

California Regional Water Quality Control Board, San Diego Region

March 12, 2015

**NOTICE OF VIOLATION**  
**No. R9-2015-0050**

Steve Sarkozy  
City Manager  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008-1949  
[Steve.sarkozy@carlsbadca.gov](mailto:Steve.sarkozy@carlsbadca.gov)

City of Carlsbad

El Camino Real Road Widening Project  
PIN No. SM-832587:lwalsh

**Violations of**

**Order No. 2009-0009-DWQ,  
Construction General Permit**

City of Carlsbad is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The City of Carlsbad is in violation of State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, NPDES No. CAS000002, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit).

**A. Summary of Violations**

**Construction General Permit Violations**

**1. Failure to Comply with Effluent Limitations for Construction Activities:**

- a. Pursuant to Provision V.A.2 of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants.

- b. Pursuant to Provision X and Section A.1.b of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
- c. Observation:** On March 2, 2014, the San Diego Water Board inspector observed a major discharge of sediment laden water to the MS4. See Attachment1 – Photos 1 and 2. The discharge of sediment laden water from the site is evidence that the City failed to use proper controls, structures, and management practices at the site that achieves best conventional treatment (BCT) for conventional pollutants. During the March 2, 2015 site inspection, the San Diego Water Board inspector observed a lack of effective erosion controls and runoff controls required by the CGP. Soil stabilization (e.g. soil tackifiers, hydroseed, etc.) technologies were not deployed in conjunction with runoff controls at the site. Without soil stabilization BMPs, in place, in addition to runoff controls the site did not meet BCT. See Attachment 1 – San Diego Water Board Facility Inspection Report dated March 2, 2015 Photos 1 through 16.

## 2. Failure to Implement Adequate Erosion Controls for Active and Inactive Areas:

- a. Pursuant to Provision X and Section D.2 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.
- b. Pursuant to Provision X and Section E.3 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction. Active areas of construction are areas undergoing land surface disturbance. This includes construction activity during the preliminary stage, mass grading stage, streets and utilities stage and the vertical construction stage.
- c. Observation:** During the March 2, 2015 inspection, the San Diego Water Board inspector observed a lack of erosion controls on active portions of the site which caused significant erosion and a discharge of sediment laden water to the MS4. Erosion controls/soil stabilization controls were not deployed on active areas of the site to stabilize the soil surface and prevent soil particles from being detached by rainfall, flowing water, or wind. See Attachment 1 – Photos 3 and 4. Further the inactive areas of the site, or those areas that could be scheduled to be inactive, were also observed to lack soil cover or other BMPs that could prevent erosion. See Attachment 1 – Photos 13 through 16. The portion of the site located west of El Camino Real lacked soil cover for soil stabilization or runoff controls for erosion control. SWPPP page 16 notes that providing effective soil cover for inactive areas and finished slopes, open space, utility backfill, and completed lots is “Not applicable to the project.” The SWPPP is inaccurate. Provision X and Section D.2 of Attachment D of State Water Board Order No. 2009-0009-DWQ requires the City of Carlsbad to provide effective soil cover for inactive areas.

### 3. Failure to Implement Adequate Sediment Controls:

- a. **Pursuant to Provision X and Section E.1 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
- b. **Pursuant to Provision X and Section E.2 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** On sites where sediment basins are to be used, Risk Level 2 dischargers shall, at minimum, design sediment basins according to the method provided in CASQA's Construction BMP Guidance Handbook.
- c. **Pursuant to Provision X and Section E.4 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers shall apply linear sediment controls along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with sheet flow lengths in accordance with Table 1 in Attachment D to Order No. 2009-0009-DWQ.
- d. **Observation:** During the March 2, 2015 inspection, the San Diego Water Board inspector observed a lack of effective perimeter controls (see Attachment - Photo 12) and inlet protection (see Attachment - Photos 9 and 16) in place at the site. Run-on to the site inundated the sites perimeter controls causing significant erosion resulting in a significant discharge of sediment from the site to an unnamed tributary to Agua Hedionda Creek and Agua Hedionda Lagoon. Further, the San Diego Water Board inspector observed a lack of erosion control BMPs in conjunction with sediment control BMPs throughout the site. Erosion controls BMPs include both runoff controls and soil stabilization controls. Order 2009-0009-DWQ defines erosion control BMPs as vegetation, such as grasses and wildflowers, and other materials, such as straw, fiber, stabilizing emulsion, protective blankets, etc. placed to stabilized areas of disturbed soils, to reduce loss of soil due to the action of water or wind, and prevent water pollution." CASQA Construction BMP Guidance Manual defines erosion control as "any source control practice that protects the soil surface and prevents soil particles from being detached by rainfall, flowing water, or wind. See Attachment 1 - Photos 3 through 6, 9, 11, and 13 through 15.

