

California Regional Water Quality Control Board

San Diego Region

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Arnold Schwarzeneg Governor

Attachment 1 Notice of Violation R9-2008-038

April 14, 2008

IN THE MATTER OF

Mr. David Wray Senior Vice President Hunt Building Company, Ltd. 100 Wonsan Drive Oceanside, CA 92054 NOTICE OF VIOLATION NO. R9-2008-0038

WDID NO. WDID # 9 37C348390

In reply refer to: NWPU:10-3048390:tfelix

NPDES General Permit No. CAS000002, SWRCB Order 99-08-DWQ

Subject Site: Del Mar North-Del Mar Housing at United States Marine Corps Base-Camp Pendleton

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of waste discharge requirements contained in State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region (Regional Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

On February 28, 2008, Mr. Tony Felix, Water Resource Control Engineer, of the Regional Board conducted an inspection of the subject site and observed, documented and photo-documented evidence of specific violations documented in the attached Facility Inspection Report (FIR) incorporated herein by reference. Mr. Khalique Khan and Mr. Brian Shinn of Camp Pendleton; Mr. David Wray, Mr. Tim Fraser, and Mr. Russ Haughton of Hunt Building Company Ltd.; and Ms. Kathy Vandenheuvel of Tetra Tech were present during this inspection.

8007/51/7

California Environmental Protection Agency

Summary of Violations:

I. FAILURE TO PREVENT PROHIBITED DISCHARGES

> Pursuant to Water Quality Order No. 99-08-DWQ Section A.2:

• Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited...

Observation: The site was photo-documented as having, on more than one occasion, unauthorized discharges of sediment-laden storm water into Oceanside Harbor through the MS4.

II. FAILURE TO IMPLEMENT / MAINTAIN BEST MANAGEMENT PRACTICES

Pursuant to Water Quality Order NO. 99-08, Section A.6 & A.8:

• At a minimum, the discharger/operator must implement an effective combination of erosion and sediment controls on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads.

Observation: The site lacked an effective combination of erosion and sediment barriers (e.g. fiber rolls, straw bale dikes, silt fence, etc.) on some graded areas to eliminate high flow discharges of sediment-laden storm water.

> Pursuant to Water Quality Order NO. 99-08, Section A.8:

• ...sediment basins shall, at a minimum, be designed and maintained as follows: Option 1, 2, 3, or 4 (abbr.).

Observation: The sediment basin is undersized, inappropriately located, and limited in design for storm water containment and treatment purposes. There was evidence of discharges of untreated sediment-laden water over the spillway and into the MS4. The storm drain inlets within the basin may have been breached causing discharges of sediment-laden storm water to the MS4.

> Pursuant to Water Quality Order NO. 99-08, Section A.5.b.2, Section B 8:

• ...protect operational storm water inlets or receiving waters from contaminated discharges other than sediment discharges...

Observation: The storm drain inlets along Nautilus Street were not adequately stabilized to be protected against illicit discharge.

- Pursuant to Water Quality Order NO. 99-08, Section A.5.b.4 & b.5, Section B 8:
 - (Provide) ... areas designated for the (a) storage of soil or waste, (b) vehicle storage and service areas, (c) construction material loading,

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unloading, and access areas, (d) equipment storage, cleaning, and maintenance areas. (Implement) ... BMPs designed to minimize or eliminate the exposure of storm water to construction materials, equipment, vehicles, waste storage areas, or service areas. Any breach, malfunction, leakage, or spill observed which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water shall trigger the collection of a sample of discharge. **Observation:** The porta john located at the site entrance lacked secondary containment.

- > Pursuant to Water Quality Order NO. 99-08, Section A.8:
 - (Provide) ... BMPs to reduce the tracking of sediment onto public or private roads at all times.

Observation: The site lacked adequate entrance/exit BMPs to eliminate sediment tracking unto the roadway.

