICE OF SUBPOENA (Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987,5, 1988, 1989, 2015.3, 2015.5.)						
1. I served this subpoena subpoena duces tecum and supporting affidavit by:						
personally delivering a copy to the person served as follows:						
a. Person served (name):	b. Date of delivery:					
c. Address where served:	d. Time of delivery:					
e. Witness fees and mileage both ways (check one);	f. Fees for service.					
(1) were paid. Amount: \$	Amount: \$					
delivering true copies thereof by certified mail, return receipt requested, to the address as shown below.  delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below.  delivering true copies thereof enclosed in a sealed envelope to a mail delivery service for overnight delivery to the address as shown below. [Specify name of mail service and tracking no.:  Other method allowed by Gov. Code §11440.20. Specify:						
Address where served:						
2. I certify that I received thissubpoenasubpoena duces tecum for service on						
	Date					
I declare under penalty of perjury under the laws of the State of California that the foregoing is true at Date    at (place)   , California that the foregoing is true at (place)	Signature					
(For California sheriff, marshal, or constable use only) I certify that the foregoing is true and correct and that this certificate is executed on: Date   at (place)	Signature a					

NOTE: THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE REGIONAL WATER QUALITY CONTROL BOARD. THE COPY PROVIDED TO THE REGIONAL WATER QUALITY CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: San Diego Regional Water Quality Control Board, 2375 Northside Drive, Suite 100, San Diego, CA 92108: Attn David Gibson, with copies to all parties and to Catherine George Hagan, State Water Resources Control Board, Office of Chief Counsel, c/o San Diego Water Board, 2375 Northside Dr., Suite 100, San Diego, CA 92108.)

1 S. WAYNE ROSENBAUM (SBN 182456) OPPER & VARCO, LLP 2 225 Broadway, Suite 1900 San Diego, California 92101 3 Telephone: 619.231.5858 Facsimile: 619.231.5853 Email: swr@envirolawyer.com 4 5 Attorney for San Altos - Lemon Grove, LLC 6 BEFORE THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD 7 SAN DIEGO REGION 8 IN THE MATTER OF:, AFFIDAVIT IN SUPPORT OF SUBPOENA FOR 9 Administrative Civil Liability Complaint DOCUMENTS AND THINGS FROM TAD No. R9-2015-0110 Against San Altos - Lemon Grove, **NAKATAMI** 10 LLC 11 1. I, S. Wayne Rosenbaum, declare that I am counsel for San Altos - Lemon Grove, LLC ("San 12 Altos"), a Designated Party in the above-entitled matter. 13 On December 4, 2015, the Advisory Team for the California Regional Water Quality Control 14 Board, San Diego Region ("Advisory Team") issued the Final Hearing Procedures for ACLC R9-2015-0110.("Final 15 Hearing Procedures"), which included a list of deadlines (the "Schedule") prior to the currently scheduled hearing 16 date of February 10, 2016. 17 3. The Schedule requires San Altos submit "All evidence (other than witness testimony to be 18 presented orally at the hearing) that the Designated Party would like the San Diego Water Board to consider" by 19 January 4, 2016. 20 4. Good cause exists for the production of the document described below because such evidence is 21 probative of the veracity of the alleged violations of the Complaint. 22 5. As an Employee of D-Max Engineering, Inc. providing on-call Storm Water inspection services 23 for the City of Lemon Grove, Tad Nakatami has, or should have, the documents described below in his possession 24 or control. 25 6. The exact documents to be produced include: 26 27 28 AFFIDAVIT IN SUPPORT OF SUBPOENA FOR DOCUMENTS AND THINGS FROM TAD NAKATAMI

All records and documents, including, but not limited to, inspection reports, notices of 1 a. violation, administrative citations, stop work notices, correct work notices, field notes, photographs, audio 2 or video recordings, phone logs, and internal communications, including emails, related to inspections that 3 occurred at the San Altos – Lemon Grove, LLC Valencia Hills Construction Site on the following dates: 4 December 1, 2014 5 December 2, 2014 6 December 3, 2014 7 8 December 4, 2014 9 December 5, 2014 December 6, 2014 10 11 December 7, 2014 December 8, 2014 12 December 9, 2014 13 December 11, 2014 14 December 12, 2014 15 December 15, 2014 16 December 16, 2014 17 December 17, 2014 18 December 31, 2014 19 January 6, 2015 20 January 7, 2015 21 January 8, 2015 22 23 January 9, 2015 January 10, 2015 24 January 11, 2015 25 January 12, 2015 26 27

28

1	January 13, 2015
2	March 1, 2015
3	March 18, 2015
4	March 19, 2015
5	March 20, 2015
6	March 21, 2015
7	March 22, 2015
8	March 23, 2015
9	March 24, 2015
10	March 25, 2015
11	March 26, 2015
12	March 27, 2015
13	March 28, 2015
14	March 29, 2015
15	March 30, 2015
16	March 31, 2015
17	April 1, 2015
18	May 8, 2015
19	May 9, 2015
20	May 10, 2015
21	May 11, 2015
22	May 12, 2015
23	May 13, 2015
24	May 14, 2015
25	May 15, 2015
26	September 15, 2015
27	
1	

28

October 5, 2015

- b. Any additional records and documents, including, but not limited to, inspection reports, notices of violation, administrative citations, stop work notices, correct work notices, field notes, photographs, audio or video recordings, phone logs, and internal communications, including emails, related to inspections that occurred at the San Altos Lemon Grove, LLC Valencia Hills Construction Site, regardless of whether or not the inspection led to the issuance of a formal report, notice, or citation from Mr. Nakatami and/or the City of Lemon Grove to San Altos Lemon Grove, LLC from March 6, 2014 to October 19, 2015.
- c. Any documents, contracts, work orders, requests for services, communications or records thereof including but not limited to emails, or invoices related to inspections, testing, report writing, or materials related to services rendered by D-Max Engineering, Inc. on behalf of the City of Lemon Grove that involved or affected the San Altos Lemon Grove, LLC Valencia Hills Project Site during the period of March 6, 2014 through October 19, 2015.
- d. A copy of Mr. Nakatami's curriculum vitae listing his education, qualifications, and experience.
- 7. Emails, writings, or photographs should be provided in both printed and digital formats. Audio or video recordings may be provided in conventional formats accessible on personal computers without the assistance of specialized software.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 10th of December, 2015.

S. Wayne Rosenbaum

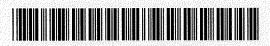
Attorney for San Altos - Lemon Grove, LLC



Job: 598613









## CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

## NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: _	TAD	NAKA	TAN!	Tell	12/0	14 1	Oopm
Inspection: 🗡 Permit-Required Inspection	on	□ Foll	ow-up l	nspection	□ Other	(Explain)_	
Construction Project Priority:		# Hig	h	A Medium	□ Low	6866	EXHIBIT
GENERAL INFORMATION						00-631-6	2
Grading or Building Permit #:	1697	2				NGAD 80	EXHIBIT 2 Jakatan
Project Name & Type: VALENCIA	SUBDIN	VISION	ر			E ( - 1	varatan
Project Location & Address: SAN AL	Tos 1	PLACE					
Contractor's Name & Telephone #: AN	DERSON	DE	VELO	PMENT (94	9) 275-	6739	
Property Owner & Telephone #: And Is this Project Greater than an Acre?	N ALTO	S LC			, ,	Yes □ N	
If yes: Provide Record of Waste Dischard Does this Project have an NOI/SWPPP	ge Identi Available	ification e?	Numb	er (WDID#): _	937c]	Yes D	No DN/A
Is Weather Triggered Action Plan Compl	eted?				[	Yes 🗆 N	NO BNA
Is Advanced Treatment Implemented Ap	propriate	ely?			[	Yes 🗆 🏗	No DNA
Is More than 17 Acres of Cleared or Gra	ded Are	as Left	Expose	ed at Any Give	n Time?	Yes 🗆 N	No DN/A
Is 125% of Materials to Install Standby B				-		Yes 🕅	
Are Routine Self-Inspections Being Cond				)wner?		Yes 🗆 l	
Project Site is in What Sub-Watershed: Nearest Conveyances or Water Bodies:	₩ Cho	ollas Cr	eek 90	8.22	□ Swee	twater Riv	er 909.12
ВМР	Yes	No	N/A	Descript	ion/Explan	ation	Effective Yes/No
Soil St	abilizatio	on and	Erosion	Prevention			
Preservation of existing vegetation?			×				
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	×			Gallies thro-	ended, wither	hydrose as	No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching		X				8	
Site Drainage: Outlet Protection/Slope Drain		×					
Inlet/Outlet Protection		17					
	ediment	Contro	I/Conta	Additional City	r rolls needle	ul	a /
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	×			an western			No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier		X					

ВМР	Yes	No	N/A	Description/Explanation	Effective Yes/No				
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			Ne entranço lacks stabilization	No.				
Materia	als and	Equipn	nent Ma	nagement					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes				
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X	-		stackpiles	No				
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes				
Are appropriate spill response and containment measures kept on the site?	×				Tes				
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×				Yes				
Are concrete washouts properly installed, maintained with no evidence of discharges.	×				Ye S				
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes				
No	Non-Storm Water Management								
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes				
	Disch	narge L	ocatio	าร					
Are the discharge locations free of significant erosion or sediment transport?		×		Large amount of sediment	No				
		Othe	r						
Are there any other potential storm water pollution issues/concerns?	×			Roadways within project are wright lived and that signs of erasion	No				
Was there any employee or subcontractor training on stormwater BMPs?			X						
VIOLATIONS  ☐ No violations noted at time of insp  ☒ No violations; however, recomme  ☒ Inspection Form as Corre  ☐ Violation: Illegal Discharge/Illegal  ☐ Stop Work Notice Issued	nded co ct Work Conne	orrectiv Notice	e actio	rrect Work Notice Issued on:					
RECOMMENDED CORRECTIVE ACTION Add eyosira controls to a	11 cres		nact,	ve for le days, includi	nor				
roadasys not coverely i	- use	-							
· Cover Epiotect stockpiles				1	***************************************				
- Repair/protect gullios that ha	ue f	ornec	1 .01	slopes					
	orner	50 1	,	s not flow toward damaged	wall				
· Install check dams of stabal, eation	***************************************			prov to rang					

	Construction BMP Recommendations
5	ite: VALENCIA SUBDIVISION Date: 12/9/14
I	Recommendations:
	Add erosion control to road segment (ag northern corner) the
	are not in use. Can be hydroseeded or stabilized
	with gravel.
9	For roads that are in use, add check dams prior to
	rain Evance proper installation to prevent rills from formi
	underneath Bup if using filter rolls
,	Repair A gellies in slopes on edges of pads. May conside
	using erusion control dankets"
	A couple pads on western side do not appear hydrosee
	Add hydroseed or other erosion control
	Cover & protect stackpiles. Some stockpiles near
	entrance are only partially covered others to the west
	are completely uncovered
,	Ensure that enough Borp materials are kept on site, Not
	enough fiber rolls were on site
4	Redirect flow along the southern cide of site. It current
	is cousing evosion along the road and directs flow to
	a damaged wall. Direct away from wall and break up
	flow with check dams to prevent erosion
	Sweep road to remove sediment
_	
_	



ob: 598613









## CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

## NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

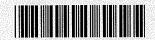
	Inspector Name /Signature/Date/Time:	AD	NAK	4TAN	11/ TVa	E/12	1/11/14	9:00AN	1
	Inspection:   Permit-Required Inspection		≱Folk	ow-up l	nspection	☐ Other	(Explain)_		
	Construction Project Priority:		□ High	n	Medium	□ Low	88	EXHIBIT	5
G	ENERAL INFORMATION						9-631-6	2	7
	Grading or Building Permit #:Gr	- 16	92				PENGAD 800-631-6989	Vakatai	17
	Project Name & Type: VALENCIA	5	UBD	11151	ON		A. N.	Vaccatai	4
	Project Location & Address: SAN ALT	65 P	LACE						
	Contractor's Name & Telephone #: AND		DI	EVEL	SPMENT	(949) 2	75-67	39	
	Property Owner & Telephone #:						⊠Yes □ N		
	If yes: Provide Record of Waste Discharge	e Identi	ication	Numb	er (WDID#): _	937c	369143		
	Does this Project have an NOI/SWPPP Av	/ailable	?				¥Yes □ N	No □N/A	
	Is Weather Triggered Action Plan Complete	ted?					□ Yes □ N	No XN/A	
	Is Advanced Treatment Implemented Appr	ropriate	ly?				□ Yes □ N	No XN/A	
	Is More than 17 Acres of Cleared or Grade	ed Area	s Left	Expose	ed at Any Give	en Time?	□ Yes 💢 🏗	No □N/A	
	Is 125% of Materials to Install Standby BM	IPs Ava	ailable?	•			□ Yes 💢	No □ N/A	
	Are Routine Self-Inspections Being Condu	icted by	/ Devel	loper/C	wner?		□ Yes □ I	No □N/A	
	Project Site is in What Sub-Watershed:	<b> ∑</b> Cho	llas Cr	eek 90	8.22	□ Swee	etwater Riv	er 909.12	
	Nearest Conveyances or Water Bodies: _								
	BMP	Yes	No	N/A	Descript	ion/Expla	nation	Effective	
				\$100 PM		JOINEXPIA	near on	Yes/No	
		bilizatio	n and E		Prevention			T .	-
	Preservation of existing vegetation?			X	Gullies & u	netabilize	& parks		-
	Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	×			still not	addressed	1	No	
	Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	*			some plastic	sheets add	ed but	No	
	Site Drainage: Outlet Protection/Slope Drain		X						_
	Inlet/Outlet Protection	7.				ection con	below	No	$\dashv$
		diment	Control	/Conta	·	Silver -			$\dashv$
1	Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Additional placed on	filmer rul	yet not	No	
	Storm Drain inlet protection: Sediment Trap,				Per discussion	w/contra	ctor, they		1
	De-silting Basin, Gravel Bag Barrier	X			still need to	ection J	welling.	N.	

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			at entrance still not stabilized but not concrety	No
Materia	als and	Equipn	nent Ma	inagement	
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	×				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	×	, i.e		all stockpiles	No
Are heavy equipment and vehicles parked in designated areas with permeable surface?	×				Tes
Are appropriate spill response and containment measures kept on the site?	×				Ks
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, házardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X			r	Tes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×				Yes
No	n-Storn	Water	Manag	gement	,
Is the site free of evidence of illegal connections and/or illicit discharges?	K				Yes
	Disch	narge L	ocation		1
Are the discharge locations free of significant erosion or sediment transport?		X		still need to clean sediment on Akins	No
	1	Othe	r		T
Are there any other potential storm water pollution issues/concerns?	*			still needed	No
Was there any employee or subcontractor training on stormwater BMPs?			7		
□ Violation: Illegal Discharge/Illegal □ Stop Work Notice Issued  RECOMMENDED CORRECTIVE ACTION  FLOU ALONG SOUTHERN  REDIRECTED APAY FROM	nded co ct Work Conne on:	Notice ction/Ir	e actio	Trect Work Notice Issued on:  TREAT BEEN  ALL OTHER CORRECT	1
ACTIONS FROM THE 12	/9/14	Ins	PECT	ION HAVE NOT YET	
DESCRIPTION OF CORRE				INSPECTION FOR FULL	Tes  Yes  Yes  Yes  Yes  Yes  Yes  Yes



ob: 598613





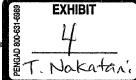




CITATION CARD-OWNER



# Exhibit No. 6 CITY OF LEMON GROVE ADMINISTRATIVE CITATION



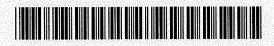
A) TYPE OF Y	VIOLATION					MT. Nakata
Circle One:	(Warning)	1 <sup>st</sup> Citation \$100	2 <sup>nd</sup> Citation \$200	3 <sup>rd</sup> Citation \$500	4 <sup>th</sup> Citation \$1,000	
Payment of \$_ The City accep	is due notes cash, check of	o later than credit card.	and the second s		to the City of I	emon Grove.
above, the ne assessed (25	ext level of citation	n may be issue It the rate of 10	specified therein d, other enforcen % per month). P v.	nent actions may	occur, and pen	alties may be
B) RESPONS	SIBLE PARTY INI	FORMATION				
Person Cited:	<u> </u>	deesow st Name)		***************************************	lim (First Name	) (e
Circle One:	Property Owne	Tenant	Business	Owner Øli	3 - 5:6 Rs	2/4565555
Mailing Addres	ss: <u>3/94-</u>	<u> 62 Ai</u>	year Loop	<u>Duise</u>	11/03/25	A Maraya
	ne (if applicable):	D, , , , Co	yte Mega,	CA 9262	<u> </u>	
			Eparces The	1 Downey,	Car Enter	coned EV
•	N(S) INFORMAT	/ /		, .		
Date (Violation	n Observed):	12/11/17	<i>у</i>	ime (Violation Ob	served): 🌱 ' 🕫 ಲ	- 5:00 ( H. )
		o San Al:	tos, 66/1/	whereia		
Malatian/al Of	haanind (Cada Sc	Street) Street Ann Annai	Addréss) *		(APN)	
B. 48	060 18	08.560	In ude,	ELLE BM	P'S - Sec	
18,08.	170		utacles!	inspection	. Repowts	
18.0B«		III-TARETRAMENTO CONTRACTOR DE				
In.	atall, B.M.	17 12:3	complete correct Reconnect Surplus	de hours	7 12/	15/14 200 t.M.
E) SERVICIN	IG CITATION INF	ORMATION			*\	
Enforcing Offic	cer Name Line Lat	Phor 6/9	ie No. <u>&amp; z. <i>5- 3</i> &amp; 2.5*</u> _	Signature		Date / 2 / 4 / 14
	– Signature Ackn					
Citation Serve	ed (circle one):	In Person	8y Mail	/EmiPosted	on Property	(Date)
appeal, a Req In the event a	juest an Appeal H Hardship Waiver	earing form (ava is requested, the	lays from date of c llable at City Hall) Request for an A ion date identified	should be comple ppeal Hearing and	ted and returned	to City Hall.

PINK-COPY

WHITE-ORIGINAL



ob: 598613



## D-MAX Engineering, Inc.



### Consultants in Water & Environmental Sciences

### Memo

Date: December 12, 2014

To: Malik Tamimi Cc: Tad Nakatani

From: John Quenzer

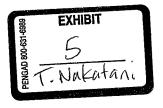
Subject: December 12, 2014 Sampling at Valencia Construction Site

Per the City's request, D-MAX collected samples of runoff from the Valencia construction site. Samples were taken at the Akins Avenue and San Altos Place entrance/exit locations to the site (sites Valencia\_Akins and Valencia\_SanAltos, respectively). A sample of runoff from a residential portion of Lemon Grove flow south/southwest toward the San Altos entrance exit was also taken to assess background conditions (site Background\_SanAltos). Because gravel bags were noted along Akins Avenue from the site discharge point down to the nearest storm drain inlet, a sample was also taken downstream of the last set of gravel bags, just before the water entered the inlet (site Akins\_Inlet). Figure 1 and photos 1 through 3 show the sampling locations.

Each sample was collected and analyzed for turbidity using a calibrated field meter. Most of the site runoff appears to be discharging via the Akins Avenue discharge point (Valenica\_Akins). Note that two different samples were taken from site Valencia\_Akins, about an hour apart, to see if runoff characteristics would vary over time. Only a minimal difference in turbidity was observed between the two samples. The sample taken at the inlet along Akins Avenue (Akins\_Inlet) had somewhat lower turbidity, likely due to the use of gravel bags along the curb between the site and the inlet, but the turbidity levels were still not substantially lower. Results are summarized in the table below, and photos of the samples in clear containers are presented as photos 4 through 6.

Table 1. Sampling Results

Site	Sample Date	Sample Time	Turbidity (NTU)
Valencia_Akins	12/12/2014	11:05	505
Background_SanAltos	12/12/2014	11:26	18.73
Valencia_SanAltos	12/12/2014	11:27	427
Valencia_Akins	12/12/2014	11:55	513
Akins_Inlet	12/12/2014	11:58	477



Sampling at Valencia Construction Site December 12, 2014 Page 2 of 4





Figure 1. Sampling Locations



Photo 1. Site Valencia\_Akins

Sampling at Valencia Construction Site December 12, 2014 Page 3 of 4





Photo 2. Sites Valencia\_SanAltos (red arrow) and Background\_SanAltos (yellow arrow)

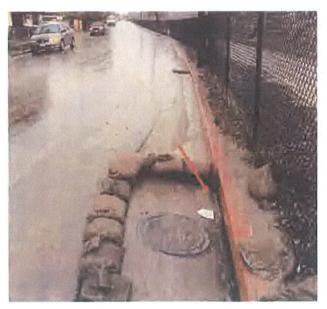


Photo 3. Site Akins\_Inlet

Sampling at Valencia Construction Site December 12, 2014 Page 4 of 4





Photo 4. First Sample (11:05) from Site Valencia\_Akins



Photo 5. Samples from Sites Background\_SanAltos (left) and Valencia\_SanAltos (right)



Photo 6. Second Sample from Site Valencia\_Akins (11:58, left) and Sample from Site Akins\_Inlet (right)



ob: 598613





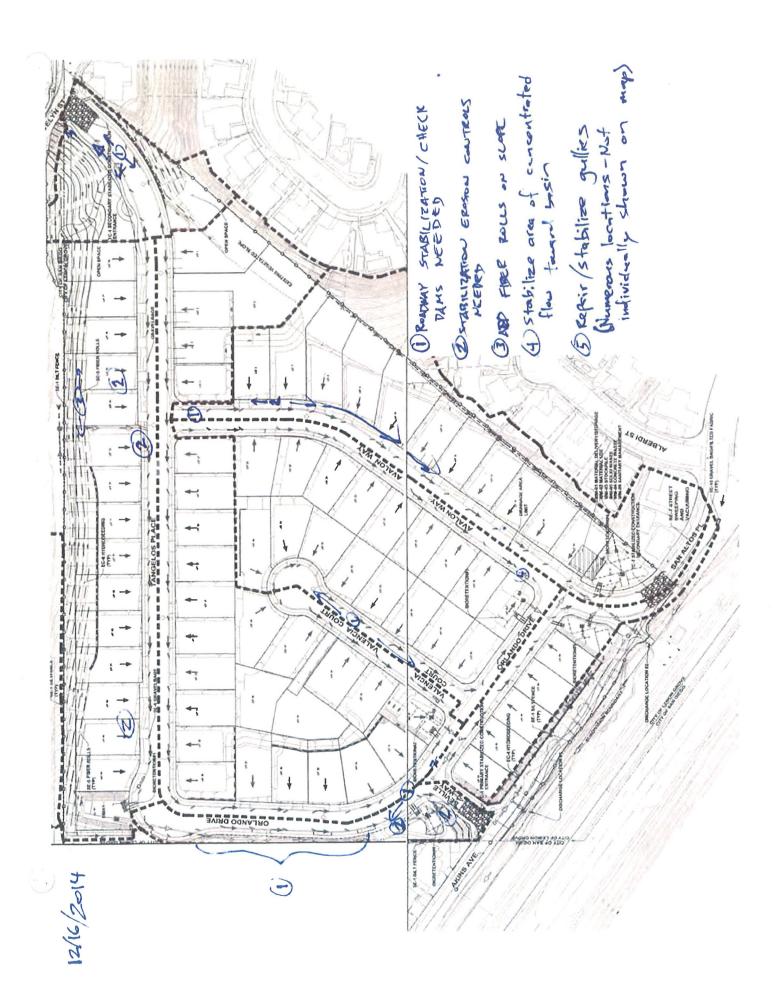
## CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

## NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time:	TAD	NAKAT	ANI	The	12/16/14	12:25
Inspection:   Permit-Required Inspection	n	& Follo	w-up l	nspection	□ Other (Expla	in)
Construction Project Priority:		□ High		™Medium	□ Low	
GENERAL INFORMATION					6869-1	akatani
Grading or Building Permit #:G -	169	7			800-63	6
Project Name & Type: \/\LENCIA			ON		ENGAD	1-1-1
Project Location & Address: SAN AL	TOS	PLA	Œ		a 1 - 10	acatani
Contractor's Name & Telephone #: AND				PMENT	(949) 275-	6739
				ATTICK!		
Property Owner & Telephone #:	ALI	05 00			'D-Yes	□ No □ N/A
If yes: Provide Record of Waste Discharg	a Idar	atification	Numb	er (WDID#):	/	
Does this Project have an NOI/SWPPP A	vailab	le?	Numb	Ci (VVDIDII).	≝Yes	□ No □ N/A
Is Weather Triggered Action Plan Comple	eted?				□ Yes	□ No □NA
Is Advanced Treatment Implemented App	oropria	itely?			□ Yes	□ No MN/A
Is More than 17 Acres of Cleared or Grad	led Ar	eas Left E	Expose	ed at Any Gi	ven Time? □ Yes	ßNo □N/A
Is 125% of Materials to Install Standby BN					□ Yes	
Are Routine Self-Inspections Being Cond				)wner?	Yes	□No □N/A
		hollas Cre			□ Sweetwater	
Project Site is in What Sub-Watershed: Nearest Conveyances or Water Bodies: _						
		The second				Effective
BMP	Yes	No No	N/A	Descri	ption/Explanation	Yes/No
Soil Sta	ıbilizat	tion and E	rosior	Prevention		
Preservation of existing vegetation?			×			
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	×			Some pods	ullies still unprotect	ted No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	×			some play	rtic covers need	led No
Site Drainage: Outlet Protection/Slope Drain		7:				
Inlet/Outlet Protection	1	7.				
Se	dimer	nt Control	/Conta	inment		
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X	7.		Addition of protect for	perimeter & slape till needed \$60 or west side	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	<b>×</b>				1113	Yes

ВМР	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			WE ENTRANCE PETETEPLY WILL MUT BE USED FOR VEHICLES, GRATE LECKED & GRAVEL PAGES PLAKED	YES
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	×				YES
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	*	,			<b>E</b> 5
Are heavy equipment and vehicles parked in designated areas with permeable surface?	×				Yes
Are appropriate spill response and containment measures kept on the site?	×				res
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	>			1	res
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	×			but high turbidity during previous storm	YES
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		×		on Akins	No
Other  Are there any other notential storm water at the storm water at the storm water and the storm water at the storm water a					
Are there any other potential storm water pollution issues/concerns?	X			downs in complete	No
Was there any employee or subcontractor training on stormwater BMPs?			×	No. of Se of Steal	
VIOLATIONS  ☐ No violations noted at time of inspection/investigation  No violations; however, recommended corrective actions required  ☐ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on:  ☐ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation  ☐ Stop Work Notice Issued on:  ☐ STOP WORK ADMIN. CITATION					
* APD EROSION CONTROLS TO STABILIZE REMAINING PADS, SLOPES AT					
EDGES OF PADS AND AREA NEAR ENTRANCE ON AKING					
·ADD FIBER POLIS ON SLOPES ON WESTERN EDGE					
· REPAIR & STABILIZE GULLIES THROUGHOUT SITE					

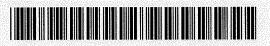




Job: 598613







### John Quenzer

From: Sent:

Malik Tamimi [mtamimi@lemongrove.ca.gov] Tuesday, December 16, 2014 10:53 AM

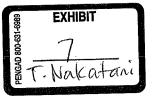
To:

jquenzer@dmaxinc.com 'Tad Nakatani'

Cc: Subject:

Valencia

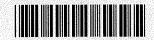
John....we would like the follow-up inspection today so that we can attach it to our enforcement letter that we will be drafting today. Tad can do the inspection on his own unless he really needs to talk to Gary or needs Gary to accompany him. Also, can you be on standby to conduct the same turbidity monitoring if it rains tomorrow? Thank you -Malik





Job: 598613







## D-MAX Engineering, Inc.

Consultants in Water & Environmental Sciences



### Memo

Date: December 17, 2014

To: Malik Tamimi

Cc: Tad Nakatani; John Quenzer

From: Brian Nemerow

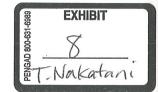
Subject: December 17, 2014 Field Visit at Valencia Construction Site

Per the City's request, D-MAX visited the Valencia construction site on the morning of December 17, 2014, following a storm earlier in the morning. Rain had ended a few hours prior to the site visit, and no runoff was observed flowing out from the construction site at the Akins or San Altos entrance/exit locations at the time of the site visit.