A sediment basin bermed with sand bags was in place at the downgradient end of the site located east of El Camino Real. Sediment basins are to be designed pursuant to CASQA Construction Stormwater BMP Handbook. The sediment basin on site was not present prior to the rain event and the one constructed on March 2, 2015 after the rain event was not designed in compliance with the CASQA Handbook. For before rain event see Photos at 0745 in Attachment 2 - March 2, 2015 City of Carlsbad El Camino Real Road Widening Project Incident Summary Report, Job 3957, WDID# 937C371534. For after rain event, see Attachment 1 - Photos 7 and 8.

Linear sediment controls were not present on all slopes along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with the sheet flow lengths stipulated in Table 1 of Attachment D in Order No. 2009-0009-DWQ. See Attachment 1 - Photos 3 through 6, 11, and 13 through 16.

#### 4. Failure to Implement Adequate Run-on and Runoff Controls:

- a. **Pursuant to Provision X and Section F.1 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 shall effectively manage all run-on, all runoff within the site and all runoff that discharges from the site. Run-on from offsite shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in the CGP.
- b. **Observation:** During the March 2, 2015 inspection, the San Diego Water Board inspector observed areas of the site unprotected and under protected from run-on. The portion of the site located east of El Camino Real was inadequately protected from run-on (see Attachment 1 - Photo 12) and the portion of the site located west of El Camino Real was not protected from run-on (see Attachment 1 - Photos 13 through 15). A lack of effective run-on protection caused excessive erosion throughout the site. Lack of proper run-on controls contributed to a significant discharge of sediment and sediment laden water to the unnamed tributary to Agua Hedionda Creek and Agua Hedionda Lagoon. See Attachment 1 - Photos 12 through 15.

#### 5. Failure to Implement Repair or Design Changes to BMPs:

- a. **Pursuant to Provision X and Section G.3 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Upon identifying failures or other shortcomings, as directed by the QSP, Risk Level 2 dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
- b. **Observation:** The City of Carlsbad's February 27, 2015 Daily Inspection Report (See Attachment 3) noted Los Angeles Engineering stopped work and began installing storm water BMPs at 1330 hours on February 27<sup>th</sup>, 2015 (i.e. less than 24 hours prior to an event with a greater than 50% chance of rain). The City did not implement the needed BMPs changes and upgrades prior to the rain event. During the March 2, 2015 inspection, the San Diego Water Board inspector observed a continued lack of perimeter, erosion, sedimentation, combination of erosion and sedimentation, and inlet protection throughout the site which contributed to a discharge of sediment and sediment laden water to the unnamed tributary to Agua Hedionda Creek and Agua Hedionda Lagoon. See Attachment 1 - Photos 3 through 6, 11, and 13 through 16. Further, the lack of perimeter, erosion, sedimentation, combination of erosion and sedimentation, and inlet protection throughout the site is documented in photos taken at 0745, 0930, and 1030 by the City of Carlsbad. These photos were taken on March 2, 2015 prior to the San Diego Water Board inspector arriving onsite. The City's photo documentation is evidence the site did not have in place adequate BMPs prior to the rain event as required by Order 2009-0009-DWQ. See Attachment 2 - March 2, 2015 City of Carlsbad El Camino Real Road Widening Project Incident Summary Report, Job 3957, WDID# 937C371534.

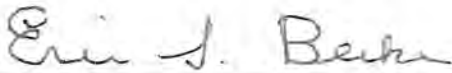
## B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Laurie Walsh at (619) 521-3373 or [Laurie.Walsh@waterboards.ca.gov](mailto:Laurie.Walsh@waterboards.ca.gov).