Questions pertaining to the issuance of this Notice of Violation should be directed to Mr. Tony Felix at (858) 636-3134 and <u>TFelix@waterboards.ca.gov</u>. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

David Barker P.E. Supervising Water Resource Control Engineer Attn: Tony Felix California Regional Water Quality Control Board San Diego Region 9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340

David Barker Supervising Water Resource Control Engineer

File No.:10-3048390.2

CIWQS Information:

Regulatory Measure ID	327292	-
Place Identification Number	652926	
Inspection Identification Number	1332339	
Violation Identification Numbers	738203, 738204 8 G FLZ / S	1

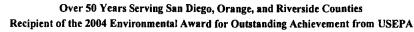
April 14, 2008



Environmental Protection

California Regional Water Quality Control Board

San Diego Region





9174 Sky Park Court, Suite 100, San Diego, California 92123-4340 (858) 467-2952 • Fax (858) 571-6972 http:// www.waterboards.ca.gov/sandiego

April 14, 2008

Mr. David Wray, Senior Vice Presdient Hunt Building Company Ltd. 100 Wonsan Drive Oceanside, CA 92054 VIA CERTIFIED MAIL 7004 2890 0002 5799 2046

In reply refer to: NWPU: 10-3048390: tfelix

RE: NOTICE OF VIOLATION NO. R9-2008-0038 & REQUIRED TECHNICAL REPORT

Subject Site: Del Mar North-Del Mar Housing at United States Marine Corps Base-Camp Pendleton, WDID No. 9 37C348390, Construction Stormwater Permit, Order No. 99-08-DWQ

Dear Mr. Wray:

Enclosed is **Notice of Violation (NOV) No. R9-2008-0038** for the subject construction site at United States Marine Corps Camp Pendleton. The violations specified were identified during a site inspection on February 28, 2008. Corrective measures and Best Management Practices (BMPs) should be implemented immediately to address these violations.

Pursuant to California Water Code (CWC) section 13267 and 13383, the California Regional Water Quality Control Board, San Diego Region (Regional Board) directs you to submit a **Required Technical Report (RTR)** received at the Regional Board no later than **5:00 PM, May 16, 2008**. The RTR is required due to the violations noted in the enclosed NOV. The RTR will be reviewed to assess the need for further possible enforcement actions. The RTR shall include the following Sections:

- 1. An Immediate Actions Section describing the reasons for the discharge of sediment from the site into the Municipal Separate Storm Sewer System or Water of the United States and what immediate steps were taken to stop the illegal discharge.
- 2. A Storm Water Pollution Prevention Plan (SWPPP) Status Report Section including:
 - a) An 8.5" x 11" Site Map boldly indicating all flow lines, storm water inlets and outfalls (designate active or inactive), and direct discharge (if applicable) to a water of the state.

California Environmental Protection Agencv

Page 2

- b) A statement giving the exact date construction began.
- c) Photocopies of all BMP implementation/maintenance/inspection records (to date).
- d) Photocopies of all annual Compliance Certifications (to date).
- e) A photocopy of the SWPPP Signatory Requirement page.
- f) If necessary, a copy of a newly completed NOI. Please note: If any information provided on the current NOI has changed, an NOI change of information, filed with the State Board in Sacramento, is required.
- g) A completed "SWPPP and Monitoring Program Review Sheet" (copy enclosed), with preparer's name, included in the RTR as attachment A.
- 3. A Site Status Report Section including photo-documentation of implementation of the SWPPP, including proper installation of BMPs addressing, but not limited to, those specific violations indicated in the attached NOV.
- 4. A Hydrologic Study Section certified by a Registered Civil Engineer, for each sediment basin serving any tributary area as erosion control. Include:
 - a) Site Map delineating topographic tributary area (scaled) with flowlines.
 - b) Basin dimensions and calculated maximum volume.
 - c) Outlet and filtration calculations and specifications.
 - d) Hydrologic calculations based on one of the prescribed methods specified in Order No. 99-08-DWQ.
 - e) All supporting documentation.

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

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

Note: All documents requiring signature shall be signed per the General Construction Permit, Water Quality Order No. 99-08, Section C.9.a (1&2), as follows:

"For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice $z \neq S$ t $z \neq t$

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president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively."

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

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Mr. Tony Felix at (858) 636-3134 and <u>TFelix@waterboards.ca.gov</u>. Written correspondence should be directed to the following address:

Michael P. McCann Assistant Executive Officer Attn: Tony Felix California Regional Water Quality Control Board San Diego Region 9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340

Michael P. McCann Assistant Executive Officer

Attachments:

- 1. Notice of Violation No. R9-2008-038
- 2. Facility Inspection Report
- 3. Grading & Drainage Plan
- 4. Photo-documentation of discharges into Oceanside Harbor

CCs:

Ken Greenberg, U.S. Environmental Protection Agency, Region IX Clean Water Act Compliance Office 75 Hawthorne Street, WTR-7 San Francisco, CA 94105-3901

