# ERRATA SHEET

**I declare under penalty of perjury that I have read the foregoing** 69 **pages of my testimony, taken on** December 28, 2015 **(date) at** 225 Broadway, Suite 1900, San Diego **(city),** California **(state), and that the same is a true record of the testimony given by me at the time and place herein above set forth, with the following exceptions:**

| Page | Line | Should read: | Reason for Change:** (See below before completion) |
|---|---|---|---|
| 2 | 16 | For Deponent, MALIK TAMIMI | |
| 3 | 24 | E-Mail from Brian Neuerow to | |
| 4 | 7 | Tad Nakatani to Leon Firsht | |
| 11 | 2 | Development of the Jurisdictional Urban Runoff | |
| 15 | 22 | ..., as well as the Household Hazardous... | |
| 32 | 25 | We heard from the | |
| 34 | 20 | ... Surface waters for inland to | |
| 40 | 14 | It's based on threat to water quality and failure to | |
| 40 | 18 | discharges. So a combination of rain | |
| 42 | 14 | ... inspections until the site is | |
| 48 | 8 | ... then you are not going to do | |
| 65 | 6 | at that site warrant penalties... | |
| | | | |
| | | | |
| | | | |
| | | | |

Date: 1/12/2016

Malik Tamimi
**Signature of Witness**

Malik Tamimi
**Name Typed or Printed**

** **THE "REASON FOR CHANGE" COLUMN SHOULD ONLY BE COMPLETED FOR FEDERA DISTRICT OR BANKRUPTCY COURT MATTERS (FRCP RULE 30(e)). THIS COLUM SHOULD NOT BE COMPLETED FOR STATE COURT ACTIONS.**

**Job No.** _____

**Rev. 3/15/14**

ORIGINAL

HUTCHINGS Litigation SERVICES

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 MALIK TAMIMI, a witness herein, noticed by Opper & Varco, LLP, at 225 Broadway, Suite 1900, San Diego, California, at 3:33 p.m., on Monday, December 28, 2015, before R. Jerrod Jones, CSR 11750, RPR

Litigation Services Number 598612

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Frank Melbourn

# I N D E X

WITNESS: MALIK TAMIMI

EXAMINATION BY: PAGE

MS. BERESFORD 5

## E X H I B I T S

Exhibit identification within the transcript is flagged with "[EXH]" as an identifier.

| EXHIBIT | DESCRIPTION | IDENTIFIED | MARKED |
|---|---|---|---|
| 1 | San Altos - Lemon Grove, LLC's Notice of Deposition of Malik Tamimi and Request for Production of Documents [EXH-1] | 7 | 67 |
| 2 | E-Mail from John Quenzer to Malik Tamimi, et al., dated 12/12/14 [EXH-2] | 24 | 67 |
| 3 | City of Lemon Grove Administrative Citation dated 12/15/14 [EXH-3] | 26 | 67 |
| 4 | E-Mail from Malik Tamimi to John Quenzer, et al., dated 12/9/14 [EXH-4] | 28 | 67 |
| 5 | CRWQCB, San Diego Region - Watershed Protection Program Facility Inspection Report dated 12/15/14 [EXH-5] | 29 | 67 |
| 6 | E-Mail from Brian Memerow to Malik Tamimi, et al., dated 12/17/14 [EXH-6] | 33 | 67 |

| EXHIBIT | DESCRIPTION | IDENTIFIED | MARKED |
|---|---|---|---|
| 7 | E-Mail from Leon Firsht to Tim Anderson, dated 12/16/14 [EXH-7] | 35 | 67 |
| 8 | Memo with Attachments from John Quenzer to Leon Firsht, et al., dated 12/31/14 [EXH-8] | 36 | 67 |
| 9 | Memo with Attachments from Ted Makatani to Leon Firsht, et al., dated 1/16/15 [EXH-9] | 38 | 67 |
| 10 | City of Lemon Grove Administrative Citation dated 3/19/15 [EXH-10] | 44 | 67 |
| 11 | City of Lemon Grove Administrative Citation dated 3/19/15 [EXH-11] | 45 | 67 |
| 12 | E-Mail with Attachment from Tad Nakatani to Gary Harper, et al., dated 9/16/15 [EXH-12] | 45 | 67 |
| 13 | E-Mail Chain Ending from Tad Nakatani to Gary Harper, dated 9/21/15 [EXH-13] | 46 | 67 |
| 14 | City of Lemon Grove Administrative Citation dated 9/22/15 [EXH-14] | 52 | 67 |
| 15 | E-Mail Chain Ending from Malik Tamimi to Gary Harper, dated 9/22/15 [EXH-15] | 53 | 67 |
| 16 | E-Mail from Malik Tamimi to Frank Melbourn, et al., dated 10/13/15 [EXH-13] | 65 | 67 |

SAN DIEGO, CALIFORNIA; MONDAY, DECEMBER 28, 2015
3:33 P.M.

MALIK TAMIMI,
having been first duly sworn, was
examined and testified as follows:

EXAMINATION

BY MS. BERESFORD:

**Q. Good afternoon, Mr. Tamimi. My name is Linda Beresford. And I'm one of the attorneys for San Altos - Lemon Grove, LLC, in the matter of the Administrative Civil Liability, Complaint Number R9-2015-0110.**

**Could you please state your name and spell it for the record.**

A. Malik Tamimi. M-a-l-i-k, T-a-m-i-m-i.

**Q. Thank you. Have you had your deposition taken before?**

A. No.

**Q. There are a few ground rules that I'd like to go over with you today. I apologize to the rest of the crowd who has already heard my spiel. But these are a couple of rules that help so the**

deposition process go a little more smoothly.

So you are here today at a hearing under oath. We have a court reporter taking everything down that we say. So if possible, please answer every question verbally with a yes or a no, a sentence, rather than nodding or shrugging your shoulders or "uh-huh," because that will help make the record more clear.

Do you understand?

A. Yes.

Q. In order to have an accurate transcript, it's important that we try to have only one person speak at a time. So if you could wait for me to finish my question and then answer, I will do my best not to talk until you've had an opportunity to fully answer. And we'll try to speak one at a time for the court reporter, okay?

A. Okay.

Q. Thanks. Please feel free to take a break at any time. Or you can confer with your attorney if you have any questions. My only question is if I ask you a question, please answer the question before you leave for a break. Sound fair?

A. Yes.

Q. Thank you. And finally, I apologize, but I have to ask, are you taking any medication, or is

there any reason why you can't give your best testimony today?

A. I am taking medication, but there's no reason why I can't give my best testimony today.

MS. BERESFORD: Thank you.

Okay. Would you please mark that as Exhibit 1.

(Exhibit Number 1 was marked for identification.)

BY MS. BERESFORD:

Q. Could you please review Exhibit 1 for me.

A. Okay.

Q. Have you seen that document before?

A. Yes, I have.

Q. Could you please state for the record what it is.

A. It is my subpoena for a deposition.

Q. Thank you. And does it also request that you produce documents?

A. Yes.

Q. And did you produce documents in response to that request?

A. Yes.

Q. And how did that occur? You didn't bring them here today. How did that happen?

A. I burned a CD and provided it to our City

Attorney.

**Q. I'll represent that we did receive a CD of documents from Mr. Lough. When you were preparing those documents, were there any documents that you saw, but then did not produce for any particular reason, even though it may have been related to the site?**

A. No.

**Q. Did you do anything to prepare for the deposition today?**

A. No.

**Q. Okay. All right. I'd like to review your background a little bit. Where did you go to high school?**

A. The name of the high school, or the location of the high school?

**Q. Both, unless you feel that's really difficult.**

A. Waiakea High School in Hilo, Hawaii.

**Q. Okay. Could you please spell Waiakea.**

A. W-a-i-a-k-e-a.

**Q. Okay. Did you go to college after that?**

A. Yes.

**Q. Where did you go to college?**

A. University of Texas at Austin.

**Q. Did you graduate?**

A. Yes.

**Q. And when was that?**

A. 1996.

**Q. And what was your degree?**

A. A bachelor's of science in biology with a major in aquatic biology.

**Q. Do you have any advanced degrees?**

A. Just a Fulbright research grant upon graduating.

**Q. Congratulations.**

A. Thank you.

**Q. What did you use that for?**

A. Research on benthic ecology.

**Q. Say that again.**

A. Research on benthic ecology.

**Q. Benthic ecology. And how long did you spend doing that after you graduated from college?**

A. A year.

**Q. And what did you do after that?**

A. I returned back to Hawaii.

**Q. And were you employed there?**

A. Not immediately.

**Q. Eventually?**

A. Eventually.

**Q. And what was the first job that you had there?**

A. Environmental specialist. Sorry. Actually, environmental scientist for a consulting firm.

**Q. What firm was that?**

A. Tetra Tech.

**Q. And how long did you work there?**

A. About two years.

**Q. And what was that time frame?**

A. 1998 through 2000.

**Q. Okay. And you left Tetra Tech in 2002?**

A. I was transferred to San Diego in 1999, to the Tetra Tech office in San Diego.

**Q. And what was your job there?**

A. Environmental scientist.

**Q. And how long did you work in the San Diego office?**

A. I left there in 2000.

**Q. Okay. And what did you do then?**

A. I went to work for a company called Ogden Environmental and Energy Services, also known as AMEC (phonetic).

**Q. What was your title there?**

A. Aquatic biologist.

**Q. And how long --**

A. There were multiple roles that I played there.

**Q. Okay. And how long were you at Ogden?**

A. For a year.

**Q. One year?**

A. Yes.

**Q. Okay. And then what did you do? That took you to approximately 2001?**

A. Yes. And then I returned back to Tetra Tech.

**Q. Okay. Did you have a new title there?**

A. No, the same title.

**Q. And how long were you then at Tetra Tech?**

A. I would say for -- until 2003. That would be about a year.

**Q. Okay. And then what did you do in 2003?**

A. And then I went to D-Max Engineering.

**Q. And what did you do at D-Max?**

A. A project -- environmental scientist project manager for two years.

**Q. And what kind of projects did you manage?**

A. Storm water projects for different cities.

**Q. And what did that involve?**

A. Development of the Jurisdictional Runoff

Management Programs, J-U-R-M-P, as well as inspections.

**Q. How long did you do that?**

A. Two years.

**Q. That was from approximately 2003 to 2005?**

A. Correct.

**Q. Had you taken any additional educational classes on storm water management?**

A. Yeah. There were a number of training opportunities, like the County of Orange provided on construction and municipal inspections.

**Q. About how many trainings do you think you went to?**

A. I do not remember.

**Q. More than five?**

A. In that period, yes.

**Q. Do you think more than ten?**

A. No.

**Q. And what were the cities that you were working for?**

A. National City; Poway; La Mesa; another one in Orange County, I can't remember the name; and La Habra in Orange County; and I believe the Port of San Diego; and the City of Vista; and the City of Santee; and the City of Chula Vista. Where else did

I go? And San Marcos.

**Q. Now, did you -- you did inspections in all of these areas?**

A. And the City of San Diego. And yes, inspections.

**Q. What types of inspections?**

A. Industrial/commercial and construction.

**Q. And then did you also prepare all of the JURMPs for these jurisdictions?**

A. Assisted and prepared. So La Mesa, I prepared their JURMPs; Poway, I had help with sections of their JURMPs; National City, I helped with sections of their JURMP.

**Q. How about any of the others?**

A. No, primarily inspections and water quality monitoring.

**Q. Okay. So that took you to approximately -- you started there in 2003 with D-Max doing that. And how long did you do that?**

A. Two years.

**Q. Okay. And then what happened in 2005?**

A. I made the switch over to the City of La Mesa. I worked at the City of La Mesa for four years, for just about four years. I was in their storm water program.

**Q. What was your title?**

A. I had three different titles: Environmental technician, environmental specialist, storm water program manager.

**Q. Did you do any additional training in that period of time?**

A. I went to trainings, but I don't recall exactly what the trainings were.

**Q. Approximately the same number?**

A. Yeah, I would say the same number.

**Q. All right. And then what happened in 2009?**

A. And then I moved to the City of Poway as their storm water program administrator. I worked two and a half years.

**Q. Did you attend any training during that period of time?**

A. Yes.

**Q. And what kind of training did you do then?**

A. General construction training, and also administrate training to staff on construction.

**Q. I'm sorry. Say that again.**

A. And also administer training to staff on construction.

**Q. At Poway, was that the first time you**

start the training other staff?

A. No.

Q. When did you start training other staff?

A. When I worked at D-Max.

Q. So this is going to sound silly, but did you ever go to any classes or training to be a trainer?

A. I don't know if I did or not.

Q. Okay. And then so 2009, about two and a half years takes you to about 2011, 2012?

A. 2011.

Q. 2011, all right. And what happened then?

A. And then I moved on in 2012 to Lemon Grove.

Q. Okay. And when you started with the City of Lemon Grove, what was your title?

A. Management analyst.

Q. Is that still your title?

A. Yes.

Q. And what do your duties involve?

A. Implementing or administering the JURMP water program, as well as the hazardous waste/solid waste diversion program, engineering contracts, the CDBG program, ADA. And I think that's it.

Q. Okay. Well, I suppose with management

analyst, they could put just about anything under that title, huh?

Okay. From 2012 to current, have you gone to any specific training related to storm water management?

A. CASQA conferences. They have a construction training session that I attended.

Q. And when was that?

A. That was the first year I was in Lemon Grove, 20 --

Q. -- 12 maybe?

A. Yeah.

Q. 2012?

A. Yeah.

Q. Do you know what a trainer of record is with respect to the General Construction Storm Water?

A. No.

Q. So if I were to ask if you were a trainer of record, would you be able to say if you were or not?

A. I'm not. Actually, I know the term, but I don't know what it entails.

Q. Okay. That's okay.

A. I know that I'm not a trainer of record.

Q. Are you familiar with the term Qualified

Storm Water Professional?

A. Yes.

Q. QSP?

A. Yes.

Q. Are you a QSP?

A. No.

Q. Are you familiar with the term Qualified SWPPP Developer or QSD?

A. Yes.

Q. Are you a QSD?

A. No.

Q. All right. When was the last time that you personally inspected a site for storm water compliance?

A. Can you define an inspection.

Q. Yes. So when was the last time that you went to a construction site to inspect it to evaluate if it was in compliance with either a JURMP, or the General Construction Storm Water Plan?

A. I would say maybe five weeks ago.

Q. So are you still conducting site inspections while at the City of Lemon Grove?

A. No. But I do help if need be, as I drive by and take a look at the site. Or if there is a request from the inspector to go and have a meeting

with the developer, I will go to provide support.

**Q. Okay. Over the past three years, how many inspections do you think you've either performed or attended?**

A. I would say less than 15.

**Q. What types of sites are those usually?**

A. Liaisoning if there's a Regional Board audit or visit. So it would be any construction site that's under the General Construction Permit, or any type of additional support needed by one of the inspectors.

**Q. So this afternoon we're going to be talking about the Valencia construction site on San Altos Place constructed by San Altos-Lemon Grove, LLC. So when I refer to the site on a going-forward basis, I mean that project. Are you familiar with that project?**

A. Yes.

**Q. So if I use "the site," that term, you know what I'm saying?**

A. Yes.

**Q. With respect to storm water management issues, when was the first time the site came to your attention?**

A. In December of 2014.

**Q. And what happened at that time that the site came to your attention?**

A. It was brought to my attention that there was a significant discharge off of the site.

**Q. And who brought it to your attention?**

A. The City Engineer and Inspector.

**Q. And who were those people?**

A. Gary Harper and Leon Firsht.

**Q. Okay. Can you describe to me how it came to your attention? Did they come to your office? Did they send you an e-mail?**

A. I don't remember.

**Q. Do you recall hearing whether or not there was a water main break at the site earlier in the year?**

A. I did hear about that, yes.

**Q. And were you involved with anything at that time? Were you involved with the site in any capacity at that time?**

A. If I were, I don't know to what capacity I would have been involved in that.

**Q. Okay. Do you recall if the City informed the Regional Board of that water main break?**

A. Okay. Yes. Yes, I did inform the Regional Board of the water main break, as it is a

requirement, the municipal permits, informed them that there was a discharge.

**Q. And what was the discharge?**

A. Water and sediment.

**Q. Was there a report from that water main break?**

A. An e-mail.

**Q. Do you know who wrote that e-mail?**

A. I wrote that e-mail.

**Q. Did you go out on site and observe the water main break?**

A. I don't believe I did.

**Q. So how do you know that there was a discharge of sediment with that?**

A. Inspector and the City Engineer.

**Q. Did they do a report from that?**

A. They provided the information, and I passed that information on.

**Q. But you did not see any discharge yourself?**

A. I don't believe that I saw any discharge.

**Q. Okay.**

A. I really don't have a clear remembering of what occurred in that period.

**Q. Okay. Was there a point in time --**

**actually, let's go back.**

**Who is the primary inspector at the City of Lemon Grove for storm water compliance issues for construction sites?**

A. Gary Harper and D-Max Engineering.

**Q. Do you know what kind of training Mr. Harper has had to be an inspector?**

A. Yes. We had a training session through D-Max Engineering to provide training to City staff; and to go out in the field and to do walk-through inspections. So one portion of it was in the office, and the second part was out in the field.

**Q. How long do you think each of those training sessions were?**

A. I would say it was an hour and a half, and then the field was a half day.

**Q. When did that occur?**

A. I don't remember.

**Q. Did you have sign-in sheets of who attended that training?**

A. We did have sign-in sheets.

**Q. Do you know where those are? Are those readily available?**

A. I don't know where they are.

**Q. Do you know if any materials were**

**provided?**

A. Yes, there was materials provided through D-Max.

**Q. Was there any instruction to your inspectors that they were to take those materials with them whenever they did any inspections?**

A. My understanding is the material that was provided was the presentation, the slides for that training.

**Q. Who decided to hire D-Max Engineering?**

A. I did.

**Q. And when did that occur?**

A. There was an existing contract with D-Max when I started. And I needed additional support for different parts of the program. So that would have been when I started in 2012.

**Q. Okay. And what parts of the program did they provide support for? What is their primary role?**

A. Water quality monitoring and industrial commercial inspections. And most recently, construction inspection support.

**Q. What do you mean by "construction inspection support"?**

A. To do inspections with the City Inspector.

**Q. Why do you think D-Max should do inspections with the City Inspector?**

A. They have had a history of supporting the City, and to provide support as -- technical support, additional technical support.

**Q. Is it expensive to have them both go out and do an inspection?**

A. I don't know.

**Q. Do you know who else attended the training put on by D-Max?**

A. The engineer, I believe.

**Q. And who is that?**

A. I think that was Tamara O'Neil.

**Q. What about Mr. Firsht?**

A. He was present.

**Q. Anybody else?**

A. I was there.

**Q. Anybody else?**

A. We've had a lot of turnover, so I don't know if I missed anyone else.

**Q. Did you direct D-Max to inspect the Valencia Hills construction project, the site?**

A. I recommended D-Max to the City Engineer.

**Q. And based on that, do you know what happened?**

A. The City Engineer took that advice, the recommendation.

MS. BERESFORD: Okay. I will mark this as Exhibit 2.

(Exhibit Number 2 was marked for identification.)

BY MS. BERESFORD:

**Q. If you could take a look at Exhibit 2, please. Exhibit 2 is the December 12th, 2014 D-Max memo. Have you had a chance to review this memo?**

A. Yes.

**Q. Have you seen it before?**

A. Yes.

**Q. Can you please state what it is.**

A. It is a memo summarizing sampling that occurred during or after a rain event at the Valencia project site.

**Q. Do you know why D-Max prepared a memo?**

A. Because I'd recommended to the City Engineer to have them prepare documentation of any potential discharge from the site to sample it.

**Q. Have you ever asked D-Max to prepare a written memo of sites that they have inspected previously?**

A. Yes, I have.

**Q. And can you describe that occasion for me.**

A. Not at Lemon Grove.

**Q. Where?**

A. At La Mesa.

**Q. And what was that situation with the --**

A. I don't remember.

**Q. Why did you feel a memo was important in this instance?**

A. To summarize their findings.

**Q. Do you know who asked them to do a turbidity analysis?**

A. I would have recommended the turbidity analysis.

**Q. And you recommended it to whom?**

A. To the same City Engineer and to D-Max.

**Q. What did you do after you received this memo?**

**Or I will rephrase. Did you take any specific action after you received this memo?**

A. I don't remember.

**Q. Did you discuss this memo with the Water Board?**

A. I don't remember.

**Q. Do you know if you sent a copy of this memo to the Water Board?**

A. I know that information was transferred. And I facilitated in providing this information to the City Engineer.

**Q. Were you aware that Mr. Firsht issued a citation based on this memo?**

A. I was aware that he issued a citation.

**Q. But you didn't know if it was in relationship to this memo?**

A. I don't remember.

MS. BERESFORD: I will mark this as Exhibit 3, please.

(Exhibit Number 3 was marked for identification.)

BY MS. BERESFORD:

**Q. Have you seen this before?**

A. Yes.

**Q. What is it?**

A. It is an Administrative Citation.

**Q. And what is the date of it?**

A. It is dated -- the violation date is 12/12/14, and the signature date is 12/15/14.

**Q. And who issued this citation?**

A. Leon Firsht.

**Q. Did he discuss this citation with you before he issued it?**

A. He may have.

**Q. Do you recall if he -- if you and he discussed whether or not there had been a discharge at the site on December 12th?**

A. We discussed, but I don't remember the details of the discussion.

**Q. Okay. Did you visit the site on December 12th?**

A. I don't remember that either.

MS. BERESFORD: All right. We'll go off the record.

(Discussion off the record.)

MS. BERESFORD: Back on the record. I'm going to mark this as Exhibit 4.

MR. ROSENBAUM: What are we marking? That one.

(Discussion off the record.)

MS. BERESFORD: There we go.

MR. BOYERS: Thank you.

BY MS. BERESFORD:

**Q. Have you seen this document before?**

A. I do not recall seeing this document or this e-mail.

**Q. Can you say who it is from?**

A. It is from Gary Harper.

MS. BERESFORD: Can I please see what I gave to

you. Did I give you the wrong one? Yes, I did.

MR. ROSENBAUM: Yes. What's the right date?

MS. BERESFORD: December 9th. We're withdrawing that document as Exhibit 4 and assigning a new Exhibit 4.

(Exhibit Number 4 was marked for identification.)

BY MS. BERESFORD:

**Q. Have you seen that one before?**

A. Yes.

**Q. Excellent. Can you please state for the record what it is.**

A. It is an e-mail from me to John Quenzer to have Tad with D-Max conduct the full inspection with Gary Harper, as part of training for Gary.

**Q. Did you want Gary to have additional training?**

A. Every opportunity that he could have training, I tried to include him.

**Q. And why was that?**

A. I think as much training as anyone can get is fantastic.

**Q. Did you feel that the previous training that you had coordinated was sufficient for Mr. Harper to conduct inspections?**

A. Yes.

**Q. And when you had Mr. Harper conducting inspections, was the goal of those inspections to evaluate sites for the consistency with your JURMP?**

A. Consistency with JURMP and with the grading ordinance.

**Q. Was the goal for Mr. Harper to inspect sites to evaluate consistency with the General Construction Storm Water Permit?**

A. No.

MS. BERESFORD: All right. And let's mark that as Exhibit 5. This is Exhibit 5 to the deposition, although it says Exhibit Number 8 at the top of the document.

(Exhibit Number 5 was marked for identification.)

THE WITNESS: What would you like me to do with this exhibit?

BY MS. BERESFORD:

**Q. Have you seen this document before?**

A. I may have seen it, but I may have not read it.

**Q. Okay. For purposes of the record, I will represent that Exhibit 5 is a Facility Inspection Report dated December 15, 2014, by the California**

Regional Water Quality Control Board, San Diego Region.

Can I direct your attention to page two of the document, please. I'd like to direct your attention to the third paragraph where it says, "On the morning of December 12th, the City contacted the San Diego Water Board about the unauthorized discharges of sediment and sediment-laden storm water to their MS4 from the Valencia construction site.

According to the City storm water manager, the site owner was claiming the site was in compliance with the requirements of the Statewide Construction General Storm Water Permit. The City's storm water manager requested an inspection from the San Diego Water Board to determine whether the construction site was in compliance with the construction -- with the CGP," is what the document says.

Were you the individual that contacted the Board on December 12th?

A. I'm the one that, yeah, liaisons between the Regional Board and our City.

Q. Are you the City's storm water manager?

A. This would be me, even though it's not my title.

Q. So you did contact the Board on

**December 12th?**

A. I don't have a clear memory. But I'm sure if there was an illegal discharge, that I would have contacted the Regional Board to inform them of the illegal discharge.

**Q. Do you know if you were the person who requested an inspection?**

A. I may have been the one who requested the inspection.

**Q. Do you routinely ask for inspections from the Water Board?**

A. I do ask from the Regional Board for assistance with inspections when it is a site that is under the General Construction Permit.