Eric S. Becker, P.E.  
Senior Water Resource Control Engineer  
Storm Water Management

ESB:law

- Attachment 1: San Diego Water Board Facility Inspection Report dated March 2, 2015
- Attachment 2: March 2, 2015 City of Carlsbad El Camino Real Road Widening Project Incident Summary Report, Job 3957, WDID# 937C371534
- Attachment 3: February 27, 2015 City of Carlsbad Daily Inspection Report

cc: Patrick Vaughan, City of Carlsbad, [Patrick.vaughan@carlsbadca.gov](mailto:Patrick.vaughan@carlsbadca.gov)  
Shawnetta Grandberry, City of Carlsbad, [Shawnetta.grandberry@carlsbadca.gov](mailto:Shawnetta.grandberry@carlsbadca.gov)  
Elaine Lukey, City of Carlsbad, [Elaine.lukey@carlsbadca.gov](mailto:Elaine.lukey@carlsbadca.gov)

Tech Staff Info & Use	
Order No.	2009-0009-DWQ
NPDES No.	CAS000002
Place ID	SM-832587
WDID	9 37C371534
Inspection ID	2024994
Violations ID	85642, 85643, 85644, 85645, 85646, 85647, 85648, 85649
Enforcement ID	418480

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

**FACILITY INSPECTION REPORT**

**FACILITY:** El Camino Real Road Widening

**INSPECTION DATE/TIME:** 03/02/2015; 11:30

**WDID/FILE NO.:** 9 37C371534

**REPRESENTATIVE(S) PRESENT DURING INSPECTION:**

NAME: <u>Laurie Walsh, PE, WRCEngineer</u>	AFFILIATION: <u>San Diego Water Board</u>
NAME: <u>Shawnetta Grandberry, Senior Construction Inspector</u>	AFFILIATION: <u>City of Carlsbad</u>
NAME: <u>Tim Loveridge, Inspector</u>	AFFILIATION: <u>City of Carlsbad</u>
NAME: <u>Todd Peterson, Superintendent</u>	AFFILIATION: <u>Los Angeles Engineering</u>
NAME: <u>Dave Carlin, Associate Engineer, PE</u>	AFFILIATION: <u>Kleinfelder</u>

Patrick Vaughan  
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

El Camino Real Road Widening Project  
FACILITY OR DEVELOPER NAME (if different from owner)

1635 Faraday Avenue, Carlsbad CA 92008  
OWNER MAILING ADDRESS

4501 El Camino Real  
Carlsbad, CA 92008  
FACILITY ADDRESS

Patrick Vaughan (760) 602-2780  
OWNER CONTACT NAME AND PHONE #

Patrick Vaughan (760) 602-2780  
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

**APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:**

- |   |   |
|---|---|
| <input type="checkbox"/> MS4 URBAN RUNOFF REQUIREMENTS          | <input type="checkbox"/> GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES  |
| <input checked="" type="checkbox"/> CONSTRUCTION GENERAL PERMIT | <input type="checkbox"/> GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS |
| <input type="checkbox"/> CALTRANS GENERAL PERMIT                | <input type="checkbox"/> SECTION 401 WATER QUALITY CERTIFICATION                      |
| <input type="checkbox"/> INDUSTRIAL GENERAL PERMIT              | <input type="checkbox"/> 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)

Facility: El Camino Real Road Widening Project  
Inspection Date: 03/02/2015

## I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On March 2, 2015 San Diego Water Board inspector Laurie Walsh performed an inspection of the El Camino Real Road Widening Construction Project (site). The 15.6 acre site is a Risk Level 2 construction project that has been entirely disturbed during the grading phase. Construction began in November 2014. This site is located in the Carlsbad Watershed (904.00 HU) adjacent to El Camino Real between Chestnut and Tamarack. The site drains to an unnamed tributary to Aqua Hedionda Creek, a water of the U.S. and tributary to the Aqua Hedionda Lagoon. During the inspection, it was documented that the site failed to install sufficient storm water best management practices (BMPs) which resulted in significant erosion. The site had ineffective storm water BMPs including lack of soil stabilization controls, inadequate perimeter controls, inadequate run-on controls, inadequate sedimentation controls, and a lack of inlet protection.