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Khalique Khan AC/S Environmental Security Environmental Engineering Division Marine Corps Base, Bldg. 22165 Camp Pendleton, CA 92055-5008

Brian Shin AC/S Environmental Security Marine Corps Base, Box 555008 Camp Pendleton, CA 92055-5008

Ccs (via e-mail): City of Oceanside Mo Lahsaie 300 N. Coast Highway Oceanside, CA 92054 mlahsaie@ci.oceanside.ca.us

> Hunt Building Company, Ltd. David Wray at <u>davidwr@huntbuilding.com</u> Tim Fraser at tim.fraser@huntbuilding.com

Deputy Director Camp Pendleton Base Housing Robert Marshall at <u>Robert.E.Marshall1@usmc.mil</u>

David Gotfredson KFMB-TV News 8 Producer dgotfredson@kfmb.com

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

FACILITY INSPECTION REPORT

Attachment 2 Facility Inspection Report

INSPECTION	DATE:2/28/208	TIME: <u>12:01 PM</u>	WDID:	9 37C348390		
FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: Khalique Khan, Brian Shin (MCB Camp Pendleton), David Wray, Tim						
Fraser, Russ	Haughton, (Hunt Building Co	. Ltd.), and Kathy Vandenheur	vel (Tetra Tech)			
US Marine Co NAME OF OWNE	US Marine Corps Naval Facilities Engineering Command Khalique Khan and Brian Shin (760) 725-9753/9760 NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE OWNER CONTACT NAME AND PHONE #					
	Company Ltd. VELOPER NAME (if different from	owner)		ton and Tim Fraser (760) 430-2994/385-4535 EVELOPER CONTACT NAME AND PHONE #		
Del Mar North Facility stree	n-Del Mar Housing Camp F TADDRESS	Pendleton	Camp Pendie FACILITY CITY	eton, CA 92054 AND STATE		
APPLICABLE WATER QUALITY LICENSING REQUIREMENTS MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766 X GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 – CONSTRUCTION GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS SECTION 401 WATER QUALITY CERTIFICATION CWC SECTION 13264						
		INSPECTION TY	PE (Check One)			
A1	"A" type compliance-Comp	prehensive inspection in which	samples are taken, (E	EPA Type S)		
B1	"B" type complianceA rou	tine nonsampling inspection. (EPA Type C)			
02	Noncompliance follow-up	Inspection made to verify corre	ection of a previously i	dentified violation.		
03	03 Enforcement follow-up-Inspection made to verify that conditions of an enforcement action are being met.					
04 <u>X</u> ComplaintInspection made in response to a complaint.						
05 Pre-requirementInspection made to gather info. relative to preparing, modifying, or rescinding requirements.						
06	6 No Exposure Certification (NEC) - verification that there is no exposure of industrial activities to storm water.					
07	7 Notice of termination request for industrial facilities or construction sites - verification that the facility or construction site is not subject to permit requirements (Type, NOT I or NOT C - circle one) .					
08	Compliance Assistance Ins	pection - Outreach inspection	due to discharger's re	quest for compliance assistance.		
INSPECTION FINDINGS						
Yes Were violations noted during this inspection? (Yes/No/Pending Sample Results)						
No Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form						
I. COMPLIANCE HISTORY:						

On 8/13/2007 the Del Mar Housing Camp Pendleton project was enrolled under the Statewide General Construction Permit, Order No. 99-08-DWQ, *NPDES General Permit No. CAS000002, Waste Discharge Requirements for Stormwater Runoff Associated with Construction Activity.*

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-SAN DIEGO REGION FACILITY: Del Mar Housing Camp Pendleton (WDID) 9 37C348390 INSPECTION DATE: 2/28/2008

On 12/3/2007: Oceanside Harbor Maintenance complained that Camp Pendleton has been discharging sediment-laden water into the north end of Oceanside Harbor. The discharge was presumed to be coming from a construction site on base. Mo Lahsaiezadeh and Glenn Ericson of the City of Oceanside were notified and immediately attempted to schedule a site visit. On 1/10/2008 the City of Oceanside was granted access to the base for a site visit.

On 2/28/2008 the California Regional Water Quality Control Board, San Diego Region conducted an inspection in response to the complaints and to evaluate compliance with permit requirements.