Evidence of sediment discharge was observed at the Akins entrance/exit location (Photos 1 and 2) and along the curb farther downstream (Photo 3). A crew from Downstream Services was power washing the curb along Akins to remove accumulated sediment (Photos 4, 5, and 6). This indicates that there likely had been a noticeable sediment discharge earlier in the day. Based on talking with the crew, our understanding is that they were working on behalf of the Valencia project, and they also planned to use a vactor truck to remove accumulated sediment from the downstream storm drain on Akins. The crew was taking measures to prevent discharge of water from power washing, including using a vactor truck to reclaim the water, but a small amount of water was observed discharging to the inlet along Akins. The water was seeping through gravel bags around the inlet and discharge to the storm drain. A sample of the power washing discharge water was collected, and turbidity was measured at 52 NTU.



Figure 1. Observation Locations



Field Visit at Valencia Construction Site December 17, 2014 Page 2 of 4





Photo 1. Evidence of sediment discharge at Akins entrance/exit



Photo 2. Evidence of sediment discharge at Akins entrance/exit

Field Visit at Valencia Construction Site December 17, 2014 Page 3 of 4





Photo 3. Sediment accumulation along Akins curb gutter, downstream of Akins entrance/exit



Photo 4. Power washing activity performed by Downstream Services

Field Visit at Valencia Construction Site December 17, 2014 Page 4 of 4



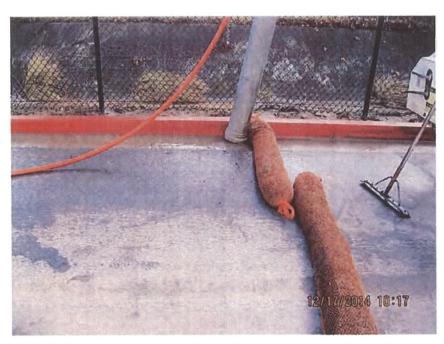


Photo 5. Power washing activity performed by Downstream Services

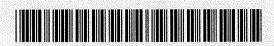


Photo 6. Power washing activity performed by Downstream Services



Job: 598613

**Exhibit: 00009** 



## D-MAX Engineering, Inc.





### Memo

Date: December 31, 2014

To: Leon Firsht, Malik Tamimi

Cc: Tad Nakatani

From: John Quenzer

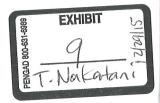
Subject: December 31, 2014 Field Visit at Valencia Construction Site

D-Max visited the Valencia construction site on the morning of December 31, 2014, following a storm earlier the previous night. Rain had ended a few hours prior to the site visit, and no runoff was observed flowing out from the construction site at the time of the site visit.

Ponded water was observed at the Akins Avenue entrance/exit location and behind several sets of gravel bags installed along Akins Avenue. Samples were collected from the ponded water at the Akins Avenue entrance/exit (Photo 1) and from ponded water behind the first set of gravel bags downstream of the Akins Avenue exit/entrance (Photos 2 and 3). Turbidity was measure at 250 NTU in the first sample (Akins entrance/exit), and 235 NTU in the second sample (first set of gravel bags along Akins).

Some sediment had settled out at the bottom of the pools of water in both of the locations at which samples were collected, and care was taken not to disturb the settled sediment when samples were taken. Note that because water had been pooled and sediment had settled out over time, the turbidity results as given above are likely lower than the turbidity of the discharge that had occurred earlier when it was raining. To approximate that effect, the settled sediment at the Akins entrance/exit location was disturbed, and a sample was taken a few minutes later. The turbidity of that sample was 998 NTU.

Observations farther downstream along the curb indicated that in some places sediment had been conveyed around gravel bag installations. Photo 4 gives an example of this. Sediment accumulation was also noted along Akins Avenue, close to the storm drain inlet.



Field Visit at Valencia Construction Site December 17, 2014 Page 2 of 5





Figure 1. Map of Site and Immediate Vicinity



Photo 1. Ponded Water at Akins Avenue Entrance/Exit

Field Visit at Valencia Construction Site December 17, 2014 Page 3 of 5





Photos 2 &3. Ponded Water at First Set of Gravel Bags Downstream of Akins Avenue Entrance/Exit (Looking downstream and upstream, respectively)

Field Visit at Valencia Construction Site December 17, 2014 Page 4 of 5





Photo 4. Evidence of Discharge Carrying Sediment around Gravel Bags along Akins Avenue

Field Visit at Valencia Construction Site December 17, 2014 Page 5 of 5



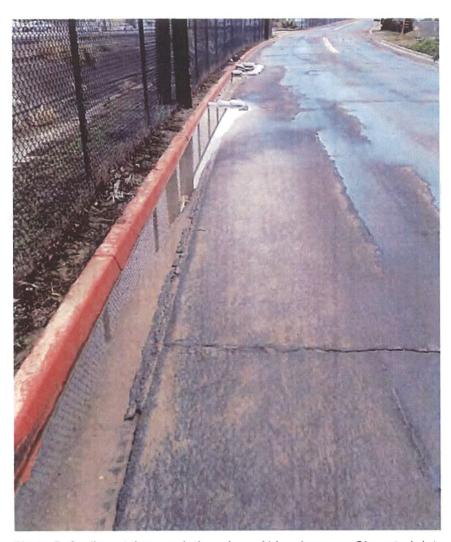
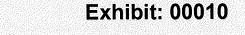


Photo 5. Sediment Accumulation along Akins Avenue, Close to Inlet



ob: 598613









### CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

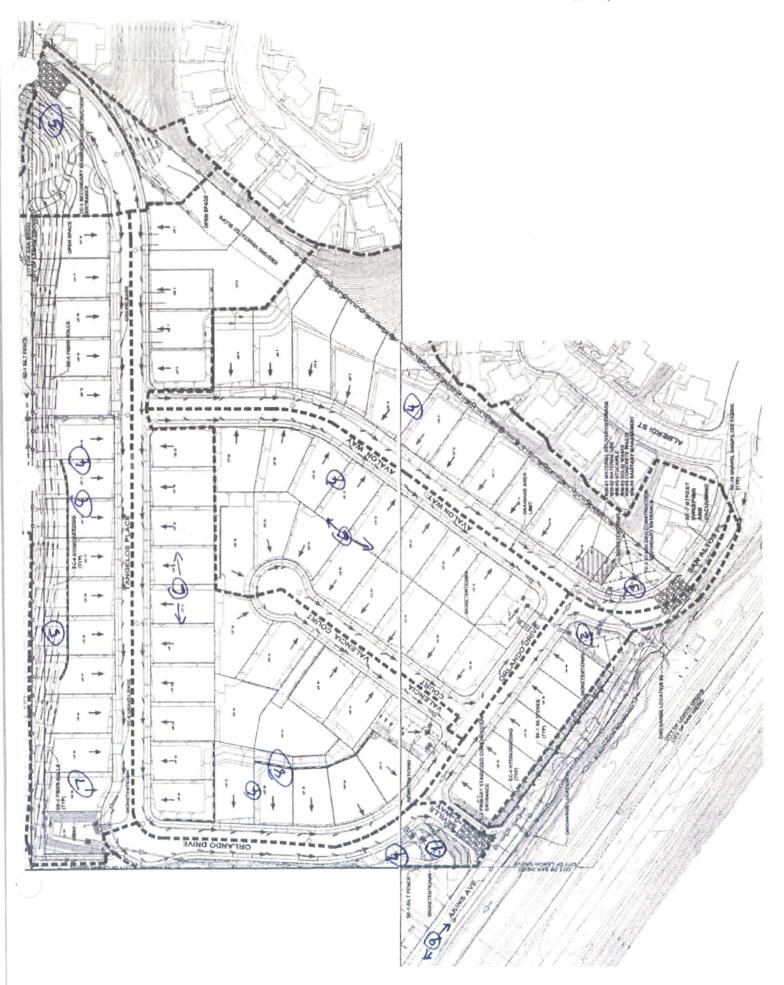
# NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time:	AD N	AKA-	TANI	TIL	5 1/6	5/15	10:30A
Inspection:   Permit-Required Inspection	n	XFollo	w-up l	Inspection	□ Other (	Explain)_	
Construction Project Priority:		□ High	)	<b>™</b> Medium	□ Low	88	EXHIBIT
GENERAL INFORMATION						PENGAD 800-631-6989	10
Grading or Building Permit #: _ GR -	169	2				3AD 80	10
Project Name & Type: VALENCIA			HON	J		E	. Nakatani
		s PL					
Contractor's Name & Telephone #: _AN					(949) 2	75-67	29
_					(111/2	13 01	-1
Property Owner & Telephone #:SAN_ Is this Project Greater than an Acre?	ALT	<i>5</i> >	LLI		8	Yes □ N	lo □ N/A
If yes: Provide Record of Waste Discharge	e Identif	fication	Numb	er (WDID#): _	13703	6914	3
Does this Project have an NOI/SWPPP Av	/ailable	?			×	Yes □ N	lo □ N/A
Is Weather Triggered Action Plan Comple	ted?					Yes 🗆 N	lo XN/A
Is Advanced Treatment Implemented App	ropriate	ely?				Yes □ N	lo EXN/A
Is More than 17 Acres of Cleared or Grade	ed Area	s Left E	Expose	ed at Any Give	n Time? □	Yes A	lo □ N/A
Is 125% of Materials to Install Standby BM	1Ps Ava	ailable?	Unclea	r: Have addition	ral silt o	Yes □ N	lo □N/A
Are Routine Self-Inspections Being Condu	iotad bi	, Dovol	tences	in stalling an	More luts	Vec DA	lo 🗆 N/A
					ACI	169 11	IO LINA
Project Site is in What Sub-Watershed:	,	llas Cre					er 909.12
Nearest Conveyances or Water Bodies: _	ENC	ANTO	CHA	NNEL TO CI	OLLAS C	PEEK	
ВМР	Yes	No	N/A	Descripti	on/Explana	ition	Effective Yes/No
Soil Stal	bilizatio	n and E	rosion	Prevention			
Preservation of existing vegetation?			×				
Physical Stabilization: Hydraulic Mulch,	×			Area near Aki	d. Several	aullies	No
Hydroseeding, Soil Binders, Straw Mulch				Aditional grand	Land Monded	of.	
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			side sidewalls	Spillway	covering	No
Site Drainage: Outlet Protection/Slope Drain		X					
Inlet/Outlet Protection		X					
	diment	Control	Conta		·/ V-	needed	
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			additional from clope or	be, vols		No
Storm Drain inlet protection: Sediment Trap,	X	1000		Fabric on drawith hydroseed	1. Bugs alon	clogged	No
De-silting Basin, Gravel Bag Barrier		-	and the same of th			not rectar	

ВМР	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X				Yes
Materi	als and	Equipn	nent Ma	anagement	
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	Χ				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			Uncovered stockpiles reported as active	Yes
Are heavy equipment and vehicles parked in designated areas with permeable surface?	×				Yes
Are appropriate spill response and containment measures kept on the site?	×				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	×				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
	on-Storn	n Water	r Manag	gement	
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
	Disch	narge L	ocation	ns	
Are the discharge locations free of significant erosion or sediment transport?	×				Yes
	1	Othe	er	stockpiles are to abset to draw	
Are there any other potential storm water pollution issues/concerns?	X			moved or removed to be	No
Was there any employee or subcontractor training on stormwater BMPs?			×	Not Discussed	
XViolation: Illegal Discharge/Illega	ended co ect Work I Conne on: <u>Oc</u>	orrective Notice ection/Ir	ve actions of the contract of	rrect Work Notice Issued on:	

## Construction BMP Recommendations

Site: VALENCIA SUBDIVISION Date: 1/6/15
Recommendations: (See MAR .N NEXT PAGE FOR LOCATIONS)
1 FULLY STABILIZE AREA. UTILIZE OTHER EKOSION
CONTROL BMPS (E.G. VISQUEPE OR EXOSION CONTROL BLANKETS)
IF HYDROSEED GROWTH IS NOT SUFFICIENT
@ CLEAN OR REPLACE FILTER FABRIC
(3) MOVE OR REMOVE STOCKPILES THAT ARE
ADJACENT TO DEAIN
(9) REPAIR GULLIES AND PREVENT CONCENTRATED
FLOW TO AREA
5 REPAIR & STABILIZE SLOPE
6 USE EROSION CONTROLS TO STABILIZE EXPOSED
SIDEWALLS. CONSIDER METHODS OTHER THAN
HYDROSEED SINCE THERE IS EVIDENCE OF FAILURE
(7) STABILIZE AREA IF INACTIVE OR RAIN IN FORECAST
@ ADD GRAVEL BAGS AT BOTTOM OF
SPILLWAY
TREPLACE GRAVEL BAGS ALONG AKINS





ob: 598613





Exhibit: 00011





### CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

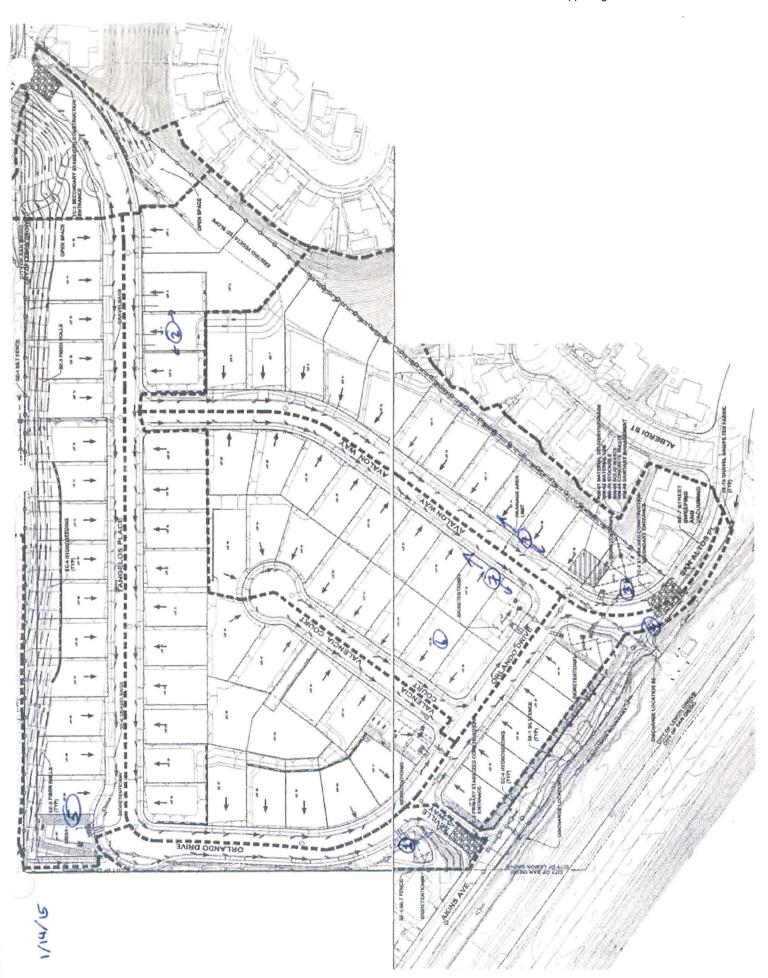
# NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

	Inspector Name /Signature/Date/Time:	DN	AKATA	INI	11th	1/14/15	7:15 AM
	Inspection:   □ Permit-Required Inspection		& Follo	w-up l	nspection	☐ Other (Explain	1)
	Construction Project Priority:		□ High	n	™Medium	□ Low	
G	GENERAL INFORMATION		_			1-6989	EXHIBIT L
	Grading or Building Permit #:GR -	169	2			PENGAD 800-631-8988	11 52
	Project Name & Type: VALENCIA	SUBD	111510	N	* * * * * * * * * * * * * * * * * * *	PENGAL	Nakatani
	Project Location & Address: SAN	ALTO	os Pl	LACE			· · · · · · · · · · · · · · · · · · ·
	Contractor's Name & Telephone #: ANDE	RSON	DEV	ELOPM	ENT (949)	275-6739	9
	Property Owner & Telephone #:SAN_ Is this Project Greater than an Acre?	ALT	os L	LC		≱Yes □	No □ N/A
	If yes: Provide Record of Waste Discharge Does this Project have an NOI/SWPPP Ava	Identi ailable	fication ?	Numb	er (WDID#): <u> </u>	37 C369143	I No □ N/A
	Is Weather Triggered Action Plan Complete	ed?				□ Yes □	No <b>⊠</b> N/A
	Is Advanced Treatment Implemented Appre	opriate	ely?			□ Yes □	No DNA
	Is More than 17 Acres of Cleared or Grade	d Area	as Left I	Expose	d at Any Given	Time? ☐ Yes 🗵	No □N/A
	Is 125% of Materials to Install Standby BMI	Ps Ava	ailable?			ĭ Yes □	No □N/A
	Are Routine Self-Inspections Being Conduc	cted by	y Devel	oper/O	wner?	₫ Yes □	No □N/A
	Project Site is in What Sub-Watershed:	ĭ Chc	ollas Cr	eek 90	8.22	☐ Sweetwater R	liver 909.12
	Nearest Conveyances or Water Bodies: E	•				AS CREEK	
	ВМР	Yes	No	N/A	Description	n/Explanation	Effective Yes/No
	Soil Stab	ilizatio	n and E	rosion	Prevention		
	Preservation of existing vegetation?			×			
	Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			remaining guilte	rills for edge	Swarker No
	Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			but a comple is	the northern pri- tection	+ No
	Site Drainage: Outlet Protection/Slope Drain		×				
	Inlet/Outlet Protection		X				
		ment	Control	/Contai	nment	ce near San Altos	
)	Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	×			prosen sin den	Poor and William	N=
	Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier						

ВМР	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×				Yes
Materia	als and	Equipn	nent Ma	anagement	
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?		λ		removed or protected	100
Are heavy equipment and vehicles parked in designated areas with permeable surface?	×				Yes
Are appropriate spill response and containment measures kept on the site?	×				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				res
Are concrete washouts properly installed, maintained with no evidence of discharges.  Is timely service and removal provided to prevent waste containers and sanitary	7				Yes
facilities from overflowing?	n-Storn	n Water	Manac	nement .	
Is the site free of evidence of illegal connections and/or illicit discharges?	X	vvater	Wanay	Jement	Yes
	Disch	narge L	ocation	ns	
Are the discharge locations free of significant erosion or sediment transport?	k				res
		Othe	r		
Are there any other potential storm water pollution issues/concerns?	×			close to deal in NE Basin. Remove or selecate them outsides	Elmeln No
Was there any employee or subcontractor training on stormwater BMPs?			×	her discussed	
IOLATIONS  ☐ No violations noted at time of insponding the common of th	nded co ct Work Conne	orrectiv Notice ction/Ir	e actio □ Cor nprope	rrect Work Notice Issued on:	
see next page for 1	re co w	men	datio	ns	
		\			

### Construction BMP Recommendations

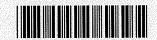
Site: VALENCIA SURDIVISION Date: 1/14/15
Recommendations:
1 STABILIZE REMAINING SMALL AREAS THAT LACK
FULL HYDROSEED OR VISQUENE COVER
2 INSTALL EROSION CONTROLS ON REMAINING
SIDEWALLS
3 REMOVE THE STOCKPILES THAT ARE NEAR THE
DRAIN OR RELOCATE THEM OUTSIDE OF
THE BASIN
4 REPAIR BROKEN SILT FENCE
STABILIZE AREA IF INACTIVE OF RAIN IN PORECAST
6 REMOVE OR PROTECT WOOD/SCRAP PILE
F REPAIR MINOR RILLS AND PROTECT AGAINST
CONCENTRATED FLOWS IN THE AREA





Job: 598613





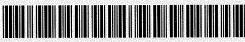


Exhibit: 00012

## D-MAX Engineering, Inc.





### Memo

**Date:** January 16, 2015

To: Leon Firsht, Malik Tamimi

Cc: John Quenzer
From: Tad Nakatani

Subject: Summary of Inspections and Sampling at Valencia Construction Site between

December 9, 2014 and January 14, 2015

Per the City's request, D-MAX conducted multiple visits to the Valencia construction site to perform inspections and to collect storm water runoff samples. Table 1 summarizes the dates of all inspection and sampling visits.

**Table 1. Inspection and Sampling Attempt Dates** 

Date	Activity
12/9/2014	Inspection
12/11/2014	Inspection
12/12/2014	Sampling
12/16/2014	Inspection
12/17/2014	Sampling
12/31/2014	Sampling
1/6/2015	Inspection
1/14/2015	Inspection



#### **Summary of Inspections**

Several significant BMP deficiencies were observed during the initial inspection on December 9, when the site was already under a Stop Work Notice from the City. Most significantly, there were several areas that lacked adequate erosion control BMPs, and there was also evidence of concentrated flows being directed to unstabilized areas, causing significant erosion. D-MAX documented these deficiencies and provided BMP recommendations as requested by the City. D-MAX re-inspected the site two days later on December 11 and observed that the majority of the deficiencies had not been corrected. On December 12, D-MAX visited the site during a rain event and collected samples of runoff from the site. Turbidity measurements were above 500 NTU for two samples taken near the southeast corner of the site and were above 400 NTU for a sample taken near the northeast corner of the site.

During the next inspection on December 16, some additional BMP deficiencies had been addressed, but the progress was still not sufficient. D-MAX returned to the site the following day to attempt to collect a sample, but the rain had already stopped, and no runoff sample was collected. D-MAX did observe sediment on the roadway outside of the southeast corner of the

Summary of Inspections and Sampling at Valencia Construction Site January 16, 2015
Page 2 of 6



site. A power-washing contractor was in the process of cleaning the road when D-MAX visited the site. D-MAX returned to the site on the morning of December 31 to attempt to collect another runoff sample, but once again the rain had stopped several hours before the site visit. D-MAX observed some sediment in the roadway again, but it appeared to be less than during the previous visit. D-MAX sampled water ponded at two locations just outside the southeast corner of the site. Turbidity was measured at 250 NTU and 235 NTU at these locations, but these measurements likely do not accurately reflect the turbidity of runoff since there had been time for sediment to settle out.