On March 2, 2015, at approximately 0700 hours, Laurie Walsh witnessed a significant discharge of sediment laden water from the site (see Photos 1 through 3). In response to discovering the discharge, Ms. Walsh conducted a non-sampling site inspection at approximately 1130 hours that same day, per Order 2009-0009-DWQ Construction General Permit (CGP) and ultimately issued Notice of Violation No. R9-2015-0050 for multiple violations of CGP Order No. 2009-0009-DWQ.

The QSP for the site is Brad Holmes. Mr. Holmes was not present during this site inspection. Ms. Grandberry and Mr. Loveridge with the City of Carlsbad (City of Carlsbad is the LRP); Mr. Peterson with Los Angeles Engineering, and Mr. Carlin with Kleinfelder was present during this inspection. During this inspection focus was on the lack of erosion controls (i.e. soil stabilization controls **and** (emphasis added) erosion controls) throughout the site, ineffective run-on controls, and the significant discharge that occurred as a result of the lack of soil stabilization and adequate run-on controls the morning of March 2, 2015. The SWPPP was located at the storage yard which is located off Tamarack. The inspection did include review of the SWPPP prior to and after the field visit.

## II. FINDINGS

1. A lack of controls, structures, and management practices to achieve Best Conventional Pollutant Control Technology (BCT) for conventional pollutants was observed throughout the site during this inspection.
2. The site lacked soil cover technologies to prevent erosion on both inactive and active portions of the site.
3. At the time of this inspection, sedimentation basins were constructed but not designed in accordance with the method provided in the CASQA Construction BMP Guidance Handbook. Consequently, sedimentation basins failed resulting in discharge of sediment laden water to unnamed tributary to Aqua Hedionda Creek and Aqua Hedionda Lagoon.

**Facility:** El Camino Real Road Widening Project  
**Inspection Date:** 03/02/2015

4. Areas of the site under active construction lacked adequate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs.
5. All slopes lacked linear sediment controls along the toe of the slope, face of the slope, and at the grade breaks of exposed slope to comply with sheet flow lengths in accordance with Table 1 in Attachment D or Order No. 2009-0009-DWQ.
6. A lack of adequate perimeter control and run-on control was observed during this inspection. Failure to provide adequate perimeter controls and run-on controls contributed to a significant discharge of sediment from the site and caused or contributed to hydromodification in the unnamed tributary to Agua Hedionda Creek.
7. Unauthorized discharge of sediment and sediment-laden water was documented through photos taken during this inspection. (See Photos 1 through 16)

### III. COMMENTS AND RECOMMENDATIONS

#### Comments

1. There is evidence that erosion controls were not adequately implemented throughout the site contributing to discharges of sediment and sediment-laden storm water from the site.
2. There is evidence that sediment controls were not adequately implemented which contributed to discharges of sediment from the site.
3. There is evidence that erosion in combination with sediment control BMPs were not adequately implemented to minimize or prevent the discharge of sediment in storm water from the site to an unnamed tributary to Agua Hedionda Creek and Agua Hedionda Lagoon.
4. There is evidence that the site has not implemented BMPs to meet Best Conventional Treatment (BCT) Technology Based Effluent Limitations 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 March 2, 2015.



Facility: El Camino Real Road Widening Project  
 Inspection Date: 03/02/2015

Recommendations

1. Issue a Notice of Violation to City of Carlsbad for discharges of sediment and sediment-laden water from the site, failure to implement adequate BMPs, 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**

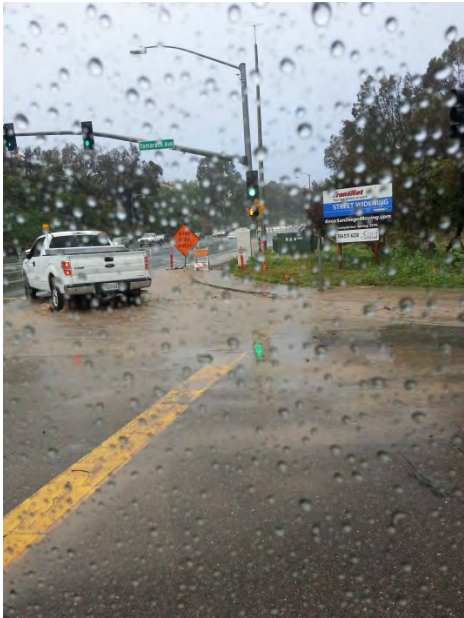
Laurie Walsh, PE		3/02/2015
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker, PE		3/12/15
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
Order No.	2009-00009-DWQ
NPDES No.	CAS000002
Place ID	SM-832587
WDID	9 37C371534
Inspection ID	2024994
Violations IDs	85642, 85643, 85644, 85645, 85646, 85647, 85648, 85649
Enforcement ID	418480