II. FINDINGS

12:01 PM: Prior to going on base I inspected the perimeter of the site particularly the two outfalls (see photos 01 and 02) along North Harbor Drive which discharge into Oceanside Harbor. It was alleged that those two outfalls drain storm water from the Del Mar Housing Project located at Camp Pendleton. There was no observable discharge at the 'south' outfall and the receiving water around the outfall appeared relatively clear and free of sediment (see photo 01). There was a cloudy discharge into the Harbor from the 'north' outfall along North Harbor Drive (see photo 02 and 03).

13:20: I met with Mr. Khalique Khan and Mr. Brian Shin of AC/S, Environmental Security of Camp Pendleton; Ms. Kathy Vandenheuvel (Tetra Tech, Consultant), Mr. David Wray, Mr. Tim Fraser, and Russ Haughton of Hunt Building Company Ltd., project contractor for Camp Pendleton to conduct the inspection. The purpose of the inspection was to assess compliance with the construction stormwater permit and to investigate alleged sediment discharges into Oceanside Harbor.

The redevelopment project is a joint private-public venture between the Department of the Navy and Hunt Lincoln Clark to demolish existing military housing and build new military housing (Phase 01) on an 18-acre site located on Camp Pendleton. The waste concrete and asphalt from the demolition are taken to a nearby facility for crushing and reuse as base material for the construction project. The operation of the waste concrete crushing project will be evaluated for enrollment requirements under the statewide industrial storm water program, Order No. 97-03-DWQ.

Site Area: Nautilus Street divides the Del Mar Housing construction project (Phase 1) from north to south. At the site entrance on Nautilus Street, I observed deposits of sediment residue at the storm drain inlets. The swept or brushed marks of sediment at the site entrance indicated there was some type of cleanup of sediment deposit. Fresh gravelbags were neatly placed along the curb leading to two storm drain inlets to abate storm water flows from the site. Silt fences were installed along the fenced perimeter to trap sediment discharge from the site. The installed BMPs (i.e. gravel bags and silt fences) at the site entrance appeared appropriate and well maintained to contain storm water discharges.

The Storm Water Pollution Prevention Plan (SWPPP) was reviewed and was appropriate. It described Best Management Practices (BMPs) employed to abate erosion and eliminate sediment discharges at the site.

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-SAN DIEGO REGION FACILITY: Del Mar Housing Camp Pendleton (WDID) 9 37C348390 INSPECTION DATE: 2/28/2008

The immediate surrounding area of the construction site (slope along Oceanside Marine Centre) generally appeared free of sediment from the recent rains except for the site entrance at Nautilus Street (see photos 04, 05 and 06).

The site has about four small sediment basins which drain to a main sediment basin located on Nautilus Street close to the site entrance (see photo 07). The main sediment basin is fitted with a 4-foot earthen berm which is fitted with a spill way and is designed to contain a ½ inch storm event. Within the sediment basin are two 'sealed off' storm drain inlets (see photos 08 and 09) which discharge to the 'south' outfall along N. Harbor Drive. Mr. Tim Fraser stated that, "only the 'south' outfall drains this site and not the 'north' outfall. The 'north' outfall drains an adjacent construction project not related to Hunt." He produced a Grading and Drainage Plan (G-3) (Attachment A) that seemed to support his claim.

The design capacity and effectiveness of the sediment basin is limited by the placement of the basin which is quite unusual. Two sealed storm drain inlets lie directly within the basin. The basin is inadequate to contain rain events greater than ½ in (recent rain was estimated at 2.3 inches). It appears the only feasible location for the placement of the sediment basin is at the main entrance (low spot on Nautilus Street) of the site. Attempts to completely seal off the inlets are most likely met with only limited success. At capacity, the water level in the basin comes up to the buildings foundation.

It appears that sediment-laden storm water might have leached through the 'sealed' storm drain inlets located directly within the basin and also might have flowed over the basin's spill during recent rain events to the offsite storm drain inlets at the site entrance.

To eliminate subsequent off site discharges when the basin meets or is on the verge of exceeding capacity, storm water is pumped into trucks to an offsite location (Range 130 and 131) at Camp Pendleton in an effort to eliminate any storm water discharges to the Harbor.

A general overview indicates the site lacked an effective combination of erosion and sediment barriers on some graded areas to eliminate high-flow discharges of storm water.

A porta john was improperly placed on the earthen surface without proper containment (see photo 10). Operator was advised of proper containment of waste storage and handling and proposed to correct the matter immediately.

