



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

October 22, 2008

VIA CERTIFIED MAIL (RETURN RECEIPT)
7007 0710 0000 5763 4793

Ms. Yvette Anthony
43435 Avenida de San Pasqual
Temecula, CA 92592

In reply refer to:
NWP:R920070015:cloffen

RE: NOTICE OF VIOLATION NO. R9-2008-0147 & REQUIRED TECHNICAL REPORT

**Subject Site: Culvert and Riprap at Santiago Road, East of John Warner Road,
Temecula, CA**

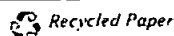
Dear Ms. Anthony,

Enclosed is **Notice of Violation (NOV) No. R9-2008-0147** for the subject site in the City of Temecula, Riverside County, California. The violations specified are identified in the attached routine site inspection from October 01, 2008 by Environmental Scientist Chad Loflen and Water Resource Control Engineer Ben Neill of the California Regional Water Quality Control Board, San Diego Region (Regional Board). Violations observed include the construction of a culvert and associated riprap fill for an unpermitted stream crossing on Santiago Road east of John Warner Road in the City of Temecula.

Pursuant to California Water Code (CWC) section 13267 and 13383, the Regional Board directs you to submit a **Required Technical Report (RTR)** received at the Regional Board no later than **5:00 PM, November 22, 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. A discussion of the filling of the Unnamed Drainage including, at minimum, the following:
 - a) A timeline of activities related to the construction of the "culvert and associated riprap."
 - b) The amount of fill to waters of the State and, where appropriate, waters of the United States, resulting from construction of the "culvert and associated riprap."
 - c) A description of the pre-construction condition of the streambed.
 - d) A description of any calculations made for flow analysis and culvert sizing.

California Environmental Protection Agency



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2. A list of all applicable federal, state and local permits, licenses and agreements that were obtained for construction of the "culvert and associated riprap."
3. A list of the responsible parties for the construction activities associated with the "culvert and associated riprap," including grading, placement and culvert construction.
4. The name, contact information and involvement of all associated property owner(s) at the time of construction of the "culvert and associated riprap."
5. The status of the California Environmental Quality Act (CEQA) review for the work that resulted in the discharge and, if available, a copy of the final or draft CEQA document.

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.

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 Chad Loflen at 858-467-2727 or cloflen@waterboards.ca.gov. Written correspondence should be directed to the following address:

Ms. Yvette Anthony
R9-2008-0147

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October 22, 2008

Michael P. McCann, Assistant Executive Officer
Attn: Chad Loflen
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: Notice of Violation R9-2008-0147
Inspection Report Dated October 01, 2008

cc by mail:

- Shawn Nelson, City Manager
City of Temecula
43200 Business Park Dr.
Temecula, CA 92590

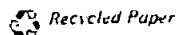
cc by e-mail:

- Forrest Vanderbilt, U.S. Army Corps of Engineers,
Forrest.B.Vanderbilt@usace.army.mil
- Jeff Brandt, California Department of Fish and Game, JBrandt@dfg.ca.gov

CIWQS:

13267: 353859
NOV: 353872
Place No.: 647078
Violations: 790677, 790682, 790685

California Environmental Protection Agency



11/3/2008

On January 30, 2007, Yvette Anthony submitted Notification to the Regional Board for a State Pre-certified Section 401 Water Quality Certification for Tentative Parcel Map 35039 (Project) under United States Army Corps of Engineers (USACOE) Nationwide Permit (NWP) No. 29 for Single-Family Housing. The applicant proposed to permanently discharge fill into 0.01 acres of waters of the United States associated with the installation of culverts within the Unnamed Tributary at Santiago Road east of John Warner Road in the city of Temecula, Riverside County, California. The State Pre-certified Section 401 Water Quality Certification Application for the Project was given file no. 07C-015. However, upon review of the Project it was determined that the discharge of fill associated with the Project was not covered by NWP 29 due to Project plans to subdivide the property. On February 26, 2007, a denial letter was sent to Ms. Yvette Anthony for State Pre-certified Section 401 Water Quality Certification Application under NWP No. 29. The denial letter instructed Ms. Anthony to apply for an Individual Section 401 Water Quality Certification for the proposed fill activities. The existing culvert is located beneath Santiago Road east of John Warner Road, as proposed in the denied State Pre-certified Section 401 Water Quality Certification. The riprap fill is located east of John Warner Road on the north and south sides of Santiago Road. The Regional Board does not have a record of an individual application for Clean Water Act Section 401 Certification or the filing of a ROWD for the discharge of fill associated with the "culvert and associated riprap."