Attachment No. 1 – March 2, 2015 City of Carlsbad El Camino Real Road Widening Project Incident Summary Report, Job 3957, WDID# 937C371534

Facility: El Camino Real Road Widening Project  
 Inspection Date: 03/02/2015



**Photo 1:** Mobilized sediment in storm water discharged from El Camino Real Road Widening Project. Sediment laden water flows along El Camino Real and across Tamarak. (view is north along El Camino Real at 0700 hours). Discharge from site boundary see Attachment No. 1 - 3-02-15 City of Carlsbad Incident Summary Photo at 0745 and 0930



**Photo 2:** Evidence showing significant amount of sediment discharged from the site as seen in sediment laden spray from vehicles. This discharge flows downstream of Photo 1 and Photo 2 draining into Agua Hedionda Creek and Agua Hedionda Lagoon. (view is west along Tamarak with El Camino Real as the cross street at 0700 hours).



**Photo 3:** Project site located east of El Camino Real. Slopes unprotected from erosion. Soil stabilizer(s) not in place. Linear sediment controls not in place. (view is east along El Camino Real at the north end of the site at 1130 hours).



**Photo 4:** Evidence of significant erosion on steep slopes as the result of slopes being unprotected from erosion, of soil stabilizer(s) not being used, and failure to install linear sediment controls. (view is east along El Camino Real at the north end of the site at 1130 hours).

Facility: El Camino Real Road Widening Project  
 Inspection Date: 03/02/2015



**Photo 5:** Project site slopes unprotected from erosion. Soil stabilizer(s) not in place. Linear sediment controls not in place. Silt fence and gravel bag berms installed after rain event (See Attachment No. 1 - 3-02-15 City of Carlsbad Incident Summary Photo at 0745 and 0930 – silt fence not installed) (view is east perpendicular to El Camino Real at the south end of the site at 1130 hours).



**Photo 6:** Check dams installed after rain event. Evidence of sediment discharged on the sidewalk. Discharge the result of lack of, insufficient amount, and ineffective installation of check dams and no silt fence prior to rain event. See Attachment No. 1 - 3-02-15 City of Carlsbad Incident Summary Photo at 0745 and 0930.



**Photo 7** Sedimentation basin constructed after rain event. See Attachment No. 1 - 3-02-15 City of Carlsbad Incident Summary Photo at 0745 and 0930 – sedimentation basin not installed) Sedimentation basin not designed in accordance with CASQA Construction BMP Guidance Handbook as required by CGP.



**Photo 8:** Sedimentation basin is extremely shallow and not designed in accordance with CASQA Construction BMP Guidance Handbook as required by CGP.

Facility: El Camino Real Road Widening Project  
 Inspection Date: 03/02/2015



**Photo 9** Lack of perimeter controls, inadequate run-on controls, lack of erosion in conjunction with sedimentation controls, and lack of soil stabilization controls resulted in a discharge of sediment and sediment laden water from the site. Discharge of sediment beyond the gravel bag dike and sediment deposited as seen in Photo 10 is evidence that sediment was discharged from the site to the unnamed tributary to Agua Hedionda Creek and Agua Hedionda Lagoon. (view is at south end of the site at the discharge point looking north).



**Photo 10** Discharge of sediment traveled along concrete v-ditch shown in Photo 9 to discharge to earthen bottom unnamed tributary as seen here to Agua Hedionda Creek and Agua Hedionda Lagoon. Photo Evidence shows discharge from the site caused or contributed to hydromodification in this receiving water. This project is also required to comply with San Diego Water Board Water Quality Certification 08C-074. (view south of the site, in the unnamed tributary to Agua Hedionda Creek and Agua Hedionda Lagoon at the point where the concrete v-ditch discharges into the earth bottom receiving water).