**Q. How many times have you done that?**

A. At Lemon Grove or in my career?

**Q. Well, let's start at Lemon Grove.**

A. I would say this would be the first site.

**Q. And why did you feel the need to have an inspection done?**

A. Because it fell under the Construction Permit. And we were also having challenges with compliance from the site because of the illegal discharges or illegal discharge.

**Q. Had you had any other industrial or**

**construction sites in Lemon Grove that had discharges?**

A. I don't remember.

**Q. But you don't recall asking for an inspection at Lemon Grove or any other site?**

A. I know we had two sites that were visited by the Regional Board within that year.

**Q. And what was the other one?**

A. One was -- ah, I don't want to get the wrong name. There are actually two sites that the Regional Board inspected. You can find it online.

**Q. Does Citronica sound familiar?**

A. Yes. There was another one. Vista Serrano was the other one.

**Q. I'm sorry?**

A. Vista Serrano.

**Q. And is it your request that the Board is coming to do these inspections?**

A. No. They came out to just conduct an inspection of those two sites with the City attending, and also reviewing the City's program.

**Q. So why did you ask for -- request an inspection this time?**

A. Because we were unable to get BMPs implemented at that site. You heard from the

inspector, that there were a lot of challenges with that site.

**Q. The top of the first paragraph says that, "On December 2nd, there was a Stop Work/Notice." And then you requested an inspection on December 12th; is that correct?**

A. Per this, yes.

**Q. Did you feel like ten days was a reasonable amount of time to see if they can implement BMPs?**

A. I don't know. But I do know that there were rain events.

MS. BERESFORD: I would like to mark this as Exhibit 6, please.

(Exhibit Number 6 was marked for identification.)

BY MS. BERESFORD:

**Q. Have you seen this memo before?**

A. Yes.

**Q. Can you please state for the record what it is.**

A. It is a memo from D-Max Engineering providing information for monitoring on December 17th, 2014 for the Valencia site.

**Q. And it is addressed to?**

A. Addressed to Malik Tamimi.

**Q. Okay. Are you familiar with turbidity analysis?**

A. Yes, I am.

**Q. And can you read the last sentence of the memo to me.**

A. "A sample of the power washing discharge water was collected, and turbidity was measured at 52 NTU."

**Q. Does that number mean anything to you?**

A. Fifty-two.

**Q. Does the JURMP or Lemon Grove ordinance have a specific number that talks about turbidity analysis?**

A. The JURMP does not, nor does the ordinance.

**Q. So why would somebody do turbidity analysis?**

A. The basin plan provides what an exceedance of turbidity would be to surface waters for inline to surface waters.

**Q. Do you know what that number is?**

A. I don't know the exact number.

MS. BERESFORD: Okay. Let's mark this as Exhibit 7, please.

(Exhibit Number 7 was marked for identification.)

BY MS. BERESFORD:

**Q. Have you seen that document before?**

A. I may have seen this document before.

**Q. Do you know if you worked with Mr. Firsht on drafting that document?**

A. I have worked with Mr. Firsht on drafting language.

**Q. Do you know if you assisted Mr. Firsht on drafting language for that letter?**

A. Yes.

**Q. Do you see the paragraph talking -- the third paragraph down that says, "Should inadequate BMPs and/or failure of BMPs continue, the City will hire an erosion control company at your cost to prevent illegal discharges from occurring"?**

**Do you see that sentence?**

A. Yes.

**Q. Do you know if the City ever did that?**

A. No, the City did not.

**Q. Why did the City not do that?**

A. I don't know.

MS. BERESFORD: I'd like to mark that as Exhibit 8.

(Exhibit Number 8 was marked for identification.)

BY MS. BERESFORD:

**Q. Have you seen that document before?**

A. Yes, I have.

**Q. Can you please state for the record what it is.**

A. It is a memo from D-Max Engineering after conducting their monitoring or sampling on December 31st, 2014 for the Valencia project.

**Q. What's the date of the memo?**

A. December 31, 2014.

**Q. And it's directed to whom?**

A. Huh?

**Q. It's directed to whom?**

A. Leon Firsht and Malik Tamimi.

**Q. May I see it. Sorry. I don't have a lot of copies.**

**The third paragraph talks about sampling the sediment at the site. And the first sentence says, "Some sediment had set 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."**

**And then the last sentence says, "To**

approximate that effect, the settled sediment at the Akins' entrance/exit location was disturbed, and a sample was taken a few minutes later."

Do you see those sentences?

A. Yes.

Q. Are you familiar with sampling protocol for taking water samples for turbidity?

A. Yes.

Q. Do you think that's an appropriate sampling technique?

A. I don't know.

Q. Are you familiar with sampling protocols?

A. Yes.

Q. Have you ever seen that as a sampling protocol?

A. I don't know.

Q. You don't know if you've ever seen that?

A. I don't know that I've ever seen that as a sampling protocol.

Q. Okay. I would like to go back to Exhibit 8, which was the December 15 inspection by the Regional Board. You will see that there is a list of representatives. Do you see that list of people?

A. Yes.

**Q. I do not see a representative of D-Max listed there. Do you know if someone from D-Max attended that?**

A. I don't know. I was not present.

**Q. Did you request for D-Max to attend?**

A. I don't know that I requested for them to attend. I don't remember.

MS. BERESFORD: Okay. I'm sorry. What exhibit are we on?

THE REPORTER: Nine.

MS. BERESFORD: Let's mark this Exhibit 9.

(Exhibit Number 9 was marked for identification.)

BY MS. BERESFORD:

**Q. Have you seen that document before?**

A. Yes, I have.

**Q. And what is it?**

A. It's a memo summarizing the inspection activities through the months of December and January 2015.

**Q. And who prepared that memo?**

A. D-Max Engineering.

**Q. And it was addressed to --**

A. To Leon Firsht and Malik Tamimi.

**Q. And what do you think the results of that**

**memo says?**

A. It just provides a summary of activities.

**Q. What did you think after you read it?**

A. After I read it, that it indicated that there are deficiencies at the project site.

**Q. You didn't feel that they had made significant improvement at the site?**

A. I didn't read it that closely. I skimmed it. I think the last sentence said -- the last paragraph reads, "Made sufficient improvements to the site. It is appropriate to lift the Stop Work Notice." So yes, they made improvement.

**Q. And do you know if the City did lift the Stop Work Notice after that report?**

A. I do not know for a fact.

**Q. May I see that again. Do you know if D-Max did any other water quality sampling after December 31st?**

A. After December, I don't know. They may have.

**Q. Based on your experience doing storm water inspections, what do you think is a reasonable number of times to visit a construction site in a month?**

A. My professional opinion?

**Q. Sure.**

A. Or what is required?

**Q. Let's start with your professional opinion.**

A. I think a site should be visited as often as need be until the site is no longer a threat to water quality.

**Q. Who was directing the number of visits to this site during December 2014?**

A. I would say Leon, as well as my recommendations.

**Q. And was that based on some determination that there was a threat to water quality?**

A. I would assume -- not I would assume. It's based on water with quality and failure to implement adequate BMPs on site to prevent that from happening; in other words, sites not being in compliance, having sufficient BMPs on site preventing sufficient discharges. So a combination of rain events and noncompliance for this site, the fact that it was under some type of enforcement, whether it was a Stop Work or a Correct Work, it has to be followed up.

**Q. Did you make any sort of independent determination that you thought there was a threat to water quality from this site?**

A. I did not make my own independent. But I was provided information that there were discharges; and that the site did not adequately erosion control deployed; therefore, warranting follow-up inspections as if there was a rain event, as the City does not want a discharge into its storm drain system.

**Q. Was the City concerned about getting penalties, the Water Board issuing penalties to the City?**

A. Yeah, that would be a fair statement.

**Q. And why was the City concerned about that?**

A. Because I think every city is concerned about getting a penalty from the Regional Board for program implementation; in other words, not enough was done to prevent the discharge.

**Q. So would you say some of the purposes of your visits to the Valencia Hills site was to demonstrate that the City was doing enough?**

A. I would say the follow-ups were intended to comply with our JURMP and our ordinance; to make sure that if a follow-up is required, that we followed up, and we didn't drop the ball by not following up.

**Q. Does the JURMP have specific requirements about when follow-up is required?**

A. I don't know. I would have to go back and look.

**Q. Because we had mentioned before, I had asked how many times do you think is reasonable to visit a site? And you actually said there were two things based on your professional opinion or based on what is required.**

A. Correct.

**Q. So first we were talking about your potential opinion. Now let's talk about what you think is required.**

A. So what's required for a high-priority site is there's a routine site inspection twice a month, and the follow-up inspections on the site is in compliance.

**Q. And who decides whether a site is a high-priority site or not?**

A. The Municipal Permit defines what a high priority, a medium, or low-priority site is and inspection.

**Q. In this instance, who decided -- well, first, was Valencia Hills a high-priority site?**

A. It was a high-priority site.

**Q. And who made that determination?**

A. I did, the City Engineer. I would say I

would have been the one to say that it was high priority.

**Q. And what was that based on?**

A. Based on acreage. I think it's 17 acres. There's an acre threshold that is provided in the JURMP. And then there's a number of items that defines what the high, medium, and low priorities are as well, the Municipal Permit as well as the JURMP.

MS. BERESFORD: I apologize again. It's 4:49, let's take a break until 5:00. I need to get a few more documents together. I hate to make you all sit there while I do that.

(A recess was taken.)

MS. BERESFORD: Let's go back on. I apologize for the delay.

Are you ready?

THE REPORTER: Yes.

MS. BERESFORD: Are you ready?

THE WITNESS: Yes.

BY MS. BERESFORD:

**Q. Are you a professional engineer?**

A. No.

**Q. And previously you said that you were not a QSP or a QSD; is that correct?**

A. Correct.

**Q. Do you think you need either of those qualifications to be a storm water manager for the City of Lemon Grove?**

A. No.

**Q. And why is that?**

A. Because the City of Lemon Grove implements its Municipal Permit and not the Construction General Permit.

MS. BERESFORD: What exhibit number are we on?

THE REPORTER: Ten.

THE COURT: I'll mark that as 11.

THE REPORTER: Ten.

MS. BERESFORD: Or ten.

THE REPORTER: Sorry.

(Exhibit Number 10 was marked for identification.)

BY MS. BERESFORD:

**Q. Have you seen that document before?**

A. Yes.

**Q. And what is it?**

A. It is an Administrative Citation issued by Leon Firsht.

**Q. And what is the date?**

A. The date it was issued is March 19th. The violation date is 3/18/15.

**Q. How much is the Citation?**

A. $1,000.

**Q. Did he talk to you about that before he issued it?**

A. I don't know. For this one I don't know.

**Q. You don't recall?**

A. I don't recall.

MS. BERESFORD: Okay. 11, please.

(Exhibit Number 11 was marked for identification.)

THE WITNESS: An Administrative Citation issued by Leon Firsht, 3/19/15. And the violation occurred on 3/18/15. And I saw this collecting the information for the records request.

BY MS. BERESFORD:

**Q. Okay. And this is Exhibit 11?**

A. Exhibit 11, correct.

**Q. Did you discuss this Citation with Mr. Firsht before he issued it?**

A. Not to my knowledge. I don't remember.

MS. BERESFORD: Okay. Let's make that Exhibit 12.

(Exhibit Number 12 was marked for identification.)

(Discussion off the record.)

THE WITNESS: Okay. Do I say anything about this?

MS. BERESFORD: Just wait a minute. I want to give you another exhibit before I ask you questions about that.

(Discussion off the record.)

MS. BERESFORD: Please mark that as Exhibit 13, and we'll get two more copies.

(Exhibit Number 13 was marked for identification.)

THE WITNESS: Okay.

BY MS. BERESFORD:

**Q. Have you seen those two e-mails before?**

A. Yes, I have.

**Q. Okay.**

A. I'm CCed on both e-mails.

**Q. Go to Exhibit 12. Can you please state what Exhibit 12 is.**

A. Exhibit 12 are the inspections for three construction sites at the City of Lemon Grove, inspections conducted by D-Max.

**Q. And who wrote the e-mail?**

A. Tad Nakatani with D-Max Engineering.

**Q. And it's dated?**

A. September 15th, 2015.

**Q. And it's address today?**

A. Gary Harper.

**Q. And you are copied on it?**

A. I am copied.

**Q. Is one of the inspection reports attached for the site?**

A. For the Valencia inspection site, correct.

**Q. Okay. I read this e-mail. And do you read this e-mail as -- when you read this e-mail, did you think that Tad was asking what box he should check under "Violations"?**

A. Yes. He wanted concurrence with the City on whether or not what the violation is. In other words, if there's a history, is it an escalating enforcement or is it not? In other words, is it operating on something, or not operating under enforcement? So he wanted to confirm that. That's how I read this.

**Q. So when somebody inspects a site to issue a violation, are they considering more than whether it's just an actual violation of the JURMP or the Municipal Code?**

A. For example, say there's a verbal warning. There's an escalating enforcement with our current JURMP program. The escalating enforcement starts off

with a verbal warning, and then it starts off with a written warning, a Correct Work, and then potentially a Stop Work, and then potentially an Administrative Citation. And it moves in an escalating manner. I took that as where is the site at?

Because if you are not going to write Correct Work, and then Correct Work again. So if the last inspection was Correct Work, then you are going to do Correct Work again.

But to follow up with the second exhibit, they are tied together in that the City is the one who determines the enforcement. So the consultant is not going to do the enforcement for the City. So that was the intent of the e-mail or the language in there.

**Q. Do you know if Mr. Nakatani is a QSP?**

A. I believe he is.

**Q. So you don't think he's qualified to determine whether or not there's just been a violation of the JURMP or not?**

A. He is qualified to provide a recommendation only.

**Q. And then someone else determines whether or not there's a violation?**

A. The City makes that determination, not a

consultant.

**Q. Who at the City?**

A. The City Engineer.

**Q. And that --**

A. And that would be a combination of City staff discussing it.

**Q. So you mentioned Exhibit 13.**

A. Correct.

**Q. For the record, Exhibit 13 has a range of e-mails starting with September 17th, 2015 through September 21, 2015; is that correct?**

A. Correct.

**Q. And you have seen these before?**

A. The ones that I am CCed on or addressed to, yes. Actually, yep. All of them, yep.

**Q. So I'm looking at the e-mail from you dated September 17, 2015 at 4:07. It starts on page two but continues to page three.**

A. Okay.

**Q. And the last sentence says, "You will need to direct Tad and resend the complete Inspection Form." Can you explain that sentence?**

A. It's my understanding, if I recall, was that that section of the Inspection Form was not filled out.

**Q. What section was?**

A. The enforcement section. That is --

**Q. So -- please continue.**

A. Not the enforcement. It's like the -- let me see what it's properly titled. It's the violation section of the Inspection Form for all these sites.

**Q. Right. So is your e-mail here telling Gary to tell Tad what to put there?**

A. My e-mail --

**Q. The last sentence says, "You will need to direct Tad and resend the complete Inspection Form."**

A. Correct. In other words, the determination, if they hadn't talked about it, what Tad's recommendation is and what the outcome of the violation would be, it needs to be filled out. You can't send an empty Inspection Form, an incomplete Inspection Form.

**Q. So was your direction that Gary should tell Tad what to put there?**

A. No.

**Q. And then resent?**

A. No. It was that he needs to talk to Tad to make whatever the determination is. That was the intent. In other words, you can't send out an incomplete Inspection Form.

**Q. So then let's go to your e-mail of September 18th, 2015 at 12:22. It's at the bottom of page one.**

A. Uh-huh.

**Q. The second sentence says, "The consultant may discuss the observations with the City, but ultimately the inspector needs to fill out the enforcement section with direction from the City."**

**So in this instance, what was the direction from the City on these forms?**

A. I don't know what the outcome was between the discussion with -- with Tad and Gary. And I may have chimed in later. I'm not sure.

**Q. So what's the normal process? They do an inspection --**

A. They --

**Q. Let me finish. They need to check a box. They confer with the City. Who at the City do they confer with?**

A. With Gary.

**Q. With Gary? And he gets to make the final determination of what that violation should be?**

A. He may come and ask different City staff, such as myself or Leon or whomever, for an opinion about it.

**Q. But in one instance it could be you?**

A. In one instance it could be me.

**Q. And in another instance, it could be the City Engineer?**

A. The City Engineer. But ultimately the City Engineer has the final say. So to explain that, I'm more of support, as opposed to I can provide my opinion, my recommendation. But that is the extent of what happens. Whether the City Engineer decides on it or not is up to the City Engineer.

MS. BERESFORD: Okay. This is Exhibit 14, please. It's Exhibit Number 14, although it says Exhibit Number 21 at the top of the page.

(Exhibit Number 14 was marked for identification.)

THE WITNESS: Okay.

BY MS. BERESFORD:

**Q. Did anyone confirm with you on the amount of the citation?**

A. The amount?

**Q. I can rephrase. Did anyone confer with you about the citation?**

A. Yes.

**Q. And how did that occur?**

A. I do not know how it occurred. All I have

is this Administrative Citation in front of me.

**Q. Okay. But you thought somebody conferred with you. Did they come to talk to you, get your opinion on what it should be?**

A. I believe, yes, Gary came to talk to me about the Code sections.

(Discussion off the record.)

MS. BERESFORD: We'll make that Exhibit 15.

(Exhibit Number 15 was marked for identification.)

THE WITNESS: I keep getting confused with the 10/22/2015 at the top versus the actual violation date.

BY MS. BERESFORD:

**Q. We have the same issue.**

A. So as I look at 10/22, I'm like huh?

**Q. Why don't you read this e-mail before you say something more. That might refresh your recollection.**

A. Okay. So this e-mail is just summarizing my understanding of what's going on with the citation.

**Q. To clarify for the record, Exhibit 15 is an e-mail chain from September 22nd between you and Gary Harper and Tim Gabrielson -- is that correct? --**

among others?

A. Correct.

Q. And who was Mr. Gabrielson?

A. He is the Acting City Engineer.

Q. Okay. So who determined that the Citation should be issued for $1,000?

A. The City Engineer makes that determination or the Acting City Engineer.

Q. Do you know if you were involved in the discussion?

A. For 9/22, I'm certain that I was involved in that discussion, but I don't recall the discussion.

Q. Do you recall if there was any discussion of what the evidence of discharge was?

A. I don't remember.

Q. Okay. Going back to Exhibit 15 it says, "I will be forwarding the information to the Regional Board early this week."

That's at the bottom of page one. Do you see that?

A. Yes.

Q. Do you know why you were forwarding that information to the Regional Board?

A. Because it is an escalating enforcement

that they need to be made aware of per the permit.

**Q. What was the escalating --**

A. The fact that it was a continuation; in other words, it was Administrative Citation X, Y, or Z.

**Q. Was there any evaluation by you as to whether the alleged violations themselves were escalating, or was it just the fact that there seemed to be ongoing issues?**

A. Could you repeat that.

**Q. Yes. Was there any evaluation by you as to whether the issues at the site were getting worse; or was it just the fact that well, we went out there, and we saw one other thing?**

A. I'm trying to think back to that period of time. What I recall hearing is because of the rain events that were occurring, I think we had rain events in September before the rainy season. Normally we notify the developers of the rainy season. And I think preliminary inspections or what have you were coming back with inadequate erosion control.

Most of it was as a result of the potential for discharge; or if it hadn't discharged, if there's evidence of discharge; and that it was continuing,

this noncompliance of the erosion control.

**Q. But you don't recall specifically what it was for this one in September of 2015?**

A. I just read over here in the Citation, "evidence of discharge."

**Q. Do you know what that was?**

A. I don't know what that discharge was.

**Q. Okay. Do you know if you asked anybody?**

A. I would have assumed that it was sediment discharge, because that was an ongoing concern at the site for inadequate erosion control.

**Q. But do you recall if you actually asked anybody what it was?**

A. I do not remember if I asked anyone what it was.

**Q. Have you discussed the storm water issues at the site with Wayne Chiu of the Water Board?**

A. Discussed it at the site?

**Q. Discussed the storm water issues at the site?**

A. About the site?

**Q. About the site with Mr. Chiu of the Water Board?**

A. I have discussed it in the past as a notification. So if there was a written

notification, an e-mail, we're also required within 24 or 48 hours to do a verbal notification. And so the discussion was a voice message left to him.

**Q. Do you know how many times you've actually had a telephone conversation with him?**

A. I am assuming that I had in that period for the project maybe one telephone conversation. And that would have been early on in the December period.

**Q. How many times have you ever met him at the site?**

A. I've never met him at the site.

**Q. Had you ever met him?**

A. Wayne Chiu? I've met him at other construction sites in Lemon Grove, the two others, Citronica and Vista Serrano.

**Q. But you've never met him in person with reference to this specific site?**

A. No.

**Q. Do you know how often you exchanged e-mail with him about the site?**

A. I know for the written notice, I would say, I don't know, maybe -- I don't know. I don't know. Definitely less than five.

**Q. Okay. That's fine. Have you ever met**

**Frank Melbourn?**

A. You know, I don't recall meeting Frank. Sorry.

MR. MELBOURN: It's all right.

BY MS. BERESFORD:

**Q. Do you know that he's at the table right now?**

A. I do know. But I absolutely don't recall, sorry, meeting him in person.

**Q. That's okay. Have you ever spoken to Mr. Melbourn about this site?**

A. Yes, I have.

**Q. And when was that?**

A. In the fall of this year.

**Q. And was that -- did you speak to him once? twice?**

A. I would say five times maximum.

**Q. And were those all phone calls?**

A. Phone calls, correct.

**Q. And did you call him, or did he call you?**

A. I called him and he returned calls.

**Q. And why did you call him?**

A. I had questions about -- I don't know. I'm trying to think what I had questions about. I can't remember exactly.

**Q. Was it about this site?**

A. I think it was about the hearing date.

**Q. Okay. Did Mr. Melbourn ever ask you questions about any of the violations issued by the City?**

A. I had a request for information, yes.

**Q. And what was that request?**

A. Inspection forms, any photos that we had, just a public records request.

**Q. So you had a request for documents?**

A. Correct.

**Q. Did you ever talk to him about those documents?**

A. I wasn't able to find one of the photos that he was looking for. And I wasn't able to provide it in the JPEG. So I talked to him about that saying, "I'm sorry. I can't find the JPEG."

**Q. Did he ask you any questions about any of the Citations or inspections done by the City or D-Max?**

A. He asked for the inspections, copies of the Citations. I don't know what else I would have talked about regarding the site.

**Q. I understand that he asked you for the documents.**

A. Yes.

**Q. I'm trying to say, did he ask you anything about who did it? Or what does that photograph mean? Or anything like that?**

A. No.

**Q. Okay. So there was never any substantive discussion about --**

A. No.

**Q. -- any of the Citations or inspections done by the City or D-Max?**

A. There was a question on whether or not we did our inspections during the summer, which is not typical. And we did do our inspections over the summer for all of our construction sites.

**Q. And why did you do that?**

A. Because of the concern for a site to be deficient; or just to continue on, just to make sure that if there was any type of enforcement, that we're watching to make sure that we can help them with the corrected work or help, you know, the developer address any deficiencies, just initial, not as frequent, but just to go out and see how things are going.

**Q. You say that's not typical to do inspections during the summer?**

A. It's not typical. But it is also not typical to have many of our construction sites to be deficient.

**Q. Did you have many over the summer that you felt were deficient?**

A. I feel that most of our construction sites were deficient or lingered over the past two years, so --

**Q. Did you --**

A. I'm sorry.

**Q. No, please. So many of your construction sites were deficient?**

A. Correct. So we get the developers to help them understand what their requirements are.

**Q. Did you notify the Board about all of the sites that you thought were deficient?**

A. Only the sites that had had illegal discharges. And Valencia was not the only site that the Regional Board was notified on.

**Q. What were the other sites?**

A. Is that okay to share?

MR. LOUGH: If I can say one thing. You both are starting to run over each other a little bit.

MS. BERESFORD: I know. I apologize.

MR. LOUGH: Now, wait until she's finished.

THE WITNESS: Oh, I'm sorry.

MR. LOUGH: You can answer any question unless somebody objects and instructs you not to answer. So don't worry, just go ahead and answer the questions.

THE WITNESS: Yes. Another site titled Golden Doors was notified of illegal discharge.

BY MS. BERESFORD:

**Q. And you notified the Regional Board of that instance?**

A. Correct.

**Q. Did you talk to anyone else at the Regional Board about this site?**

A. No.

**Q. I want to go back to Exhibit 13. And I'm looking at your e-mail that starts at the bottom of page one and carries on to page two. And at the top of page two it says, "Aside from informing the developer on whether their site is compliant or not, the City uses the completed Inspection Form during the annual reporting to document the amount of violations observed during the fiscal year. For example, Corrective Actions are considered Written Warnings, and we tabulate and take credit for that."**

**What does that last sentence mean?**

A. So basically what we have to report every

year on our programs, we have specific tables that we have to fill out to demonstrate that we're implementing our program. So typically what happens is when you get a verbal warning, that's typically not captured in the effort that the City puts forth to implement their program. So the verbal warning needs to be captured to provide that information into the table as part of enforcement. So it's just to capture the effort by the City that has not been captured for lack of documentation.