The site lacked adequate entrance/exit BMPs to eliminate sediment tracking by vehicles.

A few days after the inspection, Camp Pendleton later disclosed that the adjoining construction project, Wire Mountain Housing, is also a Camp Pendleton construction project being built by Hunt Building Company. Storm water from Wire Mountain Housing construction drains to the 'north' outfall and photo-documentation shows that there was at least one episode of sediment-laden discharge to the Harbor due to employee error. Verbal complaints from citizens and past photo-documentation by the City of Oceanside showed sediment discharges at the 'south' and 'north' outfalls from heavy rains. Both construction projects are built by the same building company, Hunt Building Company.

Summary of Violations of Order No 99-08-DWQ:

1: Section A.2: Failure to prevent prohibited discharges. The Discharger failed to implement an effective combination of erosion and sediment controls on all disturbed areas during the rainy season to eliminate storm water discharges. Photo-document shows discharges of sediment-laden storm water into Oceanside Harbor.

2: Sections A.6 and A.8: Failure to implement and maintain Best Management Practices: Your site lacked an effective combination of erosion and sediment barriers on some graded areas to eliminate offsite discharges.

a) Section A.8: The sediment basin is undersized, inappropriately located, and limited in design for storm water containment and treatment purposes.

b) Sections A.5.b.2 & B: The storm drain inlets were not adequately stabilized to protect against discharges of storm water.

c) Sections A.5.b.4 &b.5: A porta john located at the site entrance lacked secondary containment.

d) Section A.8: The site entrance/exit lacked proper stabilization to eliminate offsite tracking due to vehicular activity.

III. SIGNATURE SECTION

Tony	Felix	FAL	24	2/28/08			
STAFF INSPECTOR	.,	SIGNA	TURE	INSPECTION	DATE		
IV. (For internation	al use only)			·····			
Reviewed by Supe	rvisor:		4-	24 Mar 08	Date		
cc: Jeremy Jol	nnstone (EPA),	John Norton (SWRCB),	City			Storm Drain	Enforcer
Inter-office Re	ferral: 1)	. 2)	3)	4)		5)	

CIWQS Information:

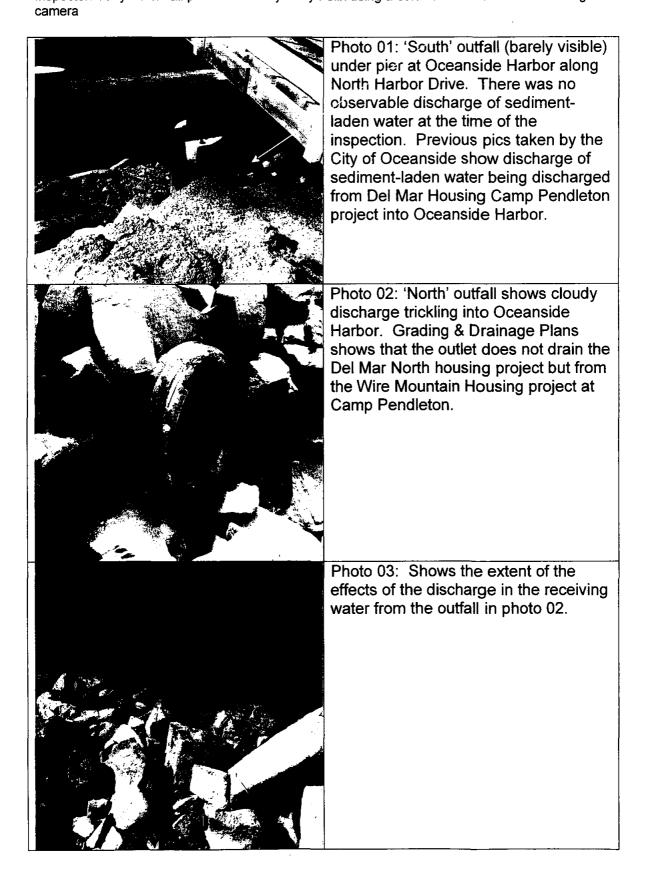
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Regulatory Measure ID	327292	
Place Identification Number	652926	
Inspection Identification Number	1332339	
Violation Identification Numbers	738203, 738204	