Summary of Violations:

I. FAILURE TO FILE A ROWD FOR WASTE DISCHARGE REQUIREMENTS

➤ Pursuant to CWC Section 13260:

- Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state shall file with the appropriate regional board a report of the discharge, containing the information required by the regional board.

Observation: Ms. Yvette Anthony did not file a ROWD for the discharge of fill to the Unnamed Drainage associated with construction of the "culvert and associated riprap".

II. FAILURE TO SUBMIT AN APPLICATION FOR CWA SECTION 401 WATER QUALITY CERTIFICATION

➤ Pursuant to CWC Section 13376:

- Any person proposing to discharge dredged or fill material to waters of the United States under permit systems provided by the Federal CWA, must file a report at least 180 days *in advance* of the date on which it is desired to commence the discharge. The discharge of dredged or fill material by any person except as authorized by waste discharge requirements or dredged or fill material permits is prohibited.

Observation: Ms. Yvette Anthony did not submit an application for CWA Section 401 Water Quality Certification for the discharge of fill to the Unnamed Drainage associated with construction of the "culvert and associated riprap."

III. FAILURE TO COMPLY WITH WASTE DISCHARGE PROHIBITION NO. 1

➤ **Pursuant to Waste Discharge Prohibition No.1 of the Water Quality Control Plan for the San Diego Basin:**

- The discharge of waste into waters of the State in a manner causing, or threatening to cause, a condition of pollution, contamination or nuisance as defined in CWC Section 13050, is prohibited.

Observation: The discharge of fill to streams has the potential to result in alteration or elimination of the Beneficial Uses associated with the water body. The Unnamed Drainage is tributary to Temecula Creek. Beneficial Uses assigned to Temecula Creek and its tributaries include MUN, AGR, IND, PROC, GWR, REC2, WARM and WILD. Construction of the Project in and over the Unnamed Drainage has eliminated the Beneficial Uses of the Unnamed Drainage in that location. The fill of the Unnamed Drainage has *fragmented upstream and downstream reaches* and was observed to have resulted in alteration of the hydrologic characteristics of the drainage that has led to downstream erosion along Santiago Road and along the property on the southern side of the streambed. Alteration of hydrologic characteristics results in diminished quality of in-stream and riparian habitat for flora and fauna in the Unnamed Drainage and downstream. Furthermore, construction of the Project has the potential to result in the discharge of pollutants to the remaining portion of the Unnamed Drainage, resulting in the degradation of downstream Beneficial Uses.

Questions pertaining to the issuance of this Notice of Violation should be directed to Chad Loflen at 858-467-2727 or cloflen@waterboards.ca.gov. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

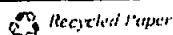
David Barker, Supervising Engineer
Attn: Chad Loflen
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340



David Barker
Supervising Engineer

10/17/08
DATE

California Environmental Protection Agency



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

FACILITY INSPECTION REPORT

FACILITY: Parcel Map 35039 WDID/401 File #: 07C-015 INSPECTION DATE/Time: October 01, 2008

FACILITY: **Parcel Map 35309 within the City of Temecula, CA**
PLACE ID: 647078

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: **None**
Yvette Anthony

951-265-3241

NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

OWNER CONTACT NAME AND PHONE #

FACILITY OR DEVELOPER NAME (if different from owner)

FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

Santiago Road @ John Warner Road (Via Valencia) Property of

Temecula, CA

FACILITY STREET ADDRESS

*owner located
North of Intersection*

FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- 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 TYPE (Check One)

- A1 ___ "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
- B1 X "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02 ___ Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
- 03 ___ Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
- 04 ___ Complaint--Inspection made in response to a complaint.
- 05 ___ Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06 ___ No Exposure Certification (NEC) - verification that there is no exposure of industrial activities to storm water.
- 07 ___ 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 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)

N 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: The owner originally applied for a 401 Water Quality Certification under Nationwide Permit (NWP) 29 for single family homes on January 30, 2007, but wished to subdivide the property. The 401 Certification Application was assigned File No. 07C-015. A denial letter was sent by the Regional Board on February 26, 2007 notifying the applicant that NWP 29 was not valid for subdivisions and an individual 401 Certification was required. No individual 401 Certification Application was received by the Regional Board.