**Q. Please correct me if I'm wrong, but I think you testified earlier that City inspections are to inspect for violations of the JURMP and the Municipal Ordinance; is that correct?**

A. Municipal Code.

**Q. Okay. Based on your experience, do you think that violations of the JURMP or the Municipal Code are necessarily also violations of the General Construction Permit?**

A. Absolutely not.

**Q. Have you ever been involved with a site that was the subject of an administrative civil liability complaint from the Water Board for storm water issues other than this site?**

A. I have been on two sites. Not sites.

Well, I don't know if it would be considered that, but it would be a Notice of Violation for the City's construction program and post-construction program. And it would include a site, so both the developer and the City received a Notice of Violation. But it did not -- I don't believe that it escalated. And that was in the City of Poway.

**Q. Okay. Have you ever been involved in a site where the Water Board sought penalties for storm water violations?**

A. No.

**Q. Are you aware of any other Water Board enforcement action where the Water Board sought similar penalties for storm water violations?**

A. I have heard of the City of Escondido maybe, and the City of Encinitas historically.

**Q. And what did you hear about that?**

A. Just that the developer was fined.

**Q. Was it just the developer that was fined?**

A. And the City.

**Q. Did that concern you while you were dealing with this site?**

A. No, because I was not aware of that. I didn't look into that information until after this -- this Citation.

**Q. Are you aware that the Regional Board is seeking penalties of more than $800,000 for that site?**

A. I am aware.

**Q. Do you think that the violations you saw at that site weren't penalties of that amount?**

A. I don't know.

MS. BERESFORD: Let's go off the record.

(A recess was taken.)

MS. BERESFORD: Back on the record, please. What exhibit are we on?

THE REPORTER: Sixteen.

MS. BERESFORD: Sixteen, please.

(Exhibit Number 16 was marked for identification.)

THE WITNESS: Okay.

BY MS. BERESFORD:

**Q. Have you seen this before?**

A. Absolutely.

**Q. Can you please state what it is.**

A. It's and e-mail to Frank Melbourn at the Regional Board per his request to provide a summary of our activities on the site over the course of the summer.

**Q. Okay. And so this e-mail is from you**

**dated October 13th to Mr. Melbourn?**

A. Uh-huh.

**Q. Dated October 13, 2015?**

A. Correct.

**Q. And Mr. Melbourn asked for this information?**

A. Correct.

**Q. Did he respond?**

A. I don't remember. Maybe verbally on the phone.

**Q. Did he say why he wanted the information?**

A. The question was what was our -- what did we do during the course of the summer? In other words, after the rainy season, did the project -- the inspection stop or not? And this was a clarification.

MS. BERESFORD: I don't have any other questions.

MR. ROSENBAUM: I think we're done.

MS. BERESFORD: Do you have any questions?

MR. BOYERS: No.

MS. BERESFORD: Okay. The parties will stipulate that the original transcript will come to the offices of Opper & Varco. We will send the transcript to Mr. Tamimi for review through

Mr. Lough. We will request that Mr. Tamimi do his best to review it in two weeks' time, if possible, from the date of receipt. Given that if we go the normal 30 days, that would be January 30th. And our evidence is due February 3rd.

MR. LOUGH: I'll keep on him.

MS. BERESFORD: We appreciate that.

And Counsel stipulates for this one, as well as Mr. Harper earlier, we did not say if for some reason the original is lost, we will accept a certified copy.

MR. BOYERS: That's fine.

MS. BERESFORD: Anything else?

Thank you very much, everybody.

(Exhibit Numbers 1 through 16 were marked for identification.)

(The deposition concluded at 5:51 p.m.)

***

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

Executed at _____, California,

on _____.

_____

MALIK TAMIMI

STATE OF CALIFORNIA ) ss

I, R. Jerrod Jones, CSR 11750, do hereby declare:

That, prior to being examined, the witness named in the foregoing deposition was by me duly sworn pursuant to Section 2093(b) and 2094 of the Code of Civil Procedure;

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to text under my direction.

I further declare that I have no interest in the event of the action.

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

WITNESS my hand this 29th day of December, 2015.

R. Jerrod Jones

R. Jerrod Jones, CSR 11750

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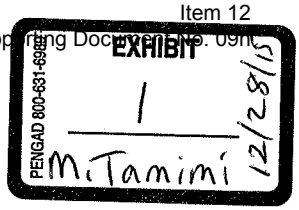
EXHIBITS

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00001**




**OPPER & VARCO, LLP**
S. WAYNE ROSENBAUM (Bar No. 182456)
LINDA C. BERESFORD (Bar No. 199145)
225 BROADWAY, SUITE 1900
SAN DIEGO, CALIFORNIA 92101
TELEPHONE: 619.231.5858
FACSIMILE: 619.231.5853

ATTORNEYS FOR SAN ALTOS – LEMON GROVE, LLC

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

**SAN DIEGO REGION**

| | |
|---|---|
| IN THE MATTER OF:<br><br>ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R9-2015-0110<br>AGAINST SAN ALTOS – LEMON GROVE, LLC | **SAN ALTOS – LEMON GROVE, LLC'S NOTICE OF DEPOSITION OF MALIK TAMIMI AND REQUEST FOR PRODUCTION OF DOCUMENTS**<br><br>Date: December 28, 2015<br>Time: 3:30 p.m.<br>Place: Law Offices of Opper & Varco LLP<br>225 Broadway, Suite 1900<br>San Diego, CA 92101 |

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 28, 2015 at 3:30 p.m., San Altos – Lemon Grove, LLC will take the deposition of Malik Tamimi 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 Malik Tamimi produce the documents identified in Attachment A to this Notice of Deposition and Request for Production of Documents.

Dated: December 10, 2015

OPPER & VARCO LLP

Linda C. Beresford
Attorney for San Altos – Lemon Grove, LLC

# EXHIBIT A

S. WAYNE ROSENBAUM (SBN 182456)
OPPER & VARCO, LLP
225 Broadway, Suite 1900
San Diego, California 92101
Telephone: 619.231.5858
Facsimile: 619.231.5853
Email: swr@envirolawyer.com

Attorney for San Altos – Lemon Grove, LLC

BEFORE THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

| | |
|---|---|
| IN THE MATTER OF:,<br><br>**Administrative Civil Liability Complaint No. R9-2015-0110 Against San Altos – Lemon Grove, LLC** | AFFIDAVIT IN SUPPORT OF SUBPOENA FOR DOCUMENTS AND THINGS FROM MALIK TAMIMI |

1. I, S. Wayne Rosenbaum, declare that I am counsel for San Altos – Lemon Grove, LLC ("San Altos"), a Designated Party in the above-entitled matter.

2. On December 4, 2015, the Advisory Team for the California Regional Water Quality Control Board, San Diego Region ("Advisory Team") issued the Final Hearing Procedures for ACLC R9-2015-0110.("Final Hearing Procedures"), which included a list of deadlines (the "Schedule") prior to the currently scheduled hearing date of February 10, 2016.

3. The Schedule requires San Altos submit "All evidence (other than witness testimony to be presented orally at the hearing) that the Designated Party would like the San Diego Water Board to consider" by January 4, 2016.

4. Good cause exists for the production of the document described below because such evidence is probative of the veracity of the alleged violations of the Complaint.

5. As Management Analyst and employee of the Engineering Department for the City of Lemon Grove, Malik Tamimi has, or should have, the documents described below in his possession or control.

6. The exact documents to be produced include:

a. All 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 on the following dates:

December 1, 2014

December 2, 2014

December 3, 2014

December 4, 2014

December 5, 2014

December 6, 2014

December 7, 2014

December 8, 2014

December 9, 2014

December 11, 2014

December 12, 2014

December 15, 2014

December 16, 2014

December 17, 2014

December 31, 2014

January 6, 2015

January 7, 2015

January 8, 2015

January 9, 2015

January 10, 2015

January 11, 2015

January 12, 2015

January 13, 2015

March 1, 2015

March 18, 2015

March 19, 2015

March 20, 2015

March 21, 2015

March 22, 2015

March 23, 2015

March 24, 2015

March 25, 2015

March 26, 2015

March 27, 2015

March 28, 2015

March 29, 2015

March 30, 2015

March 31, 2015

April 1, 2015

May 8, 2015

May 9, 2015

May 10, 2015

May 11, 2015

May 12, 2015

May 13, 2015

May 14, 2015

May 15, 2015

September 15, 2015

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. Tamimi 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. Tamimi'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

| ATTORNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA *(name, address, and telephone no.)*: | FOR REGIONAL WATER BOARD USE ONLY |
|---|---|
| S. Wayne Rosenbaum, Esq.<br>Opper & Varco LLP 225 Broadway, Suite 1900, San Diego, CA 92101<br>Phone: (619) 231-5858 Fax: (619) 231-5853 E-Mail: swr@envirolawyer.com<br>REPRESENTING: San Altos - Lemon Grove, LLC | |
| TITLE OF THE PROCEEDING:<br>Administrative Civil Liability Complaint<br>No. R9-2015-0110 | |
| ☑ SUBPOENA ☐ RE HEARING<br>☑ SUBPOENA DUCES TECUM ☑ RE DEPOSITION | |

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name)*: MALIK TAMIMI

1. **YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you make special agreement with the person named in item 3:**

a. **Date:** December 28, 2015 **Time:** 3:30 PM PST

b. **Address:** 225 Broadway, Suite 1900, San Diego, CA 92101

2. **AND YOU ARE:**

a. ☐ Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6.)
b. ☐ Not required to appear in person if you produce the records described in the accompanying affidavit in compliance with Evidence Code sections 1560 and 1561. (Wat. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs., tit. 23, § 649.6.)
c. ☑ Ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6.)

3. **IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:**

a. **Name:** S. Wayne Rosenbaum b. **Telephone number:** (619) 231-5858

(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, as provided by law. Request them from the person who serves this subpoena or from the person named in item 3.** (Wat. Code, §§ 1081, 1083, 1084; Gov. Code, §§ 11450.40, 68070 et seq.; Code Civ. Proc., §§ 1986.5, 2065.)

5. **If you object to the terms of this subpoena, you may file a motion for a protective order including a motion to quash. Motions must be made within a reasonable period after receipt of the subpoena, and shall be made with written notice to all parties, with proof of service upon all parties attached. In response to your motion, the hearing officer may make an order quashing the subpoena entirely, modifying it, or directing compliance with it, or may make any order needed to protect the parties or witnesses from unreasonable or oppressive demands, including unreasonable violations of the right to privacy.** (Gov. Code, § 11450.30.) (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.)

Dated: December 10, 2015

S. Wayne Rosenbaum
*(signature)*

Name: S. Wayne Rosenbaum

Title: 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*):<br>(1) ☐ were paid. Amount: $_____<br>(2) ☑ were not paid.<br>(3) ☐ were tendered to the witness's public entity employer as required by Government Code § 68097.2.<br>The amount tendered was $_____ | f. Fees for service.<br>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 this ☐ subpoena ☐ subpoena 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 and correct and that this declaration is executed on:

| *Date* | *at (place)* | *Signature* |
|---|---|---|
| | , California | |

*(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* |
|---|---|---|
| | , California | |

**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.)

S. WAYNE ROSENBAUM (SBN 182456)
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San Diego, California 92101
Telephone: 619.231.5858
Facsimile: 619.231.5853
Email: swr@envirolawyer.com

Attorney for San Altos – Lemon Grove, LLC

BEFORE THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

| | |
|---|---|
| IN THE MATTER OF:,<br><br>**Administrative Civil Liability Complaint No. R9-2015-0110 Against San Altos – Lemon Grove, LLC** | AFFIDAVIT IN SUPPORT OF SUBPOENA FOR DOCUMENTS AND THINGS FROM MALIK TAMIMI |

1. I, S. Wayne Rosenbaum, declare that I am counsel for San Altos – Lemon Grove, LLC ("San Altos"), a Designated Party in the above-entitled matter.

2. On December 4, 2015, the Advisory Team for the California Regional Water Quality Control Board, San Diego Region ("Advisory Team") issued the Final Hearing Procedures for ACLC R9-2015-0110.("Final Hearing Procedures"), which included a list of deadlines (the "Schedule") prior to the currently scheduled hearing date of February 10, 2016.

3. The Schedule requires San Altos submit "All evidence (other than witness testimony to be presented orally at the hearing) that the Designated Party would like the San Diego Water Board to consider" by January 4, 2016.

4. Good cause exists for the production of the document described below because such evidence is probative of the veracity of the alleged violations of the Complaint.

5. As Management Analyst and employee of the Engineering Department for the City of Lemon Grove, Malik Tamimi has, or should have, the documents described below in his possession or control.

6. The exact documents to be produced include:

a. All 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 on the following dates:

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December 11, 2014

December 12, 2014

December 15, 2014

December 16, 2014

December 17, 2014

December 31, 2014

January 6, 2015

January 7, 2015

January 8, 2015

January 9, 2015

January 10, 2015

January 11, 2015

January 12, 2015

January 13, 2015

March 1, 2015

March 18, 2015

March 19, 2015

March 20, 2015

March 21, 2015

March 22, 2015

March 23, 2015

March 24, 2015

March 25, 2015

March 26, 2015

March 27, 2015

March 28, 2015

March 29, 2015

March 30, 2015

March 31, 2015

April 1, 2015

May 8, 2015

May 9, 2015

May 10, 2015

May 11, 2015

May 12, 2015

May 13, 2015

May 14, 2015

May 15, 2015

September 15, 2015

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. Tamimi 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. Tamimi'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

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00002**

**D-MAX Engineering, Inc.**
**Consultants in Water & Environmental Sciences**

PENGAD 800-631-6989
EXHIBIT
2
M. Tamimi
5/18/21

# Memo

**Date:** December 12, 2014

**To:** Malik Tamimi

**Cc:** Tad Nakatani

**From:** John Quenzer JQ

**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 |

Figure 1. Sampling Locations

Photo 1. Site Valencia_Akins

Photo 2. Sites Valencia_SanAltos (red arrow) and Background_SanAltos (yellow arrow)

Photo 3. Site Akins_Inlet

Photo 4. First Sample (11:05) from Site Valencia_Akins

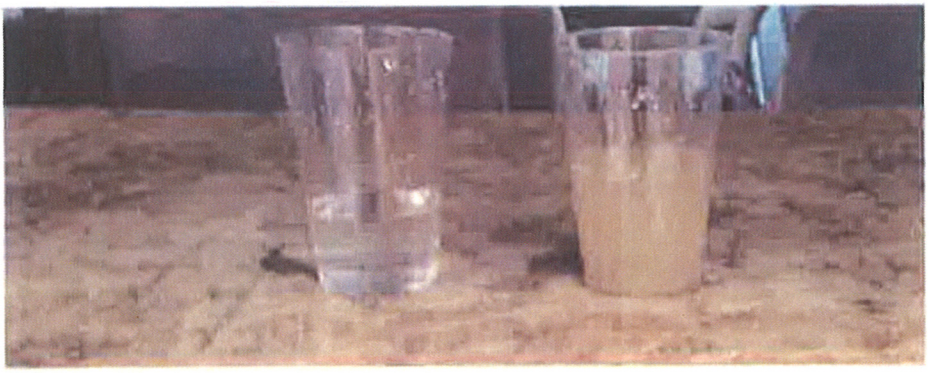


Photo 5. Samples from Sites Background_SanAltos (left) and Valencia_SanAltos (right)

Photo 6. Second Sample from Site Valencia_Akins (11:58, left) and Sample from Site Akins_Inlet (right)

# Tamimi, Malik

Litigation SERVICES

**Job: 598612**

**Exhibit: 00003**

Exhibit No. 7

EXHIBIT 3 M. Tamimi 12/28/15

PENGAD 800-631-6989

# CITY OF LEMON GROVE
# ADMINISTRATIVE CITATION

## A) TYPE OF VIOLATION

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation $1,000

Payment of $ 100 is due no later than 1/12/15 to the City of Lemon Grove.
The City accepts cash, check or credit card.

**If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.**

## B) RESPONSIBLE PARTY INFORMATION

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner | Tenant | Business Owner | Other Project Manager

Mailing Address: 3194-C2 Airport Loop Drive, Costa Mesa, CA 92626

Business Name (if applicable): BEA Development cc: Phil Downey, Code Enforcement File

## C) VIOLATION(S) INFORMATION

Date (Violation Observed): 12/12/14 Time (Violation Observed): 8:60 AM. 11:12 pm

Location of Violation: San Atos / Akins (Street Address) (APN)

Violation(s) Observed (Code Section and Description):

B.48.040 A. Discharge of non-stormwater prohibited.

See Attached Memo

## D) CORRECTION(S) REQUIRED (with date to complete corrections)

Install BMP's per Recommendations & Permit > ASAP *

Maintain adequate supplies of BMPs

& continuous installation of BMP's until compliance is Required.

daily ** additional discharges subject to citation.

## E) SERVICING CITATION INFORMATION

| Enforcing Officer Name | Phone No. | Signature | Date |
|---|---|---|---|
| Leon Finkel | 619-825-3825 | | 12/15/14 |

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person | By Mail/Email | Posted on Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

WHITE-ORIGINAL PINK-COPY CITATION CARD-OWNER

## 8.48.040 Discharge of non-stormwater prohibited.

A. Illegal Discharges. The discharge of pollutants to non-stormwater, directly or indirectly into the stormwater conveyance system or receiving waters, is prohibited, except as exempted in Section 8.48.050 of this chapter. The discharge of pollutants to stormwater, directly or indirectly into the stormwater conveyance system or receiving waters, is prohibited, unless the applicable requirements of this chapter have been met.

B. Illegal Connection. The establishment of illegal connections is prohibited. The use of illegal connections is prohibited, even if the connection was established pursuant to a valid city permit and was legal at the time it was constructed.

C. Litter, Dumps, and Stockpiles. Throwing, depositing, leaving, abandoning, maintaining or keeping materials or wastes on public or private lands in a manner and place where they may result in an illegal discharge is prohibited. (Ord. 369 § 1, 2008)

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00004**

**From:** Malik Tamimi [mtamimi@lemongrove.ca.gov]
**Sent:** Tuesday, December 09, 2014 6:39 AM
**To:** 'John Quenzer'
**Cc:** 'Tad Nakatani'; Leon Firsht; Gary Harper
**Subject:** Construction Inspection

Hi John....here is Gary's Number 619-454-1272. Please have Tad contact him this morning. Tad will be conducting the full inspection and Gary will only be mirroring him as part of training for Gary. With pending rain and the illegal discharge that occurred last week, we will need written recommendations today from Tad to send immediately to the developer. Aside from noting the deficiency, we want Tad to provide recommendations on what the developer can do cost effectively to eliminate the potential for discharge resulting from inadequate BMP implementation or improper application.
Thank you
-Malik

**From:** John Quenzer [mailto:jquenzer@dmaxinc.com]
**Sent:** Monday, December 08, 2014 4:43 PM
**To:** Malik Tamimi
**Cc:** 'Tad Nakatani'
**Subject:** RE: Construction proposal

Also, can you send Gary's phone number? I'm not sure if we have it or not.

John Quenzer | D-MAX Engineering, Inc.
7220 Trade Street | Suite 119 | San Diego, California 92121
Phone: 858.586.6600 ext 25 | Fax: 858.586.6644 | Email: jquenzer@dmaxinc.com

PENGAD 800-631-6989
EXHIBIT
4
M. Tamimi 12/8/15

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00005**

Exhibit No. 8

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

# FACILITY INSPECTION REPORT

**FACILITY:** Valencia **INSPECTION DATE/TIME:** 12/15/2014; 10:00 am
**WDID/FILE NO.:** 937C369143

## REPRESENTATIVE(S) PRESENT DURING INSPECTION:

| | | | |
|---|---|---|---|
| NAME: | Wayne Chiu | AFFILIATION: | San Diego Water Board |
| NAME: | Ben Anderson | AFFILIATION: | BCA Development, Inc. |
| NAME: | Tim Anderson | AFFILIATION: | BCA Development, Inc. |
| NAME: | Donald Sturgeon | AFFILIATION: | Whitson CM |
| NAME: | Leon Firsht | AFFILIATION: | City of Lemon Grove |
| NAME: | Gary Harper | AFFILIATION: | City of Lemon Grove |

San Altos Lemon Grove LLC
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

BCA Development, Inc.
FACILITY OR DEVELOPER NAME (if different from owner)

5780 Fleet Avenue
Carlsbad, CA 92008
OWNER MAILING ADDRESS

1350 San Altos Place
Lemon Grove, CA 91945
FACILITY ADDRESS

Ben Anderson, 714-966-1544
OWNER CONTACT NAME AND PHONE #

Same
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

## APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:

- ☐ MS4 URBAN RUNOFF REQUIREMENTS
- ☒ CONSTRUCTION GENERAL PERMIT
- ☐ CALTRANS GENERAL PERMIT
- ☐ INDUSTRIAL GENERAL PERMIT
- ☐ GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES
- ☐ GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- ☐ SECTION 401 WATER QUALITY CERTIFICATION
- ☐ CWC SECTION 13264

## INSPECTION TYPE (Check One):

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

## INSPECTION FINDINGS:

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

EXHIBIT 5 12/28/15 M. Tamimi
PENGAD 800-631-6989

## I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On December 2, 2014, the City of Lemon Grove (City) issued a Stop Work/Notice of Violation to the Valencia construction site (WDID 9 37C369143) for failing to implement construction storm water best management practices (BMPs) required by local ordinances. The City's inspection report issued with the Stop Work/Notice of Violation noted inadequate implementation of erosion controls, entrance/exit stabilization, and stockpile management and warned the project manager that a "discharge is imminent" without adequate BMPs. The site was required to stop work and implement BMPs to be prepared for a storm event that occurred on December 3 and 4, 2014.

The site failed to implement BMPs before the storm, resulting in unauthorized discharges of sediment and sediment-laden storm water from the site to the City's municipal separate storm sewer system (MS4). The City issued a second Stop Work/Notice of Violation on December 4, 2014 for the illegal discharges to the City's MS4. The City conducted a follow up inspection on December 9, 2014 and noted the same BMP deficiencies identified before the December 3 and 4, 2014 storm event, as well as additional deficiencies in perimeter sediment controls. The inspection report provided recommendations for locations that needed to be addressed and types of BMPs. The site again failed to implement BMPs before a subsequent storm event that occurred on December 11, 2014, again resulting in unauthorized discharges of sediment and sediment-laden storm water from the site to the City's MS4. On December 11, 2014, the City issued an Administrative Citation to the site requiring BMPs to be implemented by December 15, 2014 before monetary penalties would begin. The Stop Work/Notice of Violation issued on December 2 and 4, 2014 and the Administrative Citation issued on December 11, 2014 by the City are attached to the end of this inspection report.

On the morning of December 12, 2014, the City contacted the San Diego Water Board about the unauthorized discharges of sediment and sediment-laden storm water to their MS4 from the Valencia construction site. According to the City's storm water manager, the site owner was claiming the site was in compliance with the requirements of the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP) and therefore should be considered in compliance with the City's ordinances. The City's storm water manager requested an inspection from the San Diego Water Board to determine whether the construction site was in compliance with the requirements of the CGP.

Wayne Chiu of the San Diego Water Board performed an inspection of the Valencia construction site for compliance with the requirements CGP. According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is a Risk Level 2 construction site, disturbing over 18 acres, and owned by San Alto Lemon Grove LLC. The developer of the site is BCA Development, Inc.

The San Diego Water Board inspector met with Mr. Ben Anderson, the contact for the owner and developer of the site, Mr. Tim Anderson, project manager for the developer,

and Mr. Donald Sturgeon, the Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) performing the weekly inspections. Also present to observe during the inspection were Mr. Leon Firsht and Mr. Gary Harper, City Engineer and Construction Storm Water Inspector for the City of Lemon Grove, respectively. The San Diego Water Board inspector did not review the SWPPP or other records during the inspection.

## II. FINDINGS

1. Several stockpiles observed without adequate containment (See Photo 1). Evidence of erosion and sediment transport from the stockpile observed during the inspection. All construction sites are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.

2. Construction equipment and vehicles observed without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters (See Photos 2 and 3). All construction sites are required to prevent oil, grease or fuel to leak in to the ground, storm drains, or surface waters, and to place all equipment and vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.

3. Several areas were observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control potential erosion. Several completed building pads and several inactive slopes (See Photos 4 through 7) lacked any effective soil cover for erosion control. The lack of erosion controls in these areas contributed to unauthorized sediment discharges from the site (See Photos 9 through 11). All construction sites are required to provide effective soil cover for inactive areas (i.e. areas that have been disturbed and not scheduled to be re-disturbed for at least 14 days) and all finished slopes, open space, utility backfill, and completed lots.