During the inspection on January 6, D-MAX observed that most of the major BMP deficiencies had been addressed, but a few still remained unresolved.

D-MAX performed its most recent inspection on January 14. D-MAX's assessment from this inspection is that the developer has made sufficient improvements to the site, and it is appropriate to lift the Stop Work Notice. There were some minor BMP deficiencies during the January 14 inspection, and the developer will still be required to address these promptly. However, the major deficiencies that led to the Stop Work Notice have been addressed, and the overall state of the site has been improved to the point where it no longer poses the severe risk of sediment discharges that it did in December.

Table 2 provides a summary of the different BMP deficiencies observed during inspections as well as the corrective actions that had been implemented as of January 14, 2015.

Summary of Inspections and Sampling at Valencia Construction Site January 16, 2015 Page 3 of 6



Table 2. Summary of BMP Deficiencies Observed and Corrective Actions Taken

BMP Deficiency	Corrective Action(s) Taken
Several lots lacked adequate erosion control	Additional lots were hydroseeded. Some smaller
BMPs.	areas were protected with plastic sheeting
Numerous slopes on the edges of lots were not	Slopes were repaired where possible. BMPs were
sufficiently stabilized and protected from	added upstream of slopes to prevent concentrated
concentrated flows, and rills/gullies had formed.	flows. Plastic sheeting was used in select areas to
	create protected spillways where concentrated
	flows could not be eliminated. Improved growth of
	hydroseed on slopes was also observed.
	All of the larger rills were addressed, but a few
	small rills still remained on January 14. The
	developer is required to address these areas still.
Sidewalls at the edges of lots also lacked erosion	Sidewalls were protected with plastic sheeting.
controls and several showed signs of erosion.	Judewalls were protected with plastic sneeting.
Portions of the slope on the western edge of the	Additional fiber rolls were installed. Plastic
site lacked full stabilization.	sheeting was used to create protected spillways in
	areas where upstream contours were causing flows
	to concentrate.
Dirt roadways lacked sufficient stabilization and	Roads were compacted and large berms were built
sediment controls.	on them. A portion of the road that is inactive was
	hydroseeded.
Runoff from a significant portion of the site was	The developer built up an embankment to redirect
being directed as concentrated flow to an	flows away from this area and toward a settling
unstabilized area in the site's southeast corner.	area.
Some stockpiles lacked adequate cover	Covers were put on stockpiles.
The developer did not have sufficient quantities of	Additional gravel bags, fiber rolls, and silt fences
BMP materials on site.	were delivered to the site.  Sweeping did not effectively remove all sediment,
A significant amount of sediment was observed	so a power-washing contractor was hired and
along the roadway at the southeast corner of the site.	removed the sediment from the road.
Gravel bag inlet protection BMPs were not always	Gravel bags were put in place to protect on-site
in place	and downstream off-site inlets.
Filter fabric used as part of inlet protection became	Filter fabric was replaced.
potentially clogged by hydroseeding materials	·
Stockpiles were placed close to a drain inlet. The	This deficiency was first observed on January 6.
inlet is elevated above the ground height in that	On January 14, the stockpiles had been covered,
area, decreasing the risk of discharge, but	but they had not been moved sufficiently far
stockpiles still need to be relocated away from the	enough away from the drain inlet. The developer is
drain.	still required to address this item.
Sediment control BMPs were lacking or damaged	A significant amount of additional silt fences and
in places.	gravel bags were added to the site perimeter and
	the perimeters of lots.

Summary of Inspections and Sampling at Valencia Construction Site January 16, 2015 Page 4 of 6



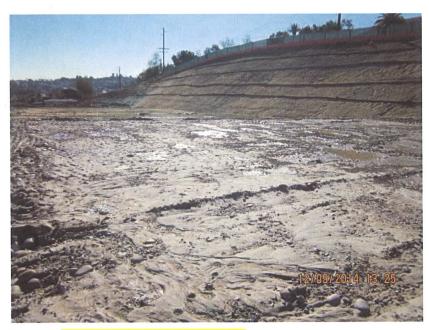


Photo 1. Lot lacking erosion control BMPs



Photo 2. Hydroseed added to a lot

Summary of Inspections and Sampling at Valencia Construction Site January 16, 2015 Page 5 of 6





Photo 3. Evidence of erosion at edge of a lot



Photo 4. Rills filled in, area re-hydroseeded, silt fence added to perimeter of lot.

Summary of Inspections and Sampling at Valencia Construction Site January 16, 2015 Page 6 of 6





Photo 5. Sidewall without adequate erosion control



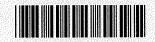
Photo 6Sidewall protected with plastic sheeting.

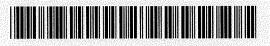


Job: 598613

Exhibit: 00013







rom:

Leon Firsht < lfirsht@lemongrove.ca.gov>

Sent:

Wednesday, February 04, 2015 10:37 AM

To:

'Tad Nakatani'

Subject:

RE: Follow-up vs routine

Start this one as permit required since I released the stop work and this is the first inspection.

From: Tad Nakatani [mailto:tnakatani@dmaxinc.com]
Sent: Wednesday, February 04, 2015 10:35 AM

To: Leon Firsht

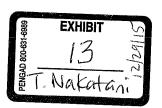
Subject: Follow-up vs routine

Hi Leon,

Quick question: Did you still want me to mark my inspection forms as "Follow-up Inspections" or should I begin marking them as "Permit-Required Inspections" now?

Tad Nakatani | D-Max Engineering, Inc. 7220 Trade Street | Suite 119 | San Diego, California 92121

Phone: 858.586.6600 ext 17 | Fax: 858.586.6644 | Email: <u>tnakatani@dmaxinc.com</u>



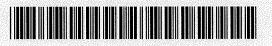


Job: 598613

Exhibit: 00014









### CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

## NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

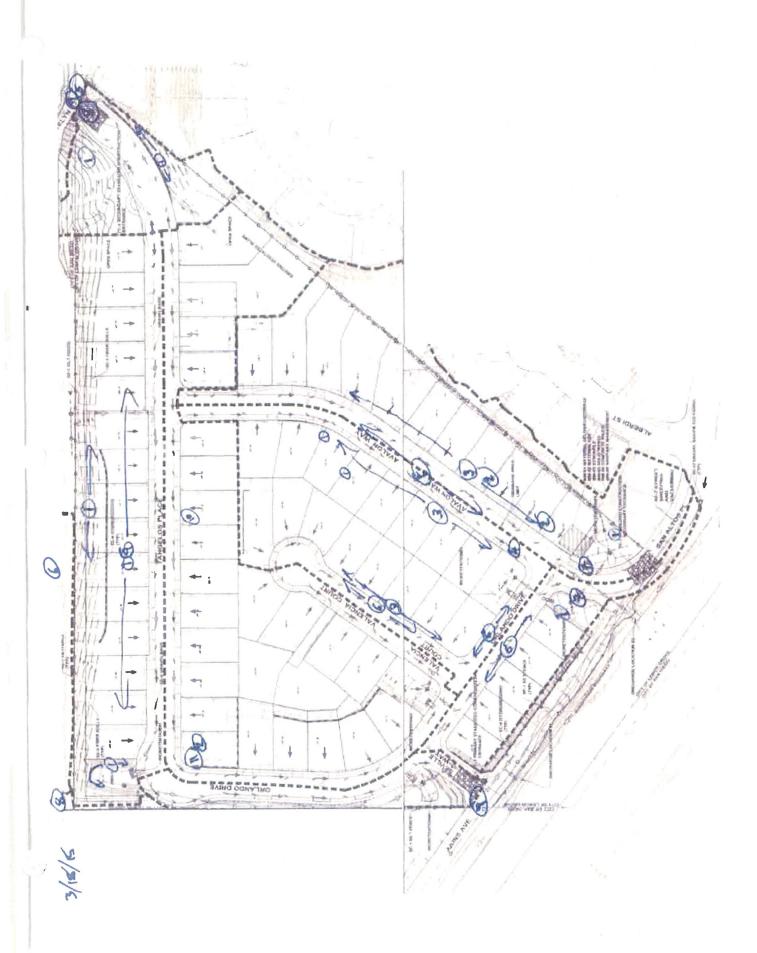
	-	1	_	-111	- starte	
Inspector Name /Signature/Date/Time:	AP 1	JAKA.	TAN	1Nova	5 3/18/15	7:30AM
Inspection:   ☑ Permit-Required Inspection	n	□ Foll	ow-up	nspection	☐ Other (Explain	)
Construction Project Priority:		□ Hig	h	<b>™</b> Medium	□ Low	
GENERAL INFORMATION						
Grading or Building Permit #:GR	1692					
Project Name & Type: VALENCIA			SIDN			Access to the second of the se
	ALTOS		70.			
Contractor's Name & Telephone #: AND			TIDA	EATT (949)	275-6737	
-			FLOTE	ien, CIII	1 - 10 0 1 - 1	
Property Owner & Telephone #:	L(0)				ŭ⁄Yes □	No 🗆 N/A
If yes: Provide Record of Waste Discharg	e Identi	ification	Numb	er (WDID#):	937 (369143	
Does this Project have an NOI/SWPPP A	vailable	?			⊠Yes □	No □ N/A
Is Weather Triggered Action Plan Comple	ted?				□ Yes □	No ZNA
Is Advanced Treatment Implemented App	oropriate	ely?			□ Yes □	NO VINA
Is More than 17 Acres of Cleared or Grad	ed Area	as Left	Expose	ed at Any Giver	n Time? 🗆 Yes 🇹	No □N/A
Is 125% of Materials to Install Standby BM	MPs Av	ailable	?		□ Yes 🗹	No DN/A
Are Routine Self-Inspections Being Cond	ucted b	y Deve	loper/C	wner?	ves □	No □N/A
Project Site is in What Sub-Watershed:	☑ Cho	ollas Cr	eek 90	8.22	□ Sweetwater R	iver 909.12
Nearest Conveyances or Water Bodies:					CHOLLAS	CREEK
			- B		***	Effective
BMP	Yes	No	N/A	Description	on/Explanation	Yes/No
Soil Sta	bilizatio	n and l	Erosion	Prevention		
Preservation of existing vegetation?			X			
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	×			lack erosion		No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			sidewalls a	nd at basin	No
Site Drainage: Outlet Protection/Slope Drain		X				
Inlet/Outlet Protection		17				
	diment	Contro	//Contai	nment	andre enterte	
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X				mistages on western	in No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X			Drain an Avala	n lacks prefection	No

EXHIBIT S 1628 200 EXHIBIT S 1688 200 EXHIBIT S 168

вмР	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×			Multiple entrances need replace- mentrepair of TC-1. Drivewhys lack adoquate tracking controls per plans	No
Materia	als and	Equipn	ent Ma	anagement	
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	×			some liquids stored without secondary containment	No
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			Numerous uncovered stockpiles but no indication that they are inactive	Yes
Are heavy equipment and vehicles parked in designated areas with permeable surface?	×				Yes
Are appropriate spill response and containment measures kept on the site?	X			some vehicles lack drip	No
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	×			grand outside of washouts	No
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	x				Yes
	n-Storn	n Water	Manag	gement	
Is the site free of evidence of illegal connections and/or illicit discharges?	×				Yes
	Disch	narge L	ocation	ıs	,
Are the discharge locations free of significant erosion or sediment transport?	X				Yes
	1	Othe	ľ		
Are there any other potential storm water pollution issues/concerns?		X		Na discussed	.*
Was there any employee or subcontractor training on stormwater BMPs?		The second	×	nd arzerszed	
<ul> <li>Violation: Illegal Discharge/Illegal</li> </ul>	nded co ct Work Conne	orrectiv Notice ction/In	e actio Con prope	rrect Work Notice Issued on:	
SEE NEXT PAGE	FU	R	RECO	MMENDATIONS	

### **Construction BMP Recommendations**

Site: VALENCIA Date: 3/18/15
Recommendations:
(2) CLEAN UP CONCRETE WASTE OBSERVED AT MULTIPLE LOCATIONS  AND ENSURE THAT ALL EMPLOYEES USE WASHOUTS PROPERLY  (3) EMPLEMENT ADEQUATE TRACKING CONTROLS IN DRIVEWAY  TRANSITIONS FROM PAVEMENT TO EXPOSED LOTS  (4) SWEEP/CLEAN SEDMENT FROM POADWAY  (5) SWEEP/CLEAN SEDMENT FROM POADWAY  (6) SWEEP/CLEAN SEDMENT FROM POADWAY  (6) IMPLEMENT ADEQUATE EXISTIN CONTROLS ON EXPOSED INACTIVE AREAS  (7) PROVIDE STABILIZATION AT INLETS TO BASINS  (8) REPLACE/REFRESH STABILIZED CONSTRUCTION ENTRANCE  (9) IMPLEMENT ADEQUATE PERIMETER CONTROL BMPS  (6) ENSURE THAT DRIP PANS ARE PLACED UNDER VEHICLES  WHEN NOT IN USE
1 PROVIDE SECONDARY CONTAINMENT FOR LIQUID STORAGE



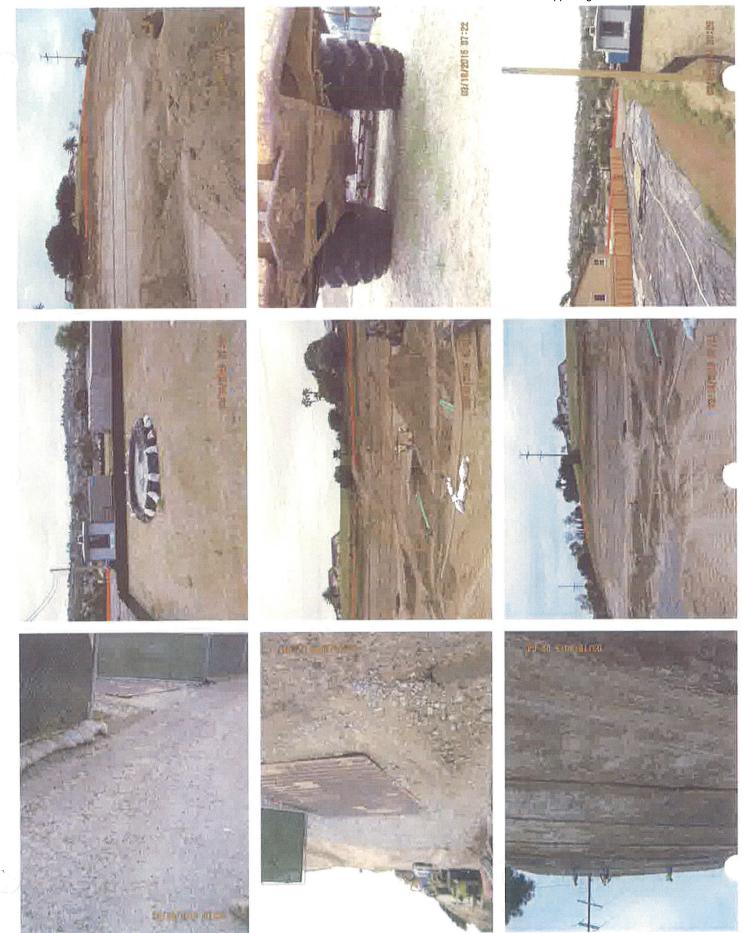
March 9, 2016 Item 12 Supporting Document No. 09m



March 9, 2016 Item 12 Supporting Document No. 09m



March 9, 2016 Item 12 Supporting Document No. 09m



March 9, 2016 Item 12 Supporting Document No. 09m











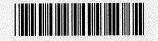


# Nakatami, Tad

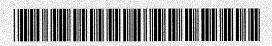


Job: 598613

Exhibit: 00015







Yes

**EXHIBIT** 

T. Nakatam



Site Drainage: Outlet Protection/Slope Drain

Perimeter Protection: Silt Fencing, Gravel

Storm Drain inlet protection: Sediment Trap,

De-silting Basin, Gravel Bag Barrier

Inlet/Outlet Protection

Bags, Fiber Rolls

### CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

## NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

				_			
Inspector Name /Signature/Date/Time:	TAP 1	VAKAT	ANI	THE	4/29	15 7:	:30AM
Inspection:   Permit-Required Inspection	n	□ Foild	w-up l	nspection	☐ Othe	er (Explain)	)
Construction Project Priority:		□ High	ı	<b>™</b> Medium	□ Low		
GENERAL INFORMATION							
Grading or Building Permit #:GR-16	92	·					
Project Name & Type: VALENCIA		DIVISI	ION				
Project Location & Address: SAN AL		PL					
Contractor's Name & Telephone #: Ap	DERS	SN D	EVEL	OPMENT	(999) Z	75-67	39
Property Owner & Telephone #:SAN	ALTOS	s LL	<u> </u>	***************************************			
Is this Project Greater than an Acre?						Yes 🗆	No □ N/A
If yes: Provide Record of Waste Discharge	e Identi	fication	Numb	er (WDID#):	93703	67143	
Does this Project have an NOI/SWPPP Available?    ☑Yes ☐ No @  ☐  ☐  ☐  ☐  ☐  ☐  ☐  ☐  ☐  ☐  ☐  ☐  ☐							No <b>BAYA</b>
Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No 🖼							No ⊠∕N/A
Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ᠖1							No M/A
Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? □ Yes 髮∕No □ N							No □ N/A
Is 125% of Materials to Install Standby BMPs Available?   ✓ Yes □ No □ N						No □ N/A	
Are Routine Self-Inspections Being Condu	ucted b	y Devel	oper/C	wner?		⊠ Yes □	No □ N/A
Project Site is in What Sub-Watershed:	☑ Cho	ollas Cre	eek 90	8.22	□ Swe	etwater Ri	iver 909.12
Nearest Conveyances or Water Bodies: <u>I</u>	ENCA	NTO (	CHANI	VEL TO C	HOLLAS	CREEK	A Steam
ВМР	Yes	No	N/A	Doccrin	tion/Expla	nation	Effective
DIVIE	162	140	IWA	Descrip	HOMEXPIA	Hation	Yes/No
	bilizatio	n and E		Prevention			
Preservation of existing vegetation?			×	SOME BARE I	APEAC and ha	ERT ELDE	<u></u>
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Fraze NEC	uly expan	ed areas	
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	×					INACTIVE	

%. %

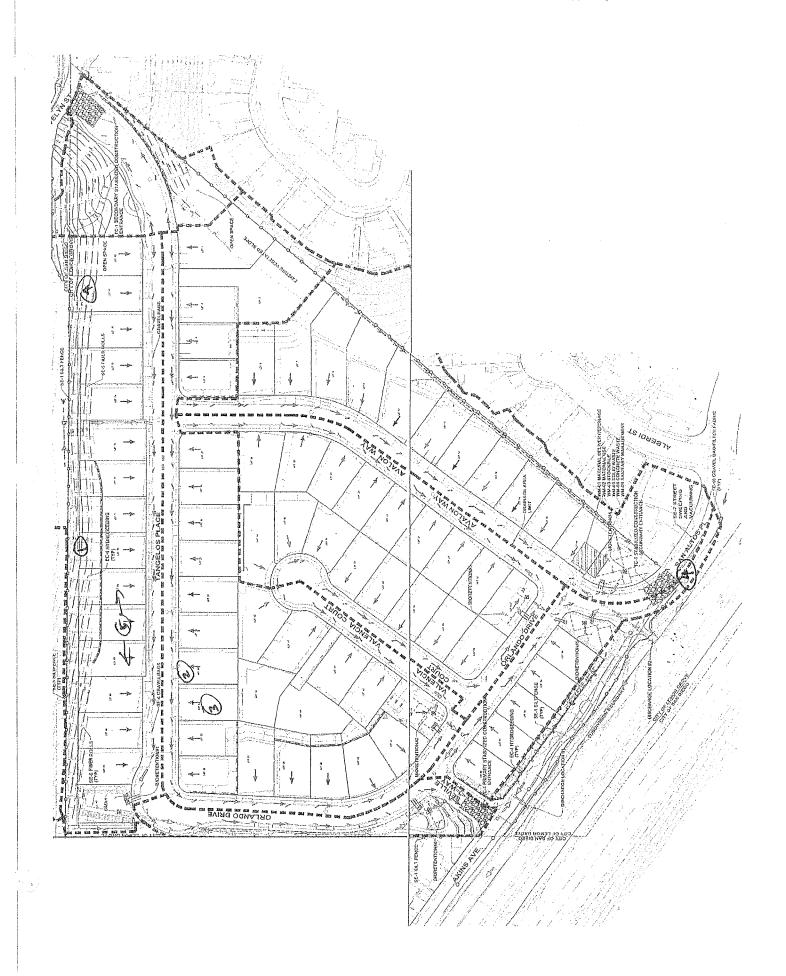
X

Sediment Control/Containment

ВМР	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×				Kes
Materia	ls and	Equipm	ent Ma	anagement	
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	ρ	,			K5
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			cowaved or active	YE.s
Are heavy equipment and vehicles parked in designated areas with permeable surface?	>=				K5
Are appropriate spill response and containment measures kept on the site?	×				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×			some concrete weste on site. Needs to be removed	No
Are concrete washouts properly installed, maintained with no evidence of discharges.	*		,	one washout needs to be emptied	No
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	, ,			`	res
No	n-Storn	n Water	Manag	gement ' '	
Is the site free of evidence of illegal connections and/or illicit discharges?	×				Yes
	Disch	narge Lo	ocation	ns .	,
Are the discharge locations free of significant erosion or sediment transport?	X				Tes
		Othe	r		
Are there any other potential storm water pollution issues/concerns?		7			
Was there any employee or subcontractor training on stormwater BMPs?	<u> </u>		×	Not discussed	
VIOLATIONS   No violations noted at time of insp  No violations; however, recommer  Inspection Form as Correct  Violation: Illegal Discharge/Illegal  Stop Work Notice Issued of	nded co t Work Conne	orrective Notice ction/In	e actio □ Coi iprope	rrect Work Notice Issued on: r BMPs Implementation	
RECOMMENDED CORRECTIVE ACTION					
SEE NEXT PAGE	•	•			
			nija wiladayi dayan kajaya kada da		
					***************************************

## Construction BMP Recommendations

Site: VALENCIA	Date: 4/29/15
Recommendations:	
PROTECT BARE APEAS ON PREVIOUS SECTION OF WESTERN SLOPE  EMPTY CONCRETE WASH-OUT	
3 REMOVE CONCRETE WASTE	
ADDITIONAL NOTE:	
AREAS WHEN THEY BECOME IN	
LOTS ARE NO LONGER BEING	
ALTERNATE VEHICLE ROUTE	
·	



# Nakatami, Tad



Job: 598613

Exhibit: 00016





rom:

Tad Nakatani <tnakatani@dmaxinc.com>

Sent:

Monday, September 14, 2015 10:32 AM

To:

Malik Tamimi

Subject:

**RE: D-Max Construction Inspections** 

Hi Malik,

The City is not technically required to do any pre-, post-, or during-rain event inspections of private developments. Those inspections related to individual rain events come from the construction general permit rather than the JRMP or municipal permit, and those are inspections that must be performed by the developer's QSP. So the inspection frequency table in my previous email covers all the construction inspections that the <u>City</u> needs to conduct under the JRMP.

There were some deficiencies at Valencia last time I was there, but nothing too horrible by Valencia standards. They had actually done a pretty good job of addressing the deficiencies from their previous inspection and the latest deficiencies were mostly new ones around areas of recent activity. Vernon Ranch only had one deficiency, and it was not too major. The deficiency was just that their tracking control BMP at the site entrance should be beefed up to meet the specification the SWPPP.

Budget-wise, D-Max has about \$5,500 left in our current contract for construction inspections.

**From:** Malik Tamimi [mailto:mtamimi@lemongrove.ca.gov]

jent: Monday, September 14, 2015 9:45 AM

To: 'Tad Nakatani'

Subject: RE: D-Max Construction Inspections

Thank you...very helpful...can you also tell me the requirements for pre-rain event inspections based on the JRMP and were the last inspection findings for the sites deficient? Also let me know how the budget is looking so that we can ask the developer for more funds.

Thank you for all your good work!

-Malik

From: Tad Nakatani [mailto:tnakatani@dmaxinc.com]

Sent: Monday, September 14, 2015 9:41 AM

To: Malik Tamimi

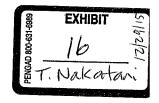
**Subject:** D-Max Construction Inspections

Hi Malik,

Here is a summary of the construction inspections I have done this FY.

- In July I did a monthly inspection of Valencia
- In August Gary asked me to switch back to inspecting every other week. Since then I have done 3 bi-weekly inspections of Valencia AND Vernon Ranch (8/5, 8/19, & 9/2).
- Gary also asked me to begin inspecting Golden Doors (Golden Ave & Washington) next time I come out.

Based on the JRMP prioritization (see screenshot), it looks like Valencia should be High Priority, Vernon Ranch should be Medium, and Golden Doors should be low.