11/5/11

FACILITY: Parcel Map 35039 WDID/401 File #: 07C-015 INSPECTION DATE/Time: October 01, 2008

II. FINDINGS (See attachments)

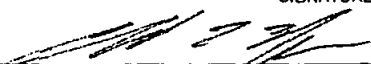
- The property has been graded and subdivided into 3 lots that are for sale.
- The proposed culvert from the original NWP 29 submittal appears to have been built; *located just east of John Warner Rd & under Santiago Rd*
- The culvert is causing downstream bank erosion.
- Rip rap fill has been added to the creek in what appears to be an attempt to reduce erosion along Santiago Road and the property along the Southern creek bank.
 - Rip rap fill has been added downstream of the culvert at the culvert outlet
 - Rip rap fill has been added downstream of the culvert on the Southern bank of the streambed in what appears to be an attempt to control erosion of the bank. The Southern side of the stream appears to be private property.
 - Rip rap fill has been added downstream of the culvert on the Northern bank of the streambed adjacent to Santiago Road. It appears that the rip rap fill is in place in an attempt to protect the road by preventing erosion of the bank. The rip rap appears to have been inundated with sediment.
 - Rip rap fill has been added upstream and adjacent to the culvert on what appears to be the Southeast corner of the subdivided property
 - Photos are available at S:\Watershed Protection\North Unit\Photos\01 Oct 2008 Riverside County\07C-015 Graded Lots Parcel Map 35039

III. RECOMMENDATIONS AND ADDITIONAL COMMENTS

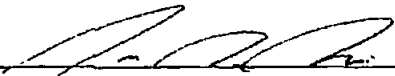
- Determine the responsible party for the fill activities
- Take enforcement measures against responsible party to remediate fill activities and prevent further erosion

IV. SIGNATURE SECTION

Inspection Report
received by:

FACILITY REPRESENTATIVE	SIGNATURE	TITLE	DATE
Chad Loflen			October 1, 2008
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE	

VI. (For internal use only)

Reviewed by Supervisor: 	Date: <u>8 Oct 08</u>
cc:	
Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____	

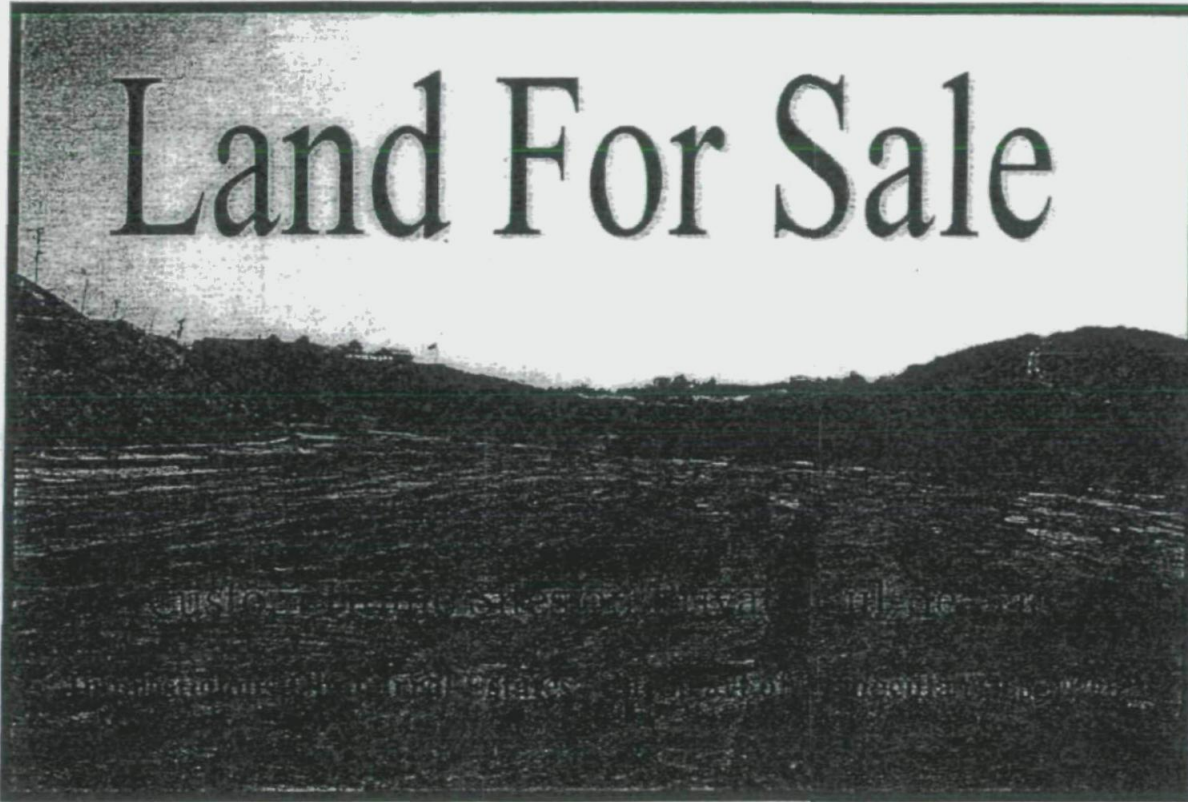
Attachments:

- 1) For Sale Public Advertisement
- 2) Site Photographs

Attachment 1: For Sale Public Advertisement

FACILITY: Parcel Map 35039 WDID/401 File #: 07C-015 INSPECTION DATE/Time: October 01, 2008

Front Page:



Lot 3 – 1.75 gross acres w/ .50 acre graded pad ~~\$ 445,000~~
\$ 350,000
 Lot 3 includes a roomy side-lot for horses, RV storage, vineyard or

Lot 2 – 1.14 gross acres w/ .63 acre graded pad **\$ 484,000**
 Lot 2 has approved house plans for 3900 sq. ft home ready to build.

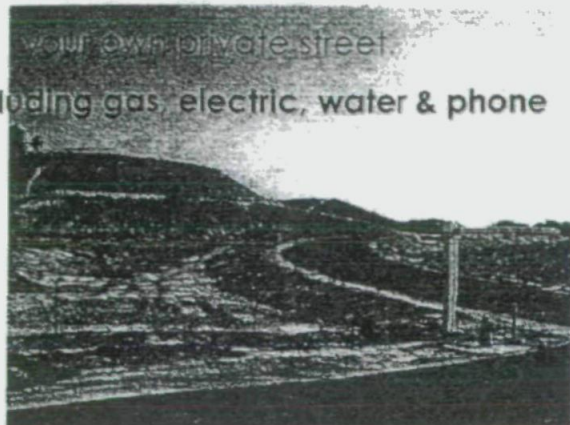
Lot 1 – 1.28 gross acres w/ .70 acre graded pad **\$ 544,000**
 Lot 1 is the largest, most private home site as well as the highest in elevation.

Purchase all 3 lots and own your own private street.

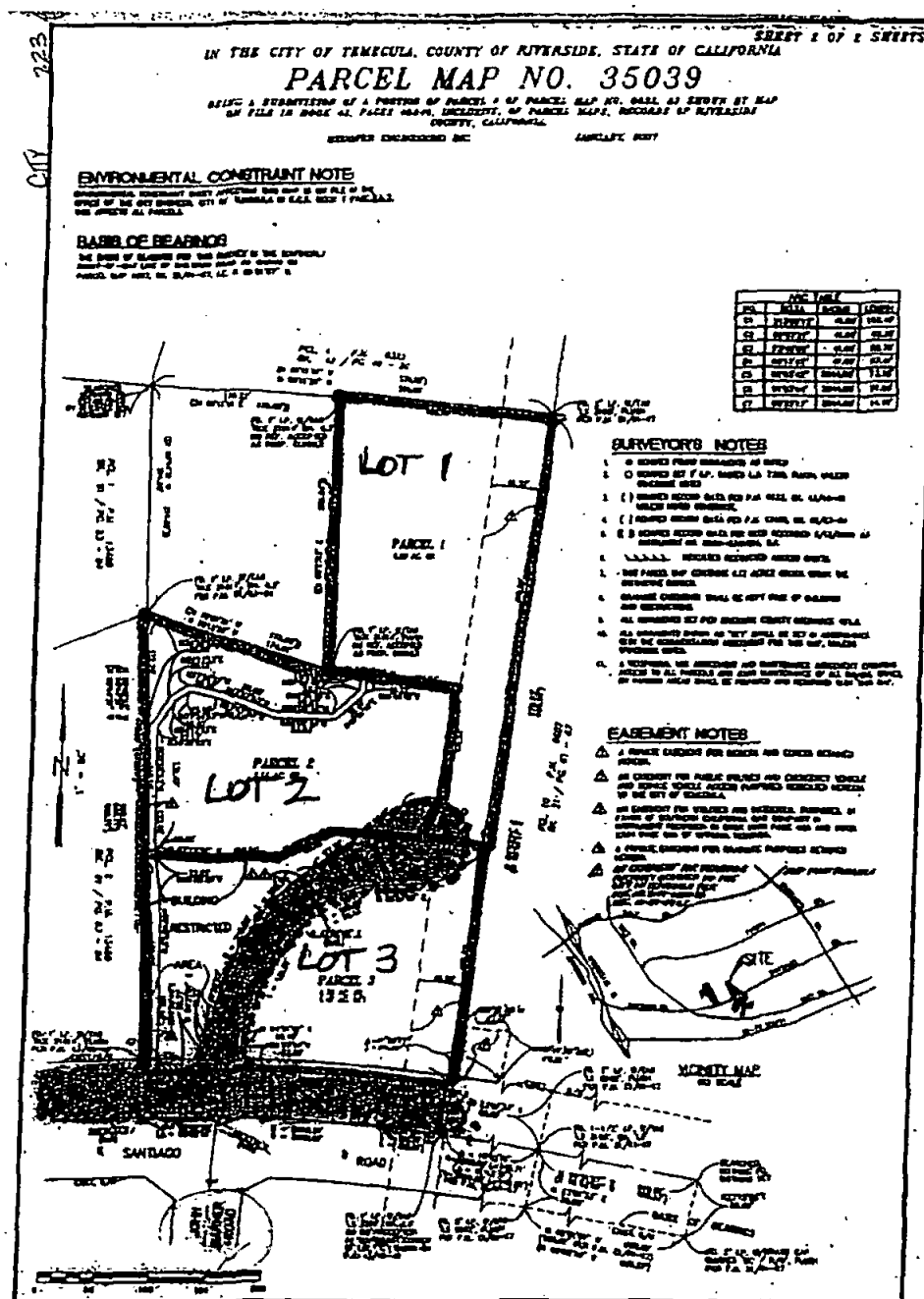
- * All utilities stubbed to pads including gas, electric, water & phone
- * Low tax rate area