4. Active areas were observed to lack appropriate erosion control BMPs (runoff control and soil stabilization) to prevent erosion during storm events (See Photo 8). The project manager and QSP could not describe any erosion control measures that were in place or were ready to be deployed before the December 3 and 4, 2014 and December 11, 2014 storm events. Risk Level 2 construction sites are required to implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.

5. Several slopes throughout the site were observed to lack linear sediment controls along the toe and grade breaks of exposed slopes (See Photos 4 through 7). Risk Level 2 construction sites are required to apply linear sediment controls along the toe of the slope, face of the slopes, and at the grade breaks of exposed

slopes to comply with sheet flow lengths given in Table 1 of Attachment D to the CGP.

6. Lack of effective perimeter sediment controls observed which resulted in unauthorized sediment discharges from the site (See Photos 9 through 14). All construction sites are required to establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.

7. Lack of effective run-on and runoff controls observed within and around the site which contributed to sediment discharges from the site (See Photos 4 and 14). All construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site.

## III. COMMENTS AND RECOMMENDATIONS

Comments

1. There is evidence that good site management "housekeeping" BMPs were not being adequately implemented (See Findings 1 and 2).

2. There is evidence that erosion controls were not adequately implemented for several inactive areas contributing to discharges of sediment from the site (See Finding 3).

3. There is evidence that erosion controls were not adequately implemented for several active areas prior to storm events contributing to discharges of sediment from the site (See Finding 4).

4. There is evidence that linear sediment controls were not adequately implemented for several exposed slopes contributing to slope erosion and discharges of sediment from the site (See Finding 5).

5. There is evidence that perimeter sediment controls, as well as run-on and runoff controls, were not adequately implemented which contributed to discharges of sediment from the site (See Findings 6 and 7).

6. There was evidence observed during the inspection that the site has not implemented BMPs to meet BCT Technology Based Effluent Limitations (TBELs) under Section V.A.2 of the CGP, as required for all construction sites, which resulted in the unauthorized discharges of sediment and sediment-laden water from the site observed or documented on December 4, 11, and 15, 2014 (See Compliance History discussion and Findings 1 through 7).

7. There is evidence that either the QSP was not adequately identifying and recommending implementation of good site management "housekeeping," erosion control, sediment control, and run-on/runoff control BMPs, or the owner/developer was not directing the implementation of the BMPs as recommended by the QSP.

Recommendations

1. Issue a Notice of Violation for discharges of sediment from the site and failure to implement Risk Level 2 requirements of CGP.

2. Refer the site to the Compliance Assurance Unit to determine whether or not issuing formal enforcement action may be appropriate.

## IV. SIGNATURE SECTION

| Wayne Chiu | | 12/15/2014 |
|---|---|---|
| STAFF INSPECTOR | SIGNATURE | INSPECTION DATE |
| Eric Becker | | |
| REVIEWED BY SUPERVISOR | SIGNATURE | DATE |

SMARTS:

| Tech Staff Info & Use | |
|---|---|
| WDID | 937C369143 |
| Place ID | SM-828060 |
| Inspection ID | 2024185 |
| Violation ID | 855345, 855346 |

**Photo 1**

**Photo 1** shows soil stockpile without adequate containment. Evidence of erosion and sediment transport along that base of the stockpile. Most stockpiles observed during inspection lacked adequate containment.

**Photo 2**

**Photo 3**

**Photos 2 and 3** show construction equipment and vehicles without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters. Most vehicles observed during inspection lacked appropriate BMPs.

Photo 4

Photo 5

Photo 6

Photo 7

Photo 8

**Photos 4 through 7** show completed building pads and adjacent slopes without any erosion controls and evidence of significant erosion and sediment transport. **Photo 8** shows evidence of erosion and sediment tranport in unpaved road sloping to locations shown in Photos 9 through 11. Sediment from completed lots and slopes in Photos 4 through 7 transported to road in Photo 8 lacking any erosion control measures during storm events, and inadequate runoff controls to reduce and prevent transport of sediment through site.

Photo 9

Photo 10

Photo 11

Photo 12

**Photos 9 through 12** show inadequate implementation of perimeter sediment controls and run-on/runoff controls to prevent discharges of sediment from the site. Photo 9 shows evidence of erosion and sediment transport from road shown in Photo 8 to perimeter with inadequately installed perimeter sediment and runoff controls (i.e. fiber roll not properly trenched and staked). Photos 10 shows evidence of sediment transport from the site beneath the inadequately installed perimeter sediment and runoff controls. Photo 11 shows evidence of sediment transport from the site to MS4 channel protected by silt fence and gravel bags. Photo 12 shows sediment that has been discharged into the MS4 channel due to inadequate implementation of erosion, sediment, and runoff controls by the site.

**Photo 13**

**Photo 14**

**Photos 13 and 14** show lack of effective perimeter sediment controls and run-on/runoff controls. Photo 13 shows evidence of erosion and sediment transport due to lack of perimeter run-on controls. Photo 14 shows evidence of sediment discharged from the site to the MS4 drainage system due to erosion caused by run-on that then ran off the site due to inadequate perimeter sediment controls and runoff controls.

# NOTICE

DATE: 12/2/14
PROJECT: VALENCIA
PROJECT #: GR-1692
ADDRESS: SAN AITOS PL

## ☒ STOP WORK/NOTICE OF VIOLATION

Stop all other work until erosion control/NPDES deficiencies noted below are corrected. Issuance of this Stop Work Notice will notify the Regional Water Quality Control Board regarding your BMP deficiencies. This may subject you to fines of up to $10,000/day.

## ☐ CORRECT WORK

Correct noted deficiencies within the specified time frame to avoid a Stop Work Notice:

☐ 24 Hours ☐ 72 Hours ☐ 5 Days ☐ Prior to October 1st, And/Or ☐ Before Rain Event

---

**THIS PROJECT IS IN CONFLICT WITH THE FOLLOWING:**

☐ City of Lemon Grove Grading Ordinance* ☒ City of Lemon Grove JURMP
☐ Other: _____

**THE AREAS OF CONFLICT ARE:**

☐ Erosion control is not on site ☐ Erosion control is not per the approved plan
☒ Erosion control is inadequate ☐ Failure to maintain erosion/sediment control device
☐ Other _____

**THE FOLLOWING DEFICIENCIES ARE NOTED:**

☒ Stabilized construction entrance ☐ Runoff from the site ☐ Desilting basin
☐ Perimeter protection at toe of slope ☐ Waste/materials storage
☐ Concrete washout inadequate, not maintained ☐ No secondary containment
☒ Cover stockpiles ☐ No storm drain inlet/outlet protection ☐ Trash/debris not managed
☐ Cover on sloped and/or flat areas that are inactive for more than 10 days
☐ Other _____

***STOP/ CORRECT WORK ADEQUATELY ADDRESSED (DATE/SIGNATURE)_____

CC: ☒ City Engineer
☐ Engineering
☐ Management Analyst
☐ Code Compliance
☐ Building
☐ RWQCB

ISSUED TO: TIM ANDERSON (VIA EMAIL)
DATE/TIME: 12/2/14 3pm
BY: GARY HARPER
TITLE: ENG. INSPECTOR
PHONE: (619) 454-1272

**IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF LEMON GROVE'S DEVELOPMENT SERVICES DEPARTMENT AT (619) 825-3805.**

* Having deficiencies in your erosion control is a violation of the City of Lemon Grove's Grading Ordinance. A violation of the City's Grading Ordinance is a misdemeanor. Each separate day or portion thereof on which a violation exists or is allowed to exist shall constitute a separate offense punishable by the provisions of the Ordinance.

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

# NPDES STORMWATER PROGRAM
# CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: Harper / [signature] / 12/2/14 / 1pm

Inspection: ☐ Permit-Required Inspection ☐ Follow-up Inspection ☒ Other (Explain) Weekly

Construction Project Priority: ☐ High ☐ Medium ☐ Low

## GENERAL INFORMATION

Grading or Building Permit #: Gr- 1692

Project Name & Type: Valencia, Subdivision

Project Location & Address: San Aitos pl

Contractor's Name & Telephone #: Anderson Development (949) 275-6739

Property Owner & Telephone #: San Aitos LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C 369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☒ Yes ☐ No ☐ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☐ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: MS4

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **Soil Stabilization and Erosion Prevention** | | | | | |
| Is construction site phased/scheduled to address erosion control on a timely basis? | X | | | Contractor Hydroseeding as needed, but did not seed as planned | N |
| Preservation of existing vegetation? | X | | | | Y |
| Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch | | | | | |
| Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching | X | | | Not enough plastic covers for stockpiles | No |
| Site Drainage: Outlet Protection/Slope Drain | X | | | | Y |
| Inlet/Outlet Protection | Y | | | | Y |
| **Sediment Control/Containment** | | | | | |
| Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls | Y | | | | Y |

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier | Y | | | | Y |
| Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping | Y | | | ENTRANCE NEEDS TO BE CLEANED. ALSO NEED STREET SWEPT | NO |
| **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? | Y | | | | Y |
| Are material stockpiles protected: covered, contained and located away from non-storm water discharges? | Y | | | SOME ARE COVERED SOME ARE NOT | NO |
| Are heavy equipment and vehicles parked in designated areas with permeable surface? | Y | | | | Y |
| Are appropriate spill response and containment measures kept on the site? | Y | | | | Y |
| Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous) | Y | | | | Y |
| Are concrete washouts properly installed, maintained with no evidence of discharges. | Y | | | | Y |
| Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing? | Y | | | | Y |
| **Non-Storm Water Management** | | | | | |
| Is the site free of evidence of illegal connections and/or illicit discharges? | Y | | | | Y |
| **Discharge Locations** | | | | | |
| Are the discharge locations free of significant erosion or sediment transport? | | N | | TC-1 IS DOWNSTREAM OF UPPER SITE; NEEDS TO BE CLEANED | NO |
| **Other** | | | | | |
| Are there any other potential storm water pollution issues/concerns? | Y | | | RAIN EVENT TODAY, TC-1 SHOULD BE PROTECTED | NO |
| Was there any employee or subcontractor training on stormwater BMPs? | | N | | | |

**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: 12/2/14

**RECOMMENDED CORRECTIVE ACTION**

SEE STOP WORK NOTICE - DISCHARGE IS IMMINENT IF NOAA FORECAST CORRECT; 100% HEAVY RAIN THIS AFTERNOON.

I CALL TO TIM ANDERSON THIS MORNING AT 9AM. LEFT V. MAIL THAT SITUATION NEEDED ATTENTION ASAP - NO RETURN CALL

# NOTICE

DATE: 12/4/2014
PROJECT: VALENCIA
PROJECT #: GR-1692
ADDRESS: SAN ANTOLPL

## ☑ STOP WORK/NOTICE OF VIOLATION

Stop all other work until erosion control/NPDES deficiencies noted below are corrected. Issuance of this Stop Work Notice will notify the Regional Water Quality Control Board regarding your BMP deficiencies. This may subject you to fines of up to $10,000/day.

## ☐ CORRECT WORK

Correct noted deficiencies within the specified time frame to avoid a Stop Work Notice:

☐ 24 Hours ☐ 72 Hours ☐ 5 Days ☐ Prior to October 1st, And/Or ☐ Before Rain Event

---

**THIS PROJECT IS IN CONFLICT WITH THE FOLLOWING:**

☐ City of Lemon Grove Grading Ordinance* ☑ City of Lemon Grove JURMP
☐ Other: _____

**THE AREAS OF CONFLICT ARE:**

☐ Erosion control is not on site ☑ Erosion control is not per the approved plan
☑ Erosion control is inadequate ☑ Failure to maintain erosion/sediment control device
☐ Other _____

**THE FOLLOWING DEFICIENCIES ARE NOTED:**

☑ Stabilized construction entrance ☑ Runoff from the site ☐ Desilting basin
☐ Perimeter protection at toe of slope ☐ Waste/materials storage
☐ Concrete washout inadequate, not maintained ☐ No secondary containment
☑ Cover stockpiles ☐ No storm drain inlet/outlet protection ☐ Trash/debris not managed
☐ Cover on sloped and/or flat areas that are inactive for more than 10 days
☑ Other Illegal Discharge

***STOP/ CORRECT WORK ADEQUATELY ADDRESSED (DATE/SIGNATURE)_____

CC: ☑ City Engineer
☑ Engineering
☐ Management Analyst
☐ Code Compliance
☐ Building
☑ RWQCB

ISSUED TO: Tim Anderson (Email)
DATE/TIME: 12/4/2014 10 AM
BY: Gary Harper
TITLE: Eng. Inspector
PHONE: (619) 454 1272

**IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF LEMON GROVE'S DEVELOPMENT SERVICES DEPARTMENT AT (619) 825-3805.**

* Having deficiencies in your erosion control is a violation of the City of Lemon Grove's Grading Ordinance. A violation of the City's Grading Ordinance is a misdemeanor. Each separate day or portion thereof on which a violation exists or is allowed to exist shall constitute a separate offense punishable by the provisions of the Ordinance.

# CITY OF LEMON GROVE
# ADMINISTRATIVE CITATION

**A) TYPE OF VIOLATION**

Circle One: (Warning) 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation $1,000

Payment of $ — is due no later than — to the City of Lemon Grove.
The City accepts cash, check or credit card.

**If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.**

**B) RESPONSIBLE PARTY INFORMATION**

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Site Representative / Project Manager

Mailing Address: 3194-C2 Airport Loop Drive Costa Mesa, CA 92626

Business Name (if applicable): BCA Development

cc: Phil Downey, Code Enforcement File

**C) VIOLATION(S) INFORMATION**

Date (Violation Observed): 12/11/14 Time (Violation Observed): 4:00-5:00 P.M.

Location of Violation: 1350 San Altos, LG / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):

B.48.060 18.08.560 Inadequate BMP's - see attached inspection reports
18.08.170
18.08.180

**D) CORRECTION(S) REQUIRED (with date to complete corrections)**

Install BMP's per Recommendation's > 12/15/14
Maintain adequate surplus of BMP's 5:00 P.M.

**E) SERVICING CITATION INFORMATION**

| Enforcing Officer Name | Phone No. | Signature | Date |
|---|---|---|---|
| Leon Finchet | 619-825-3825 | | 12/11/14 |

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person (By Mail / Email) Posted on Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

WHITE-ORIGINAL PINK-COPY CITATION CARD-OWNER

## 8.48.060 Best management practice requirements and general requirements applicable to all dischargers.

A. Applicable Requirements. All dischargers in the city must comply with the generally applicable prohibitions and requirements in Sections 8.48.010 through 8.48.060 of this chapter, and must also comply with any other parts of this chapter (including relevant parts of the Manual) that are applicable to the type of facility or activity owned or operated by that discharger.

B. Minimum Best Management Practices for All Dischargers. All dischargers in the city must install, implement and maintain at least the following minimum BMPs:

1. Eroded Soils. Prior to the rainy season, dischargers must remove or secure any significant accumulations of eroded soils from slopes previously disturbed by clearing or grading, if those eroded soils could otherwise enter the stormwater conveyance system or receiving waters during the rainy season.

2. Pollution Prevention. Dischargers employing ten or more persons on a full-time basis shall implement those stormwater pollution prevention practices that are generally recognized in that discharger's industry or business as being effective and economically advantageous.

3. Prevention of Illegal Discharges. Illicit connections must be eliminated (even if the connection was established pursuant to a valid permit and was legal at the time it was constructed), and illegal discharge practices eliminated.

4. Slopes. Completed slopes that are more than five feet in height, more than two hundred fifty square feet in total area, and steeper than 3:1 (run-to-rise) that have been disturbed at any time by clearing, grading, or landscaping, shall be protected from erosion prior to the first rainy season following completion of the slope, and continuously thereafter.

5. Storage of Materials and Wastes. All materials and wastes with the potential to pollute urban runoff shall be stored in a manner that either prevents contact with rainfall and stormwater, or contains contaminated runoff for treatment and disposal.

6. Use of Materials. All materials with the potential to pollute urban runoff (including, but not limited to, cleaning and maintenance products used outdoors, fertilizers, pesticides and herbicides, etc.) shall be used in accordance with label directions. No such product may be disposed of or rinsed into receiving waters or the stormwater conveyance system.

C. Inspection, Maintenance, Repair and Upgrading of BMPs. BMPs at manned facilities must be inspected by the discharger before and following predicted rain events. BMPs at unmanned facilities must be inspected by the discharger at least once during the rainy season and at least once between each rainy season. These BMPs must be maintained so that they continue to function as designed. BMPs that fail must be repaired as soon as it is safe to do so. If the failure of a BMP indicates that the BMPs in use are inappropriate or inadequate to the circumstances, the BMPs must be modified or upgraded to prevent any further failure in the same or similar circumstances.

D. Stormwater Pollution Prevention Plan. An authorized enforcement official may require a commercial, industrial or land disturbance activity discharger to prepare and submit an SWPPP for approval by that official if: (1) the discharger does not come into compliance with this chapter after one or more warnings (or other enforcement action) that BMPs are inadequate or are not being adequately maintained; or (2) the facility or activity at issue is a significant source of contaminants to receiving waters despite compliance with this

chapter. Any discharger required to submit and to obtain approval of an SWPPP shall install, implement, and maintain the BMPs specified in the approved SWPPP.

The SWPPP shall identify the BMPs that will be used by the discharger to prevent or control pollution of stormwater to the MEP. If the facility is an industrial facility, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general industrial stormwater permit. If the activity at issue is a construction or land disturbance activity, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general construction stormwater permit. If a facility required to submit an SWPPP to the city discharges non-stormwater to groundwater, the facility shall obtain an RWQCB permit as required by the State Water Code, and shall describe the requirements of that permit in the SWPPP.

Whenever submission of an SWPPP is required pursuant to this chapter, an authorized enforcement official may take existing city BMPs into account when determining whether the practices proposed in the SWPPP are BMPs that will prevent or control pollution to the required level of MEP.

E. Notification of Spills, Releases and Illegal Discharges. Spills, releases, and illegal discharges of pollutants to receiving waters or to the stormwater conveyance system shall be reported by the discharger as required by all applicable state and federal laws. In addition, any such spills, releases and illegal discharges with the potential to endanger health, safety or the environment shall be reported to the Directors within twenty-four hours after discovery of the spill, release or discharge. If safe to do so, necessary actions shall be taken to contain and minimize the spill, release or illegal discharge.

F. Sampling, Testing, Monitoring and Reporting. Commercial, industrial or land disturbance activity dischargers shall perform the sampling, testing, monitoring and reporting required by this chapter. In addition, an authorized enforcement official may order a discharger to conduct testing or monitoring and to report the results to the city if: (1) the authorized enforcement official determines that testing or monitoring is needed to determine whether BMPs are effectively preventing or reducing pollution in stormwater to the MEP, or to determine whether the facility is a significant source of contaminants to receiving waters; or (2) the authorized enforcement official determines that testing or monitoring is needed to assess the impacts of an illegal discharge on health, safety or the environment; or (3) an illegal discharge has not been eliminated after written notice by an authorized enforcement official; or (4) repeated violations have been documented by written notices from authorized enforcement officials; or (5) the RWQCB requires the city to provide any information related to the discharger's activities.

Testing and monitoring ordered pursuant to this subsection may include the following:

1. Visual monitoring of dry weather flows, wet weather erosion, and/or BMPs;
2. Visual monitoring of premises for spills or discharges;
3. Laboratory analyses of stormwater or non-stormwater discharges for pollutants;
4. Background or baseline monitoring or analysis; and
5. Monitoring of receiving waters or sediments that may be affected by pollutant discharges by the discharger (or by a group of dischargers including the discharger).

The authorized enforcement official may direct the manner in which the results of required testing and monitoring are reported, and may determine when required sampling, testing or monitoring may be discontinued.

G. Mitigation. All illegal discharges must be mitigated within a reasonable period of time to correct or compensate for all damage to the environment caused by the illegal discharge. The authorized enforcement official shall determine whether mitigation measures proposed or completed by the discharger meet this standard. The authorized enforcement official shall require the discharger to submit a mitigation plan and schedule by a specified date prior to taking action, and to submit a summary of completed mitigation by a specified date. Notwithstanding the granting of any period of time to the discharger to correct the damage, the

discharger shall remain liable for some or all of any fines or penalties imposed pursuant to this chapter, or by the RWQCB. (Ord. 369 § 1, 2008)

**18.08.170 Erosion control required.**

A. Plans for an erosion control system shall be prepared and submitted for the review and approval of the city engineer as a part of any application for a construction permit. The erosion control system shall comply with the requirements of the latest national pollutant discharge elimination system permit, Chapters 8.48 and this chapter to satisfy the requirements for erosion control and eliminate the discharge of sediment and pollutants. The erosion control plan shall include, but not be limited to, the following information:

1. Name, address, and a twenty-four hour phone number of the owner or responsible party, and the person or contractor responsible for installing and maintaining the erosion control system and performing emergency erosion control work;

2. The name, address and signature of the civil engineer or person who prepared the plan;

3. All desilting basins, debris basins, silt traps, and other desilting, velocity retarding and protection facilities necessary to adequately protect the site and downstream properties from erosion and its effects, preserve natural hydrologic features, and preserve riparian buffers and corridors;

4. The streets, easements, drains, and other improvements;

5. The location and placement of gravel bags, diverters, check dams, slope planting, drains, and other erosion controlling devices and measures;

6. Access routes to all such erosion control facilities and how access shall be maintained during inclement weather.

B. Erosion control system standards shall be as follows:

1. The faces of cut-and-fill slopes and the project site shall be prepared and maintained to control against erosion. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval of the city engineer.

2. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, cribbing, riprap, or other devices or methods as approved by the city engineer, shall be employed to control erosion, prevent discharge of sediment, and provide safety.

3. Temporary desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent of maximum density. A gravel bag or plastic spillway must be installed for overflow, as designed by the engineer of work, to avoid failure of the earthen dam. A soils engineering report prepared by the soils engineer, including the type of field-testing performed, location and results of testing shall be submitted to the city engineer for approval upon completion of the desilting basins.

4. Desilting facilities shall be provided at drainage outlets from the graded site, and shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow reasonable settlement of suspended particles.

5. Desilting basins shall be constructed around the perimeter of projects, whenever feasible, and shall provide improved maintenance access from paved roads during wet weather. Grading cost estimates must include maintenance and ultimate removal costs for temporary desilting basins.

6. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading.

7. All removable protective devices shown shall be in place at the end of each working day when there is a fifty percent chance of rain within a forty-eight hour period. If the developer does not provide the required installation or maintenance of erosion control structures within two hours of notification at the twenty-four hour number on the plans, the city engineer may order city crews to do the work or may issue contracts for such work and charge the cost of this work along with reasonable overhead charges to the cash deposits or other instruments implemented for this work without further notification to the owner. No additional work on the project except erosion control work may be performed until the full amount drawn from the deposit is restored by the developer.

8. At any time of year, an inactive site shall be fully protected from erosion and discharges of sediment. Flat areas with less than five percent grade shall be fully covered unless sediment control is provided through desiltation basins at all project discharge points. A site is considered inactive if construction activities have ceased for a period of ten or more consecutive days.

C. No grading work shall be allowed between October 1st and the following April 30th on any site when the city engineer determines that erosion, mudflow or sediment of silt discharge may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an approved erosion control system has been implemented on the site. If the city determines that it is necessary for the city to cause erosion control measures to be installed or cleanup to be done, the developer shall pay all of the city's direct and indirect costs including extra inspection, supervision, and reasonable overhead charges. (Ord. 371 § 1, 2008)

**18.08.180 BMP maintenance.**

All BMPs for erosion prevention and sediment control shall be functional at all time. Prior to the rainy season and after each major storm, all source control and structural treatment BMPs shall be inspected to assure the functionality. BMP maintenance shall be conducted throughout the life of the project. (Ord. 371 § 1, 2008)

**18.08.560 Responsibility of permittee.**

It shall be the responsibility of the permittee to know the conditions and/or restrictions placed on the grading permit and as outlined in applicable sections of this chapter, and as continued on the approved report (s) and to insure that all contractors, subcontractors, employees, agents and consultants are also knowledgeable of the same, and insure that they carry out the proposed work in accordance with the approved plans and specifications and with the requirements of the permit and this chapter. The permittee shall also be responsible to maintain in an obvious and accessible location on the site, a copy of the permit and grading plans bearing the approval of the city engineer. (Ord. 371 § 1, 2008)

Meeting Minutes/Phone Record

CITY OF LEMON GROVE
Engineering Department
3232 Main Street
Lemon Grove, CA 91945
619-825-3811

Date: 12/11/14 5:00 P.M. | Project: Valencia

☐ Meeting ☐ Phone ☒ Site Visit

Attendees: Leon + Gary

Notes: Site inspection to review recommended "Construction BMP Recommendations" from 12/9/14 inspection (attached).