#### 5 LL Corstra bor Sile Proods seed

All construction sites within the City's jurisdiction are assigned priorities based on the criteria in Table 5-1, which incorporates the prioritization factors from Municipal Permit sections E.4.b.(2) and E.4.d. Priorities are initially assigned when a project is added to the inventory. During the quarterly review of the City's construction inventory, re-prioritization of TTWQ designations for active construction sites will be performed as needed.

Table 5-1. Construction Project Threat to Water Quality Prioritzation Criteria

CGF Calegory	Site Priority
Risk Level 2 or 3 or LUP Type 2 or 3	High
Risk Level 1 or LUP Type 1	Medium
All other projects	Low
Notes	
CGP - State Construction General Permit	

Also, here are the inspection frequency requirements from the JRMP:

LUP - Linear Underground/Overhead Project

The following table presents the different TTWQ categories and their corresponding inspection frequencies for the wet (October 1 through April 30) and dry (May 1 through September 30)

Table 5-2. Construction Site Inspection Frequency

Construction Site TTMQ	Wet Season Inspection Frequency	Dry Season Inspection Prequency
High	Twice per Month	As Needed
Medium	Monthly	As Needed
Low	As Needed	As Needed

#### Note

seasons.

Low priority projects are generally inspected at least once over the life of the project. Since
many low priority projects are very small projects, the construction duration may be too short
for a storm water inspection to occur.

Tad Nakatani | D-Max Engineering, Inc.

7220 Trade Street | Suite 119 | San Diego, California 92121

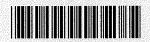
Phone: 858.586.6600 ext 17 | Fax: 858.586.6644 | Email: tnakatani@dmaxinc.com

# Nakatami, Tad



ob: 598613







March 9, 2016 Item 12 Supporting Document No. 09m

From: Sent: To: Cc: Subject: Attachments:	Tad Nakatani [tnakatani@dmaxinc.com] Wednesday, September 16, 2015 10:55 AM Gary Harper Malik Tamimi Construction Inspection Reports - Draft Golden Doors Inspection 2105-09-15.pdf; Valencia Inspection 2105-09-15.pdf; Vernon Ranch Inspection 2105-09-15.pdf
Hi Gary,	
	on forms for the three sites I went to yesterday. I have not yet filled out the Violations section like me to still fill out the "Inspection Form as Correct Work Notice" option, or do you plan to any of the sites?
□ No violations; I □ Inspect □ Violation: Illega	noted at time of inspection/investigation however, recommended corrective actions required tion Form as Correct Work Notice □ Correct Work Notice Issued on: al Discharge/Illegal Connection/Improper BMPs Implementation /ork Notice Issued on:
	redir?resid=A3F1E0BB256DBF45!1953&authkey=!AKqffLY9S50sHDQ&ithint=folder%2czipnt now, so you may need to wait a couple minutes to download them)
Tad Nakatani   D-Max Engineerin	ng, Inc.

7220 Trade Street | Suite 119 | San Diego, California 92121 Phone: 858.586.6600 ext 17 | Fax: 858.586.6644 | Email: <u>tnakatani@dmaxinc.com</u>





#### CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

## NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

AD I	NAKAT	INA	alt	9/15/	1:3	D PM
n	□ Follo	w-up	Inspection	☐ Other (Ex	plain)	
	□ Med	ium	<b>X</b> Low			
***************************************	_ inche	s NA	: 1st inspection	- by D-Mak		
	***************************************					-
OORS						-
NEK	of Go	LDEA	AVE & WA	SHINGTON	J	
		######################################				
						MARKET MA
				□ Ye	es Mo	□ N/A
		Numb	er (WDID#):		NI-	
	?					⊠N/A
						<b>≥N/A</b>
ed Area	as Left I	Expose	ed at Any Given	Γime? □ Υ∈	es KNo	□ N/A
t Site V	√ithin 48	3 Hour	s of Predicted St	orm? 🗆 Ye	es KNo	□ N/A
ucted by	y Devel	oper/C	)wner?	□ Ye	es 🗆 No	□ N/A
<b>K</b> Cho	llas Cre	eek 90	8.22	☐ Sweetwat	er River	909.12
Yes	No	N/A	Description	/Explanatio	A SECURIOR S	ffective Yes/No
I	n and E	rosion	Prevention			
×			Burney areas	lack		
	X		stabilization.	significant	٨	کی
	×		4 N	1	1	<b>J</b> o
		×				
	×		but evidence of	elew suffet		No
diment	Control	/Conta	mment		J	,,,,,
×			Damaged 3/11	ter.		No
		×				72
×			No TC at G entrance	idden Au	re 1	اه
	e Identivallable ted? ed Area t Site V sicted by Cho Yes billizatio	e Identification vailable? ted? ed Areas Left If the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Devel Chollas Croyes No cilization and Extended to the Site Within 48 acted by Development Control of the Site Within Acted by Development Control of	Medium inches NA  e Identification Numbrailable? ted? ed Areas Left Expose t Site Within 48 Hour acted by Developer/C  Chollas Creek 90  Yes No N/A  pilization and Erosion  X  X  diment Control/Conta	Follow-up Inspection   Medium   ALow   Inches   NA: 1st   Inspection   Medium   Alow   Inches   NA: 1st   Inspection   Medium   Alow   Inches   NA: 1st   Inspection   Medium   Alow   Alow	Follow-up Inspection   Other (Ex   Medium	Follow-up Inspection   Other (Explain)     Medium   ALow   inches NA: 1st inspection   P-Max     Medium   ALow   inches NA: 1st inspection   P-Max     OORS   Yes   NA   OF GOLDEN ANE   WASHINGTON     Yes   NO   Yes   NO   NA   Na   Na   Na   Na   Na   Na   Na

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Materia	als and	Equipm	nent Ma	inagement	
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?		×		trash/wate on ground	No
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?		×		Sediment piles not protected	2
Are heavy equipment and vehicles parked in designated areas with permeable surface?	×				Te s
Are appropriate spill response and containment measures kept on the site?		×		drip pans	N-
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)		×		trash/waste on ground	P-
Are concrete washouts properly installed, maintained with no evidence of discharges.			×		N I
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×				Yes
	n-Storm	Water	Manag	ement	
Is the site free of evidence of illegal connections and/or illicit discharges?	×				res
	Disch	narge L	ocation		
Are the discharge locations free of significant erosion or sediment transport?		×		Evidence of sediment discharging to downstream storm date in	, 20-
		Othe	r		
Are there any other potential storm water pollution issues/concerns?		×			
Was there any employee or subcontractor training on stormwater BMPs?			×	NA: No personnel present	
RECOMMENDED CORRECTIVE ACTION					
SEE NEXT PAGE			***************************************		
		***************************************			
					***************************************
		***************************************			
Have any corrective actions from the previous of NO, and if it has been more than 30 days than 30 days was necessary to resolve the	since tl	he corr	ective a	action was originally required, exp	lain why more
☐ Violation: Illegal Discharge/Illegal	nded co t Work Conne	Notice ction/In	e action Cor nprope	rect Work Notice Issued on:	

## Construction BMP Recommendations

Site: GOLDEN DOORS Date: 9/15/15
Recommendations:
1 UTILIZE EROSION CONTROL BARS ON DISTURBED
AREAS
@ REPAIR SILT FENCE
3 INSTALL TRACKING CONTROL BMP AT ENTRANCE ALONG
GOLDEN AVE IN ACCORDANCE WITH THE EROSION CONTROL PLAN
4 PROPERLY STORE LITTER/WASTE
5) ENSURE THAT ANY SOMENT STOCKPILES ARE PROTECTED WHEN INACTIVE
AND PRIOR TO RAIN
@ PLACE DRIP PANS UNDER EQUIPMENT
PREVENT SEDIMENT FROM DISCHARGING TO DRAIN LOCATED TO
THE NORTH OF DEVELOPMENT

Supporting Document No. 09m

An another little are an main the seven presention colonial property instanded including public describing and an another little and another little another little and another little and another little and another little another litt COLDEN AVENUE ROW HOMES In the part of the first and the point and not be the sense or medited reflects the depoted of this CDF important, and the control of the point of the control of the point of the control of the point of the control o EROSION CONTROL PLANS AND DETAILS FOR: my pages.

The state of the sta Including that then pages described by appointed means (ever age, the V. of Appoint described the local data, above, (et.) and and retail for the pages of competed and except the means competed the competed of the competed and the pages of competed and except the means competed means of pages of the competed and the pages of competed and except the means of competed means of pages of the competed and the pages of the pages of the pages of the pages of the means of pages of the means of the pages of t al any season requirements are required in ostation to the lobasing. Cospon costor BMP's must be supposed if necessory to provide sufficient protection for storms itsely to occur during rows years. CITY OF LEMON GROVE, CALIFORNIA ENGINEERING DEPARTMENT SHEETS Storm letter requientents shall be implemented in occordance with the City of Leman Grow's Manicipial Code of Jurisdictional Libbor Runoff Management Program (JURMP) and shall include the following: Construction sites are required to implement oil minimum construction BMPs as necessor, the MEP repordiess of the season. Additional details are listed below: BELOW LISTED AGENCY AT
LEAST TWO (2) WORKING DAYS
PRIOR TO COMMENCEMENT OF
EXCAVARION: CONTRACTOR MUST NOTIFY THE UNDERGROUND SERVICE ALERT DAR SECTION 'A-A' SECTION 'B-B' (ONE MYL) BIGE PER PLAN BIG-RETENDON AREA SEE SMEET 5 FOR WORE DETAES COX CSA HLK WATCH DST 2 FREE BOARD BLDC. PLAN WALL PER BLDC PLAN NDWARK 2. STAPLE WRE FENCING (2"x2" - 14 GA WRE OR EQUIVALENT) TO THE POSTS Tage -100 m BACKFILL AND COMPACT EXCAVATED SOIL EX. GOLDEN AVE. S NOVILED SEE OFF. A SILT FENCE O CEC-Throughout site 1. SET POSTS (\$1.2"4" WOOD POSTS)
AND EXCLIVES A 4 BT 4 W (10 BT 10 CM)
HENCH UNSLOPE FROM AND ALONG
HE LINE OF POSTS ATTACH THE FLIER FABRIC TO THE WINE FENCE AND EXTEND IT WITO THE TRENCH 2 © TEMPORARY EROSION CONTROL MEASURES (B) DETAIL: STABILIZED CONST. ENTRANCE CONSTRUCTION CHANGE TABLE FABRIC OF FOUNTLE MLET PROTECTION SEE DET. C (TIP.) SCALE: 1" 20"



### CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

# NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time:	AD N	AKATA	ר ומ	able	9/15/15	2	;·w	PM
Inspection: Project Priority: AHigh	1	□ Folio		nspection □ Low	□ Othe	er (Explair	1)	_
Approximate rainfall since last inspection:	~.8	_ inche	s					
GENERAL INFORMATION								
Grading or Building Permit #: GR-1692	***************************************	***************************************	***************************************					
Project Name & Type: Valencia Subdivisio	n							
Project Location & Address: San Altos Pla	се							
Contractor's Name & Telephone #: Ander	son De	evelopm	ent (9	49) 275-673	9		***************************************	
Property Owner & Telephone #: San Altos Is this Project Greater than an Acre?	LLC	waaren (1980)	.,			XYes D	No	□ N/A
If yes: Provide Record of Waste Discharge			Numb	er (WDID#):	937C3691			
Does this Project have an NOI/SWPPP Av		?				X Yes		□ N/A
Is Weather Triggered Action Plan Comple	ted?					□ Yes □	] No	XN/A
Is More than 17 Acres of Cleared or Grade	ed Area	as Left I	Expose	ed at Any Giv	en Time?	□ Yes 🛚	No	₩N/A
Sufficient Standby BMPs Onsite to Protect	t Site V	Vithin 48	3 Hour	s of Predicte	d Storm?	□ Yes 🏾	No	□ N/A
Are Routine Self-Inspections Being Condu	icted b	y Devel	oper/C	wner?		≱Yes □	] No	□ N/A
Project Site is in What Sub-Watershed:	<b>Æ</b> Cho	ollas Cre	eek 90	8.22	□ Swe	etwater F	River 9	909.12
BMP	Yes	No	N/A	Descrip	tion/Expla	anation	Service Confession	fective 'es/No
	oilizatio	n and E		Prevention				
Preservation of existing vegetation?  Physical Stabilization: Hydraulic Mulch,			×	Significant	areas la	rele .	-	1
Hydroseeding, Soil Binders, Straw Mulch	×		A	eforim co	atrol Evid	ite state	,	Vo
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	×			f.	"		,	Vo
Site Drainage: Outlet Protection/Slope Drain			×					
Inlet/Outlet Protection	liment	Control		inment		***************************************		
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	×			come spots	+ ferrice)			J.
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	×			near SE	corner		1	U <sub>6</sub>
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×			Significant streets with tin guilte	thin pro	yect	^	) b

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Materi	als and	Equipm	nent Ma	nagement	
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	*				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			Some small sediment piles are not protected	<b>N</b> 2
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	7				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)		×		Some litter/waste throughout site	N
Are concrete washouts properly installed, maintained with no evidence of discharges.	×				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×				Yes
	n-Storn	n Water	Manag	ement	
Is the site free of evidence of illegal connections and/or illicit discharges?	×				Yes
	Disch	narge L	ocation		
Are the discharge locations free of significant erosion or sediment transport?		×		some sediment in read and gutter near se corner	μο
	T	Othe	r		
Are there any other potential storm water pollution issues/concerns?	X			cleaned and of basins of erosic around in lets needs repair	. N-
Was there any employee or subcontractor training on stormwater BMPs?				Not discussed	
RECOMMENDED CORRECTIVE ACTION					
SEE NEXT PAGE			***************************************		
	***************************************				
Have any corrective actions from the previous	uie inen	ection	NOT b	een implemented? ₩ Ves □ No	
If NO, and if it has been more than 30 days than 30 days was necessary to resolve the	since t	he corr	ective a	action was originally required, exp	lain why more
				,	
VIOLATIONS					
☐ No violations noted at time of insp	ection/i	investic	ation		
□ No violations; however, recomme	nded co	orrective	e actio	· · · · · · · · · · · · · · · · · · ·	
•				rect Work Notice Issued on:	**************************************
The state of the s				r BMPs Implementation	***************************************
☐ Violation					

### Construction BMP Recommendations

Site: VALENCIA Date: 9/15/15
Recommendations:
UTILIZE EROSION CONTROLS ON ALL DISTURBED AREAS PRIOR
TO RAIN EVENTS, OR WHEN THEY ARE NACTIVE, WHICHEVER COMES FIRST
(3) PROTECT EXPOSED AREA FROM RUN-ON AND MAKE SURE AREA  IS FULLY CONCRED
3 ADD/INPROVE PERIMETER CONTROLS
@ ADD TC-1 IF VEHICLES WILL BE DRIVING ACROSS DRIVEWAY
(5) CLEAN SEDIMENT OUT OF COADWAYS & GUTTER
6) ADD INCET PROTECTION
CLEAN SEDIMENT OUT OF BIORETENTION BASINS, SIGNIFICANT
1 REPAIR EPOSION BY BASIN INCETS AGO RECOMMEND
CLEARING OBSTRUCTIONS IN OUTLET RISER STRUCTURE
1 PICK UP TRASH



#### CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

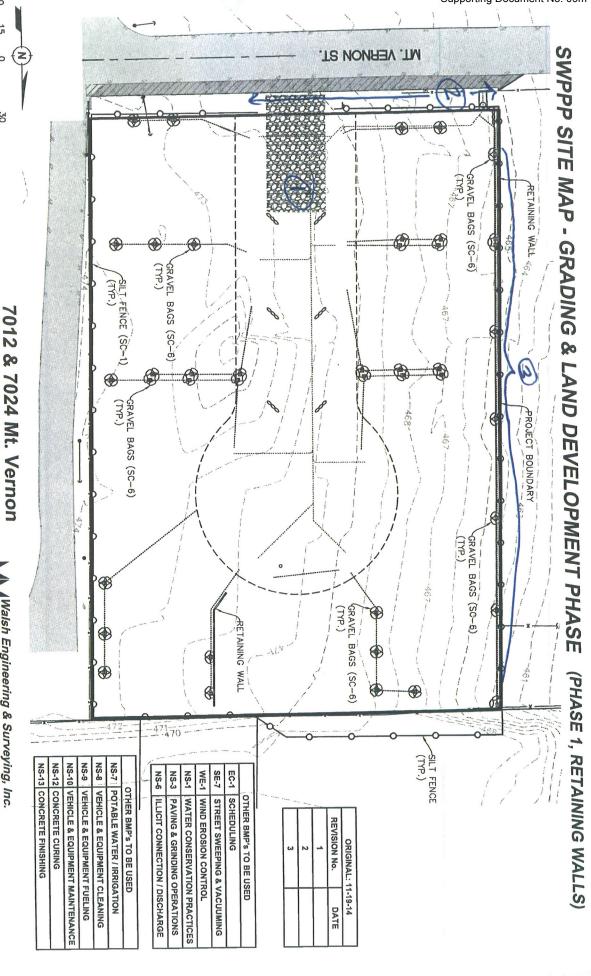
# NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

	Inspector Name /Signature/Date/Time:	AD N	AKATA	tw!	TRIK	9/15/15	3:00 pm
	Inspection:   ✓ Permit-Required Inspection  Construction Project Priority:   ☐ High  Approximate rainfall since last inspection:		<b>⊠</b> Med	ium	Inspection □ □ Low	Other (Explair	n)
G	ENERAL INFORMATION						
	Grading or Building Permit #: GR-1695						
	Project Name & Type: Vernon Ranch Sub	divisio	n				
	Project Location & Address: 7012 & 7024	Mt. Ve	ernon				
	Contractor's Name & Telephone #: Ander	rson D	evelopm	ent (9	949) 275-6739		
	Property Owner & Telephone #: Mt. Verno Is this Project Greater than an Acre?	n - Le	mon Gro	ve LL	С	<b>≱</b> Yes □	No □ N/A
	If yes: Provide Record of Waste Discharge Does this Project have an NOI/SWPPP Av			Numb	er (WDID#): <u>937C</u>	371670 <b>Æ</b> Yes □	No □ N/A
	Is Weather Triggered Action Plan Comple	ted?				□ Yes □	No ≯N/A
	Is More than 17 Acres of Cleared or Grade	ed Are	eas Left E	Expose	ed at Any Given Tir	me? 🗆 Yes 💆	No □ N/A
	Sufficient Standby BMPs Onsite to Protect	t Site	Within 48	3 Hour	s of Predicted Stor	m? ØYes	No □N/A
	Are Routine Self-Inspections Being Condu	ucted I	by Devel	oper/C	wner?	⊉Yes □	No □N/A
	Project Site is in What Sub-Watershed:	⊠ Ch	ollas Cre	ek 90	8.22	Sweetwater R	liver 909.12
FOR DAY TANDERS FOR	BMP	Yes	No	N/A	Description/E	xplanation	Effective Yes/No
-		bilizati	on and E	rosion	Prevention	***************************************	
	Preservation of existing vegetation?			<u> </u>	May need to	11/01/11/11	
	Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	×			on southern e	add Stabilizati Age	No.
	Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching		×				
	Site Drainage: Outlet Protection/Slope Drain			×			
	Inlet/Outlet Protection			×		M	
		diment	Control	Conta		- 15	
	Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	×			Fridence of ser boyond silt fence southern period	diment transport	No
	Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier		×				3
17	Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×			TC-1 lacks of	in Africiert	N-

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Materi	als and	Equipm	ent Ma	anagement	M New Products A. B. A. B.
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	×				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	×				Yes
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	×		***************************************		Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×		~		Les
Are concrete washouts properly installed, maintained with no evidence of discharges.	×				les
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×				
No	n-Storm	Water	Manag	ement	
ls the site free of evidence of illegal connections and/or illicit discharges?	>				7-5
A . (I . P	Disch	arge Lo	cation		
Are the discharge locations free of significant erosion or sediment transport?		×		transport beyond southern twestern perimeter	h.
Are there any other potential storm water		Other	•	sediment-lader water	T
pollution issues/concerns?	X			seeping through western will	No
Was there any employee or subcontractor training on stormwater BMPs?				Not discussed	
ECOMMENDED CORRECTIVE ACTION  See	next	pao	)e		
ave any corrective actions from the previou	us inspe	ection N	OT be	en implemented? ¥ Ves □ No □	- ΝΔ
NO, <u>and</u> if it has been more than 30 days on an 30 days was necessary to resolve the company the area	since th	e corre	ctive a	ction was originally required, explain	ain why mor
□ Violation: Illegal Discharge/Illegal (	ded cor t Work I Connec	rective Notice [ tion/Imp	action Corr	ect Work Notice Issued on: BMPs Implementation	
☐ Stop Work Notice Issued or ☐ Violation	n:				Marriage Section 1

### Construction BMP Recommendations

Site: VERNON RANCH Date: 9/15/15	
Recommendations:	
1 ADD SUFFICIENT ROCK TO TO 1 AT SITE ENTRANCE	CE
1 EMPLOY ADEQUATE COMBINATION OF ELOSION AND	
ALONG SOUTHERN EDGE OF SITE	DRT
3 ELIMINATE SEDIMENT - LADEN WATER SEEPING	
THOUGH WALL ALONG WESTERN PERIMETER	•
	Mariante d'Annagon de Angelor
	N
	***************************************



GRAPHIC SCALE 1"=30"

**LEMON GROVE, CA 91945** 

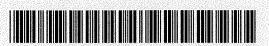
Walsh Engineering & Surveying, Inc. 607 Aldwych Road, El Cajon, CA 92020 (619) 588-6747 (619) 792-1232 Fax

# Nakatami, Tad



ob: 598613





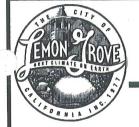


Exhibit No. 22

#### CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

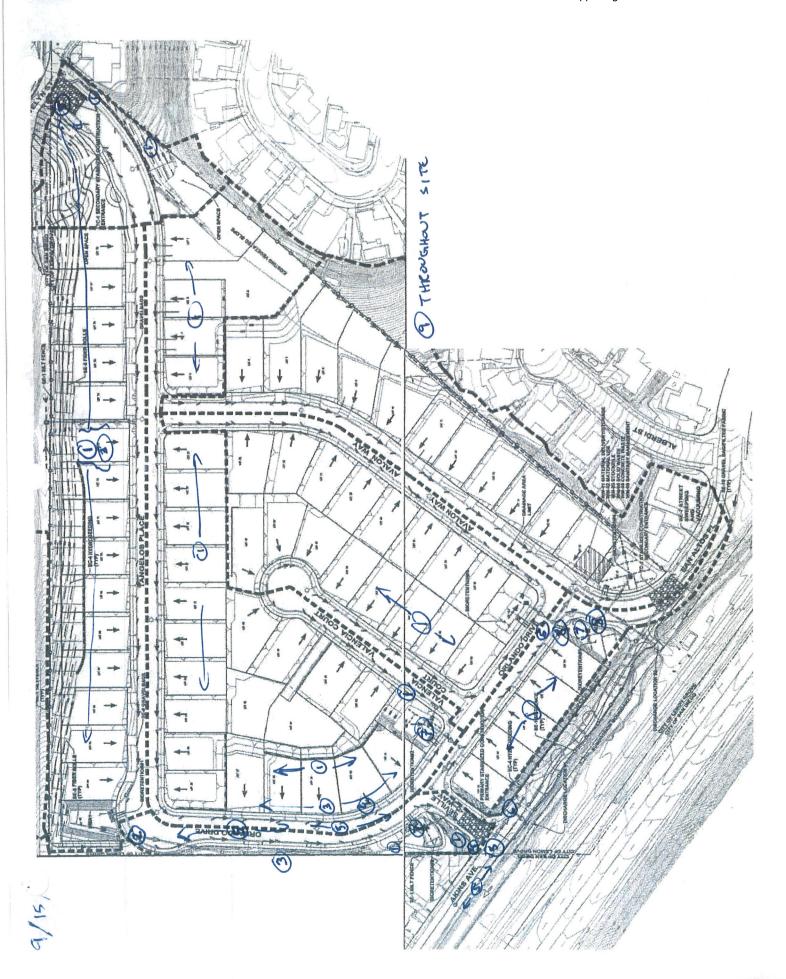
# NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