Call Yvette Anthony (951) 265-3241

Will Co-op with Brokers



Back Page:



Attachment 2: Site Photographs

FACILITY: Parcel Map 35039

WDID/401 File #: 07C-015

INSPECTION DATE/Time: October 1, 2008

Figure 1. Looking downstream towards the culvert and Santiago Road.



Figure 2. Southeast corner of graded lots on the upstream side of culvert.

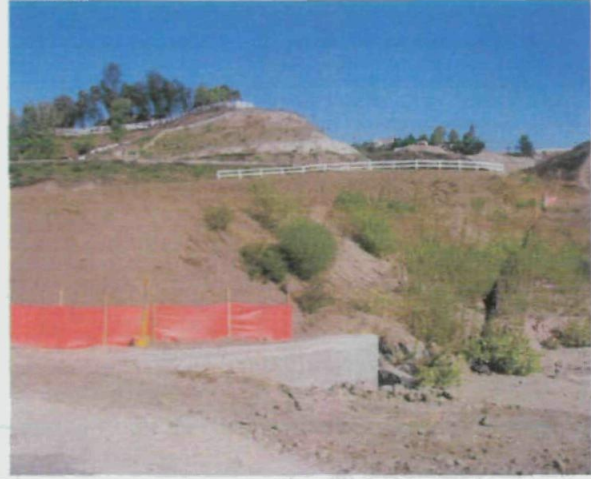


Figure 3. Graded lots North of Santiago Road.

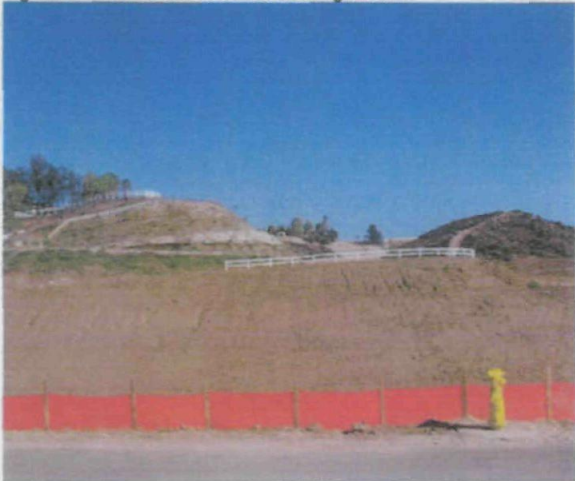


Figure 4. Rip-rap fill and erosion of Southern bank downstream of culvert outlet.



Figure 5. Looking upstream at culvert outlet.



Figure 6. Rip-rap fill and erosion of the Northern bank downstream of culvert.



11/3/20

Location and direction of photographs in Figures 1-6, with arrows denoting direction and numbers representing Figures 1-6.