(1) No erosion control provided.
(2) Insufficient / Improperly installed check dams.
(3) Repair + stabilization of gullies not completed.
(4) Not completed.
(5) Completed.
(6) Not visible.
(7) Mostly complete.
(8) N/A

Page 1 / 1 Initials LE Hours: 1.0

# National Weather Service Forecast Office
# San Diego, CA

weather.gov



Get Local Forecast For:
Enter location ... GO
Search Help

XML RSS Feeds
Current Hazards
Watches / Warnings
Outlooks
Submit Report
Current Conditions
Observations
Radar
Satellite
Precipitation
Mapped Weather
Other Hazards
Forecasts
Forecast Discussion
Local Area
Activity Planner
Aviation Weather
Fire Weather
Marine Weather
Severe Weather
Hurricane Center
User Defined Area
Fastlinks
Hydrology
Rivers and Lakes
Forecasts / Obs
Climate
Local
National
Drought
More...
Climate portal
Weather Safety
Preparedness
Weather Radio
SkyWarn™
StormReady
TsunamiReady
Additional Info
Items of Interest
Other Useful Links
Education Resources
COOP Observer

**Warnings and/or Advisories In Effect for this Point:**
Flash Flood Watch
Wind Advisory
For warnings and/or advisories in effect for adjacent areas to this point, see http://www.wrh.noaa.gov/sgx

Change Table Font Size Increase Decrease

**Forecast For Lat/Lon: 32.7370/-117.0200 (Elev. 492 ft)**
**Lemon Grove CA**
Forecast Created at: 6pm PST Dec 11, 2014

*Custom Weather Forecast Table*

| | Thu Dec 11 | | | | Fri Dec 12 | | | | Sat Dec 13 | | | | Sun Dec 14 | | | | Mon Dec 15 | | | | Tue Dec 16 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Weather | | | Chance Rain | | Slight Chance TStorms and Rain | Rain Showers and TStorms | Likely Rain Showers and TStorms | Likely Rain Showers | Chance Rain Showers | | | | | | | | Chance Rain | | | | Likely Rain | | | | C |
| Daily-Temp | High 67 Low 53 | | | | High 63 Low 58 | | | | High 63 Low 51 | | | | High 65 Low 48 | | | | High 64 Low 50 | | | | High 64 Low 52 | | | | |
| Chance of Precip | 0% | 0% | 5% | 45% | 100% | 90% | 65% | 75% | 30% | 15% | 5% | 5% | 5% | 5% | 5% | 5% | 5% | 5% | 40% | 40% | 55% | 55% | 60% | 60% | 40 |
| Precip | 0.00" | 0.00" | 0.00" | 0.01" | 0.57" | 0.29" | 0.06" | 0.12" | 0.00" | 0.00" | 0.00" | 0.00" | 0.00" | 0.00" | | | | | | | | | | | |
| 12-hr Snow Total | 0" | | 0" | | 0" | | 0" | | 0" | | | | | | | | | | | | | | | | |
| FRET | 0.06" | | | | 0.06" | | | | 0.05" | | | | 0.06" | | | | 0.07" | | | | 0.07" | | | | |
| 6-Hour | 4am | 10am | 4pm | 10pm | 4am | 10am | 4pm | 10pm | 4am | 10am | 4pm | 10pm | 4am | 10am | 4pm | 10pm | 4am | 10am | 4pm | 10pm | 4am | 10am | 4pm | 10pm | 4a |
| Temp | 53 | 62 | 65 | 60 | 58 | 61 | 60 | 54 | 52 | 59 | 59 | 52 | 49 | 59 | 61 | 54 | 51 | 59 | 61 | 55 | 53 | 60 | 61 | 55 | 5 |
| Cloudiness | 86% | 49% | 75% | 100% | 100% | 91% | 84% | 75% | 69% | 51% | 30% | 37% | 31% | 21% | 30% | 30% | 41% | 41% | 62% | 62% | 90% | 90% | 87% | 87% | 71 |
| Dewpoint | 52 | 53 | 54 | 53 | 52 | 54 | 52 | 50 | 49 | 48 | 46 | 46 | 43 | 44 | 44 | 48 | 44 | 43 | 45 | 49 | 47 | 51 | 49 | 51 | 4 |
| Relative Humdity | 94% | 73% | 67% | 78% | 79% | 77% | 73% | 88% | 89% | 69% | 61% | 81% | 80% | 57% | 52% | 81% | 79% | 57% | 54% | 81% | 82% | 72% | 63% | 88% | 89 |
| Wind | S 2 | S 7 | S 8 | S 10 | SE 15 | W 6 | SW 6 | W 6 | E 2 | W 2 | NW 5 | E 3 | E 3 | N 1 | W 5 | E 5 | E 6 | S 7 | SW 7 | SE 7 | SE 8 | S 9 | S 7 | S 6 | S 1 |
| Snow Level (ft) | | | 9317 | 9161 | 7608 | 6313 | 5478 | 5212 | 5704 | | | | | | | | | | 6701 | 5923 | 5850 | 5993 | 5805 | 5704 | 56 |

## Forecast Weather Table Interface

| Select Weather Format | Enter a Location or Click on Map Below |
|---|---|
| ○ Custom Weather Table<br>○ XML<br>○ Point Forecast Page<br>○ Point Forecast Matrix<br>○ Hourly Tabular Forecast<br>○ Hourly Weather Graph<br>Interval in Hours: ○ 1 ○ 3 ○ 6<br>Duration in Days: ○ 1 ○ 2 ○ 3 ○ 4 ○ 5 ○ 6 ○ 7 | Search by address; city,state; latitude/longitude...<br>Go |



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

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 NAKATANI / ~~TAD~~ / 12/11/14 9:00AM

Inspection: ☐ Permit-Required Inspection ☒ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☒ Medium ☐ Low

## *GENERAL INFORMATION*

Grading or Building Permit #: Gr- 1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☐ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: _____

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **Soil Stabilization and Erosion Prevention** | | | | | |
| Preservation of existing vegetation? | | | X | | |
| Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch | X | | | Gullies & unstabilized pads still not addressed | No |
| Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching | X | | | some plastic sheets added but not yet sufficient | No |
| Site Drainage: Outlet Protection/Slope Drain | | X | | | |
| Inlet/Outlet Protection | X | | | See inlet protection comment below | No |
| **Sediment Control/Containment** | | | | | |
| Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls | X | | | Additional fiber rolls not placed on slopes yet | No |
| Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier | X | | | Per discussion w/ contractor, they still need to add gravel bag inlet protection | No |

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping | X | | | NE entrance still not stabilized but not currently in use | No |
| **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? | X | | | | Yes |
| Are material stockpiles protected: covered, contained and located away from non-storm water discharges? | X | | | still need to protect all stockpiles | 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? | X | | | | Yes |
| Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous) | X | | | | Yes |
| Are concrete washouts properly installed, maintained with no evidence of discharges. | X | | | | Yes |
| Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing? | X | | | | Yes |
| **Non-Storm Water Management** | | | | | |
| Is the site free of evidence of illegal connections and/or illicit discharges? | X | | | | YES |
| **Discharge Locations** | | | | | |
| Are the discharge locations free of significant erosion or sediment transport? | | X | | still need to clean sediment on Akins | NO |
| **Other** | | | | | |
| Are there any other potential storm water pollution issues/concerns? | X | | | Roadway stabilization still needed | No |
| Was there any employee or subcontractor training on stormwater BMPs? | | | X | | |

**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: _____

**RECOMMENDED CORRECTIVE ACTION**

FLOW ALONG SOUTHERN EDGE OF SITE HAS BEEN REDIRECTED AWAY FROM THE CORNER. ALL OTHER CORRECTIVE ACTIONS FROM THE 12/9/14 INSPECTION HAVE NOT YET BEEN ADDRESSED. REFER TO THAT INSPECTION FOR FULL DESCRIPTION OF CORRECTIVE ACTIONS.

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 NAKATANI 12/9/14 1:00 PM

Inspection: ☒ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☒ High ☒ Medium ☐ Low

***GENERAL INFORMATION***

Grading or Building Permit #: Gr-1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☐ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☐ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: _____

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **Soil Stabilization and Erosion Prevention** | | | | | |
| Preservation of existing vegetation? | | | X | | |
| Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch | X | | | Gullies through edges of hydroseeded pads some pads not seeded, northern road eroding | No |
| Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching | | X | | | |
| Site Drainage: Outlet Protection/Slope Drain | | X | | | |
| Inlet/Outlet Protection | | X | | | |
| **Sediment Control/Containment** | | | | | |
| Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls | X | | | Additional fiber rolls needed on western slope | No |
| Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier | | X | | | |

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping | X | | | NE entrance lacks stabilization | No |
| **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? | X | | | | Yes |
| Are material stockpiles protected: covered, contained and located away from non-storm water discharges? | X | | | several unprotected stockpiles | 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? | X | | | | Yes |
| Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous) | X | | | | Yes |
| Are concrete washouts properly installed, maintained with no evidence of discharges. | X | | | | Yes |
| Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing? | X | | | | Yes |
| **Non-Storm Water Management** | | | | | |
| Is the site free of evidence of illegal connections and/or illicit discharges? | X | | | | Yes |
| **Discharge Locations** | | | | | |
| Are the discharge locations free of significant erosion or sediment transport? | | X | | Large amount of sediment on roadway SE of site | No |
| **Other** | | | | | |
| Are there any other potential storm water pollution issues/concerns? | X | | | Roadways within project are unstabilized and show signs of erosion | No |
| Was there any employee or subcontractor training on stormwater BMPs? | | | X | | |

## 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: _____

## RECOMMENDED CORRECTIVE ACTION

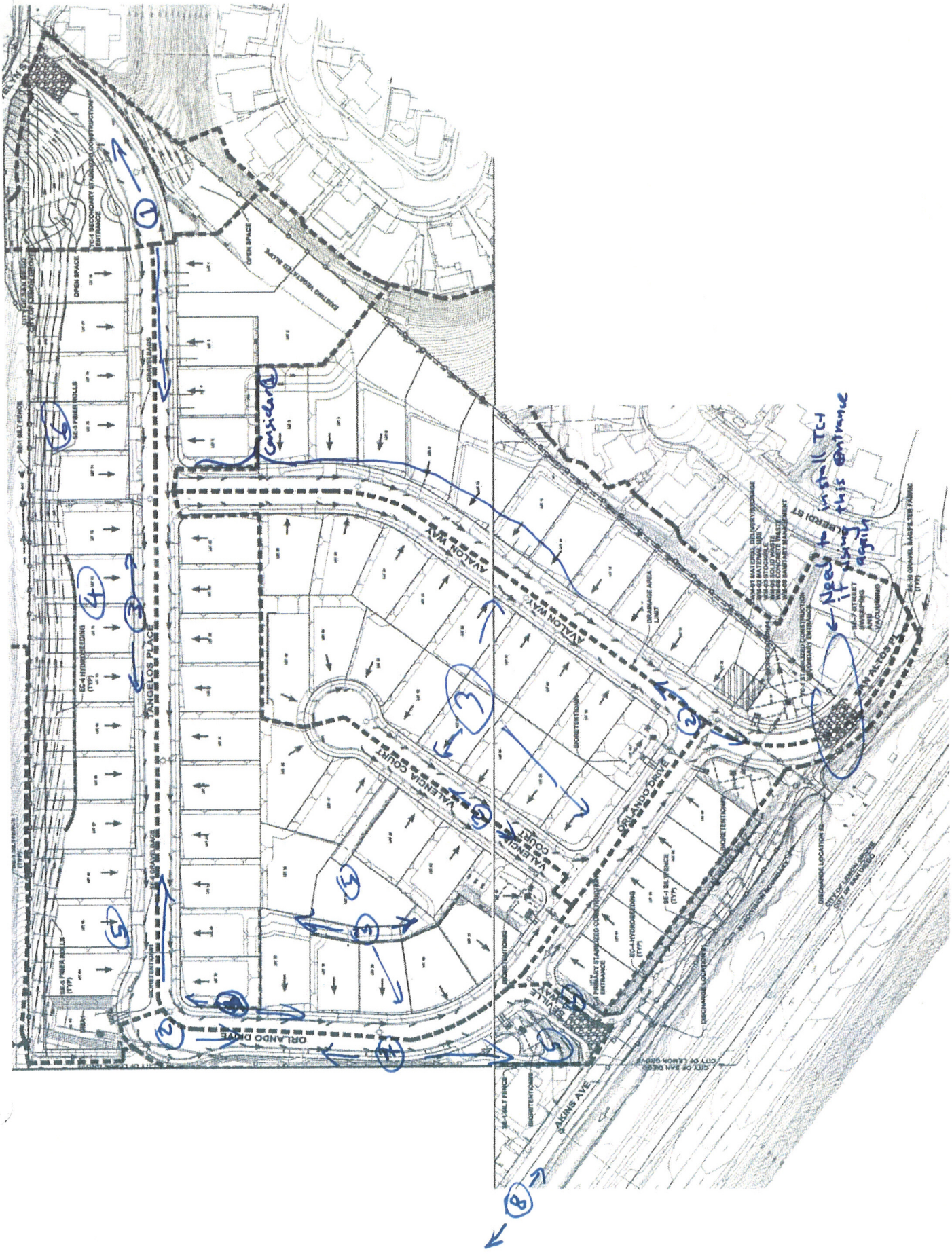
- Add erosion controls to all disturbed areas inactive for 10 days, including roadways not currently in use.
- Cover & protect stockpiles
- Repair/protect gullies that have formed on slopes
- Redirect flow near southeast corner so it does not flow toward damaged wall
- Sweep road outside of construction entrance
- Install check dams of stabilization on roadways prior to rain

# Construction BMP Recommendations

Site: VALENCIA SUBDIVISION Date: 12/9/14

Recommendations:

1. • Add erosion control to road segment (eg northern corner) that are not in use. Can be hydroseeded or stabilized with gravel.
2. • For roads that are in use, add check dams prior to rain. Ensure proper installation to prevent rills from forming underneath BMP if using fiber rolls
3. • Repair & stabilize gullies in slopes on edges of pads. May consider using erosion control blankets*
4. • A couple pads on western side do not appear hydroseeded. Add hydroseed or other erosion control
5. • Cover & protect stockpiles. Some stockpiles near entrance are only partially covered. Others to the west are completely uncovered
6. • Ensure that enough BMP materials are kept on site. Not enough fiber rolls were on site
7. • Redirect flow along the southern side of site. It currently is causing erosion along the road and directs flow to a damaged wall. Direct away from wall and break up flow with check dams to prevent erosion
8. • Sweep road to remove sediment


AVALON WAY
ORLANDO DRIVE
VALENCIA COURT
ARGUELLO PLACE
ARGUELLO BLVD
ARGUELLO BLVD
ARGUELLO BLVD

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

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00006**

Exhibit No. 10

**D-MAX Engineering, Inc.**
**Consultants in Water & Environmental Sciences**

# Memo

**Date:** December 17, 2014

**To:** Malik Tamimi

**Cc:** Tad Nakatani; John Quenzer

BN

**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.

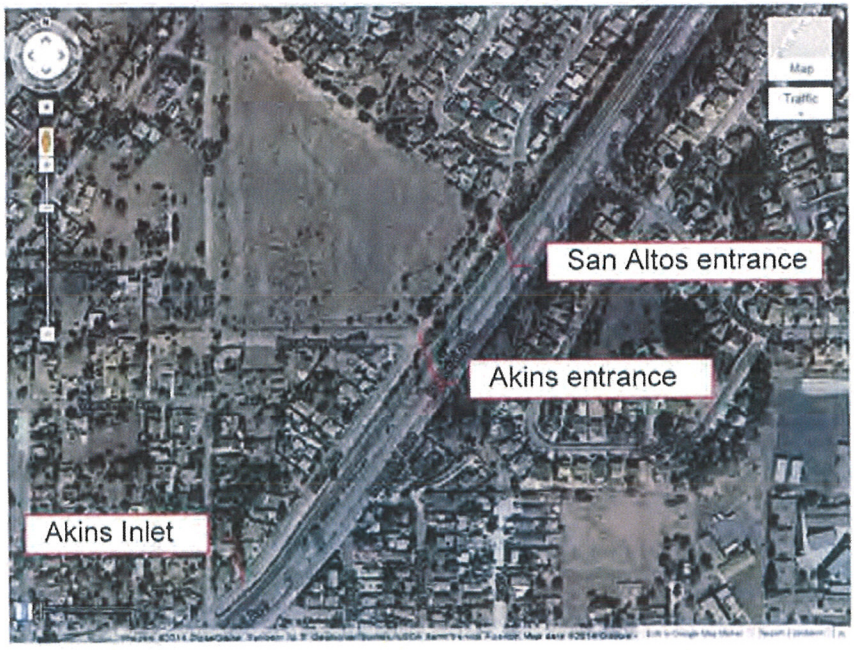



Figure 1. Observation Locations

EXHIBIT
6
M. Tamimi
12/28/15
PENGAD 800-631-6989

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

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

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

Photo 4. Power washing activity performed by Downstream Services

Photo 5. Power washing activity performed by Downstream Services

Photo 6. Power washing activity performed by Downstream Services

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00007**

# CITY OF LEMON GROVE

"Best Climate On Earth"

Engineering Services Department

EXHIBIT
7
M. Tamimi 12/28/15
PENGAD 800-631-6989

December 16, 2014

Tim Anderson
Project Manager, BCA Development
3194-C2 Airport Loop Drive
Costa Mesa, CA 92626

Subject: Ongoing Stormwater Violations at Valencia Project Site

Dear Tim,

Under the direction of the City of Lemon Grove (City), D-MAX Engineering Inc. conducted a follow-up stormwater compliance inspection early this afternoon at the Valencia project site (site). As you are aware, the site remains under a Stop Work Notice and no work other than implementation of best management practices (BMPs) are allowed. Today's follow-up inspection findings state that the site is still not in compliance. The deficiencies include failure to effectively implement erosion prevention and sediment control BMPs.

The City reiterates that it will not accept any discharges of sediment laden runoff from the site into its storm drain system. Water quality monitoring is being conducted to asses whether or not illegal discharges are occurring from your site during this rain event and future rain events.

Although there are workers continuing to implement BMPs, the City through Municipal Code Section 18.08.170, has the right to contact an erosion control company to implement sufficient BMPs to eliminate sediment discharge from the site. As such, the City is putting you on notice should inadequate BMPS and/or failure of BMPs continue, the City will hire an erosion control company at your cost to prevent illegal discharges from occurring. Alternatively, you may also directly contact and hire an erosion control company to facilitate in bringing your construction site into compliance.

Attached you will find a third citation regarding the failure to install adequate BMPs. A copy of this citation is also being provided to the San Diego Regional Water Quality Control Board.

If you have any questions regarding this matter, please contact me at (619) 825-3825.

Sincerely,

Leon P. Firsht
City Engineer

Copy: Phil Dowley, Bob Rodine, Ben Anderson
File

3232 Main Street Lemon Grove California 91945-1705
619.825.3810 FAX: 619.825.3818 www.ci.lemon-grove.ca.us

# CITY OF LEMON GROVE
# ADMINISTRATIVE CITATION

**A) TYPE OF VIOLATION**

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation $1,000

Payment of $ 200 is due no later than 1/12/15 to the City of Lemon Grove.
The City accepts cash, check or credit card.

**If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.**

**B) RESPONSIBLE PARTY INFORMATION**

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Project Manager

Mailing Address: 3194-C2 Airport Loop Road, Costa Mesa, CA 92626

Business Name (if applicable): BCA Development CC: Phil Dowley, Code Enforcement File

**C) VIOLATION(S) INFORMATION**

Date (Violation Observed): 12/16/14 Time (Violation Observed): 12:25 PM

Location of Violation: 1350 San Altos Place / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):
8.48.060, 18.08.170, 18.08.180, 18.08560
Follow up inspection re: 12/11/14 citation
See attached report dated 12/16/14 (Tad Nakatani)

**D) CORRECTION(S) REQUIRED (with date to complete corrections)**

Install BMP's per Recommedations and Permit

**E) SERVICING CITATION INFORMATION**

Enforcing Officer Name: Leon Firsht Phone No.: 619-825-3825 Signature: [signature] Date: 12/16/14

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person (By Mail / Email) n Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

~~WHITE-ORIGINAL~~ ~~PINK-COPY~~ ~~CITATION CARD-OWNER~~

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 NAKATANI TNak 12/16/14 12:25

Inspection: ☐ Permit-Required Inspection ☒ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☒ Medium ☐ Low

## *GENERAL INFORMATION*

Grading or Building Permit #: GR-1697

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: _____

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **Soil Stabilization and Erosion Prevention** | | | | | |
| Preservation of existing vegetation? | | | X | | |
| Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch | X | | | Numerous gullies still unprotected some pads & slopes still unstabilized | No |
| Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching | X | | | some plastic covers need to be repositioned/reinstalled | No |
| Site Drainage: Outlet Protection/Slope Drain | | X | | | |
| Inlet/Outlet Protection | | X | | | |
| **Sediment Control/Containment** | | | | | |
| Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls | X | | | Additional perimeter & slope protection still needed ~~for~~ on west side | No |
| Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier | X | | | | Yes |

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping | X | | | NE ENTRANCE REPEATEDLY WILL NOT BE USED FOR VEHICLES. GATE LOCKED & GRAVEL BAGS PLACED | 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? | X | | | | YES |
| Are material stockpiles protected: covered, contained and located away from non-storm water discharges? | X | | | | 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? | X | | | | Yes |
| Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous) | X | | | | Yes |
| Are concrete washouts properly installed, maintained with no evidence of discharges. | X | | | | Yes |
| Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing? | X | | | | Yes |
| **Non-Storm Water Management** | | | | | |
| Is the site free of evidence of illegal connections and/or illicit discharges? | X | | | No discharge during inspection but high turbidity during previous storm | YES |
| **Discharge Locations** | | | | | |
| Are the discharge locations free of significant erosion or sediment transport? | | X | | Still significant sediment on AKINS | No |
| **Other** | | | | | |
| Are there any other potential storm water pollution issues/concerns? | X | | | Roadway stabilization/check dams incomplete | No |
| Was there any employee or subcontractor training on stormwater BMPs? | | | X | Not discussed | |

## VIOLATIONS

☐ No violations noted at time of inspection/investigation

TN ☒ No violations; however, recommended corrective actions required

TN ☒ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____

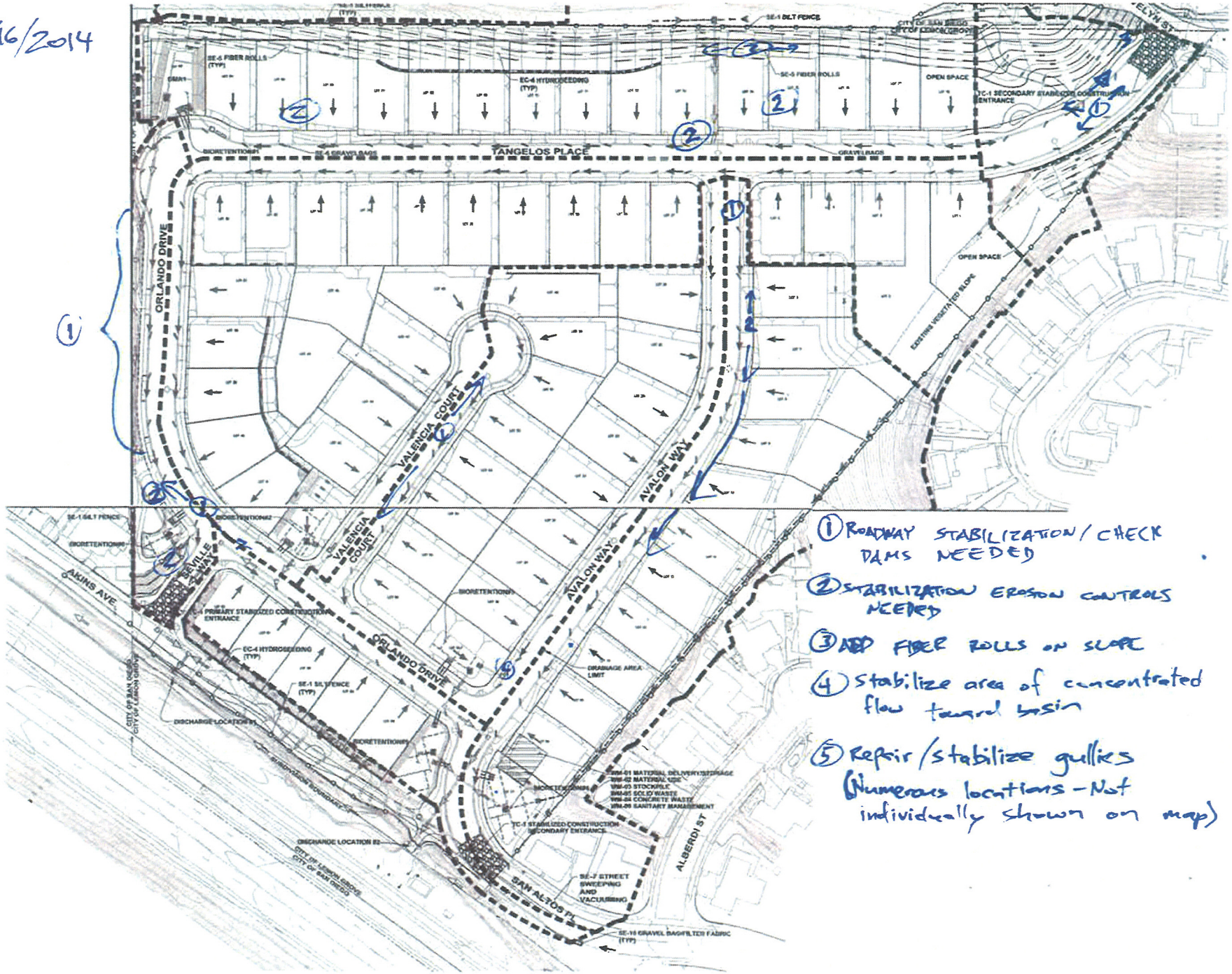
☒ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation

☒ Stop Work Notice Issued on: ONGOING STOP WORK/ADMIN. CITATION

## RECOMMENDED CORRECTIVE ACTION

- COMPLETE ROADWAY STABILIZATION & CHECK DAMS. STABILIZE AREA WHERE CONCENTRATED FLOW FROM ROAD IS DIRECTED TO BASIN
- ADD EROSION CONTROLS TO STABILIZE REMAINING PADS, SLOPES AT EDGES OF PADS AND AREA NEAR ENTRANCE ON AKINS
- ADD FIBER ROLLS ON SLOPES ON WESTERN EDGE
- REPAIR & STABILIZE GULLIES THROUGHOUT SITE

12/16/2014




(1) ROADWAY STABILIZATION / CHECK DAMS NEEDED

(2) STABILIZATION EROSION CONTROLS NEEDED

(3) ADD FIBER ROLLS ON SLOPE

(4) Stabilize area of concentrated flow toward basin

(5) Repair / stabilize gullies (Numerous locations - Not individually shown on map)

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00008**

Exhibit No. 12

**D-MAX Engineering, Inc.**
Consultants in Water & Environmental Sciences

# Memo

**Date:** December 31, 2014

**To:** Leon Firsht, Malik Tamimi

**Cc:** Tad Nakatani

**From:** John Quenzer JQ

**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.

EXHIBIT 8 M. Tamimi 12/28/15
PENGAD 800-631-6989

7220 Trade Street ■ Suite 119 ■ San Diego, CA 92121 ■ (858) 586-6600 ■ Fax (858) 586-6644

Figure 1. Map of Site and Immediate Vicinity

Photo 1. Ponded Water at Akins Avenue Entrance/Exit

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

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

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

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00009**

Exhibit No. 23

**D-MAX Engineering, Inc.**
Consultants in Water & Environmental Sciences

EXHIBIT 9 M. Tamimi 12/8/15
PENGAD 800-631-6989

# 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

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.