	Inspector Name /Signature/Date/Time:	AD N	AKATA	ואן ד	and	7/15/15	2.	00 PM	
	Inspection: XPermit-Required Inspection	n			nspection	□ Oth	er (Explain)	powerdown managed and a	
	Construction Project Priority:		□ Med		□ Low		0 5	VIIIDIT	
	Approximate rainfall since last inspection:	~.8	_ inche	S			31-698	XHIBIT	(15
G	ENERAL INFORMATION						9-008 Q	IXHIBIT 18 1844	162/2
	Grading or Building Permit #: GR-1692	······	***************************************	***********************			- PAT. NO	rkata	1
	Project Name & Type: <u>Valencia Subdivisio</u>	n							100
	Project Location & Address: San Altos Pla	ce							
	Contractor's Name & Telephone #: Ander	son De	velopm	ent (9	49) 275-673	9		desenvolvenostetenska	
	Property Owner & Telephone #: San Altos	LLC							
	Is this Project Greater than an Acre?						XYes □	No DN	/A
	If yes: Provide Record of Waste Discharge Does this Project have an NOI/SWPPP Av			Numb	er (WDID#):	937C3691	143 <b>※</b> Yes □ N	 No □ N	/A
	Is Weather Triggered Action Plan Comple	ted?					□ Yes □ l	•	
	Is More than 17 Acres of Cleared or Grade	ed Area	as Left E	Expose	ed at Any Giv	/en Time?	☐ Yes 🖼	No EN	/A
	Sufficient Standby BMPs Onsite to Protect	t Site V	√ithin 48	3 Hour	s of Predicte	d Storm?	□ Yes 🗷 l	No 🗆 N	/A
	Are Routine Self-Inspections Being Condu	ucted by	y Devel	oper/C	wner?		≱Yes □ I	No □ N	/A
	Project Site is in What Sub-Watershed:	<b>Æ</b> Cho	llas Cre	eek 90	8.22	□ Swe	eetwater Riv	er 909.1	2
	BMP	Yes	No	N/A	Descrip	otion/Expl	anation	Effecti Yes/N	100 200 200 100
	Soil Stal	bilizatio	n and E	rosion	Prevention			-	
	Preservation of existing vegetation?			×					
	Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	*			experient co	areas k	device of	No	
	Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	×		5	r.	4		No	
	Site Drainage: Outlet Protection/Slope Drain			×			······································		
	Inlet/Outlet Protection			×				<u> </u>	
		diment	Control	Conta	inment			Ţ	
-	Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	×			Some spots control Gi			N.	
	Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	×			near SE	corner		No	
	Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×			Significan streets w I in guille Tool needs	ith in pro	Jeca	No	
1	<u> </u>				A Andrea . Andrea	1 11 1	1-1/121-05		

BMP .	Yes	No	N/A	Description/Explanatio	n Effective Yes/No
Materi	als and	Equipn	ent Ma	ınagement	
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	>				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			Some small sediment piles are not protected	( Pa
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				res
Are appropriate spill response and containment measures kept on the site?	*				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)		×		Some litter/waster throughout site	No
Are concrete washouts properly installed, maintained with no evidence of discharges.	×				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×				Yes
	n-Storn	n Water	Manag	jement	
Is the site free of evidence of illegal connections and/or illicit discharges?	×				Yes
	Discl	harge L	ocation		
Are the discharge locations free of significant erosion or sediment transport?		×		some sediment in read and gutter near se corn	w No
	<del></del>	Othe	r		
Are there any other potential storm water pollution issues/concerns?	X			around inlets needs repair	rosica No
Was there any employee or subcontractor training on stormwater BMPs?				Not discussed	
RECOMMENDED CORRECTIVE ACTION					
See Next Page					
			·····		
Have any corrective actions from the previous	us iner	ection	NOT h	een implemented? ¥ Ves □	No □ NA
If NO, and if it has been more than 30 days	since t	he corr	ective	action was originally required	, explain why more
than 30 days was necessary to resolve the	denciei	тсу	1433	That so days since pr	المحالفة المحالفة
VIOLATIONS  ☐ No violations noted at time of insp	ection/	invection	ation		
□ No violations; however, recomme	nded co	orrectiv	e actio		
☐ Inspection Form as Corre  ➢ Violation: Illegal Discharge/Illegal  ☐ Stop Work Notice Issued	Conne	ction/In	nprope		
□ Violation					

### Construction BMP Recommendations

Site: VALENCIA Date: 9/15/15
Recommendations:
UTILIZE EROSION CONTROLS ON ALL DISTURBED AREAS PRIOR
10 RAIN EVENTS, OR WHEN THEY ARE NACTIVE, WHICHEVER COMES FIRST  (2) PROTECT EXPOSED AREA FROM RUN-ON AND MAKE SURE AREA
is fully covered
3 ADD/INPROVE PÉRIMETER CONTROLS
@ ADD TC-1 IF VEHICLES WILL BE DRIVING ACROSS DRIVEWAY
(E) CLEAN SEPIMENT OUT OF ROADWAYS & GUTTER
CLEAN SEDIMENT OUT OF BIORETENTION BASINS, SIGNIFICANT
ACCUMULATION, ESPECALLY BY INLETS
@ REPAIR EROSION BY BASIN INCETS AGO RECOMMEND
CLEARING OBSTRUCTIONS IN QUILET RISER STRUCTURE
9 PICK UP TRASH



#### TAD NAKATANI - 12/29/2015

Page 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

IN THE MATTER OF:	)
	)
ADMINISTRATIVE CIVIL	)
LIABILITY COMPLAINT NO.	)
R9-2015-0110	)
AGAINST SAN ALTOS - LEMON	)
GROVE, LLC.	)
	)
	)

THE DEPOSITION OF TAD NAKATANI, a witness herein, noticed by Opper & Varco, LLP, at 225 Broadway, Suite 1900, San Diego, California, at 8:42 a.m., on Tuesday, December 29, 2015, before R. Jerrod Jones, CSR 11750, RPR

Job Number 598613



#### TAD NAKATANI - 12/29/2015

2 (Pages 2 to 5)

	2 (Pages 2 to 5)
Page 2	Page 4
APPEARANCES OF COUNSEL:  Tor San Altos, Lemon Grove, LLC: OPPER & VARCO, LLP BY: LNDA C. BERESFORD, ESQ. S. WAYNE ROSENBAUM, ESQ. 225 Broadway Suite 1900 San Diego, California 92101 (619) 231-5858 Lindab@envirolaywer.com Swr@envirolaywer.com Swr@envirolaywer.com Swr@envirolaywer.com For California State Water Resources Control Board: CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, STATE WATER RESOURCES CONTROL BOARD, OFFICE OF ENFORCEMENT BY: DAVID M. BOYERS, ESQ.  13 1001 I Street P.O. Box 100 Sacramento, California 95812 (916) 341-5276 David.boyers@waterboards.ca.gov For Deponent, Gary Harper: LOUNSBERY, FERGUSON, ALTONA & PEAK, LLP BY: JAMES P. LOUGH, ESQ. 960 Canterbury Place Suite 300 Secondido, California 92025 (760) 743-1201 Jpl@lfap.com Also Present: Joshua Rosenbaum Frank Melbourn	1 7 E-Mail From Malik Tamimi to 43 88  John Quenzer dated 12/16/14  [EXH-7]  3 8 D-Max Engineering Memo dated 45 88  12/17/14 [EXH-8]  4 9 D-Max Engineering Memo dated 47 88  12/31/14 [EXH-9]  6 10 NPDES Stormwater Program 48 88  Construction Stormwater  Cornpliance Inspection Form dated 1/6/15 [EXH-10]  8 11 NPDES Stormwater Program 54 88  Construction Stormwater  Compliance Inspection Form dated 1/1/15 [EXH-12]  10 dated 1/14/15 [EXH-12]  11 E-Mail from Leon Firsh to 64 88  13 Tad Nakatani dated 2/4/15 [EXH-13]  14 NPDES Stormwater Program 66 88  Construction Stormwater  Compliance Inspection Form dated 3/18/15 [EXH-14]  17 NPDES Stormwater Program 70 88  Construction Stormwater  Compliance Inspection Form dated 3/18/15 [EXH-14]  17 SNPDES Stormwater Program 70 88  Construction Stormwater  Compliance Inspection Form dated 4/29/15 [EXH-14]  18 Construction Stormwater  Compliance Inspection Form dated 4/29/15 [EXH-15]  19 16 E-Mail From Tad Nakatani to 71 88  Mail Tamimi dated 9/14/15 [EXH-16]  17 E-Mail From Tad Nakatani to 73 88  Cary Harper dated 9/16/15 [EXH-17]  23 18 NPDES Stormwater Program 74 88  Construction Stormwater  Construction Stormwater Program 74 88
Page 3  INDEX  INDEX  WITNESS: TAD NAKATANI EXAMINATION BY: MR. BERESFORD MR. BOYERS EXHIBITS Exhibit identification within the transcript is flagged with "[EXH]" as an identifier.  EXHIBIT DESCRIPTION IDENTIFIED MARKED San Altos - Lemon Grove, LLC's 7 88 Notice of Deposition of Tad Nakatani and Request for Production of Documents [EXH-1]  VIPDES Stormwater Program Construction Stormwater Compliance Inspection Form dated 12/91/4 [EXH-2]  NPDES Stormwater Program 30 88 Construction Stormwater Compliance Inspection Form dated 12/11/14 [EXH-3]  City of Lemon Grove Notice, 31 88 Administrative Citation dated 12/11/14 [EXH-4]  D-Max Engineering Memo dated 33 88 12/12/14 [EXH-5]  D-Max Engineering Memo dated 33 88 Construction Stormwater Program 37 88 Construction Stormwater Program 4 88 Compliance Inspection Form 4 88 Compliance Inspec	Page 5  SAN DIEGO, CALIFORNIA; TUESDAY, DECEMBER 29, 2015  8:42 A.M.  TAD NAKATANI, having been first duly sworn, was examined and testified as follows:  EXAMINATION  BY MS. BERESFORD:  Q. Good morning, Mr. Nakatani.  A. Hi.  Q. My name is Linda Beresford. I'm one of the attorneys for San Altos-Lemon Grove, LLC, representing them in the matter of the Administrative Civil Liability Complaint Number R9-2015-0110, issued by the Regional Water Quality Control Board.  Would you state your name and spell it for the record.  A. Tad Nakatani, T-a-d, N-a-k-a-t-a-n-i. Q. Thank you. Have you had your deposition taken before?  A. No. Q. There's a few ground rules that I'd like to go over with you, just to try to make the process

#### 3 (Pages 6 to 9)

3 (	Pages 6 to 9)	
	Page 6	Page 8
	-	
1	go a little more smoothly. We are here today at a	but it's my understanding that this is my Subpoena to
2	hearing under oath. We have a court reporter taking	2 appear today, and a list of documents to be provided.
3	down everything that we say. So when I ask a	3 Q. Okay. Thank you.
4	question, if it's possible, please try to respond	4 A. Yes.
5	verbally, "yes," "no," a sentence, rather than a	5 Q. Did you bring any documents with you
6	shrug or "uh-huh," things that are difficult to read	6 today?
7	on a transcript. Understood?	7 A. We worked would Jim last week to he
8	A. Yes.	8 asked us to give it to them on DVD.
9	Q. Okay. And in order to have an accurate	9 Are you Wayne, by the way?
10	transcript, it's important that you understand my	10 MR. ROSENBAUM: Yes.
11	question and I understand your answer. So if	11 THE WITNESS: He said he would talk to Wayne
12	possible, we'll try to have one person speaking at a	12 and let us know.
13	time. So if you can wait for me to finish my	13 MR. LOUGH: We added theirs. It's on the
14	question; and I, in turn, will also do my best and	14 CD-ROM we gave you.
15	wait for you to finish your answer before we stop	15 BY MS. BERESFORD:
16	speaking before I start speaking so that we're not	Q. So it's your testimony that all of the
17	talking over each other.	documents that you have responsive to that, you
18	Do you understand?	provided to Mr. Lough to produce with the City of
19 20	A. Yes.	19 Lemon Grove's documents?
21	Q. Please feel free to take a break at any	A. Yes. I believe they were on different
22	time. The only thing I ask is that if I have a	DVDs but submitted to him.  22 I'm guessing you gave those at the same time.
23	question pending before you, that you answer the question before we take a break; is that understood?	8
24	A. Yes.	g
25	Q. Okay. And finally, I'm sorry, but I do	you identify any documents that you thought were possibly responsive but you did not produce for some
	Q. Olasy, Illianing, I in sorry, but I do	possibly responsive but you did not produce for some
	Page 7	Page 9
1	have to ask: Are you taking any medication, or is	1 reason?
2	there any other reason why you can't give your best	2 A. No, not that I'm aware of.
3	testimony today?	3 Q. Did you do anything else to prepare for
4	A. No.	4 your deposition today?
5	Okay. Great.	5 A. We did have a brief meeting with Jim and
6	MS. BERESFORD: If you could please mark that	6 some people from Lemon Grove.
7	as Exhibit 1.	7 Q. Did you talk to anybody at D-Max about the
8	(Exhibit Number 1 was marked for	8 deposition?
9	identification.)	9 A. John Quenzer and John Zrinski.
10	BY MS. BERESFORD:	Q. What was that discussion about?
11 12	Q. Would you please review that.	11 A. Mostly we were we coordinated getting 12 all of the documents together mainly because it was a
13	<ul><li>A. Is this the full copy on the back?</li><li>Q. One document is your Notice of Deposition</li></ul>	g
14	with the Request for Production of Documents. And	i, - g j
15	one should be the Subpoena with the Request for	discussion of what we needed to do, to show up and then bring and stuff like that.
16	Production. It's my understanding that the Request	16 Q. Okay. Did you review any documents
17	for Production of Documents are identical for both	specifically to prepare for today?
18	the Notice of Deposition and the Subpoena.	A. Just what I kind of may have glanced over
19	A. Okay.	in pulling in all of the e-mails mostly, I guess.
20	Q. But my first question is, have you seen	20 Q. Okay.
21	that document before?	A. Yeah. So not an actual thorough review of
22	A. Yes.	any of the documents that were listed on here.
23	Q. Okay. Can you identify for the record	Q. Okay. Thanks. I would like to talk about
		8 O 4
24	what it is?	24 your education a little bit.
24 25	what it is?  A. I forgot what just called it, but the	<ul><li>24 your education a little bit.</li><li>25 A. Okay.</li></ul>

4 (Pages 10 to 13)

Virtuo contrato		approximation of the	4 (Pages 10 to 13)
No.	Page 10		Page 12
1	Q. Where did you graduate from high school?	1	A. Yeah. I was a biotech technician, I guess
2	A. Glendale High School in Glendale,	2	would be the title, at Diazyme Laboratories, also in
3	California.	3	San Diego.
4	Q. And then did you go to college?	4	Q. When you completed your internship with
5	A. Yes.	5	the Air Resources Board, what did you do after that?
6	Q. Where was that?	6	A. I moved back to San Diego in the fall and
7	A. UC San Diego.	7	began applying for jobs. And then I interviewed with
8	Q. Did you graduate?	8	D-Max, my parent company. And I started with D-Max
9	A. Yes.	9	in I believe January of '09.
10	Q. What year was that?	10	Q. What was your first position with D-Max?
11	A. 2004.	11	A. Staff scientist, I believe.
12	Q. What was your degree?	12	· · · · · · · · · · · · · · · · · · ·
13	A. I had a degree in ecology behavior in	13	Q. And what did you do as a staff scientist?
14	evolution, and psychology as a second.	14	A. I don't know all of it. I did under
15	Q. Interesting. Do you have any advanced	15	with that job title, because I don't recall exactly
16	degrees?	16	how long I had that one. But I I mean, do you
17	A. I have a master's.	17	want a list of some of the tasks I can think of?
18		8	Q. Did you do any storm water inspections as
19	<del>-</del>	18	a staff scientist?
20	A. That's in animal behavior from UC Davis.	19	A. Yes.
21	Q. When you did get that degree?	20	Q. So you started doing storm water
	A. I believe 2008.	21	inspections in 2009 as a staff scientist?
22	Q. Is that a master's of science?	22	A. Yes.
23	A. Yes.	23	Q. What type of training did you have or
24	Q. Okay. Do you have any other advanced	24	did you have any training before you did storm water
25	degrees besides that?	25	inspections as a staff scientist?
	Page 11		Page 13
1	A. No.	1	A. Yeah. We did we did field training
2	Q. What was your first job after you finished	2	with other staff, more experienced staff members.
3	your master's at UC Davis?	3	Q. And was that all the training you received
4	A. I had a I had an internship, like a	4	at that time?
5	full-time internship with the Air Resources Board in	5	A. I mean, there's probably some additional,
6	Sacramento. Although I don't technically remember	6	you know, like just reading materials that they gave
7	so that was through the summer, from about June to	7	to new people to start with, you know, with permits
8	September. I don't remember if my degree award date	8	and stuff like that.
9	was actually June or September. It technically may	9	Q. What type of storm water inspections were
10	not have been after; it may have been during.	10	you doing at that time?
11	Q. That's okay. Let me back up a little bit.	11	A. Initially it was industrial/commercial,
12	Did you work in between the time you graduated from	12	the beginning. Probably also some treatment control
13	UCSD and went to UC Davis?	13	BMP or structural BMP, maintenance verification
14	A Mag	14	inspections. Yeah, that was probably after a couple
	A. Yes.		
15	Q. What did you do during that period?	15	of months. Yeah, that probably was performed under
15 16	<ul><li>Q. What did you do during that period?</li><li>A. I worked as a biostatistician for one</li></ul>	16	that same job title.
15 16 17	Q. What did you do during that period? A. I worked as a biostatistician for one year; and I worked in biotech for the second year;	16 17	
15 16 17 18	Q. What did you do during that period? A. I worked as a biostatistician for one year; and I worked in biotech for the second year; and then began grad school after two years, I	16 17 18	that same job title. Q. Okay. How long were you a staff scientist?
15 16 17 18 19	Q. What did you do during that period? A. I worked as a biostatistician for one year; and I worked in biotech for the second year; and then began grad school after two years, I believe.	16 17 18 19	that same job title. Q. Okay. How long were you a staff scientist? A. I don't remember.
15 16 17 18 19 20	Q. What did you do during that period? A. I worked as a biostatistician for one year; and I worked in biotech for the second year; and then began grad school after two years, I believe. Q. Where were you a biostatistician?	16 17 18 19 20	that same job title. Q. Okay. How long were you a staff scientist?
15 16 17 18 19 20 21	Q. What did you do during that period? A. I worked as a biostatistician for one year; and I worked in biotech for the second year; and then began grad school after two years, I believe. Q. Where were you a biostatistician? A. The Virtual Reality Medical Center. It	16 17 18 19 20 21	that same job title. Q. Okay. How long were you a staff scientist? A. I don't remember.
15 16 17 18 19 20 21 22	Q. What did you do during that period? A. I worked as a biostatistician for one year; and I worked in biotech for the second year; and then began grad school after two years, I believe. Q. Where were you a biostatistician? A. The Virtual Reality Medical Center. It sounds fake, I know.	16 17 18 19 20 21	that same job title. Q. Okay. How long were you a staff scientist? A. I don't remember. Q. Do you remember what your next title was? A. I believe there's Staff Scientist II was the next level.
15 16 17 18 19 20 21 22 23	Q. What did you do during that period? A. I worked as a biostatistician for one year; and I worked in biotech for the second year; and then began grad school after two years, I believe. Q. Where were you a biostatistician? A. The Virtual Reality Medical Center. It sounds fake, I know. Q. Where was that?	16 17 18 19 20 21 22 23	that same job title. Q. Okay. How long were you a staff scientist? A. I don't remember. Q. Do you remember what your next title was? A. I believe there's Staff Scientist II was the next level. Q. Do you do similar type of storm water
15 16 17 18 19 20 21 22 23 24	Q. What did you do during that period? A. I worked as a biostatistician for one year; and I worked in biotech for the second year; and then began grad school after two years, I believe. Q. Where were you a biostatistician? A. The Virtual Reality Medical Center. It sounds fake, I know. Q. Where was that? A. That was in San Diego.	16 17 18 19 20 21 22 23 24	that same job title.  Q. Okay. How long were you a staff scientist?  A. I don't remember.  Q. Do you remember what your next title was?  A. I believe there's Staff Scientist II was the next level.  Q. Do you do similar type of storm water inspections as a Staff Scientist II?
15 16 17 18 19 20 21 22 23	Q. What did you do during that period? A. I worked as a biostatistician for one year; and I worked in biotech for the second year; and then began grad school after two years, I believe. Q. Where were you a biostatistician? A. The Virtual Reality Medical Center. It sounds fake, I know. Q. Where was that?	16 17 18 19 20 21 22 23	that same job title. Q. Okay. How long were you a staff scientist? A. I don't remember. Q. Do you remember what your next title was? A. I believe there's Staff Scientist II was the next level. Q. Do you do similar type of storm water

#### (Pages 14 to 17)

Page 14 Page 16 less industrial/commercial inspections and more of 1 an Assistant Project Scientist? 2 the structural, postconstruction BMPs as I 2 A. Yes. I believe I did some, but probably 3 3 progressed. I don't know where that picks up with the more supervising of the inspections under that 4 4 the job titles, honestly. 5 5 Q. Okay. About how many inspections a year Q. Were you either performing or supervising 6 did you do as a Staff Scientist I, a Staff Scientist 6 inspections for the Construction General Storm Water 7 7 П? Permit? 8 A. I have no idea. 8 A. Under that job title, I don't know. Let 9 Q. More than five? 9 me think on that one. Probably. I don't know 10 A. Yeah. 10 exactly when a transition -- the next title would be 11 Q. More than ten? 11 Project Scientist, which is my current one. So I 12 A. Yeah. So I guess I would say probably --12 would guess probably under that title is when I was 13 so if I were to be doing a full time, let's say I 13 doing some construction stuff, but I'm really not 14 worked one week and I'm doing all five days, fully 14 sure. I don't know when the job titles synced up 15 15 dedicated to inspections, I would probably while with different actions. 16 doing industrial/commercial I could do about 20 to 30 16 Q. Okay. But you're a Project Scientist now? 17 17 in a week. And then if it were in treatment control 18 or structural, postconstruction, less than that 18 Q. Do you know when you became a Project 19 maybe, 15 to 25 a week, so -- but I don't at this 19 Scientist? 20 point recall how much of my time was on just 20 A. No. 21 21 inspections. Q. Your parents must not ask you too many 22 22 Q. Okay. Who were you doing the inspections questions as they ask me. 23 for? 23 Approximately how long do you -- would you 24 24 A. Like, who was my supervisor; or who was my estimate that you have been a Project Scientist? 25 client? 25 A. Oh, gosh. Probably within the last two Page 15 Page 17 1 Q. Who were your clients? years. That's about -- I can vaguely remember joking 2 A. The City of San Diego was the main one. with a coworker that the new job title didn't mean So the bulk was probably done for them. At various 3 3 that much to me. So that's -- it didn't really 4 times we -- I have also done inspections for probably 4 change what I was doing work-wise. So yeah, I don't 5 5

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the City of National City. Do you want like a complete list, or as complete as I can give you right now?

Q. Were you acting mostly as a subcontractor for cities?

A. Yes.

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Q. And during that time, were you doing inspections for the General Construction Storm Water Permit?

A. No, not in the early years.

Q. Okay. What was your title after you were a Staff Scientist II?

A. I believe Assistant Project Scientist.

Q. And do you know when you became an **Assistant Project Scientist?** 

A. No.

Q. Do you think it was one year ago or approximately --

A. No, multiple years ago. I don't remember which one.

Q. And did you do storm water inspections as

have a good recollection of when that official change was.

Q. Okay. But you just indicated that your duties didn't really change that much, or did they? Can you elaborate. What did you do as --

A. I think if you are talking about like the different jobs, like tasks I'm working on, I think that really would be something that changed more with different contracts that my company had, as opposed to what my job title was. Because a lot of the contracts we have are for, you know, just several months or something.

So if we had a six months -- a six-month contract to do a certain task, then that's really what determined like we're doing this project with the Lemon Grove construction program. So that kind of determined what I was doing more so than my job title.