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February 28, 2008

Del Mar North-Del Mar Housing Camp Pendleton

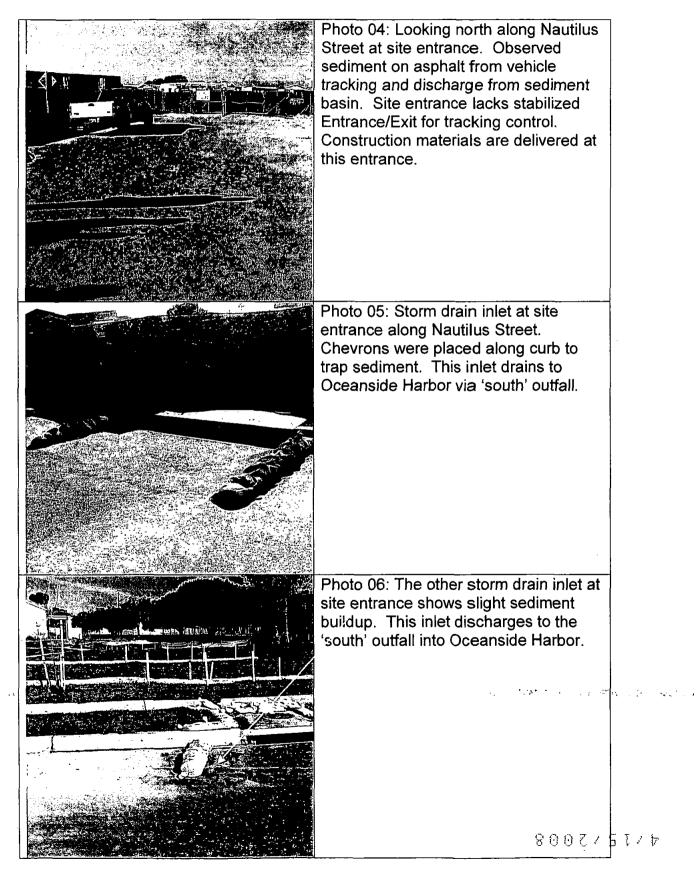
WDID # 9 37C348390; Violation # R9-2008-0038 Inspector: Tony Felix –all photos taken by Tony Felix using a color Canon PowerShot S50 digital



February 28, 2008

Del Mar North-Del Mar Housing Camp Pendleton WDID # 9 37C348390; Violation # R9-2008-0038

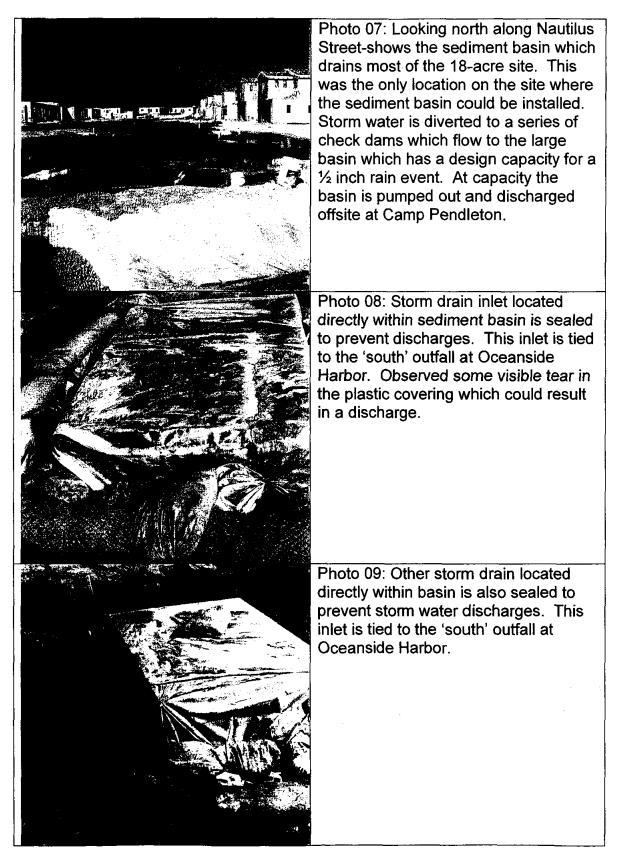
Inspector: Tony Felix –all photos taken by Tony Felix using a color Canon PowerShot S50 digital camera