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

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

Photo 1. Lot lacking erosion control BMPs

Photo 2. Hydroseed added to a lot

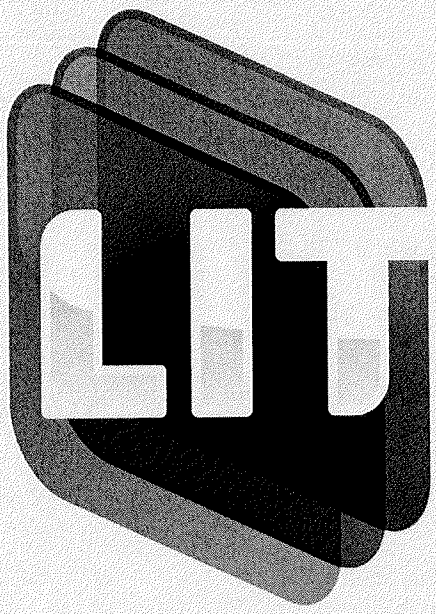
Photo 3. Evidence of erosion at edge of a lot

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

Photo 5. Sidewall without adequate erosion control

Photo 6Sidewall protected with plastic sheeting.

# Tamimi, Malik



Litigation
SERVICES

**Job: 598612**

**Exhibit: 00010**

EXHIBIT 10 M. Tamini 12/28/15

PENGAD 800-631-6989

# CITY OF LEMON GROVE
# ADMINISTRATIVE CITATION

**A) TYPE OF VIOLATION**

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation (~~$1,000~~)

Payment of $ 1,000 is due no later than 4/19/15 to the City of Lemon Grove. The City accepts cash, check or credit card.

**If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.**

**B) RESPONSIBLE PARTY INFORMATION**

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Project Manager

Mailing Address: 3194-C2 Airport Loop Road, Costa Mesa, CA 92626

Business Name (if applicable): BCA Development CC: Phil Dowley, Code Enforcement File

**C) VIOLATION(S) INFORMATION**

Date (Violation Observed): 3/18/15 Time (Violation Observed): 7:30 AM

Location of Violation: 1350 San Altos Place / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):
8.48.040
Illegal Discharges of cementious material - See photos.

**D) CORRECTION(S) REQUIRED (with date to complete corrections)**

Clean up cementious material immediately. Verbal direction given 3/18/15.

**E) SERVICING CITATION INFORMATION**

Enforcing Officer Name: Leon Firsht Phone No.: 619-825-3825 Signature: [signature] Date: 3/19/15

Person Cited – Signature Acknowledging Receipt (Date)

Citation Served (circle one): In Person (By Mail / Email) n Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

~~WHITE ORIGINAL~~ ~~PINK COPY~~ ~~CITATION CARD OWNER~~

03/18/2015 06:35

03/18/2015 06:46

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00011**

EXHIBIT 11 M. Tamimi 5/18/15

PENGAD 800-631-6989

# CITY OF LEMON GROVE
# ADMINISTRATIVE CITATION

## A) TYPE OF VIOLATION

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation ($500) | 4th Citation $1,000

Payment of $ 500 is due no later than 4/19/15 to the City of Lemon Grove. The City accepts cash, check or credit card.

**If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.**

## B) RESPONSIBLE PARTY INFORMATION

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Project Manager

Mailing Address: 3194-C2 Airport Loop Road, Costa Mesa, CA 92626

Business Name (if applicable): BCA Development CC: Phil Dowley, Code Enforcement File

## C) VIOLATION(S) INFORMATION

Date (Violation Observed): 3/18/15 Time (Violation Observed): 7:30 AM

Location of Violation: 1350 San Altos Place / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):
8.48.060, 18.08.170, 18.08.180, 18.08.560

Follow up inspection re: 3/18/15
See attached report dated 3/5/15 (Tad Nakatani)

## D) CORRECTION(S) REQUIRED (with date to complete corrections)

Install BMP's per Recommedations and Permit
Correct by 3/23/15 5 P.M.

## E) SERVICING CITATION INFORMATION

Enforcing Officer Name: Leon Firsht Phone No.: 619-825-3825 Signature: [signature] Date: 3/19/15

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person (By Mail / Email) n Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

~~WHITE ORIGINAL~~ ~~PINK COPY~~ ~~CITATION CARD OWNER~~

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 NAKATANI 8/18/15 7:30AM

Inspection: ☑ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☑ Medium ☐ Low

***GENERAL INFORMATION***

Grading or Building Permit #: GR-1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PL

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☑ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☑ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☑ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☑ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☑ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☑ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☑ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☑ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: ENCANTO CHANNEL TO CHOLLAS CREEK

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **Soil Stabilization and Erosion Prevention** | | | | | |
| Preservation of existing vegetation? | | | X | | |
| Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch | X | | | several slopes & inactive areas lack erosion control | No |
| Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching | X | | | covers not in place on all sidewalls and at basin inlets | No |
| Site Drainage: Outlet Protection/Slope Drain | | X | | | |
| Inlet/Outlet Protection | | X | | | |
| **Sediment Control/Containment** | | | | | |
| Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls | X | | | Inadequate perimeter controls at NW & SE corners Silt fences not installed on western lot | No |
| Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier | X | | | Drain on Avalon lacks protection | No |

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping | X | | | Multiple entrances need replacement/repair at TC-1. Driveways lack adequate tracking controls per plans. Sediment on roadways | No |
| **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? | X | | | 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? | X | | | | Yes |
| Are appropriate spill response and containment measures kept on the site? | X | | | some vehicles lack drip pans | No |
| Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous) | X | | | | Yes |
| Are concrete washouts properly installed, maintained with no evidence of discharges. | X | | | Concrete waste observed on ground outside of washouts | No |
| Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing? | X | | | | Yes |
| **Non-Storm Water Management** | | | | | |
| Is the site free of evidence of illegal connections and/or illicit discharges? | X | | | | Yes |
| **Discharge Locations** | | | | | |
| Are the discharge locations free of significant erosion or sediment transport? | X | | | | Yes |
| **Other** | | | | | |
| Are there any other potential storm water pollution issues/concerns? | | X | | | |
| Was there any employee or subcontractor training on stormwater BMPs? | | TV | X | Not discussed | |

**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: _____

**RECOMMENDED CORRECTIVE ACTION**

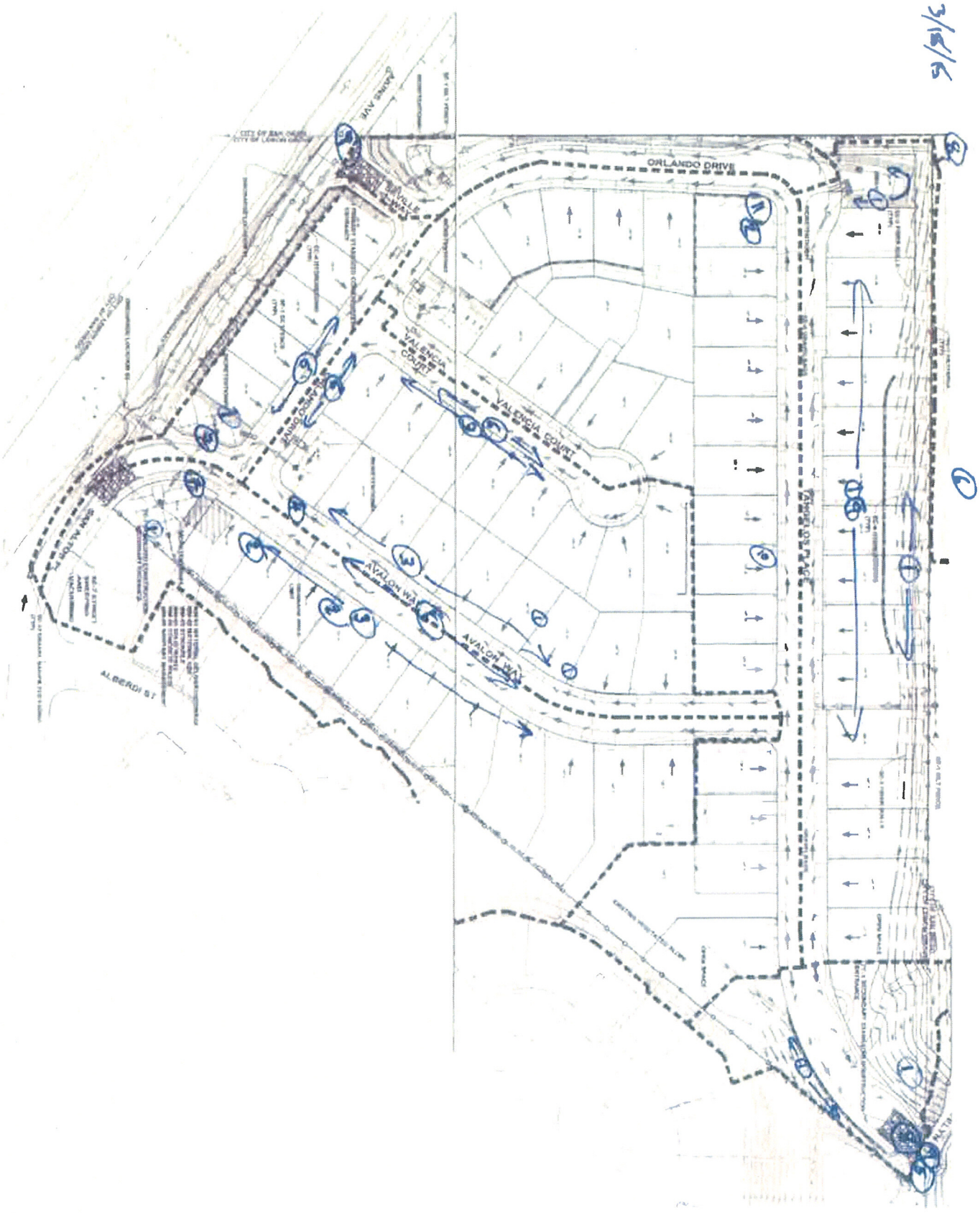
SEE NEXT PAGE FOR RECOMMENDATIONS

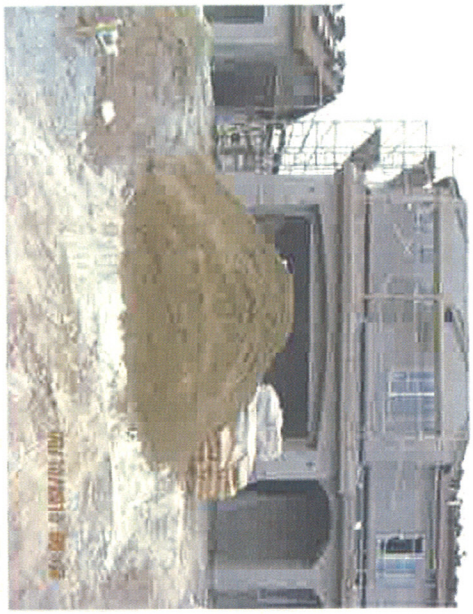
## Construction BMP Recommendations

Site: VALENCIA Date: 3/18/15

Recommendations:

1. IMPLEMENT ADEQUATE EROSION CONTROLS ON SLOPES & SIDEWALLS
2. CLEAN UP CONCRETE WASTE OBSERVED AT MULTIPLE LOCATIONS AND ENSURE THAT ALL EMPLOYEES USE WASHOUTS PROPERLY
3. IMPLEMENT ADEQUATE TRACKING CONTROLS IN DRIVEWAY TRANSITIONS FROM PAVEMENT TO EXPOSED LOTS
4. PROTECT INLET AND SURROUNDING AREA OF EXPOSED SOIL
5. SWEEP/CLEAN SEDIMENT FROM ROADWAY
6. IMPLEMENT ADEQUATE EROSION CONTROLS ON EXPOSED INACTIVE AREAS
7. PROVIDE STABILIZATION AT INLETS TO BASINS
8. REPLACE/REFRESH STABILIZED CONSTRUCTION ENTRANCE
9. IMPLEMENT ADEQUATE PERIMETER CONTROL BMPS
10. ENSURE THAT DRIP PANS ARE PLACED UNDER VEHICLES WHEN NOT IN USE
11. PROVIDE SECONDARY CONTAINMENT FOR LIQUID STORAGE


ORLANDO DRIVE
VALENCIA COURT
AVALON WAY
ALBERDI ST
SHERIDAN PLACE



02/19/2015 07:22

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

# NPDES STORMWATER PROGRAM
# CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI TNak 3/5/15 7:30 AM

Inspection: ☑ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☑ Medium ☐ Low

## *GENERAL INFORMATION*

Grading or Building Permit #: GR-1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PL

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☑ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☑ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☑ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☑ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☑ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☑ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☑ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☑ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: Encanto Channel to Chollas Creek

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **Soil Stabilization and Erosion Prevention** | | | | | |
| Preservation of existing vegetation? | | | X | | |
| Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch | X | | | Some portions of site are inactive but lack stabilization | No |
| Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching | X | | | Sidewall not fully protected. >Steep cut slope near NW corner not covered | No |
| Site Drainage: Outlet Protection/Slope Drain | | X | | | |
| Inlet/Outlet Protection | | X | | | |
| **Sediment Control/Containment** | | | | | |
| Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls | X | | | Section of silt fence on South side is down. SE corner needs repair. NW corner needs to be reinstalled | No |
| Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier | X | | | | Yes |

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping | X | | | Lacking proper TCs at transitions from pavement to dirt sediment on paved roads | No |
| **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? | X | | | | Yes |
| Are material stockpiles protected: covered, contained and located away from non-storm water discharges? | X | | | | 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? | X | | | | Yes |
| Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous) | X | | | | Yes |
| Are concrete washouts properly installed, maintained with no evidence of discharges. | X | | | | Yes |
| Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing? | X | | | | Yes |
| **Non-Storm Water Management** | | | | | |
| Is the site free of evidence of illegal connections and/or illicit discharges? | X | | | | Yes |
| **Discharge Locations** | | | | | |
| Are the discharge locations free of significant erosion or sediment transport? | X | | | | Yes |
| **Other** | | | | | |
| Are there any other potential storm water pollution issues/concerns? | | X | | | |
| Was there any employee or subcontractor training on stormwater BMPs? | | | X | Not discussed | |

**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: _____

**RECOMMENDED CORRECTIVE ACTION**

See next page for recommendations

## Construction BMP Recommendations

Site: VALENCIA Date: 3/5/15

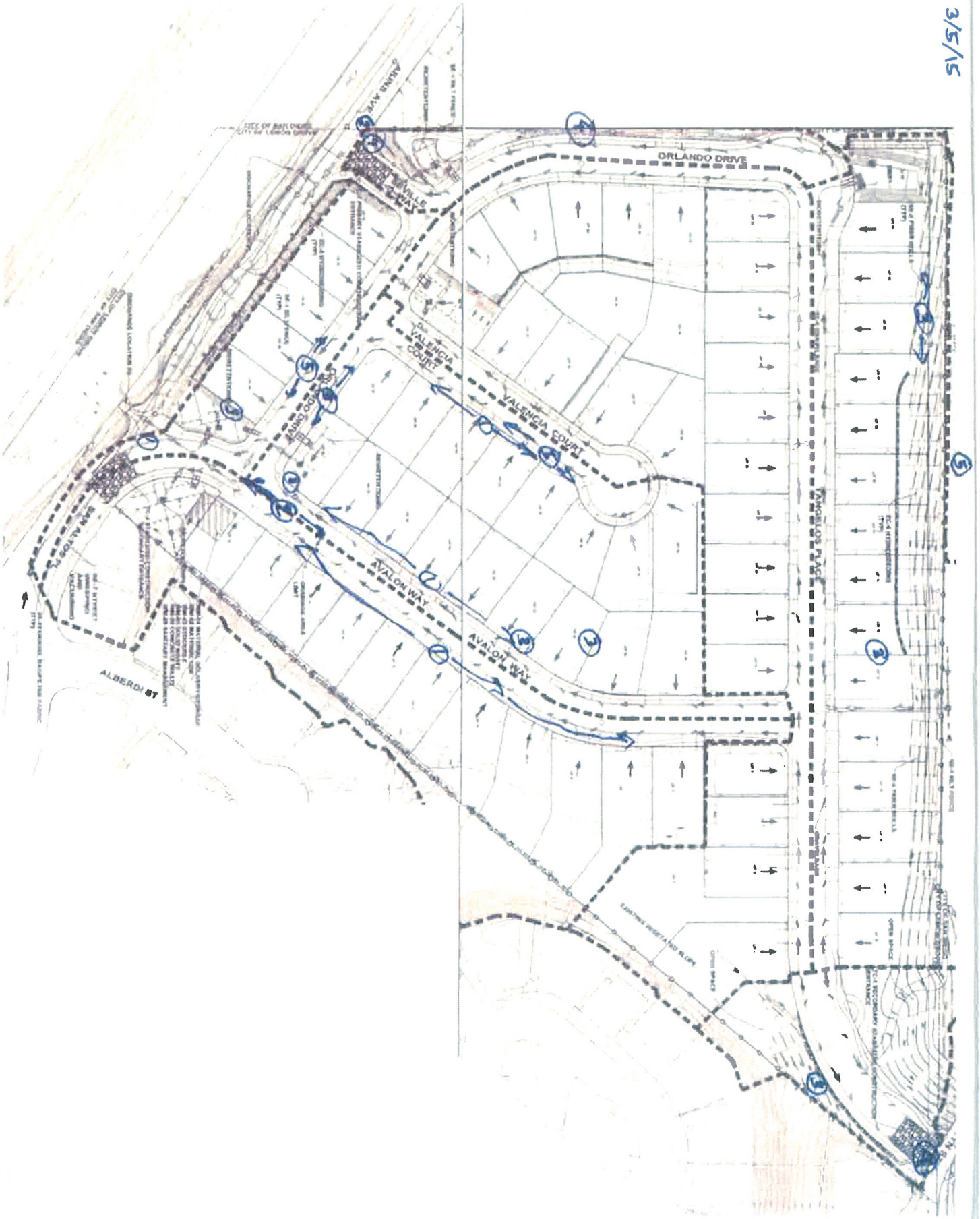
Recommendations:

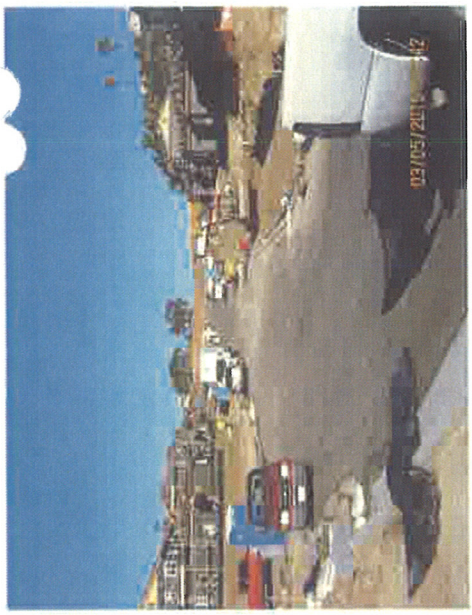
1. FIX OR INSTALL NEW TRACKING CONTROL BMPs
2. SWEEP SEDIMENT IN RAADWAY
3. FULLY PROTECT SLOPES AND SIDEWALLS
4. REPAIR/REINSTALL SILT FENCE
5. IMPLEMENT STABILIRATION EROSION CONTROLS IN INACTIVE AREAS

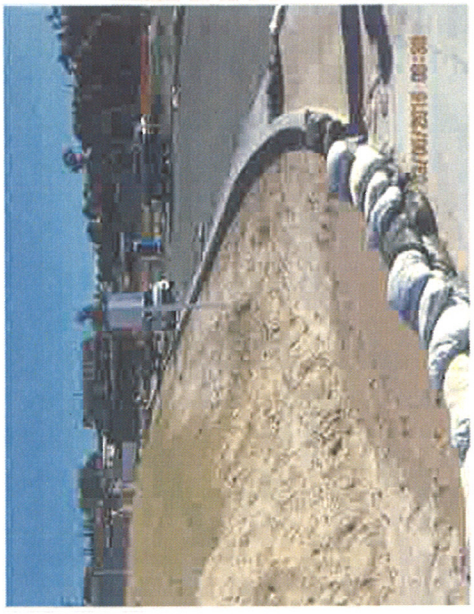
ADDITIONAL NOTES

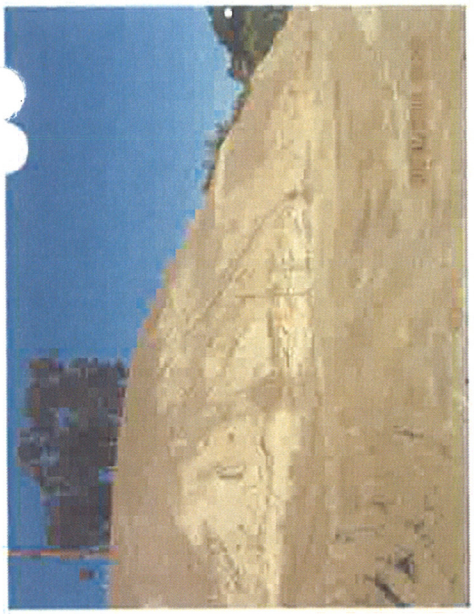
- IF INACTIVE OR RAIN IN FORECAST, COVER STOCKPILES & IMPLEMENT EROSION CONTROLS ON DISTURBED AREAS
- INSTALL PERIMETER CONTROLS ON NEW LOTS ALONG WESTERN EDGE AS SOON AS GRADING WORK AROUND LOT PERIMETERS IS COMPLETE