Q. Okay.

24 A. At that point, yeah.

Q. Over the past two years, did you do any

6 (Pages 18 to 21)

Page 18 Page 20 1 inspections for the Construction General Storm Water 1 other storm water work as well. 2 Permit? 2 Q. When was D-Max specifically hired to do 3 3 inspection of construction sites? 4 Q. For whom were you doing those inspections? 4 A. I believe this particular contract -- I 5 A. So I did constructions for the City of 5 mean, I don't know when all of the contracting 6 Lemon Grove. And I also did construction -- or I did 6 documentation was finalized. I believe my first time 7 inspection as a QSP for Marathon General, a 7 out there was December of last year, December 2014. 8 contractor for a project in Santee. 8 Q. Okay. Do you know why they hired D-Max 9 Q. So you just indicated to me that you are a 9 for that purpose? 10 Qualified Storm Water Professional, QSP; is that 10 A. I believe initially it was I think two 11 correct? 11 sites. They wanted us to come in and do inspections 12 A. I believe the P is Practitioner, right? 12 of -- construction inspections of two sites. 13 But yeah, QSP. 13 Q. Did anyone specifically say why they 14 Q. Okay. When did you become a QSP? 14 wanted you to do that? 15 A. Let's see. I believe that was on my 15 A. So I guess I didn't -- I don't think I 16 resume. Do you have that? I could -- I don't recall 16 spoke to the City at the time. It would be -- John 17 offhand. But it should be on the resume that was on 17 Quenzer was my supervisor. So I don't know exactly 18 the DVD from Jim. 18 what was said specifically, other than the City 19 Q. Okay. Do you think it was approximately a 19 wanted our assistance just to provide, you know, 20 year ago? 20 basically our assessment of the site, similar to what 21 A. No. It was a few years ago. In my head 21 the water company typically does for, like, a 22 I've sort of got 2012, but I don't know if that's 22 municipal construction inspection. 23 correct or not. But it was multiple years ago. 23 Q. Who was your primary contact at the City? 24 Q. Okay. Are you a Qualified SWPPP 24 A. At first or --25 Developer, a QSD? O. At first and then later. 25 Page 19 Page 21 1 A. Yes. 1 A. I think honestly, that's sort of been 2 Q. Do you know when? 2 unclear or changing --3 A. That would be the same date. 3 O. Okav. 4 Q. Okay. What specific training have you had 4 A. - at times. So I'm -- I believe -- I 5 for storm water compliance investigations? 5 mean, Leon was the one sort of -- Leon Firsht was in 6 A. Specific to construction, or just in 6 charge of it. So I think he was probably the main 7 7 general storm water compliance? contact initially. But I don't know honestly if the 8 Q. Let's talk about just construction for 8 contract was between the City and D-Max was kind of 9 now. 9 done through by Malik or Leon. Because I know Malik. 10 A. Okay. Let's see. I had the QSP/QSD 10 you know, is the one who is most involved in storm 11 training, which I took that with I believe Rick 11 water. He's the one typically in contact with our 12 Engineering. And then I had some -- just my year of 12 company more frequently about contracts. So I don't 13 pass inspection material and reading with documents, 13 know which one of them reached out to us initially. 14 like with coworkers. 14 Q. Okay. But throughout the course of the 15 Q. Did you go to any of the specific training 15 contract, you had both -- you had contact with 16 that the Water Board has put on? 16 Mr. Firsht and Mr. Malik Tamimi? 1.7 A. No. 17 A. Yes. 18 Q. Are you a Trainer of Record? 18 Q. Who else at the City did you talk to or 19 A. No. 19 meet with specifically about this site? 20 Q. Okay. Can you describe the relationship 20 A. Gary Harper probably would be the person 21 between D-Max and the City of Lemon Grove for me? 21 that I had contact with by phone or e-mail, and also 22 22 A. Yes. So D-Max was hired by the City of just he was on site many of the times I was there 23 Lemon Grove. Specific to this project, they hired us 23 too. So who else? Let's see. Tamara O'Neil, J.J. 24 to do inspections of construction sites. D-Max also 24 Arrington was more recently. Let's see. Those were 25 has some additional contracts with the City to do 25 the main ones. I'm just trying to think. I'm going

#### 7 (Pages 22 to 25)

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	Page 22		Page 24
1	through City staff. I think Dave I may have had	1	you were referring to there?
2	contact with, but I don't think related to this	2	A. I believe that is referring to the General
3	project. I don't think.	3	Construction Permit. Although, I pretty much was
4	Q. Okay.	4	just using that option as a I would say it's not
5	A. That probably covers the main contacts.	5	really, you know, something that we're excuse me.
6	Q. I understand Miss O'Neil is not with the	6	That wouldn't be the General Construction Permit. I
7	City of Lemon Grove anymore. Do you know anything	7	
8	about that?	88	believe that one is referring to the Municipal
9	A. That's correct.	8	Permit.
10		9	But I don't know that this is necessarily
11	Q. Do you know where she is?	10	meaning that we're doing this inspection to meet the
	A. I do not.	11	inspection frequency requirement of the Municipal
12	Q. Who is Mr. Arrington?	12	Permit. My understanding of this box was just sort
13	A. J.J. or Jeremiah, he's a I believe he's	13	of that that's a, hey, this is our sort of a routine
14	an engineer, some sort of engineering title. I don't	14	inspection that we're doing for the City.
15	know exactly what the title is. He hasn't been there	15	Q. Okay. When you were asked or when you
16	that long, probably just I believe he started in	16	went to go inspect the site, what was the standard
17	2015 sometime.	17	that you were comparing it against? Were you doing
18	MS. BERESFORD: Okay. If you could please mark	18	an inspection per the Construction General Storm
19	this as Exhibit 2.	19	Water Permit; or were you inspecting the site in
20	(Exhibit Number 2 was marked for	20	accordance with the City's Jurisdictional Urban
21	identification.)	21	Runoff Management Plan?
22	MR. BOYERS: Do you have another copy? I know	22	A. So this would be in accordance with the
23	it's in there somewhere.	23	City's standards.
24	(Discussion off the record.)	24	Q. So you were inspecting it in accordance
25	MR. BOYERS: Okay. Perfect. Thank you.	25	
•	, , , , , , , , , , , , , , , , , , ,	8 Z J	with the city's JUKMP?
\$250.500 RECORDERACE		20	with the city's JURMP?
1	Page 23		Page 25
1	Page 23 BY MS. BERESFORD:	1	Page 25  A. Yeah. Or actually, they have a lot in
2	Page 23 BY MS. BERESFORD: Q. Have you seen this document before?	1 2	Page 25  A. Yeah. Or actually, they have a lot in their Municipal Code as well.
2	Page 23 BY MS. BERESFORD: Q. Have you seen this document before? A. Yes.	1 2 3	Page 25  A. Yeah. Or actually, they have a lot in their Municipal Code as well.  Q. But when you were inspecting, you were not
2 3 4	Page 23 BY MS. BERESFORD: Q. Have you seen this document before? A. Yes. Q. Can you tell me what it is?	1 2 3 4	Page 25  A. Yeah. Or actually, they have a lot in their Municipal Code as well.  Q. But when you were inspecting, you were not inspecting for purposes of the Construction General
2 3 4 5	Page 23 BY MS. BERESFORD: Q. Have you seen this document before? A. Yes. Q. Can you tell me what it is? A. It's my Inspection Form from December 9th,	1 2 3 4 5	A. Yeah. Or actually, they have a lot in their Municipal Code as well.  Q. But when you were inspecting, you were not inspecting for purposes of the Construction General Storm Water Permit, correct?
2 3 4	Page 23 BY MS. BERESFORD: Q. Have you seen this document before? A. Yes. Q. Can you tell me what it is? A. It's my Inspection Form from December 9th, 2014.	1 2 3 4 5 6	A. Yeah. Or actually, they have a lot in their Municipal Code as well.  Q. But when you were inspecting, you were not inspecting for purposes of the Construction General Storm Water Permit, correct?  A. Correct. My intention was to be doing it
2 3 4 5 6 7	Page 23 BY MS. BERESFORD: Q. Have you seen this document before? A. Yes. Q. Can you tell me what it is? A. It's my Inspection Form from December 9th, 2014. Q. So did you visit the site on December 9,	1 2 3 4 5 6 7	A. Yeah. Or actually, they have a lot in their Municipal Code as well.  Q. But when you were inspecting, you were not inspecting for purposes of the Construction General Storm Water Permit, correct?  A. Correct. My intention was to be doing it for the City in accordance with the City standards.
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8 (Pages 26 to 29)

garder prospins		0 (rayes 20 to 2)
	Page 26	Page 28
1	violations; is that correct?	1 A. Yes. Yeah.
2	A. Yes, that's what's indicated there.	2 Q. Is it possible that the same stockpile
3	Q. And is this your handwriting at the bottom	3 could have been moved the day before?
4	of the Recommended Corrective Action?	4 MR. BOYERS: Objection. Speculation.
5	A. Yes. Yes, it is.	5 BY MS. BERESFORD:
6	Q. Does this inspection document discuss	6 Q. I will rephrase. If you went out and did
7	whether or not there were concerns with BMPs with	7 an inspection and you saw a stockpile, did you have
8	respect to active versus inactive areas?	8 any knowledge of when that stockpile was placed
9	A. Yes, there is a mention of inactive areas.	9 there?
10	Q. Can you point out to me where that	A. I may or may not have spoken to someone on
11	reference is?	site during the inspection. But I can't tell just
12	A. I noticed one under one comment on the	from my notes at this point whether or not that's the
13	Recommended Corrective Actions on page two, the first	13 case.
14	one there mentions inactive areas.	Q. So for these stockpiles, you can't tell me
15	Q. Can you read that sentence to me.	whether or not you knew when those stockpiles were
16	A. "Add erosion control to all disturbed	16 created?
17	areas inactive for ten days, including roadways not	17 A. Let's see. Someone may have told me when
18	currently in use."	18 it was created or last active, but they may not have.
19	Q. So when you were evaluating an active	19 I don't know at this point.
20	versus inactive area, your evaluation was whether it	g
21	was active or inactive for a ten-day period; is that	g
22	correct?	
23	A. In this instance, that appears to be	8
24	correct.	g,,,,
25	Q. And how would you have known whether an	and the state of t
************	Q. 1111 ION WORLD JOU NOVE KNOWN WHETHER AN	25 But just from looking at these forms, I can't tell
		8)
	Page 27	Page 29
1	Page 27 area was active or inactive for ten days?	
2		1 who either from the City or from the developer that
	area was active or inactive for ten days?  A. At this point I would not have. Q. You didn't ask anybody?	who either from the City or from the developer that may or may not have spoken to on site.
2 3 4	area was active or inactive for ten days?  A. At this point I would not have.	who either from the City or from the developer that may or may not have spoken to on site.
2 3 4 5	area was active or inactive for ten days?  A. At this point I would not have. Q. You didn't ask anybody? A. I don't recall. Let me see. Yeah, I don't recall.	who either from the City or from the developer that may or may not have spoken to on site.  Q. Did anybody from the Water Board ever call
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### 9 (Pages 30 to 33)

l	(rages 50 to 55)					
	Page 30		Page 32			
1	A. Yeah.	1	A. The date of violation observed is			
2	MS. BERESFORD: Okay. We can mark this as	2	12/11/14.			
3	Exhibit 3, please.	3	Q. And there's may I see it for a moment?			
4	(Exhibit Number 3 was marked for	4	On the violation observed, it says, "See attached			
5	identification.)	5	report." Do you see that writing?			
6	BY MS. BERESFORD:	6	A. The "Inadequate BMPs - see attached			
7	Q. Have you seen this document before?	7	Inspection Reports"?			
8	A. Yes.	8	Q. Yes. Do you see that language?			
9	Q. Can you describe what it is, please.	9	A. Yes.			
10	A. This is my Inspection Form from	10	Q. Do you know whose reports those were?			
11	December 11th, 2014.	11	A. I do not know for sure. It's likely that			
12	Q. And that's the inspection of the site?	12	those were mine, but I'm not sure.			
13	A. Yes.	13	Q. Do you recall if Mr. Firsht talked to you			
14	Q. And when we say the site, we mean the	14	about issuing a citation?			
15	Valencia Hills construction project on San Altos	15	A. I don't recall.			
16	Place; is that correct?	16	Q. Does it surprise you that they issued a			
17	A. Correct.	17	citation based on a report that you did that day that			
18	Q. I should have defined that earlier.	18	indicated there were no violations?			
19	You indicated, again, that there were no	19	MR. BOYERS: Objection. It misstates his			
20	violations after this inspection; is that correct?	20	testimony.			
21	A. Yes, that is what's indicated.	21	BY MS. BERESFORD:			
22	Q. Is that your handwriting at the bottom of	22	Q. I'll go back. In your inspection of			
23	that page?	23	December 11th, it notes that there are no violations;			
24	A. Yes.	24	is that correct?			
25	Q. I only ask because it looks different from	25	A. Yes, that's what's indicated there.			
000000000000000000000000000000000000000	Page 31		Page 33			
1	the handwriting on the December 9th inspection.	1	_			
2	A. Oh.	22	Q. Did they talk to you about why they were going to issue a citation that day when you had a			
3	13. OII.					
J	O. Do you recall if you discussed this	2				
4	Q. Do you recall if you discussed this inspection with Gary Harper or Leon Firsht?	3	report that said no violations?			
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10 (Pages 34 to 37)

Page 34 Page 36 Q. You can still answer. Q. And do you recall if you were on site on 2 A. Can you restate the question? 2 December 12th? 3 3 Q. Sure. Can turbidity data be used to A. I don't recall. But I most likely not, if 4 support a violation of the General Construction 4 I don't have an Inspection Form for that date. 5 Permit? 5 Q. Okay. Were you aware that the Water Board 6 MR. BOYERS: The same objections. 6 inspected the site on December 15, 2014? 7 7 BY MS. BERESFORD: A. At this point, not by memory. 8 Q. It's okay. He can object. 8 O. I'll provide that for you to refresh your 9 A. Okay. 9 recollection. We're not going to make it an exhibit. 10 Q. You generally are still supposed to 10 A. Okay. 11 answer, unless someone directs you not to answer. 11 Q. I'm referring, however, to the document 12 A. Okay. So you are saying legally? You are 12 that has Exhibit Number 8 at the top. 13 asking if legally a turbidity sample --13 A. Okay. 14 Q. I'll rephrase. How is turbidity data used 14 Q. Did you hear any discussion that 15 when evaluating compliance with the General 15 inspection was going to occur? 16 **Construction Storm Water Permit?** 16 A. Prior to the inspection? 17 MR. BOYERS: Objection. It calls for 17 O. Yes. 18 speculation. 18 A. At this point, I don't remember. 19 THE WITNESS: I mean, the -- I mean, that's not 19 Q. Do you know why a representative from 20 really what we were doing. This was for the City, 20 D-Max wasn't participating in that inspection? not for the General Construction Permit. So I'm not 21 21 A. We were only at an inspection if we were 22 really sure how that would be used. 22 asked to be there by the City. 23 BY MS. BERESFORD: 23 Q. All right. Let me take that back. 24 Q. Okay. What was the point of taking the 24 And just to close the loop on that, then, since 25 turbidity data? 25 you were not there, the presumption is that the City Page 35 Page 37 1 A. That was -- I think that that was really 1 did not ask you to attend; is that correct? from -- a question for the requester from the City. 2 A. Most likely, yes. I believe that to be 3 We were just wanting to know what the turbidity was. 3 true. 4 O. Okav. 4 MS. BERESFORD: Okay. Let's mark that as 5 A. Yeah. 5 Exhibit 6. This is Mr. Nakatani's Inspection of 6 6 Q. No one discussed with you why they wanted December 16th. 7 to collect turbidity data? 7 (Exhibit Number 6 was marked for A. Well, they wanted to know their turbidity. 8 identification.) 9 I mean, they may have wanted to look at it in 9 (Discussion off the record.) 10 relation to the actual levels from the General 10 BY MS. BERESFORD: 11 Construction Permit, but I'm not sure. That's --11 Q. Have you seen this document before? 12 that's their --12 A. Yes. 13 Q. Right. I'm trying to find out if anybody 13 Q. Can you please identify it for me? 14 had a specific conversation with you about why they 14 MR. BOYERS: Can we wait until I have a copy? 15 wanted it? 15 MR. J. ROSENBAUM: I'll go make copies. 16 A. The request for sampling was most likely a 16 MR. BOYERS: Okay. It's part of the Regional 17 conversation between the City and John Quenzer for 17 Board's Exhibit 9. Go ahead. 18 this one I would guess. 18 MS. BERESFORD: I thought you had one. 19 O. Okav. 19 MR. BOYERS: I know. I needed it in front of 20 A. I believe in most cases of sampling, that 20 me when you were asking him questions. Thank you for 21 that's who would be involved in the conversation from 21 waiting. 22 22 BY MS. BERESFORD: 23 Q. Okay. Were you involved in this sampling 23 Q. Could you please identify what this is? 24 effort at all? 24 A. This is the Inspection Form from 25 A. No, I don't believe so. 25 December 16th, 2014.

### 11 (Pages 38 to 41)

ㅗㅗ	(rages so to 41)		
	Page 38		Page 40
1	Q. So did you visit the site on that day?	1	Q. And then that changed. Can you explain to
2	A. Yes.	2	me what happened there?
3	Q. Why did you go back out to the site on	3	A. I don't know for sure what the history of
4	that day?	4	that was. But I would say that the Violations
5	A. Most likely it was because the City asked	5	section was that's something that basically the
6	me to go on that day.	6	City staff was making decisions on typically. So
7	Q. Do you recall if they said why?	7	that would be usually something that would be told to
8	A. I don't recall.	8	me by, you know, discussion, either in the field or a
9	Q. Okay. Do you see that there's some yellow	9	phone call, or it could be in an e-mail.
10	highlighting on that document?	10	Q. Were there instances where the City told
11	A. Yes.	11	you to change a recommendation from a "No Violation"
12	Q. Did you make that highlighting?	12	to a "Violation"?
13	A. No.	13	A. Well, typically I would be getting input
14	Q. Do you know who did?	14	from them first. So it's not a case where I would
15	A. No.	15	say, I believe it is this; and the City would say
16	Q. Does this report discuss failure to have	16	change your change what you marked.
17	erosion control BMPs in inactive and active areas?	17	It would be although there may have been
18	A. I don't see specific mention of active	18	times when I've thought I think they want me to write
19	versus inactive.	19	this, but then they said, hey. And when I checked in
20	Q. Do you recall if you discussed with anyone	20	with them, they said we want it to be, you know,
21	at the site on that day	21	considered as such. But I don't know in this
22	A. I don't recall.	22	particular case what that exact history was.
	Q. Let me finish my question.	23	Q. Would they have given you input on whether
23 24	A. Sorry.	24	or not they thought something was a violation when
25	Q. I guess you didn't recall talking about it	25	they hadn't on on a day when they hadn't had a
*************	Page 39		Page 41
1	at all. But just to be clear, did you talk to anyone	1	representative their own representative at the
2	at the site that day about which areas were active	2	site? Does that make sense?
3	and which areas were inactive?	3	MR. BOYERS: Objection. Speculation.
4	A. I don't recall what, if any, conversations	4	BY MS. BERESFORD:
5	I had on that day.	5	Q. I will rephrase. Did they ever ask you
6	Q. And to be clear, you were talking about	6	I'll start again.
7	active versus inactive; from your mind, that's	7	Did they ever have a discussion about whether
8	whether or not they were doing work in that area	8	something was a violation or not when you were the
9	within the past ten days; is that correct?	9	only person who had visited the site that day?
10	A. Say that again, please.	10	A. I don't recall.
11	Q. In defining the difference between an	11	Q. Do you know if anybody visited the site
12	active versus an inactive area, when you're	12	with you on December 16th?
13	evaluating that, is that based on whether they have	13	A. I don't remember.
14	done work there in the past ten days, or do you have	14	Q. Were there times that you were the only
15	a different standard?	15	person inspecting the site?
16	A. Yes. I believe that that's what I was	16	A. Yes.
17	that was the time frame for defining inactive area.	17	Q. Did they always have input on whether or
18	Q. Ten days was the time frame?	18	not you checked violation or not?
19	A. I believe so.	19	A. Who do you mean by "they"?
20	Q. Okay. On the second page of your report,	20	Q. The City.
21 22	if you would look under "Violations."	21 22	A. I would say that as far as a discussion,
23	A. Uh-huh. Q. It looks like originally you had checked	23	we there was not a discussion every single time.
24	the box of "No Violations."	24	So yes, there were times when I'd fill out the form, including the "Violation" section without a
25	A. Uh-huh.	25	discussion with the City.
			WANT TO THE PROPERTY OF THE PR

12 (Pages 42 to 45)

Page 42 Page 44 I would say typically that was done when, you 1 December 16th? I will refer you to Exhibit 6. 2 2 know, when things were similar to a previous A. 12:25. 3 3 situation where I had had that conversation. So I Q. So was Mr. Tamimi asking for an Inspection 4 4 could fill out the form in a similar way based on Report before you had performed the inspection? 5 5 similar situations. MR. BOYERS: Objection. Speculation. 6 6 Q. Can you explain to me why it was --THE WITNESS: Am I still to answer this? 7 whether or not there was a violation up to 7 BY MS. BERESFORD: 8 8 discussion? And let me give you a little more O. Yes. 9 information. I would think if you go to the site and 9 A. I believe -- let me read this e-mail a 10 you see something, and it either is or it is not a 10 second. I believe in this e-mail, he is requesting 11 violation of the Municipal Code or the JURMP. Am I 11 that I perform the inspection. 12 incorrect on that assumption? 12 Q. And why does he want the report? 13 A. I would say that my understanding in 13 MR. BOYERS: Objection. Speculation. 14 14 filling out these forms is that I was brought on to THE WITNESS: I don't know. 15 assess the adequacy of the BMPs. But it wasn't my 15 BY MS. BERESFORD: 16 role to determine what was considered a violation or 16 Q. Can you read the first sentence. 17 not. That was the City's role still. 17 A. "John....we would like the follow-up 18 Q. Do other cities work in a similar fashion? 18 inspection today so that we can attach it to our 19 MR. BOYERS: Objection. It calls for 19 enforcement letter that we will be drafting today." 20 speculation. 20 Q. So he was asking for an Inspection Report 21 THE WITNESS: I'm not --21 to attach to an enforcement letter? Is that what the 22 BY MS. BERESFORD: 22 first sentence says? 23 23 Q. Based on your experience, have you had MR. BOYERS: Objection. Speculation. 24 similar experiences with other cities wanting to have 24 THE WITNESS: He says he's asking for an 25 notice if there's been a violation? 25 inspection so that we can attach it to our Page 43 Page 45 1 A. I have not had experience with other 1 enforcement letter. 2 2 cities where that has been the case. BY MS. BERESFORD: 3 3 Q. Did you ever discuss this December 16th Q. So he was planning on attaching an 4 inspection with anyone from the Water Board? 4 Inspection Report to the enforcement letter before 5 5 A. I don't believe so. the inspection occurred; is that correct? 6 MR. BOYERS: Objection. Speculation. MS. BERESFORD: Does someone have the time? 6 7 MR. ROSENBAUM: It is ten of 10:00. 7 THE WITNESS: I'm not sure what he was 8 MS. BERESFORD: Why don't we take a five-minute 8 planning. 9 MS. BERESFORD: Okay. We will mark this as break. We're going to go off the record. 9 10 (A recess was taken.) 10 Exhibit 8. Exhibit 8 to the deposition says Exhibit 11 (Mr. Lough exits the conference room.) 11 Number 10 at the top of the document. 12 MS. BERESFORD: Back on the record. 12 (Exhibit Number 8 was marked for 13 Can we please mark this as Exhibit 7. 13 identification.) (Exhibit Number 7 was marked for 14 14 BY MS. BERESFORD: 15 identification.) 15 Q. Have you seen this document before? 16 BY MS. BERESFORD: 16 17 17 Q. Have you seen this document before? Q. Could you please state what it is? 18 A. Most likely. I appear to be CCed on it, 18 A. It's a memo from D-Max to Malik Tamimi on 19 19 yeah. December 17th. 20 20 Q. Can you describe what it is? Q. What is the purpose of the memo? 21 A. This is an e-mail from Malik to me and to 21 A. This is reporting Brian Nemerow's field 22 22 John Anderson, December 26, 2014. visit on December 17th. 23 O. What is the time on the e-mail? 23 Q. Who is Mr. Nemerow? 24 A. 10:53 a.m. 24 A. He's a former employee of D-Max. 25 25 Q. And what time did you inspect the site on Q. Do you know where he is now?