Statewide General Construction Storm Water Permit

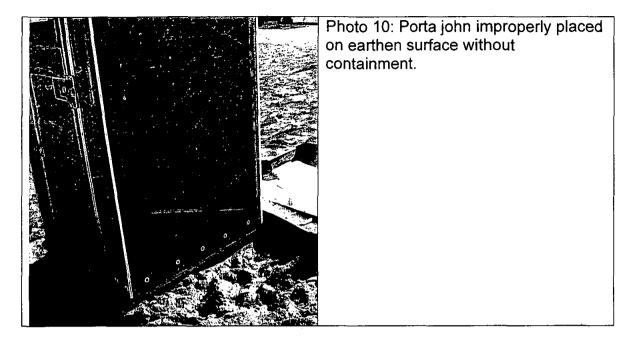
Del Mar North-Del Mar Housing Camp Pendleton WDID # 9 37C348390; Violation # R9-2008-0038 February 28, 2008

Inspector: Tony Felix –all photos taken by Tony Felix using a color Canon PowerShot S50 digital camera



Del Mar North-Del Mar Housing Camp Pendleton WDID # 9 37C348390; Violation # R9-2008-0038

Inspector: Tony Felix –all photos taken by Tony Felix using a color Canon PowerShot S50 digital camera



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Statewide General Construction Storm Water Permit

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Page 4 of 4



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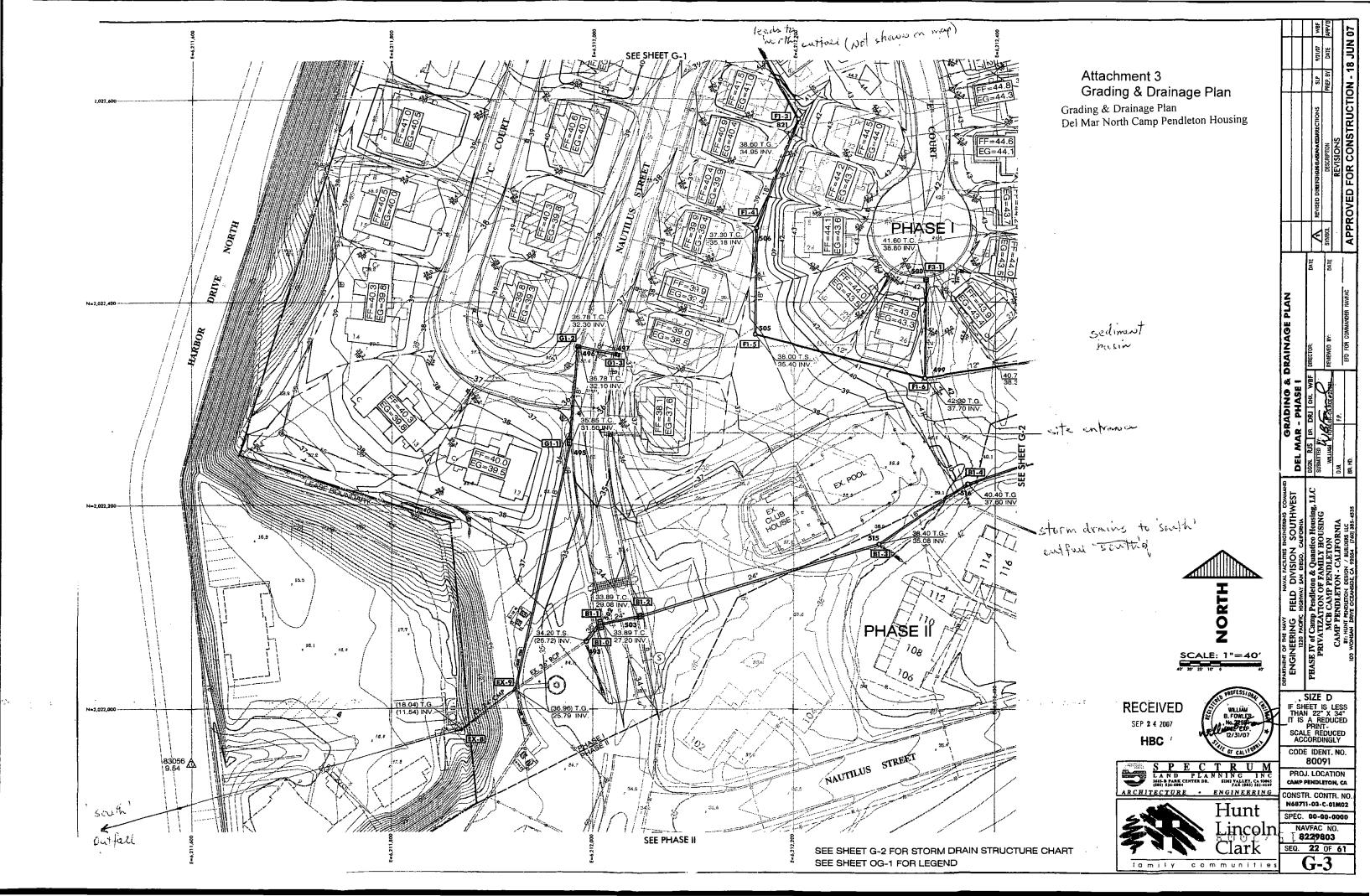