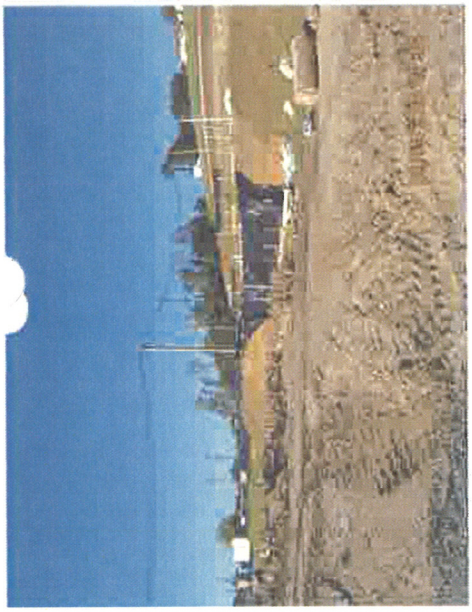
3/5/15

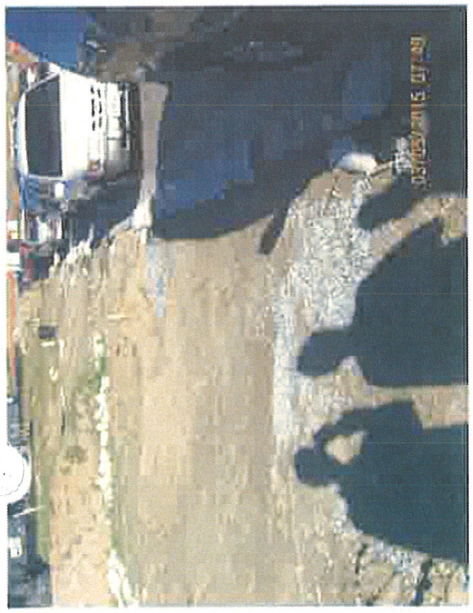

ORLANDO DRIVE
VALENCIA COURT
AVALON WAY
ALBERDI ST
SAN MATEO PL
ANGELOS PLACE

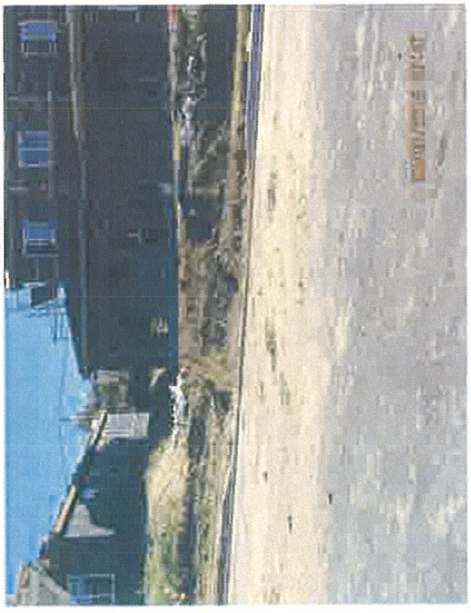


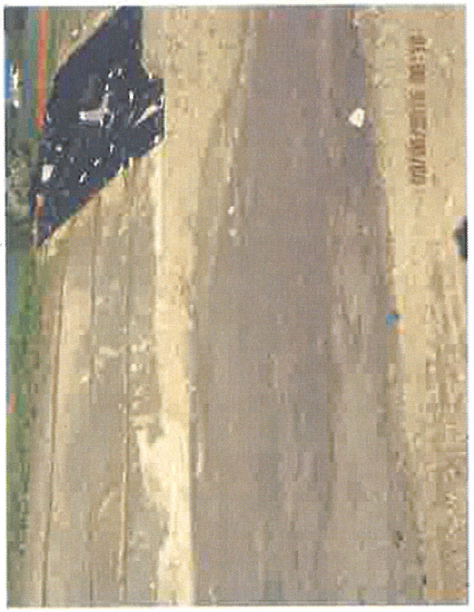


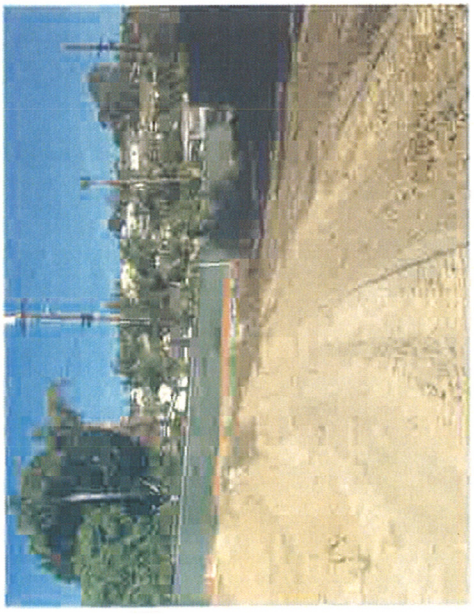


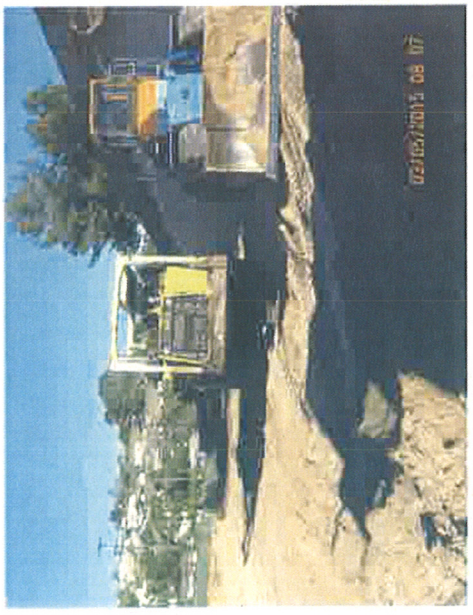












# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00012**

**From:** Tad Nakatani [tnakatani@dmaxinc.com]
**Sent:** Wednesday, September 16, 2015 10:55 AM
**To:** Gary Harper
**Cc:** Malik Tamimi
**Subject:** Construction Inspection Reports - Draft
**Attachments:** Golden Doors Inspection 2105-09-15.pdf; Valencia Inspection 2105-09-15.pdf; Vernon Ranch Inspection 2105-09-15.pdf

Hi Gary,

Here are the draft inspection forms for the three sites I went to yesterday. I have not yet filled out the Violations section shown below. Would you like me to still fill out the "Inspection Form as Correct Work Notice" option, or do you plan to go with anything more for any of the sites?

**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: _____
- ☐ Violation

Photos are available here:
https://onedrive.live.com/redir?resid=A3F1E0BB256DBF45!1953&authkey=!AKqffLY9S50sHDQ&ithint=folder%2czip
(They're still uploading right now, so you may need to wait a couple minutes to download them)

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



PENGAD 800-631-6989
EXHIBIT
12
M. Tamimi 12/28/15

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 NAKATANI 9/15/15 1:30 PM

Inspection: ☒ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☐ Medium ☒ Low

Approximate rainfall since last inspection: _____ inches N/A: 1st inspection by D-Max

## *GENERAL INFORMATION*

Grading or Building Permit #: _____

Project Name & Type: GOLDEN DOORS

Project Location & Address: NW CORNER OF GOLDEN AVE & WASHINGTON

Contractor's Name & Telephone #: _____

Property Owner & Telephone #: _____

Is this Project Greater than an Acre? ☐ Yes ☒ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): —

Does this Project have an NOI/SWPPP Available? ☐ Yes ☐ No ☒ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Sufficient Standby BMPs Onsite to Protect Site Within 48 Hours of Predicted Storm? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? Unknown. No one present during insp. ☐ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **Soil Stabilization and Erosion Prevention** | | | | | |
| Preservation of existing vegetation? | X | | | | |
| Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch | | X | | Exposed areas lack stabilization. significant erosion observed. | No |
| Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching | | X | | " " | No |
| Site Drainage: Outlet Protection/Slope Drain | | | X | | |
| Inlet/Outlet Protection | | X | | Gravel bags below outlet pipe but evidence of sediment getting through | No |
| **Sediment Control/Containment** | | | | | |
| Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls | X | | | Damaged silt fence | No |
| Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier | | | X | | |
| Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping | X | | | No TC at Golden Ave entrance | No |

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **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? | | X | | trash/waste on ground | No |
| Are material stockpiles protected: covered, contained and located away from non-storm water discharges? | | X | | Sediment piles not protected | 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? | | X | | Equipment lacks drip pans | No |
| Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous) | | X | | trash/waste on ground | No |
| Are concrete washouts properly installed, maintained with no evidence of discharges. | | | X | | |
| Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing? | X | | | | Yes |
| **Non-Storm Water Management** | | | | | |
| Is the site free of evidence of illegal connections and/or illicit discharges? | X | | | | Yes |
| **Discharge Locations** | | | | | |
| Are the discharge locations free of significant erosion or sediment transport? | | X | | Evidence of sediment discharging to downstream storm drain | No |
| **Other** | | | | | |
| Are there any other potential storm water pollution issues/concerns? | | X | | | |
| Was there any employee or subcontractor training on stormwater BMPs? | | | X | NA: No personnel present to discuss | |

**RECOMMENDED CORRECTIVE ACTION**

SEE NEXT PAGE

Have any corrective actions from the previous inspection NOT been implemented? ☐ Yes ☐ No ☒ NA

**If NO**, and if it has been more than 30 days since the corrective action was originally required, explain why more than 30 days was necessary to resolve the deficiency: _____

**VIOLATIONS**

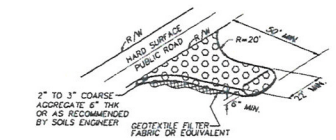
- ☐ No violations noted at time of inspection/investigation
- ☐ No violations; however, recommended corrective actions required
  - ☐ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☐ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☐ Stop Work Notice Issued on: _____
- ☐ Violation

## Construction BMP Recommendations

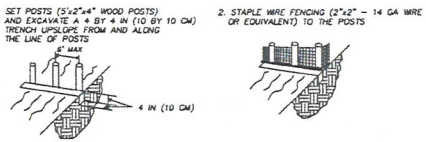
Site: GOLDEN DOORS Date: 9/15/15

Recommendations:

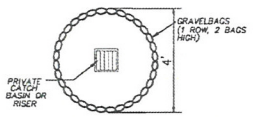
1. UTILIZE EROSION CONTROL BMPS ON DISTURBED AREAS
2. REPAIR SILT FENCE
3. INSTALL TRACKING CONTROL BMP AT ENTRANCE ALONG GOLDEN AVE IN ACCORDANCE WITH THE EROSION CONTROL PLAN
4. PROPERLY STORE LITTER/WASTE
5. ENSURE THAT ANY SEDIMENT STOCKPILES ARE PROTECTED WHEN INACTIVE AND PRIOR TO RAIN
6. PLACE DRIP PANS UNDER EQUIPMENT
7. PREVENT SEDIMENT FROM DISCHARGING TO DRAIN LOCATED TO THE NORTH OF DEVELOPMENT



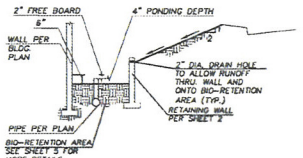

B DETAIL: STABILIZED CONST. ENTRANCE
NOT TO SCALE



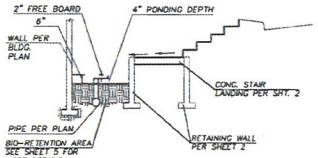

A SILT FENCE
NOT TO SCALE



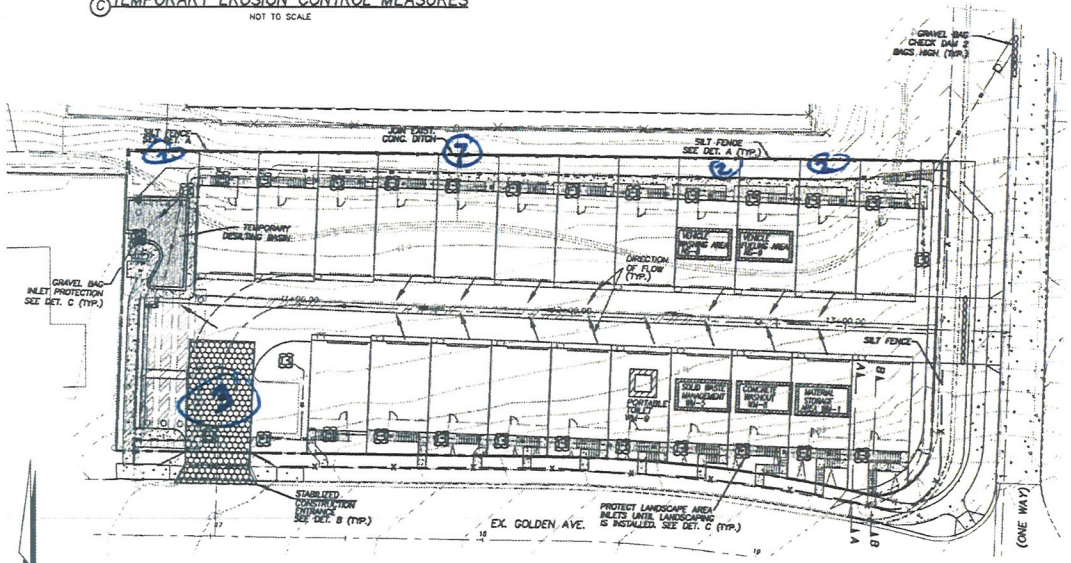

PRIVATE CATCH BASIN/RISER
C TEMPORARY EROSION CONTROL MEASURES
NOT TO SCALE




SECTION 'A-A'
NOT TO SCALE




SECTION 'B-B'
NOT TO SCALE




N
SCALE: 1" = 20'

① ④ ⑤ ⑥ - Throughout site

0 20 40 60 80 100
SCALE: 1" = 20'

## GENERAL REQUIREMENTS

Storm Water requirements shall be implemented in accordance with the City of Lemon Grove's Municipal Code and Jurisdictional Urban Runoff Management Program (JURMP) and shall include the following:

1. Erosion control measures shown on these plans shall not be moved or modified without the approval of the City Inspector. The inspector may, at their discretion, require the contractor to process a construction change for said modifications, subject to approval by the City Engineer prior to implementation of proposed changes.
2. The contractor shall maintain all erosion control devices in working order to the satisfaction of the City Engineer throughout the construction phase of the project and until permanent ground cover and landscaping is established.
3. All exposed disturbed areas must have erosion prevention controls properly installed including building pads, unfinished roads and slopes.
4. The contractor shall install additional erosion control measures as may be required by the City Engineer due to unforeseen circumstances which may arise.
5. The property owner and/or their representative are required to ensure compliance with all applicable storm water regulations at all times. The BMPs that have been incorporated into this plan shall be implemented and maintained to effectively prevent the potentially negative impacts of this project's construction activities on storm water quality. The maintenance of the BMPs is the permittee's responsibility, and failure to install or maintain the BMPs may result in enforcement action by the City of Lemon Grove or others. If installed BMPs fail, they must be repaired or replaced immediately.
6. Section 18.08.830 of the Lemon Grove Municipal Code allows the City Engineer to deny the issuance of any further permits involving development and use of the property up to a maximum of three years if any grading is done contrary to the provisions of the Grading Ordinance, which includes storm water controls. The City may also record a notice of grading violation and denial of issuance of any further permits with the County recorder.

### SEASONAL REQUIREMENTS

Construction sites are required to implement all minimum construction BMPs as necessary to prevent pollution discharges to the MEP regardless of the season. Additional details are listed below:

**Dry Season (May 1st to September 30th)**

1. All exposed disturbed areas must have erosion prevention controls properly installed including building pads, unfinished roads, and slopes. (Slopes greater than 3:1 vertical or horizontal may use properly designed and installed de-silting basins at all discharge points in lieu of this requirement).
2. Adequate perimeter protection BMPs must be installed and maintained.
3. Adequate sediment containment BMPs must be installed and maintained.
4. Adequate BMPs designed to control off-site sediment tracking must be installed and maintained.
5. At a minimum, 125% of the materials needed to install standby BMPs necessary to completely protect exposed portions of the site from erosion and to prevent sediment discharges must be stored on the site. Areas that have already been protected from erosion using physical stabilization or vegetation stabilization BMPs are not considered to be "exposed" for purposes of this requirement.
6. The owner/contractor must have an approved "weather triggered" action plan and have the ability to deploy standby BMPs as needed to completely protect the exposed portions of the site within 24 hours of prediction of a storm event (a forecasted 40% chance of rain).
7. Deployment of physical or vegetation erosion control BMPs must commence as soon as grading and/or excavation is completed for any portion of the site. The project proponent may not continue to rely on the ability to deploy standby BMP materials to prevent erosion of graded areas that have been completed.
8. The amount of cleared or graded areas left exposed at any given time is limited to 17 acres or to the alternate maximum area approved by the City Engineer in writing. Areas that have already been protected from erosion using physical stabilization or vegetation stabilization BMPs are not considered to be "exposed" for purposes of this requirement.
9. A washout area shall be designated and maintained for materials such as concrete, stucco, paint, caulking, sealants, drywall plaster, etc.
10. Properly protected, designated storage areas are required for materials and wastes.
11. All stockpiles of materials and wastes should be covered when materials are not being actively added or removed.
12. Remnant trash and debris shall be removed and/or properly stored/disposed of daily.
13. Storage, service, cleaning, and maintenance areas for vehicles and equipment shall be identified and protected accordingly.
14. Materials for spill control/containment must be stockpiled onsite.
15. Non-storm water discharges must be eliminated or controlled to the MEP.
16. All materials and wastes with the potential to pollute urban runoff shall be stored in a manner that either prevents contact with rainfall and storm water, or contains contaminated runoff for treatment and disposal.
17. Cleared or graded areas left exposed at any given time are limited to the amount of acreage that the project proponent can adequately protect prior to a predicted storm event.
18. Disturbed areas not being actively graded must be fully protected from erosion if inactive for 10 days or more.
19. All necessary materials shall be stockpiled on site at convenient locations to facilitate rapid construction of temporary erosion control devices when rain is imminent.
20. The contractor shall take the necessary steps to protect the project and adjacent property from any erosion and siltation that may result from grading operations by appropriate means (gravel bags, fiber rolls, temporary desilting basins, silt fences, dikes, shoring, etc.) until such time that the project is completed and accepted for maintenance by owner.
21. Desilting basins shall be provided at drainage outlets from the graded site, and shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow reasonable settlement of suspended particles.
22. Vegetation stabilization BMPs must be installed, irrigated, and established (uniform coverage, minimum 70% established) prior to October 1st. In the event stabilizing vegetation has not been established by October 1st, other forms of physical stabilization must be employed to prevent erosion until the stabilizing vegetation is established.

**Wet Season (October 1st to April 30th)**

All dry season requirements are required in addition to the following:

1. Erosion control BMP's must be upgraded if necessary to provide sufficient protection for storms likely to occur during the rainy season.
2. Perimeter protection and sediment containment BMP's must be upgraded if necessary to provide sufficient protection for storms likely to occur during the rainy season.
3. Adequate soil stabilization and erosion prevention BMPs must be installed and established for all completed slopes prior to October 1 and maintained throughout the wet season. If a selected BMP fails, it must be repaired, improved, or replaced with an acceptable alternate as soon as it is safe to do so.
4. All vegetation erosion prevention BMPs must be established prior to the rainy season to be considered as a BMP.
5. A disturbed area that is not completed but that is not being actively graded must be fully protected from erosion if left for seven or more calendar days. The ability to deploy standby BMP materials is not sufficient for these areas.
6. All removable protection best management practices shown shall be in place at the end of each working day during the rainy season (Oct 1st to April 30th).

| CONSTRUCTION CHANGE TABLE | | |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

| UTILITY SIGNOFF | | | |
|---|---|---|---|
| COMPANY | PRINTED NAME | SIGNED | DATE |
| AT&T | | | |
| CDX | | | |
| CWA | | | |
| HELIX WATER DIST | | | |
| SDG&E | | | |

LANDMARK CONSULTING
Planning Engineering Surveying
9665 Carroll Canyon Road, Suite 200
San Diego, CA 92131 (858) 689-8570

REGISTERED PROFESSIONAL ENGINEER
MARK A. BRENNER
NO. 48153
EXP. 6/30/14
CIVIL
STATE OF CALIFORNIA

CONTRACTOR MUST NOTIFY THE BELOW LISTED AGENCY AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION :

UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133

EROSION CONTROL PLANS AND DETAILS FOR:

GOLDEN AVENUE ROW HOMES

CITY OF LEMON GROVE, CALIFORNIA
ENGINEERING DEPARTMENT
SHEET 4 OF 9 SHEETS

APPROVED:

CITY ENGINEER _____ DATE _____
SIGNATURE EXPIRES 180 DAYS FROM DATE OF APPROVAL

| DESCRIPTION | DRAWN BY | APPROVED | DATE | FILMED |
|---|---|---|---|---|
| ORIGINAL | LMCO | | 9-16-13 | |
| | | | | |
| AS-BUILT | | | | |

CONTRACTOR _____ DATE STARTED _____
INSPECTOR _____ DATE COMPLETED _____

CONTRACT NO.
DEPARTMENT HEAD
PROJECT MANAGER
DESIGN ENGINEER
210-1761
NAD 83 COORDINATES
XXXX-X

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

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 NAKATANI 9/15/15 2:00 PM

Inspection: ☒ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☒ High ☐ Medium ☐ Low

Approximate rainfall since last inspection: ~.8 inches

## *GENERAL INFORMATION*

Grading or Building Permit #: GR-1692

Project Name & Type: Valencia Subdivision

Project Location & Address: San Altos Place

Contractor's Name & Telephone #: Anderson Development (949) 275-6739

Property Owner & Telephone #: San Altos LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A (TW)

Sufficient Standby BMPs Onsite to Protect Site Within 48 Hours of Predicted Storm? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **Soil Stabilization and Erosion Prevention** | | | | | |
| Preservation of existing vegetation? | | | X | | |
| Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch | X | | | Significant areas lack erosion control. Evidence of erosion throughout site | No |
| Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching | X | | | " " | No |
| Site Drainage: Outlet Protection/Slope Drain | | | X | | |
| Inlet/Outlet Protection | | | X | | |
| **Sediment Control/Containment** | | | | | |
| Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls | X | | | Some spots lack perimeter control (silt fence) | No |
| Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier | X | | | No inlet protection on drain near SE corner | No |
| Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping | X | | | Significant sediment on streets within project & in gutter on Akins. TCCI needed on all driveways where vehicles will be driving | No |

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **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? | X | | | | Yes |
| Are material stockpiles protected: covered, contained and located away from non-storm water discharges? | X | | | Some small sediment piles are not protected | 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? | X | | | | Yes |
| Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous) | | X | | Some litter/waste throughout site | No |
| Are concrete washouts properly installed, maintained with no evidence of discharges. | X | | | | Yes |
| Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing? | X | | | | Yes |
| **Non-Storm Water Management** | | | | | |
| Is the site free of evidence of illegal connections and/or illicit discharges? | X | | | | Yes |
| **Discharge Locations** | | | | | |
| Are the discharge locations free of significant erosion or sediment transport? | | X | | Some sediment in road and gutter near SE corner | No |
| **Other** | | | | | |
| Are there any other potential storm water pollution issues/concerns? | X | | | Sediment will need to be cleaned out of basins & erosion around inlets needs repair | 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 inspection NOT been implemented? ☒ Yes ☐ No ☐ NA

**If NO**, and if it has been more than 30 days since the corrective action was originally required, explain why more than 30 days was necessary to resolve the deficiency: less than 30 days since previous insp.