## 13 (Pages 46 to 49)

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	Page 46	Page 48
1	A. Employment-wise?	1 Q. I'd like to direct you to the third
2	Q. Yes.	2 paragraph of this memo.
3	A. The City of the Vista. Wait. No. Yes.	3 A. Exhibit 9?
4	Yes, Vista.	4 Q. Yes, please.
5	Q. It's okay. What was his role at D-Max?	5 <b>A. Uh-huh.</b>
6	A. As in his job title, or the tasks that he	6 Q. The last sentence says, "To approximate a
7	performed?	7 certain effect," I'm paraphrasing there, "the settled
8	Q. Job title is fine.	8 sediment at the Akins entrance/exit location was
9	A. Probably Staff Scientist II I would guess,	9 disturbed, and a sample was taken a few minutes
10	not positive.	10 later."
11	Q. Previously you had stated that Mr. Quenzer	Do you think that follows a proper sampling
12	is your supervisor?	protocol to take a turbidity sample?
13	A. Correct.	13 A. Let me finish reading here. Okay. Can
14	Q. So then Mr. Nemerow was a subordinate to	
15	you? Did you supervise him?	,
16		f
17	A. Yes, I did on some projects. I don't recall in this particular one if he was working more	protocol, to disturb the puddle and then take the
18		17 sample?
19	under John Quenzer or myself. I would wager he was	18 A. Not that I'm aware of.
	probably yeah, I think he was working more under	Q. Do you know if you were on site on
20	John Quenzer for this particular task, since John was	20 December 31st?
21	the one that did the previous sampling.	A. I don't believe I was.
22	Q. Okay. Were you on site on December 17th,	MS. BERESFORD: Okay. Could you please mark
23	2014?	23 this as Exhibit 10.
24	A. Not that I know of. Unless there's an	24 (Exhibit Number 10 was marked for
25	Inspection Form from that day that I filled out, it's	25 identification.)
	D 47	
	Page 47	Page 49
1	unlikely.	Page 49 1 BY MS. BERESFORD:
1 2		1 BY MS. BERESFORD:
	unlikely.	1 BY MS. BERESFORD:
2	unlikely.  MS. BERESFORD: Let's make this Exhibit 9.	<ul> <li>BY MS. BERESFORD:</li> <li>Q. Have you seen that document before?</li> <li>A. Yes.</li> </ul>
2 3	unlikely.  MS. BERESFORD: Let's make this Exhibit 9. This will be Exhibit 9 to the deposition, although	<ul> <li>BY MS. BERESFORD;</li> <li>Q. Have you seen that document before?</li> <li>A. Yes.</li> <li>Q. Can you identify it for me, please?</li> </ul>
2 3 4	unlikely.  MS. BERESFORD: Let's make this Exhibit 9.  This will be Exhibit 9 to the deposition, although the document says Exhibit 12 at the top.	<ul> <li>BY MS. BERESFORD:</li> <li>Q. Have you seen that document before?</li> <li>A. Yes.</li> <li>Q. Can you identify it for me, please?</li> <li>A. This is my Inspection Report from</li> </ul>
2 3 4 5	unlikely.  MS. BERESFORD: Let's make this Exhibit 9.  This will be Exhibit 9 to the deposition, although the document says Exhibit 12 at the top.  (Exhibit Number 9 was marked for	BY MS. BERESFORD:  Q. Have you seen that document before?  A. Yes.  Q. Can you identify it for me, please?  A. This is my Inspection Report from  January 6, 2015.
2 3 4 5 6	unlikely.  MS. BERESFORD: Let's make this Exhibit 9.  This will be Exhibit 9 to the deposition, although the document says Exhibit 12 at the top. (Exhibit Number 9 was marked for identification.)	BY MS. BERESFORD:  Q. Have you seen that document before?  A. Yes.  Q. Can you identify it for me, please?  A. This is my Inspection Report from  January 6, 2015.
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2 3 4 5 6 7 8	unlikely.  MS. BERESFORD: Let's make this Exhibit 9.  This will be Exhibit 9 to the deposition, although the document says Exhibit 12 at the top.  (Exhibit Number 9 was marked for identification.)  BY MS. BERESFORD:  Q. Have you seen this document before?	BY MS. BERESFORD:  Q. Have you seen that document before?  A. Yes.  Q. Can you identify it for me, please?  A. This is my Inspection Report from  January 6, 2015.  Q. And that's for the site?  A. Yes.
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2 3 4 5 6 7 8 9	unlikely.  MS. BERESFORD: Let's make this Exhibit 9.  This will be Exhibit 9 to the deposition, although the document says Exhibit 12 at the top.  (Exhibit Number 9 was marked for identification.)  BY MS. BERESFORD:  Q. Have you seen this document before?  A. Yes.  Q. Can you please describe what it is.	1 BY MS. BERESFORD: 2 Q. Have you seen that document before? 3 A. Yes. 4 Q. Can you identify it for me, please? 5 A. This is my Inspection Report from 6 January 6, 2015. 7 Q. And that's for the site? 8 A. Yes. 9 Q. Do you know why you went to inspect the site on January 6th? 10 A. It would be either because the City
2 3 4 5 6 7 8 9 10	unlikely.  MS. BERESFORD: Let's make this Exhibit 9.  This will be Exhibit 9 to the deposition, although the document says Exhibit 12 at the top.  (Exhibit Number 9 was marked for identification.)  BY MS. BERESFORD:  Q. Have you seen this document before?  A. Yes.  Q. Can you please describe what it is.  A. This is a memo from D-Max to the City of	1 BY MS. BERESFORD: 2 Q. Have you seen that document before? 3 A. Yes. 4 Q. Can you identify it for me, please? 5 A. This is my Inspection Report from 6 January 6, 2015. 7 Q. And that's for the site? 8 A. Yes. 9 Q. Do you know why you went to inspect the site on January 6th? 10 A. It would be either because the City requested specifically I go out that time, or they
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	unlikely.  MS. BERESFORD: Let's make this Exhibit 9.  This will be Exhibit 9 to the deposition, although the document says Exhibit 12 at the top.  (Exhibit Number 9 was marked for identification.)  BY MS. BERESFORD:  Q. Have you seen this document before?  A. Yes.  Q. Can you please describe what it is.  A. This is a memo from D-Max to the City of Lemon Grove on December 31st, 2014, reporting a field visit on December 31st.  Q. I would like to refer you both to well, first, let's talk about Exhibit 8. There's some highlighting on Exhibit 8.	1 BY MS. BERESFORD: 2 Q. Have you seen that document before? 3 A. Yes. 4 Q. Can you identify it for me, please? 5 A. This is my Inspection Report from 6 January 6, 2015. 7 Q. And that's for the site? 8 A. Yes. 9 Q. Do you know why you went to inspect the site on January 6th? 10 site on January 6th? 11 A. It would be either because the City requested specifically I go out that time, or they had previously requested that I inspect it at a normally-scheduled date. 14 Q. Is there anything in this document that reports the weather conditions?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	unlikely.  MS. BERESFORD: Let's make this Exhibit 9. This will be Exhibit 9 to the deposition, although the document says Exhibit 12 at the top. (Exhibit Number 9 was marked for identification.) BY MS. BERESFORD: Q. Have you seen this document before? A. Yes. Q. Can you please describe what it is. A. This is a memo from D-Max to the City of Lemon Grove on December 31st, 2014, reporting a field visit on December 31st. Q. I would like to refer you both to well, first, let's talk about Exhibit 8. A. Uh-huh. Q. Did you do that highlighting? A. No. Q. And there's highlighting on Exhibit 9. Did you do any of that? A. No.	1 BY MS. BERESFORD: 2 Q. Have you seen that document before? 3 A. Yes. 4 Q. Can you identify it for me, please? 5 A. This is my Inspection Report from 6 January 6, 2015. 7 Q. And that's for the site? 8 A. Yes. 9 Q. Do you know why you went to inspect the site on January 6th? 11 A. It would be either because the City requested specifically I go out that time, or they had previously requested that I inspect it at a normally-scheduled date. 15 Q. Is there anything in this document that reports the weather conditions? 16 A. No, I don't believe so. Unless I happen to have a note somewhere in here that kind of hints at the weather, there's not a a field that is specific to the weather. 10 Q. I'd like to direct you to page two. The third row down it says, "Are material stockpiles protected, covered, contained, and located away from all storm water discharges?" Do you see that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	unlikely.  MS. BERESFORD: Let's make this Exhibit 9.  This will be Exhibit 9 to the deposition, although the document says Exhibit 12 at the top.  (Exhibit Number 9 was marked for identification.)  BY MS. BERESFORD:  Q. Have you seen this document before?  A. Yes.  Q. Can you please describe what it is.  A. This is a memo from D-Max to the City of Lemon Grove on December 31st, 2014, reporting a field visit on December 31st.  Q. I would like to refer you both to well, first, let's talk about Exhibit 8. There's some highlighting on Exhibit 8.  A. Uh-huh.  Q. Did you do that highlighting?  A. No.  Q. And there's highlighting on Exhibit 9.  Did you do any of that?  A. No.  Q. Okay. Have you ever taken turbidity	1 BY MS. BERESFORD: 2 Q. Have you seen that document before? 3 A. Yes. 4 Q. Can you identify it for me, please? 5 A. This is my Inspection Report from 6 January 6, 2015. 7 Q. And that's for the site? 8 A. Yes. 9 Q. Do you know why you went to inspect the site on January 6th? 11 A. It would be either because the City requested specifically I go out that time, or they had previously requested that I inspect it at a normally-scheduled date. 15 Q. Is there anything in this document that reports the weather conditions? 16 A. No, I don't believe so. Unless I happen to have a note somewhere in here that kind of hints at the weather, there's not a a field that is specific to the weather. 16 Q. I'd like to direct you to page two. The third row down it says, "Are material stockpiles protected, covered, contained, and located away from

L4 (Pages 50 to 53)

Page 50 Page 52 1 Q. And can you read your description there? Q. And then you have a map attached. 2 A. "Uncovered stockpiles reported as active." 2 A. Uh-huh. 3 3 Q. Does anything in this report indicate Q. Is the one on the map attached to that? 4 whether the stockpiles were exposed to wind or rain? 4 A. Uh-huh. 5 5 A. You mean currently, or in the past couple Q. Do you know if that area one was an active 6 6 of days, or are you talking about in the future if or inactive area? 7 7 A. I don't recall whether it stated it at there were rain or --8 Q. At the date of this inspection. 8 that time. I would say that based on my notes there, 9 9 A. I don't -- I do not see any notes so far it sounds like it was inactive. But I don't recall 10 about wind or rain occurring at that time. Do you 10 exactly what --11 want me to review all of my notes? 11 Q. Do you recall if you asked anybody that 12 O. Please. 12 day whether an area was active or inactive? 13 A. Okay. I don't see any notes indicating 13 A. I don't recall. However, I did notice 14 there was any wind or rain at the time of this 14 that that stockpile question did say that they 15 15 inspection. reported something as active, which does indicate 16 Q. Okay. Is there any discussion about 16 there was some conversation with the contractor or 17 whether there was wind or rain the previous day or 17 their representatives that day. 18 the next day? 18 Q. But looking at number one today, you don't 19 19 A. I'm sorry. Repeat the question, please. know whether that area was active or inactive? 20 Q. Does this report discuss whether there was 20 A. I couldn't say for sure. I would say 21 21 wind or rain, the stockpiles were exposed to wind or based on the note, likely. But yeah, I can't 22 rain the previous day or the next day? 22 recall --23 A. I don't see an indication in here that 23 Q. Okay. 24 from my notes that there was rain on the previous 24 A. -- by memory on any given day whether some 25 25 day. As far as the following day, I don't see any particular area was active or inactive. Page 51 Page 53 1 indication that there was rain in the forecast 1 Q. And then number seven says, "Stabilize 2 2 necessarily for the next day. area if inactive." 3 3 Q. Do you have any other additional field A. Uh-huh. 4 notes for your inspections that are not attached 4 Q. Is that specific to any specific area? 5 5 here? A. Yes. There's an area on the page four 6 that looks like it would be the upper left-hand 6 7 Q. Okay. I think there's -- is there 7 corner of the page. highlighting on your Exhibit 10? 8 Q. So do you know on the date of inspection, 9 A. Yes. was the area active or inactive? 10 Q. Did you do that highlighting? 10 A. I don't know. I would say based on that 11 A. No. 11 note on seven, that would be -- I think that note 12 Q. Do you know who did? 12 would be something I would typically write of an area 13 13 that was currently active or I couldn't determine. 14 Q. Does anything in this report discuss 14 Q. Or you couldn't determine? 15 erosion controls for inactive or active areas? 15 A. Right. 16 A. Let me see. Yes, the note about 16 Q. Okay. 17 stockpiles on page two does discuss it as active. 17 A. Yeah, that -- yeah. 18 And then note number seven on the third page refers 18 Q. Okay. I'm not going to mark this as an 19 to "Stabilize area if inactive or rain is 19 exhibit, but I would like you to take a look at that 20 forecasted." 20 document. Do you know if you've seen this document 21 Q. Okay. Let's go to the third page, your 21 before? 22 first comment, number one. It says, "Fully 22 A. I don't think I have. 23 stabilized area. Utilize other erosion control 23 Q. Okay. For the record, it's an e-mail 24 BMPs." Do you see that? 24 dated January 1, 2015 to Mr. Chiu. If you haven't 25 A. Uh-huh. 25 seen it before, then I won't ask you any questions

# 15 (Pages 54 to 57)

	Page 54		Page 56
1	about it.	1	Q. Do you know if you talked to anyone about
2	Going back to your inspection of January 6th,	2	whether the stockpiles had been moved?
3	which was Exhibit 10, did you discuss this inspection	3	A. I don't recall for sure. But from the
4	with anyone at the Water Board?	4	January 6th inspection, again, I would say it's
5	A. I don't believe so.	5	
6	MS. BERESFORD: All right. And let's mark that	6	likely I talked to the contractor or their
7	as Exhibit 11, please. It's Exhibit Number 25 at the	7	representative, based on the note I had about a
		88	stockpile being reported as active.
8	top of the document, and Exhibit Number 11 to the	8	Q. Do you
	deposition.	9	A. And that was on the 6th.
10	(Exhibit Number 11 was marked for	10	Q. Do you normally note in your Inspection
11	identification.)	11	Reports anywhere if you've talked to anyone about
12	BY MS. BERESFORD:	12	anything?
13	Q. Have you seen this document before?	13	A. No. There's no field for that. Yeah, so
14	A. Yes.	14	I will sometimes make a note, such as the one on the
15	Q. And what is it?	15	6th, that suggested that there was a conversation,
16	A. This is my Inspection Report from	16	but there's no
17	January 14th, 2015.	17	Q specific documentation?
18	Q. Your inspection of the site?	18	A. Yeah, place. Whatever time you indicate
19	A. Yes.	19	whether or not you spoke to someone.
20	Q. Okay. There's highlighting on this	20	Q. Does anything in your January 14th
21	document. Did you do that?	21	Inspection Report identify whether a specific area is
22	A. No.	22	inactive?
23	Q. Okay. I'd like to go to page two, and the	23	A. Let's see. I don't see any specific
24	third row down talking about stockpiles. Can you	24	indication that a particular area is inactive in my
25	read your comments to me there.	25	notes here.
	Page 55		Page 57
1	A. It says, "Wood/scrap pile should be	1	Q. So I see a note on five. Note five here
2	removed or protected."	2	on the third page it says, "Stabilize area if
3	Q. And then there's another discussion about	3	inactive or rain in forecast."
4	stockpiles the second-to-last row up.	4	When you wrote that, do you know if you knew
5	A. Uh-huh.	5	whether area five was inactive or not?
6	Q. Can you read that to me, please.	6	A. Similar to what I said on Exhibit 10. I
7	A. "Stockpiles are located too close to drain	7	would say that that note is something I would
8	in northeast basin. Remove or relocate them outside	8	typically write if it was either active, or I just
9	of basin."	9	couldn't determine with certainty whether or not it
10	Q. Does anything in this report talk about	10	was active.
11	whether the stockpiles are exposed to wind and rain?	11	Q. Okay. On page two of this inspection, you
12	A. I don't see anything indicating	12	checked the box that there was a violation.
13	information about rain or wind at the time of the	13	A. Uh-huh.
14	inspection.	14	Q. Do you know what the basis for that was?
15	Q. The comment about the "stockpiles are	15	A. I believe that that was something the City
16	located too close to the drain in the northeast	16	asked me to indicate. I'm basing this on looking at
17	basin," if you go back to Exhibit 10, and look at	17	the last couple exhibits from that time period that
18	that same row.	18	are marked in the similar the similar way of that
19	A. Uh-huh.	19	same note about the ongoing Stop Work
20	Q. Do you know if those were the same	20	Notice/Administrative Citation.
21	stockpiles?	21	I believe that was a conversation or e-mail or
22	A. I believe so. I don't know for sure from	22	phone call at some point where they said to check
23	memory; but I do recall an issue with that stockpile	23	that as mark the "Violation" section that way for
24	not getting moved for multiple inspections. So I	24	that time period while they had a Citation or Stop
25	believe that's the stockpile that I'm thinking of.	25	Notice or whatever it was.

16 (Pages 58 to 61)

Page 58 Page 60 1 Q. As of January 14, your inspection January A. I don't know the exact date they were 2 14, did you think that the storm water controls at 2 placed on there. 3 the site were in better condition than when you 3 Q. Is it possible that they had been covered 4 inspected the site in December? 4 on January 13th? 5 A. I don't recall at this point. 5 MR. BOYERS: Objection. Speculation. 6 Q. Based on your reports, can you say whether 6 THE WITNESS: Let me see on my January. Yeah, 7 or not you thought it was in better condition? 7 I guess from these materials, all I can tell is that 8 MR. BOYERS: Objection. Vague as to "better 8 they were -- it sounds like they were not covered on 9 condition." 9 the 6th, and they were covered when I returned on the 10 THE WITNESS: Yeah, can you clarify? 10 14th. I don't know the timing of anything in 11 MS. BERESFORD: Sure. Let's go to the next 11 between. 12 exhibit and we can go from there. So this will be 12 BY MS. BERESFORD: 13 Exhibit 12. Exhibit 12 to the deposition is 13 Q. Let's go back to your January 14th indicated as Exhibit 23 at the top. 14 14 inspection. 15 (Exhibit Number 12 was marked for 15 A. Okay. 16 identification.) 16 Q. And your January 6th inspection. Let's go 17 BY MS. BERESFORD: 17 to the second page there. 18 Q. Have you seen this document before? 18 A. Uh-huh. 19 A. Yes. 19 Q. On January 6th, which is Exhibit 10, in 20 Q. Can you please describe what it is. 20 the third row down it says, "Uncovered stockpiles 21 A. This is a Memo that I sent to the City on 21 reported as active." Do you see that? 22 January 16th, 2015, summarizing inspections and 22 23 sampling from December and January. 23 Q. And then on January 14th, on Exhibit 11, 24 Q. Based on this Memo, can you say whether 24 on the third row down, can you say again what that 25 you thought the storm water, the BMPs, and other 25 says to me. Page 59 Page 61 1 protections at the site were better at the site in 1 A. "Wood/scrap piles should be removed or 2 January than they were in December? 2 protected." 3 A. I would say that compared to early 3 Q. Do you think that's the same stockpile 4 December, like the December 9th time, that they did 4 that you were talking about on January 6th? 5 implement a significant number of BMPs that they 5 A. Probably not, I would wager. had -- that had been deficient before. So yes, they 6 Q. Okay. 7 did improve several of the deficiencies they had, 7 A. I would --8 specifically with erosion control in December -- or 8 Q. At some point --9 December 9th. 9 A. Can you hold on a second, so I can see if 10 Q. And your last inspection of the site was 10 I can find the corresponding part on the map? 11 January 14; is that correct? 11 12 A. Prior to this letter, I believe so. 12 A. So the one on January 14th of 2015? 13 Q. I'd like to go to the third page of the 13 14 Memo. The second row up discusses stockpiles. Do 14 A. That was wood/scrap pile. As it's shown 15 you see that? 15 on the map, that is not in the same location as the 16 A. "The stockpiles were placed close to a 16 one that -- that's not the same stockpile that is 17 drain inlet." That one? 17 referred to on the January 16th report about being 18 Q. Yes. 18 placed too close to the drain. Those are two 19 A. Yes. 19 separate stockpiles. 20 Q. If you move to the next column over, the 20 Q. Okay. And is there any note about the 21 second sentence says, "On January 14, the stockpiles 21 stockpiles near the drain, about whether those were 22 had been covered." Do you see that? 22 covered or not? 23 A. Yes. 23 A. Not specifically. It is possible on the 24 Q. Do you know the date when the stockpiles 24 January 6th report that the uncovered stockpiles 25 had been covered? 25 reported as active may be referring to that, or may

### 17 (Pages 62 to 65)

L /	(Pages 62 to 65)	VIZAKII PARTIQOZI	
	Page 62		Page 64
1	be referring to that and others, or may be referring	1	12.
2	to	2	MR. BOYERS: Thank you.
3	Q. Not referring to it at all?	3	BY MS. BERESFORD:
4	A. I can't tell just from looking at that	4	Q. Did you do the highlighting on Exhibit 12?
5	January 6th report.	5	A. I did not do it.
6	Q. Okay. Based on your Memo, a stockpile was	6	Q. Was there highlighting on Exhibit 11?
7	not covered on January 6th.	7	A. Yes.
8	A. Wait. Actually, does that say	8	Q. Did you do that highlighting?
9	actually, based on the Memo in that line we were	9	A. No, I did not.
10	reading, the second from the last row, it doesn't	10	Q. Did you ever discuss your inspection of
11	specifically state that it was uncovered on the 6th.	11	January 14th, Exhibit 11, with anyone from the Water
12	"Stockpiles were placed close to a drain inlet.	12	Board?
13	The inlet is elevated above the ground height in that	13	A. I don't believe so.
14	area."	14	Q. Did you ever discuss Exhibit 12, your
15	This deficiency was observed on January 6th.	15	January 16th Memo, with anyone from the Water Board?
16	So based on reading that, this deficiency seems to be	16	A. No. I don't believe so, no.
17	referring to the proximity to the drain, rather than	17	MS. BERESFORD: Can we please mark this as
18	to any coverage or lack thereof.	18	Exhibit 13.
19	Q. Okay.	19	(Exhibit Number 13 was marked for
20	A. So yeah, that's what that one's referring	20	identification.)
21	to, I believe. "On January 14th the stockpiles had	21	BY MS. BERESFORD:
22	been covered, but they had not been moved	22	Q. Have you seen this before?
23	sufficiently far enough away from the drain inlet."	23	A. Yes.
24	So yeah, to me that means they were covered on	24	Q. Can you please describe what it is?
25	the 14th. Just from reading this part alone, I can't	25	A. This is an e-mail from Leon Firsht to me
	Page 63		Page 65
1	tell that it's necessarily the case that that one	1	on February 4th, 2015.
2	particular stockpile was or was not covered on the	2	Q. Can you explain to me the your
3	6th.	3	question?
4	Q. Okay. And then if we go up a little bit	4	A. So the first e-mail to Leon, I asked I
5	higher, about the middle, there's a row that says,	5	was asking him how he which of the checked boxes
6	the first column, it says, "Some stockpiles lacked	6	at the top of the form he wanted me to check off.
7	adequate cover." And then you say, "Covers were put	7	Q. And what does that mean? What does that
8	on stockpiles."	8	matter?
9	Do you see that?	9	A. As far as what does it matter? I'd say
10	A. Yes.	10	that's a question for the City on how they handle it.
11 12	Q. Do you know if there are any corresponding	11	I don't know if they handle those any differently
13	dates as to those observations?  A. From looking at this, I can't tell.	12 13	based on how that's marked.
14	Typically that type of thing changes frequently. So	14	Q. Okay. And he says, "Permit required."
15	yeah, that could correspond to multiple different	15	A. Uh-huh. Q. Did that mean anything to you?
16	inspections from this stack and multiple different	16	A. Similar to what we talked about earlier.
17	stockpiles (indicating).	17	I believe that is referring to the Municipal Permit.
18	Q. Okay. I think if you look on the pages	18	But I don't necessarily think it's I think it's
19	relating to the pictures, there are some things that	19	basically more what I gather it's interpreted more
20	are highlighted. Do you do any of those highlights?	20	this is sort of a routine, as opposed to the next
21	A. No, I didn't.	21	option, which is the follow-up.
22	MR. BOYERS: Can we clarify what exhibit we're	22	Q. But to the extent it refers to the permit,
23	looking at?	23	your interpretation is that it was referring to the
24	MS. BERESFORD: I'm sorry. I'm on Exhibit 12.	24	Municipal Permit?
	All of this last questioning was regarding Exhibit	25	
25	All of this last questioning was regarding Exhibit	820	A. Yeah. That's my that's what I would

18 (Pages 66 to 69)

	Page 66		Page 68
1	guess. I don't know that I received a clarification	1	A. I don't know.
2	from the City one way or the other at any point,	2	Q. Do you know if there's a picture let's
3	though.	3	go to the third page of your report. It says number
4	MS. BERESFORD: Okay. Can we please mark this	4	two, "Clean up concrete waste observed at multiple
5	as inspection Exhibit 14.	5	locations, and ensure that all employees use washouts
6	THE WITNESS: Can I take a quick bathroom	6	properly."
7	break?	7	Do you see that comment?
8	MS. BERESFORD: Yes. We will go off the	8	A. Which number are you reading?
9	record.	9	Q. Number two.
10	(A recess was taken.)	10	A. Yes, I see that.
11	MS. BERESFORD: Back on the record.	11	Q. Do you know if there are any pictures that
12	Let's mark this, then, as Exhibit Number 14.	12	support that statement?
13	This is Exhibit Number 14 to the deposition. This is	13	A. I see one that potentially does. So if
14	Exhibit Number 13 in the documents.	14	we're on the photos, the second page of photos, the
15	(Exhibit Number 14 was marked for	15	bottom left corner, to me there appears to be a
16	identification.)	16	washout there. It's very difficult to tell from this
17	BY MS. BERESFORD:	17	small photo, but that may be one of the areas
18	Q. Do you recognize this document?	18	referenced there. Because it looks like there may be
19	A. Yes. This is my Inspection Form from the	19	some concrete material outside of the washout in the
20	site. It looks like March 18th, 2015. I think	20	foreground of the picture there.
21	that's a 3.	21	Q. Are there any other photos that address
22	Q. If you go to your third page, will that	22	that comment?
23	help you find the date?	23	A. Not that I can tell in these pictures.
24 25	A. Yes, 3/18/15.	24	Q. Did you see any evidence that the concrete
	Q. If we could go to the second page of the	25	or waste actually discharged to the storm drain?
	Page 67		Page 69
1	Inspection Report. You indicated that there were no	1	A. I don't recall. Let me review my notes to
2	violations; is that correct?	2	see there's anything indicating that. I do not see
3	A. Yes, that is what is put there.	3	notes so far that indicate a discharge to the storm
4 5	Q. And going up to sort of the central area,	4	drain.
6	there's a column that says, "Are wastes managed and	5	Q. If you go to page two of your report,
7	stored properly? (Solid, liquid, sanitary, concrete, hazardous)."	6 7	there's a column, a row that says, "Are the discharge
8	And you checked that box "yes"; is that	8	locations I'm sorry, above that, "Is the site free
9	correct?	9	of evidence of illegal connections and/or illicit
10	A. Let's see. Yes.	10	discharges?" Do you see that? A. Uh-huh.
11	Q. Now, the next line down it says, "Are	11	Q. And checked the box "yes," correct?
12	concrete washouts properly installed, maintained with	12	A. Yes.
13	no evidence of discharges?"	13	Q. So you noticed some concrete waste
1.4	You've checked the box "yes"; is that correct?	14	discharged to the ground, but you indicated that the
15	A. Uh-huh.	15	site was free of illicit discharges; is that correct?
16	Q. And then you have some comments; is that	16	A. It's free of evidence of illegal
17	correct?	17	connections or discharges, yes.
18 19	A. Correct.	18	Q. And is there any highlighting on your
20	Q. And what does that say?	19	exhibit?
21	A. "Concrete waste observed on ground outside of washouts."	20 21	A. No.
22	Q. There are some pictures attached to this	22	Q. Did you make that highlighting?
23	report; is that correct?	23	A. No. Q. There's some comments with boxes around
24	A. Yes.	24	the photographs. Do you see that?
	8		passograpus, no jou see mat;
25	Q. Did you take those pictures?	25	A. Yes, I see that.