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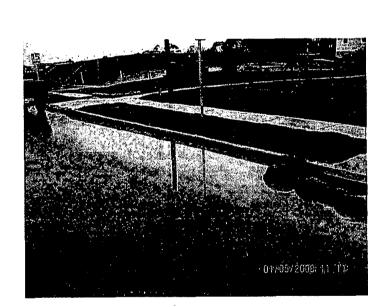


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All photos taken during 2/28/2008 inspection



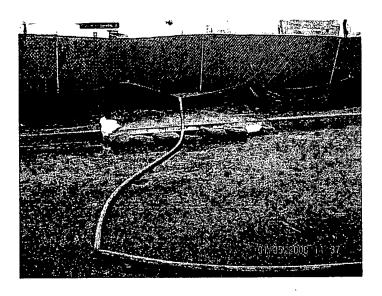
Attachment 4 Photo-documentation of Discharges into Oceanside Harbor



Storm drain inlet on Nautilus Street



Storm drain inlet on Nautilus Street.



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Storm drain inlet on Nautilus Street



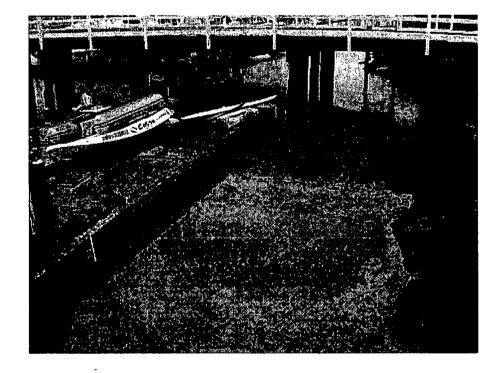
Sediment discharge at 'south' outfall into Oceanside Harbor on 1/15/2008



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Sediment discharge at 'south' outfall into Oceanside Harbor on 1/29/2008



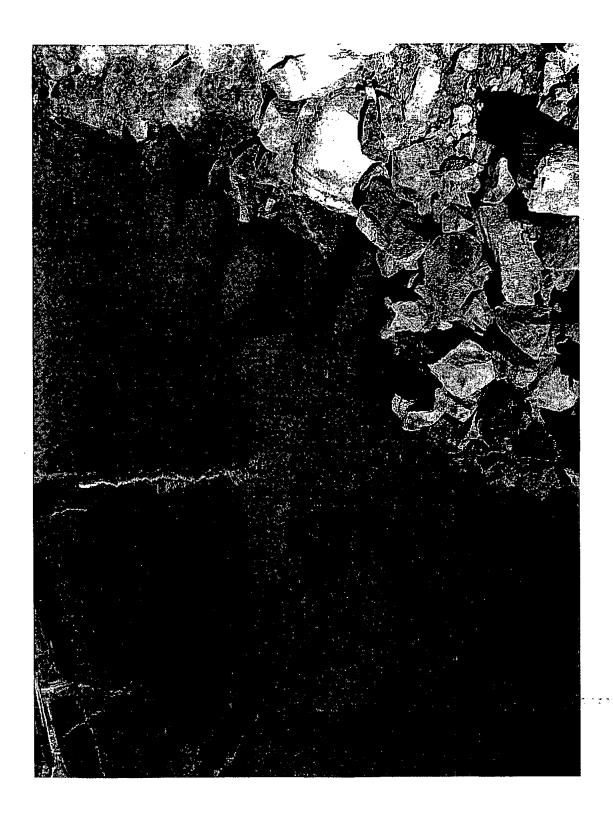
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Sediment discharge at 'south' outfall into Oceanside Harbor on 1/07/2008

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Sediment discharge at 'north' outfall into Oceanside Harbor on 1/07/2008



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COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELI	VERY		
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11, February 2004

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