**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: _____
- ☐ Violation

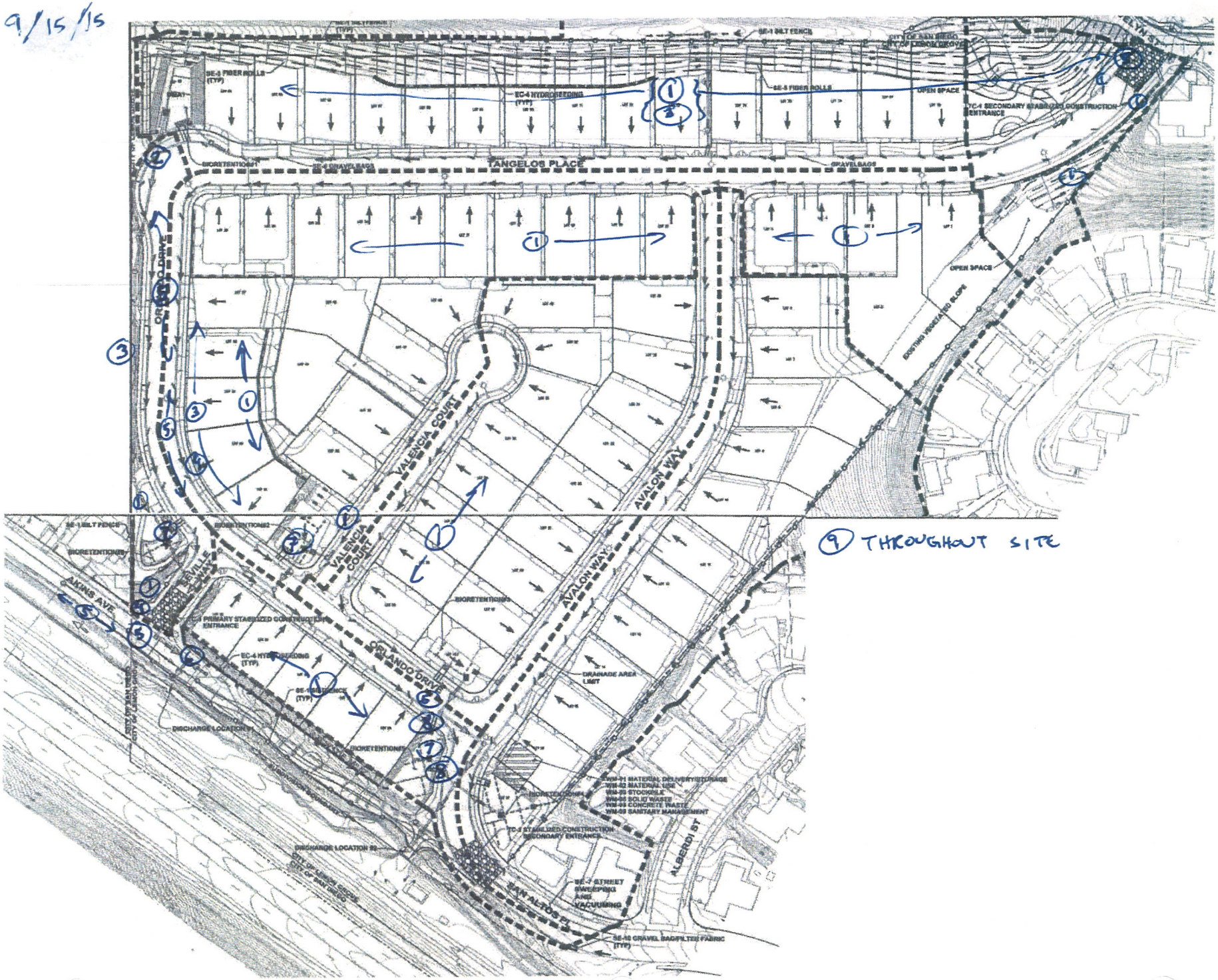
## Construction BMP Recommendations

Site: VALENCIA Date: 9/15/15

Recommendations:

1. UTILIZE EROSION CONTROLS ON ALL DISTURBED AREAS PRIOR TO RAIN EVENTS, OR WHEN THEY ARE INACTIVE, WHICHEVER COMES FIRST
2. PROTECT EXPOSED AREA FROM RUN-ON AND MAKE SURE AREA IS FULLY COVERED
3. ADD/IMPROVE PERIMETER CONTROLS
4. ADD TC-1 IF VEHICLES WILL BE DRIVING ACROSS DRIVEWAY
5. CLEAN SEDIMENT OUT OF ROADWAYS & GUTTER
6. ADD INLET PROTECTION
7. CLEAN SEDIMENT OUT OF BIORETENTION BASINS. SIGNIFICANT ACCUMULATION, ESPECIALLY BY INLETS
8. REPAIR EROSION BY BASIN INLETS ALSO RECOMMEND CLEARING OBSTRUCTIONS IN OUTLET RISER STRUCTURE
9. PICK UP TRASH!!

9/15/15


TANGELOS PLACE
VALENCIA COURT
AVALON WAY
ORLANDO DRIVE
SEVILLE TERRACE
AKINS AVE
ALBERDI ST
SAN ALBERDI PL
OPEN SPACE
BIORETENTION
DRAINAGE AREA LIMIT
DISCHARGE LOCATION #1
DISCHARGE LOCATION #2
SE-1 SILT FENCE
SE-5 FIBER ROLLS (TYP)
EC-4 HYDROSEEDING (TYP)
TC-1 PRIMARY STABILIZED CONSTRUCTION ENTRANCE
TC-4 SECONDARY STABILIZED CONSTRUCTION ENTRANCE
TC-3 STABILIZED CONSTRUCTION SECONDARY ENTRANCE
WM-01 MATERIAL DELIVERY/STORAGE
WM-02 MATERIAL USE
WM-03 STOCKPILE
WM-05 SOLID WASTE
WM-06 CONCRETE WASTE
WM-08 SANITARY MANAGEMENT
SE-7 STREET SWEEPING AND VACUUMING
SE-10 GRAVEL BAG/FILTER FABRIC (TYP)
CITY OF SAN DIEGO
CITY OF LEMON GROVE
EXISTING VEGETATED SLOPE
(9) THROUGHOUT SITE

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 NAKATANI 9/15/15 3:00PM

Inspection: ☒ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☒ Medium ☐ Low

Approximate rainfall since last inspection: ~0.8 inches

## *GENERAL INFORMATION*

Grading or Building Permit #: GR-1695

Project Name & Type: Vernon Ranch Subdivision

Project Location & Address: 7012 & 7024 Mt. Vernon

Contractor's Name & Telephone #: Anderson Development (949) 275-6739

Property Owner & Telephone #: Mt. Vernon - Lemon Grove LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C371670

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Sufficient Standby BMPs Onsite to Protect Site Within 48 Hours of Predicted Storm? ☒ Yes ☐ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **Soil Stabilization and Erosion Prevention** | | | | | |
| Preservation of existing vegetation? | | | X | | |
| Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch | X | | | May need to add stabilization on southern edge | No |
| Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching | | X | | | |
| Site Drainage: Outlet Protection/Slope Drain | | | X | | |
| Inlet/Outlet Protection | | | X | | |
| **Sediment Control/Containment** | | | | | |
| Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls | X | | | Evidence of sediment transport beyond silt fence along southern perimeter | No |
| Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier | | X | | | |
| Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping | X | | | TC-1 lacks sufficient rock | No |

| BMP | Yes | No | N/A | Description/Explanation | Effective Yes/No |
|---|---|---|---|---|---|
| **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? | X | | | | Yes |
| Are material stockpiles protected: covered, contained and located away from non-storm water discharges? | X | | | | 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? | X | | | | Yes |
| Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous) | X | | | | Yes |
| Are concrete washouts properly installed, maintained with no evidence of discharges. | X | | | | Yes |
| Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing? | X | | | | |
| **Non-Storm Water Management** | | | | | |
| Is the site free of evidence of illegal connections and/or illicit discharges? | X | | | | Yes |
| **Discharge Locations** | | | | | |
| Are the discharge locations free of significant erosion or sediment transport? | | X | | Evidence of sediment transport beyond southern & western perimeter | No |
| **Other** | | | | | |
| Are there any other potential storm water pollution issues/concerns? | X | | | sediment-laden water seeping through western wall | 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 inspection NOT been implemented? ☒ Yes ☐ No ☐ NA

**If NO**, and if it has been more than 30 days since the corrective action was originally required, explain why more than 30 days was necessary to resolve the deficiency: TC-1 still not installed per SWPPP. Contractor says they will be paving the area soon

**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: _____
- ☐ Violation

## Construction BMP Recommendations

Site: VERNON RANCH Date: 9/15/15

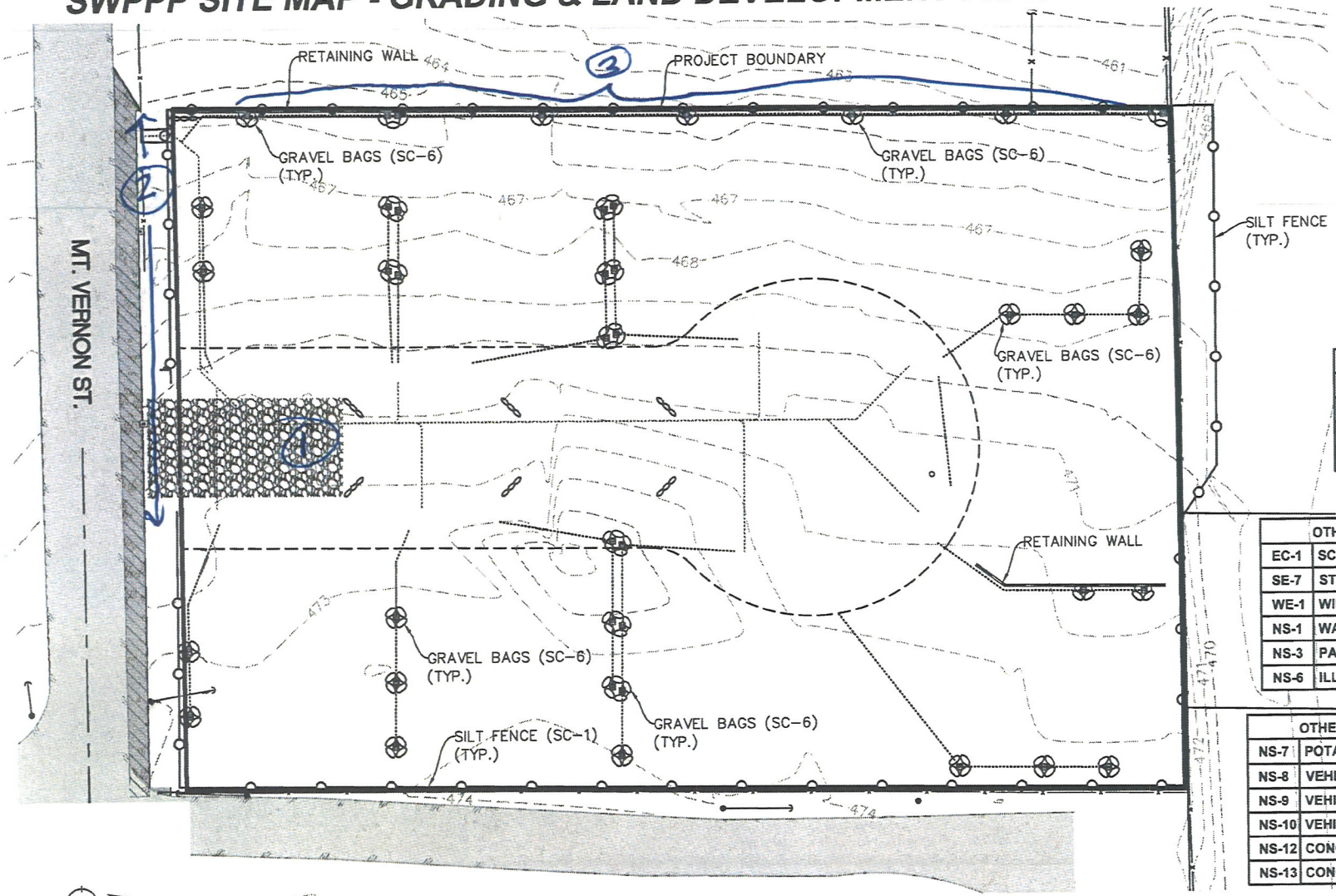
Recommendations:

1. ADD SUFFICIENT ROCK TO TC-1 AT SITE ENTRANCE
2. EMPLOY ADEQUATE COMBINATION OF EROSION AND PERIMETER CONTROLS TO PREVENT SEDIMENT TRANSPORT ALONG SOUTHERN EDGE OF SITE
3. ELIMINATE SEDIMENT-LADEN WATER SEEPING THROUGH WALL ALONG WESTERN PERIMETER

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

9/15/15

# SWPPP SITE MAP - GRADING & LAND DEVELOPMENT PHASE (PHASE 1, RETAINING WALLS)




| ORIGINAL: 11-19-14 | |
|---|---|
| REVISION No. | DATE |
| 1 | |
| 2 | |
| 3 | |

| OTHER BMP's TO BE USED | |
|---|---|
| EC-1 | SCHEDULING |
| SE-7 | STREET SWEEPING & VACUUMING |
| WE-1 | WIND EROSION CONTROL |
| NS-1 | WATER CONSERVATION PRACTICES |
| NS-3 | PAVING & GRINDING OPERATIONS |
| NS-6 | ILLICIT CONNECTION / DISCHARGE |

| OTHER BMP's TO BE USED | |
|---|---|
| NS-7 | POTABLE WATER / IRRIGATION |
| NS-8 | VEHICLE & EQUIPMENT CLEANING |
| NS-9 | VEHICLE & EQUIPMENT FUELING |
| NS-10 | VEHICLE & EQUIPMENT MAINTENANCE |
| NS-12 | CONCRETE CURING |
| NS-13 | CONCRETE FINISHING |

N

30 15 0 30

GRAPHIC SCALE 1"=30'

## 7012 & 7024 Mt. Vernon
## LEMON GROVE, CA 91945

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

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00013**

**From:** Tad Nakatani [tnakatani@dmaxinc.com]
**Sent:** Monday, September 21, 2015 6:57 AM
**To:** Gary Harper; Malik Tamimi
**Cc:** Tim Gabrielson; Jeremiah Harrington
**Subject:** RE: Construction Inspection Reports - Draft

Hi Gary,
Yes, I can inspect them this morning.

---

**From:** Gary Harper [mailto:gharper@lemongrove.ca.gov]
**Sent:** Saturday, September 19, 2015 2:09 PM
**To:** Tad Nakatani; Malik Tamimi
**Cc:** Tim Gabrielson; Jeremiah Harrington
**Subject:** RE: Construction Inspection Reports - Draft

Thanks, Tad. Noaa is at 60% for Monday. Could you inspect the sites again Monday?

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: Tad Nakatani <tnakatani@dmaxinc.com>
Date:09/18/2015 2:59 PM (GMT-08:00)
To: Gary Harper <gharper@lemongrove.ca.gov>, Malik Tamimi <mtamimi@lemongrove.ca.gov>
Cc: Tim Gabrielson <tgabrielson@lemongrove.ca.gov>, Jeremiah Harrington <jharrington@lemongrove.ca.gov>
Subject: RE: Construction Inspection Reports - Draft

OK, here are the revised forms.

---

**From:** Gary Harper [mailto:gharper@lemongrove.ca.gov]
**Sent:** Friday, September 18, 2015 2:15 PM
**To:** Malik Tamimi; 'Tad Nakatani'
**Cc:** Tim Gabrielson; Jeremiah Harrington
**Subject:** RE: Construction Inspection Reports - Draft

Hi Tad,
From Malik's explanation, go ahead and fill out the form completely.

---

**From:** Malik Tamimi
**Sent:** Friday, September 18, 2015 12:22 PM
**To:** 'Tad Nakatani'; Gary Harper
**Cc:** Tim Gabrielson; Jeremiah Harrington
**Subject:** RE: Construction Inspection Reports - Draft

Just a note for future inspection forms, it is not typical for the enforcement section of the inspection form to be left blank. The Consultant may discuss the observations with the City but ultimately the inspector needs to fill out the enforcement section with direction from the city. Once the inspection form is complete, it should be passed on to the inspector. You can attach the NOV or other type enforcement forms with the inspection form. We should always get the inspection form to the developer asap so that they can take immediate action.

Aside from informing the developer on whether their site is compliant or not, the City uses the completed inspection form during the annual reporting to document the amount of violations observed during the fiscal year. For example Corrective Actions are consider Written Warnings and we tabulate and take credit for that.

I hope the clarification helps and thank you everyone for all your patience and hard work!
-Malik

---

**From:** Tad Nakatani [mailto:tnakatani@dmaxinc.com]
**Sent:** Friday, September 18, 2015 7:13 AM
**To:** Gary Harper
**Cc:** Tim Gabrielson; Malik Tamimi
**Subject:** RE: Construction Inspection Reports - Draft

Thanks Gary. I will not make any changes to the forms then.

---

**From:** Gary Harper [mailto:gharper@lemongrove.ca.gov]
**Sent:** Thursday, September 17, 2015 6:54 PM
**To:** Tad Nakatani
**Cc:** Tim Gabrielson; Malik Tamimi
**Subject:** RE: Construction Inspection Reports - Draft

Thanks, Tad. I already sent the developer your first iteration, so probably better we don't change the original. Pretty sure that with leon, you inspected, we made the call re enforcement. I was going to do paperwork on Monday, but it looks like I need to work tomorrow and catch up on other things, so you may hear from me with copies of citation, Nov, etc. No rest for the wicked : ). Yes, I'll send you info for golden.

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: Tad Nakatani <tnakatani@dmaxinc.com>
Date:09/17/2015 5:48 PM (GMT-08:00)
To: Malik Tamimi <mtamimi@lemongrove.ca.gov>, Gary Harper <gharper@lemongrove.ca.gov>
Cc: Tim Gabrielson <tgabrielson@lemongrove.ca.gov>
Subject: RE: Construction Inspection Reports - Draft

Thanks guys. Gary, I will fill out the violations section and resend the forms. Also, can you please send me the "General Information" items (e.g. grading permit #) that I'm lacking for Golden Doors?

Malik, the permit actually says that you must notify the board in writing. There's no specific format or report you must use to do it though. You can just email them.

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**From:** Malik Tamimi [mailto:mtamimi@lemongrove.ca.gov]
**Sent:** Thursday, September 17, 2015 4:07 PM
**To:** Gary Harper
**Cc:** Tim Gabrielson; 'Tad Nakatani'
**Subject:** RE: Construction Inspection Reports - Draft

Gary... Tad mentioned in his email that he did not fill out the violation component of the inspection waiting for direction from the City. so in essence the inspection form has nothing checked under violation....likewise with the inspection of the other two sites. You will need to direct Tad and resend the complete inspection form. -M

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**From:** Gary Harper
**Sent:** Thursday, September 17, 2015 4:05 PM
**To:** 'Tim Anderson'; 'Timandersonnn62'
**Cc:** Malik Tamimi; Tim Gabrielson
**Subject:** FW: Construction Inspection Reports - Draft

Hi Tim,

Here are Tad's reports as you requested. Based upon the reports, I may have to issue a citation for Valencia and a written notice for Vernon Ranch.

Thanks,

Gary

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00014**

Exhibit No. 21

# CITY OF LEMON GROVE
# ADMINISTRATIVE CITATION

## A) TYPE OF VIOLATION

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | (4th Citation $1,000)

Payment of $ 1,000.00 is due no later than 10/22/2015 to the City of Lemon Grove. The City accepts cash, check or credit card.

**If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.**

## B) RESPONSIBLE PARTY INFORMATION

Person Cited: ANDERSON (Last Name) TIM (First Name)

Circle One: Property Owner Tenant Business Owner (Other) SITE Representative PROJECT MANAGER

Mailing Address: 3194-62 AIRPORT LOOP DRIVE, COSTA MESA, CA 92626

Business Name (if applicable): NEW POINT HOMES

CC: PHIL DOWLEY, CODE ENFORCEMENT FILE

## C) VIOLATION(S) INFORMATION

Date (Violation Observed): 9/15/2015 Time (Violation Observed): 2PM

Location of Violation: 1350 SAN AITOS PL/VALENCIA (Street Address) (APN)

Violation(s) Observed (Code Section and Description):

8.48.060 18.08.560 INADEQUITE BMP'S - SEE ATTACHED INSPECTION
18.08.170 EVIDENCE OF DISCHARGE REPORTS
18.08.180

## D) CORRECTION(S) REQUIRED (with date to complete corrections)

INSTALL BMP'S PER RECOMMENDATIONS, ATTACHED REPORT

EXHIBIT 14 M. Famini 5/12/21 PENGAD 800-631-6989

## E) SERVICING CITATION INFORMATION

Enforcing Officer Name: Gary Harper Phone No.: 619 454-1272 Signature: [signature] Date: 9/22/15

Person Cited – Signature Acknowledging Receipt: [signature] 9/22/15 (Date)

Citation Served (circle one): (In Person) By Mail Posted on Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

WHITE-ORIGINAL PINK-COPY CITATION CARD-~~OWNER~~ Developer

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

# Tamimi, Malik

Litigation
SERVICES

**Job: 598612**

**Exhibit: 00015**

**From:** Malik Tamimi
**Sent:** Tuesday, September 22, 2015 9:56 AM
**To:** Gary Harper; Tim Gabrielson
**Cc:** Carol B. Dick; Rafael S. Ju├írez, P.E.; Tad Nakatani
**Subject:** RE: Citation for Valencia, Correct Work for Vernon Ranch

Thanks Gary, Good Job!
-Malik

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**From:** Gary Harper
**Sent:** Tuesday, September 22, 2015 9:44 AM
**To:** Malik Tamimi; Tim Gabrielson
**Cc:** Carol B. Dick; Rafael S. Ju├írez, P.E.; Tad Nakatani
**Subject:** RE: Citation for Valencia, Correct Work for Vernon Ranch

On the correct : I wanted them to begin correcting deficiencies within 24 hrs and before next rain event, which noaa just downgraded. Is that ok?
Citation : no prop, I'll scan and send when I get back to office

Sent from my Verizon Wireless 4G LTE smartphone
-------- Original message --------
From: Malik Tamimi <mtamimi@lemongrove.ca.gov>
Date:09/22/2015 9:15 AM (GMT-08:00)
To: Gary Harper <gharper@lemongrove.ca.gov>, Tim Gabrielson <tgabrielson@lemongrove.ca.gov>
Cc: "Carol B. Dick" <cdick@lemongrove.ca.gov>, rjuarez@minnali.com, Tad Nakatani <tnakatani@dmaxinc.com>
Subject: RE: Citation for Valencia, Correct Work for Vernon Ranch

Gary,

Just for clarification.

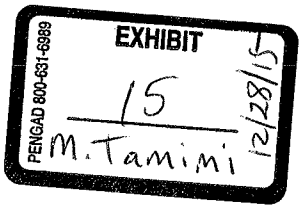
1. Citation $1000 is for last week.

2. Correct Work is New for this week/ie written warning? So if they don't make improvements within 24 hours you will issue a NOV? and potentially a second citation and or stop work notice?

For the citation, may I have a copy of it that I can scan versus the photo you took if available and also can you provide the specific photos that support the citation. I will be forwarding this information to the Regional Board early this week.

Thank you

-Malik



**From:** Gary Harper
**Sent:** Tuesday, September 22, 2015 8:41 AM
**To:** Tim Gabrielson; Malik Tamimi
**Cc:** Carol B. Dick; rjuarez@minnali.com
**Subject:** Citation for Valencia, Correct Work for Vernon Ranch

Citation signed by Tim Anderson this morning.

# Tamimi, Malik

Litigation
SERVICES

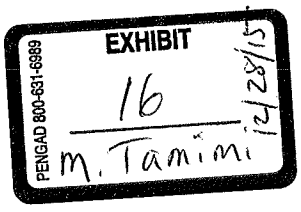
**Job: 598612**

**Exhibit: 00016**

**From:** Malik Tamimi
**Sent:** Tuesday, October 13, 2015 4:58 PM
**To:** 'Melbourn, Frank@Waterboards'
**Cc:** Tim Gabrielson; Gary Harper; 'Tad Nakatani'; Jeremiah Harrington
**Subject:** Request for Information: Valencia Project Site

Hi Frank,
The City of Lemon Grove contracted out its storm water inspections to a consulting firm-DMAX Engineering Inc (DMAX). During the Dry Season (May through Sept) DMAX completed eight inspections. The City issued two Correct Work Notices and issued a $1,000 citation. On September 17th, 2015 the City also distributed a Rainy Season Notification letter to the developer at the Valencia project site to alert them of the up coming rainy season and for them to be better prepared for future rain events. The same letter is posted on the City's website and includes a BMP factsheet. Although DMAX touched on this in their summary, I do want to mention that there is repetition in the BMP deficiencies specifically erosion control. My understanding was that recommendations for erosion control at one lot would be made but by the next inspection construction was complete at that lot and the next lot now had inadequate erosion control. The developer was responsive in addressing some of the deficiencies but not all.

Below is a summary of observations from DMAX Inspector Tad Nakatani.

> *In May, the City continued its schedule of inspecting the Valencia site on a biweekly basis. During June and July, inspections were conducted monthly. In September, the City returned to a biweekly inspection schedule. Some BMP deficiencies were observed during each dry season inspection. While some general types of deficiencies (e.g. sediment tracking, perimeter controls in need of repair) were observed during multiple inspections, the individual deficiencies were typically resolved by the contractor. For example, a sediment tracking deficiency may have been observed and corrected in one portion of the site, and then a different sediment tracking issue may have been observed in another portion of the site at a later inspection. Some deficiencies were resolved by specific corrective actions being performed by the contractor (e.g. installing BMPs or performing housekeeping activities), while others were later resolved by completion of construction in the area.*
>
> *The largest factor in the issuance of a citation for BMP deficiencies during the September rain event was a lack of adequate erosion controls. Most of the area with evidence of erosion were areas or active work or areas that had recently been re-disturbed. Therefore, the City had not required immediate implementation of erosion controls on all of these areas during the previous dry-weather inspection. However, the City had previously, during multiple dry season inspections, informed the contractor of the requirement to implement erosion controls on all disturbed surfaces prior to rain events.*

Let me know if you require additional information.
Thank you -Malik