### 19 (Pages 70 to 73)

	Page 70		Page 72
1	Q. Did you make those comments?	1	A. This is an e-mail thread between myself
2	A. No, I don't believe so.	2	and Malik Tamimi. The last e-mail was
3	Q. Did you discuss this Inspection Report	3	September 14th, 2015.
4	with anyone from the Water Board?	4	Q. Can you please read the second paragraph
5	A. I don't believe so.	5	of your e-mail dated September 14th to Mr. Tamimi.
6	Q. Do you know when the concrete waste to	6	A. The 10:32 a.m. one at the top?
7	the ground that you noted in this report, do you know	7	Q. Yes.
8	when that was cleaned up?	8	A. Okay. The second paragraph?
9	A. I'm not remembering, no.	9	Q. Yes. Can you please read the first two
10 11	MS. BERESFORD: Can we mark this as Exhibit 15,	10 11	sentences.
12	please. (Exhibit Number 15 was marked for	12	A. "There were some deficiencies at Valencia
13	identification.)	13	last time I was there, but nothing too horrible by Valencia standards. They had actually done a pretty
14	BY MS. BERESFORD:	14	good job of addressing the deficiencies from their
15	Q. Can you identify this document for me?	15	previous inspection. And the latest deficiencies
16	A. This is my Inspection Form from the site	16	were mostly new ones around areas of recent
17	on April 29th, 2015.	17	activity."
18	Q. Can you go to page two.	18	Q. So based on this, did you think that they
19	A. Uh-huh.	19	had done a good job addressing the deficiencies at
20	Q. Did you note if there were any violations?	20	the site?
21	A. There's no violations noted at the time.	21	A. I guess, yes. I wrote that they had done
22	Q. No violations?	22	a pretty good job of addressing deficiencies from the
23	A. Correct.	23	previous inspection. So yes, I would say that at
24	Q. And did you get recommendations for a	24	that time, I did think they did a good job of
25	Correct Work?	25	addressing deficiencies.
	Page 71		Page 73
1	A. Let's see. I do have some recommendations	1	MS. BERESFORD: Okay. Let's mark this as
2	on page three.	2	Exhibit 17.
3	Q. But on page two, you didn't indicate that	3	(Exhibit Number 17 was marked for identification.)
4 5	there were recommended corrective actions required; is that correct?	4 5	BY MS. BERESFORD:
6	A. I did not check the "No violations;	6	Q. Have you seen this document before?
	A. I did not theth the No violations,		
- 1	however recommended corrective actions required!	8	
7 8	however, recommended corrective actions required"	7	A. Yes.
8	box. I did not check that. I do not know how the	7 8	A. Yes. Q. What is the cover page?
8 9	box. I did not check that. I do not know how the City presented it to the contractor, though.	7 8 9	<ul><li>A. Yes.</li><li>Q. What is the cover page?</li><li>A. It's an e-mail from myself to Gary Harper</li></ul>
8 9 10	box. I did not check that. I do not know how the	7 8 9 10	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015.
8 9 10 11	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.	7 8 9 10 11	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail?
8 9 10 11 12	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit	7 8 9 10	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015.
8 9 10 11 12 13 14	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for	7 8 9 10 11 12	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date?
8 9 10 11 12 13 14 15	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for identification.)  Josh, could you please go make a copy of that quickly.	7 8 9 10 11 12 13 14 15	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date? A. September 15th of 2015.
8 9 10 11 12 13 14 15	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for identification.)  Josh, could you please go make a copy of that quickly.  Let's go off the record for a second.	7 8 9 10 11 12 13 14 15	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date? A. September 15th of 2015. Q. If you look at the September 15th
8 9 10 11 12 13 14 15 16	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for identification.)  Josh, could you please go make a copy of that quickly.  Let's go off the record for a second.  (Discussion off the record.)	7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date? A. September 15th of 2015. Q. If you look at the September 15th Inspection Form for the site that was attached to
8 9 10 11 12 13 14 15 16 17	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for identification.)  Josh, could you please go make a copy of that quickly.  Let's go off the record for a second.  (Discussion off the record.)  BY MS. BERESFORD:	7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date? A. September 15th of 2015. Q. If you look at the September 15th Inspection Form for the site that was attached to this e-mail, and you go to the bottom of page two,
8 9 10 11 12 13 14 15 16 17 18	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for identification.)  Josh, could you please go make a copy of that quickly.  Let's go off the record for a second.  (Discussion off the record.)  BY MS. BERESFORD:  Q. Have you seen this document before?	7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date? A. September 15th of 2015. Q. If you look at the September 15th Inspection Form for the site that was attached to this e-mail, and you go to the bottom of page two, there's nothing indicating whether there are
8 9 10 11 12 13 14 15 16 17 18 19 20	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for identification.)  Josh, could you please go make a copy of that quickly.  Let's go off the record for a second.  (Discussion off the record.)  BY MS. BERESFORD:  Q. Have you seen this document before?  A. Yes.	7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date? A. September 15th of 2015. Q. If you look at the September 15th Inspection Form for the site that was attached to this e-mail, and you go to the bottom of page two, there's nothing indicating whether there are violations or not; is that correct?
8 9 10 11 12 13 14 15 16 17 18 19 20 21	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for identification.)  Josh, could you please go make a copy of that quickly.  Let's go off the record for a second.  (Discussion off the record.)  BY MS. BERESFORD:  Q. Have you seen this document before?  A. Yes.  Q. Can you please	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date? A. September 15th of 2015. Q. If you look at the September 15th Inspection Form for the site that was attached to this e-mail, and you go to the bottom of page two, there's nothing indicating whether there are violations or not; is that correct? A. Correct.
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for identification.)  Josh, could you please go make a copy of that quickly.  Let's go off the record for a second.  (Discussion off the record.)  BY MS. BERESFORD:  Q. Have you seen this document before?  A. Yes.  Q. Can you please I'm sorry. We're back on.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date? A. September 15th of 2015. Q. If you look at the September 15th Inspection Form for the site that was attached to this e-mail, and you go to the bottom of page two, there's nothing indicating whether there are violations or not; is that correct? A. Correct. Q. And what is your e-mail asking?
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for identification.)  Josh, could you please go make a copy of that quickly.  Let's go off the record for a second.  (Discussion off the record.)  BY MS. BERESFORD:  Q. Have you seen this document before?  A. Yes.  Q. Can you please I'm sorry. We're back on.  THE REPORTER: That's okay. I started typing.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date? A. September 15th of 2015. Q. If you look at the September 15th Inspection Form for the site that was attached to this e-mail, and you go to the bottom of page two, there's nothing indicating whether there are violations or not; is that correct? A. Correct. Q. And what is your e-mail asking? A. I was asking Gary I believe how he wanted
8	box. I did not check that. I do not know how the City presented it to the contractor, though.  MS. BERESFORD: Okay. Let's go to Exhibit this will be Exhibit Number 16.  (Exhibit Number 16 was marked for identification.)  Josh, could you please go make a copy of that quickly.  Let's go off the record for a second.  (Discussion off the record.)  BY MS. BERESFORD:  Q. Have you seen this document before?  A. Yes.  Q. Can you please I'm sorry. We're back on.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. What is the cover page? A. It's an e-mail from myself to Gary Harper on September 16th, 2015. Q. And was anything attached to this e-mail? A. Yes. There were inspection forms for Valencia, as well as two other sites. Q. An inspection for what date? A. September 15th of 2015. Q. If you look at the September 15th Inspection Form for the site that was attached to this e-mail, and you go to the bottom of page two, there's nothing indicating whether there are violations or not; is that correct? A. Correct. Q. And what is your e-mail asking?

20 (Pages 74 to 77)

Page 74 Page 76 Q. Did Gary accompany you on your site based on my note. I think I might refer to something 2 inspection on September 15th? 2 like that, but I'm not positive at this point. 3 A. I don't recall. There is a chance he did. 3 Q. Having used the term sediment pile instead 4 MS. BERESFORD: Can we please mark this as 4 of stockpile, is that something different to you, 5 Exhibit 18. Exhibit 18 says Exhibit Number 22 at the 5 then? It's not a stockpile? 6 6 A. I would say it could technically be 7 (Exhibit Number 18 was marked for 7 considered different. But the -- when it comes to a 8 identification.) 8 storm water BMP, we'd be talking about similar 9 BY MS. BERESFORD: 9 processes that would lead to, you know, erosion or 10 Q. Have you seen this document before? 10 sediment transport. So for BMP purposes, I would 11 11 feel it's appropriate to treat them similarly. 12 Q. And what is this? 12 Q. Do you know if you saw a discharge of 13 A. This is my Inspection Form of the site 13 storm water with sediment in it from the site on this 14 from September 15th, 2015. 14 date? 15 Q. And how does it differ from the document 15 A. I believe -- let's see. I believe I just 16 that was attached to your September 16th e-mail? 16 saw sediment that was in the gutter, according to 17 A. So far I have noticed that the "Violation" 17 this note here, and not necessarily discharge 18 section on page two has been filled out. And it is 18 actively, actively leaving the site when I was there. 19 checked off for violation. 19 Q. Is there anything in this report that 20 Q. Was that your decision? 20 identifies which areas are active or inactive? 21 A. I believe it was a City decision in 21 A. Page three has a mention of inactive, but 22 response to the e-mail included in Exhibit 17. 22 it's not referring to any specific area I don't 23 Q. So do you know what the violation of the 23 think. Oh, wait. Let me see. Yeah, not really 24 Municipal Code was? 24 referring to a specific area, but to many lots 25 A. I'm not sure what they went with there. 25 throughout the site. That's the only mention I'm Page 75 Page 77 1 That would probably be a Gary or Malik question, 1 seeing of active and inactive. 2 since it was one of them that made that decision. 2 Q. You say -- previously you said you saw 3 Q. Do you know what you noted here that was a 3 sediment in the gutter. 4 violation of the JURMP? 4 A. Uh-huh. 5 A. Let me see what they have here. Yeah, 5 Q. Do you remember if you saw sediment 6 just from looking at this, on September 15th, I don't 6 leaving an adjacent property on Akins Street? 7 know if exactly when -- it sounds like there was a 7 A. I don't know. I would say I definitely 8 rain event, but I don't know exactly when it was. 8 saw the potential for that. But I don't think I 9 But I can't tell from here for sure if there was some 9 actually saw -- you know, like I didn't see storm 10 sort of BMP deficiency that was a violation of the 10 water actively discharging from the site itself. 11 JURMP. 11 Likewise, I didn't see it discharging off the 12 O. I'd like you to look at page two. The 12 adjacent properties because it wasn't discharging 13 second row down it says, "Are material stockpiles 13 there. 14 protected and covered?" 14 Q. Did the neighbor's property on Akins 15 A. Uh-huh. 15 Street have exposed dirt? 16 Q. Your note says, "Some small sediment piles 16 A. Yes, I believe some of the ones along 17 are not protected." What's a difference between a 17 Akins did. 18 sediment pile and a stockpile? 18 Q. Are there any portions of this document 19 A. I'm not sure if I was referring here to 19 highlighted on your copy? 20 something that may have been, you know, not 20 A. No, not this one. 21 necessarily an intentional stockpile for, you know, a 21 Q. Do you know if you ever discussed this 22 traditional stockpile use, but just an area where 22 inspection with the Water Board? 23 some dirt had been piled up incidentally. 23 A. I don't believe so. 24 That may have been what I was referring to 24 Q. Have you ever discussed this site with 25 there. That's just kind of speculation, though, 25 Mr. Chiu from the Water Board?

25

MS. BERESFORD: I am ready to go on when

21 (Pages 78 to 81) Page 80 Page 78 A. I did -- I was on site one time when he 1 Mr. Nakatani is ready. 2 2 THE WITNESS: Okay. I'm ready. I just wanted was there doing an inspection. So I would assume we 3 3 to correct or clarify in looking again at Exhibit 18. had some brief conversation. But I think other than I think you had asked if there was any JURMP 4 that day, I don't recall ever discussing the site 4 5 5 with him. violations. I think potentially, yeah, I see now 6 6 that there had been some rain. Q. Okay. Have you ever met Mr. Melbourn with 7 7 the Water Board? And I did have notes indicating at that time 8 8 that there weren't -- there were some deficiencies A. Just that one time he was there that same 9 9 regarding some erosion and sediment control. So I day, both Frank and --10 10 think it is a potential, yes, that there may have Q. Have you ever discussed this site with him 11 been some violations of the JURMP regarding erosion other than that one-time inspection? 11 12 A. No. No. Not that I can think of. 12 and sediment control, BMP requirements. 13 13 BY MS. BERESFORD: Q. When you were on site during that 14 14 inspection, did they ask you any questions about your Q. Okay. Can I ask you to take a look again 15 15 prior Inspection Reports? at Exhibit 16. 16 A. I don't believe they asked any questions 16 A. Sure. 17 17 about those. I know Wayne mentioned that he had Q. And that's your e-mail? 18 received those, but I don't recall any questions 18 A. Yeah. 19 about those inspections. 19 Q. Where you thought that they had done a 20 Q. Have you ever discussed the site with 20 pretty good job addressing their deficiencies? 21 21 anyone else at the Water Board? A. Yeah. But yeah, I would say --22 22 Q. And then you went down --A. No. 23 23 Q. Have you ever been involved with any other A. Yeah. It doesn't say that they had 24 sites that were subject to an Administrative Civil 24 resolved everything, though, necessarily. So yeah, I 25 Liability Complaint from the Water Board for storm can't tell for sure looking at these exactly, you Page 79 Page 81 1 water violations? know, okay, at the time when it was falling on site, 2 2 A. For construction? if everything was free of any BMP deficiencies. But 3 Q. Yes. 3 yes, I agree that the Exhibit 16 does -- implicating 4 4 that they were doing a pretty good job compared to A. No, I haven't. 5 5 their past history in resolving deficiencies. But Q. For any other type of storm water 6 6 it's also not saying that they were completely free violations? 7 7 A. I have worked with the City of San Diego of everything. 8 8 on their postconstruction structural BMP program. Q. Okay. And when you were out on the site 9 9 They had received an ACL, I believe, for that. on the 15th, was it actually raining at that point in 10 10 Q. Okay. Are you aware that the Water Board time? 11 is seeking penalties of over \$800,000 for this site? 11 A. I don't think so. Based on what I can 12 12 A. Yes. remember and the note, that I saw sediment in the 13 13 Q. Are you aware of any other Water Board gutter. So yeah, I think -- I think from looking at 14 enforcement action seeking a similar amount of 14 this, I think this was right after it rained. But 15 15 penalties? like we talked about before, that was not recorded on 16 A. I believe there was one. I've heard of 16 17 17 some they had against a couple of cities. I think MS. BERESFORD: Okay. Sounds good. 18 the City of San Diego and Encinitas I think I've 18 Do you have some questions? 19 19 I'm sorry. I have one more. heard of. 20 20 BY MS. BERESFORD: Q. Any other private construction sites? 21 21 A. Not that I'm -- not that I'm aware of, Q. Based on your inspections, have you seen 22 22 any site that you thought was 100 percent perfect 23 MS. BERESFORD: Okay. Let's go off the record. 23 100 percent of the time? 24 24 (Discussion off the record.) A. 100 percent of the time?

25

Q. Right.

22 (Pages 82 to 85)

Page 82 Page 84 A. As in 100 percent of the time from the 1 1 the City code? 2 start of the project to the end of the project? 2 A. The "yes" box? 3 Q. Yes. 3 O. Correct. 4 A. Not that I have seen so far. A. Yeah, I would say that's true. It does 4 5 Q. Is it your experience that when you are 5 not necessarily mean there's a violation. 6 inspecting a site, you can almost always come up with 6 Q. That a better indication of whether 7 additional recommendations? 7 there's a violation, in your opinion, or not is the 8 A. From my experience, I would say I can 8 box on the right "Effective, yes or no," in the 9 usually come up with recommendations of ways to 9 description column? 10 improve things, yes. 10 A. I would say that the "yes or no" is my 11 MS. BERESFORD: Okay. Thanks very much. 11 indication of adequacy of the BMP, as we've discussed 12 12 before. The violation issue is sort of a one handled 13 **EXAMINATION** 13 by the City. 14 14 Q. Okay. And looking back at my notes, with 15 BY MR. BOYERS: 15 respect to your testimony as to how you filled out 16 Q. I have a few questions. Let's start with 16 these forms, you indicated that you were inspecting 17 Exhibit 2. If you could look at Exhibit 2. 17 in accordance with the City's JURMP and the City's 18 A. Okay. 18 code, correct? 19 Q. And that's a copy of your December 9, 2014 19 A. Yes. 20 inspection of the site. 20 Q. And that were not looking for compliance 21 A. Uh-huh. 21 with the construction general permit, correct? 22 Q. First, I'd like you to look at the boxes 22 A. Yes. 23 two-thirds of the way down on the front page. 23 Q. Specifically on Exhibit 2, but this will 24 There's a number of boxes indicated in gray: "BMP." 24 relate to other exhibits as well, in the "Violations" 25 "Yes," "No," "N/A," "Description/Explanation" and 25 section, when you indicate "no violations," is it Page 83 Page 85 1 "Effective Yes or No." 1 fair to say you are not making any determination as 2 A. Uh-huh. 2 to whether there's a violation of the Construction 3 Q. Can you explain to me the meaning of the 3 General Permit or not? 4 second box over from the left, the meaning the BMP 4 A. I would -- I would say that that part 5 yes versus no? 5 is -- is something that the City is mainly 6 A. I believe that is just indicating whether 6 determining. So I would say they are working within 7 or not they're implementing that type of BMP. 7 the context of their general Municipal Code in 8 Q. Okay. Is it possible -- and I see that 8 determining, from what I've heard from them, that's 9 you've done this on a number of occasions -- where 9 what they are going off of when they are calling 10 you mark that box "yes," but the "Effective" box 10 things a violation or not. 11 "no"? 11 Q. In your discussions with the City, did 12 A. Correct. That's correct. I do find the 12 they indicate to you that their intent was when 13 column headings a bit confusing on these. But in 13 filling out the "Violations" box, they wanted to 14 general, yeah, I feel that the column on the far 14 indicate whether there was a violation of a 15 right, the "Effective yes/no" is the one that's more 15 **Construction General Permit or not?** 16 indicative of a problem. Because, you know, just 16 A. I don't think they ever indicated that to 17 asking if yes or no is BMP present, as I interpret 17 me. 18 the other columns to be asking, doesn't necessarily 18 Q. Okay. Let's look at Exhibit 3. This is 19 mean that it's there everywhere it needs to be and 19 related to your inspection of December 11, 2014 at 20 implemented properly. So I believe that that's the 20 the site. 21 intention of the form is to capture that, so --21 A. Uh-huh. 22 Q. Is it fair to say that although the box 22 Q. Here you also indicate in the "Violations" 23 indicates a BMP, the "yes" on the left may be 23 section, you checked "No violations." 24 checked, that doesn't necessarily mean that there's a 24 A. Uh-huh. 25 violation, in your opinion, of either the JURMP or 25 Q. And again, I want to make -- I want to ask

### TAD NAKATANI - 12/29/2015

### 23 (Pages 86 to 89)

	Page 86		Page 88
1 2	whether you were making a determination here when you	1	original is lost, the Water Board agrees that a copy
3	checked this box whether there's a violation of the Construction General Permit or not?	2	can be used in its place.
4		3	MR. BOYERS: That's fine.
5	A. I would, again, say that that's how	4 5	MS. BERESFORD: All right. I think we
6	that's has been determined by the City more. But	6	are done.
7	my understanding is that that's not based on the General Construction Permit.	7	Oh, do you need to know if he's going to order? MR. BOYERS: We will order.
8	Q. Okay. If you could then just look at	8	THE REPORTER: Thanks.
9	Exhibit 14, Exhibit 15, and Exhibit 17. And I'll	9	MS. BERESFORD: We are done.
10	indicate that Exhibit 14 and 15 also have the "No	10	(Exhibit Numbers 1 through 18 were marked
11	violations" box noted.	11	for identification.)
12	A. Uh-huh.	12	(The deposition concluded at 11:53 a.m.)
13	Q. And I'll ask, is it the same testimony	13	(The deposition contraded at 11.35 time.)
14	with respect to that as the prior exhibits?	14	
15	A. Yes, it is the same.	15	
16	Q. And then quickly, my last question is with	16	
17	respect to Exhibit 16, if you could pull out 16. 16,	17	
18	the e-mail from September 14th at 10:32 a.m., the	18	
19	second paragraph reads, "There were some deficiencies	19	
20	at Valencia last time I was there, but nothing too	20	
21	horrible by Valencia standards."	21	
22	Do you see that?	22	
23	A. Yes.	23	
24	Q. And those are your words?	24	
25	A. Yes.	25	
	Page 87		Page 89
1	Q. Can you tell me or explain to me what you	1	***
2	many by UN7alamaia atambandaU9	\$	
	mean by "Valencia standards"?	2	
3	A. I believe I was just referring to in the	3	
4	A. I believe I was just referring to in the past there had been various times where they had	3 4	I de alore un den monaltes effectives son den
4 5	A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by	3 4 5	I declare under penalty of perjury under
4 5 6	A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to	3 4 5 6	the laws of the State of California that the
4 5 6 7	A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to their past compliance history and sometimes resolving	3 4 5	I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
4 5 6	A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly	3 4 5 6 7	the laws of the State of California that the
4 5 6 7 8 9	A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away.	3 4 5 6 7 8	the laws of the State of California that the foregoing is true and correct.
4 5 6 7 8	A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly	3 4 5 6 7 8 9 10	the laws of the State of California that the
4 5 6 7 8 9	A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away.  MR. BOYERS: Thank you. I never know when	3 4 5 6 7 8 9 10 11 12	the laws of the State of California that the foregoing is true and correct.  Executed at
4 5 6 7 8 9 10 11	A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away.  MR. BOYERS: Thank you. I never know when you're done.  THE WITNESS: Sorry.  MR. BOYERS: Okay. That's all I have. Thanks.	3 4 5 6 7 8 9 10 11 12 13	the laws of the State of California that the foregoing is true and correct.  Executed at
4 5 6 7 8 9 10 11 12 13 14	A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away.  MR. BOYERS: Thank you. I never know when you're done.  THE WITNESS: Sorry.  MR. BOYERS: Okay. That's all I have. Thanks. THE WITNESS: Okay.	3 4 5 6 7 8 9 10 11 12 13	the laws of the State of California that the foregoing is true and correct.  Executed at
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away.  MR. BOYERS: Thank you. I never know when you're done.  THE WITNESS: Sorry.  MR. BOYERS: Okay. That's all I have. Thanks. THE WITNESS: Okay.  MS. BERESFORD: All right. We will conclude this as we have with other deposition transcripts.  We're agreeing that Opper and Varco can take custody of the original transcript.  We will forward that to Mr. Nakatani with a request for him to review in less than 30 days.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the laws of the State of California that the foregoing is true and correct.  Executed at
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24 (Page 90) Page 90 (STATE OF CALIFORNIA) 2 3 I, R. Jerrod Jones, CSR 11750, do hereby 4 declare: 5 6 That prior to being examined, the witness named 7 in the foregoing deposition was by me duly sworn pursuant to Section 2093(b) and 2094 of the Code of 9 Civil Procedure; 10 11 That said deposition was taken down by me in 12 shorthand at the time and place therein named and 13 thereafter reduced to text under my direction. 14 15 I further declare that I have no interest in 16 the event of this action. 17 18 I declare under penalty of perjury under the 19 laws of the State of California that the foregoing is 20 true and correct. 21 22 WITNESS my hand this day of 23 24 R. Jerrod Jones, CSR No. 11750, RPR 25

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