**Photo 11** Lack of perimeter controls, inadequate run-on controls, lack of erosion in conjunction with sedimentation controls. (view is south of Photo 10 in the unnamed tributary to Agua Hedionda Creek and Agua Hedionda Lagoon).



**Photo 12** Ineffective perimeter controls and protection from run-on. Storm water run-on flow pattern seen here. Breached perimeter and run-on controls shown by yellow line. Perimeter controls and run-on protection was reinforced after the rain event (See Attachment No. 1 - 3-02-15 City of Carlsbad Incident Summary Photo at 0745 and 0930)

Facility: El Camino Real Road Widening Project  
 Inspection Date: 03/02/2015



**Photo 13** Lack of perimeter controls, lack of run-on controls, lack of erosion controls, lack of erosion controls in conjunction with sedimentation controls, and lack of soil stabilization controls. (view at north end of the site located on the west side of El Camino Real looking north).



**Photo 14** Lack of perimeter controls, lack of run-on controls, lack of erosion controls, lack of erosion controls in conjunction with sedimentation controls, and lack of soil stabilization controls. (view at north end of the site located on the west side of El Camino Real looking south).



**Photo 13** Lack of perimeter controls, lack of run-on controls, lack of erosion controls, lack of erosion controls in conjunction with sedimentation controls, and lack of soil stabilization controls. (view at south end of the site located on the west side of El Camino Real looking south toward inlet structure shown in Photo 16). This photo documents rilling evidence of erosion on this portion of the site due to an overall lack of perimeter controls, erosion and sedimentation controls.



**Photo 14** Unprotected inlet. This inlet is located directly down gradient of site shown in Photo 15. Erosion and sedimentation shown in Photos 13-15 are evidence of a discharge of sediment and sediment laden storm water to the MS4.

# El Camino Road Widening Project Discharge Incident Investigation Summary

On March 2, 2015, the City of Carlsbad (City) responded to a report of a discharge at the El Camino Real Road Widening (WDID: 9 37C371534) construction site located between Chestnut Avenue and Tamarack Avenue in the City of Carlsbad. The El Camino Real Road Widening project site comprises approximately 15.6 acres located 1.25 miles east of Interstate-5, south of the Carlsbad Village Drive, and north of the Tamarack Avenue. The project is owned and operated by the City of Carlsbad through a contract (CIP 3957) with Los Angeles Engineering (LAE) and Kleinfelder-Simon Wong Engineering (KSWE).

Between 6:49am and 7:45am approximately 0.5 inches of rainfall overwhelmed the BMPs at the north end of the project site. This inundation resulted in the discharge of sediment to the storm drain system. In addition, BMP failures at the southern portion of the site also contributed to the discharge. The surface discharge flowed south from the project site to the storm drain box located at El Camino Real and Tamarack Avenue (see attached map and photos). The storm drain box connects to a pipe flowing south under Tamarack Avenue, which daylight at a natural vegetated swale where the discharge was captured for desiltation prior to entering a concrete ditch located to the west on Kelly Drive. The Kelly Drive ditch flows directly to Agua Hedionda Lagoon. The distance between the project site and Agua Hedionda Lagoon is approximately 1.3 miles. It appears that the majority of the discharge was contained in the natural vegetated swale.

LAE, KSWE, and City inspectors immediately responded by repairing the breach, providing additional BMPs, strategically relocating BMPs, blocking the storm drain inlets, and removing accumulated sediments. This report represents the incident investigation at the time of submission, however further details or clarifications may be added if requested.

## March 2, 2015

**0600** LAE staff met Tim Loveridge, Project Inspector representing KSWE, onsite to assess the existing BMPs for remediation and preparation for the upcoming rain event. Clear water was observed flowing along El Camino Real curb lines and BMPs were determined to be functioning properly with evidence of accumulated sediment behind upper check dams adjacent to the project site. There was steady light rainfall noted.

**0630** LAE crew finished manually cleaning and preparing previously placed BMPs, removing sediment and resituating gravel bags against curb face (Figure 1).

**0640** LAE and KWSE staff returned to the storage yard to record rain-gauge readings and procure additional gravel bags.

**0645** Rain gauge reading was 1.10”.



- 0649** Rainfall intensity increased significantly prompting LAE staff to return to the site to assess BMP effectiveness. Tim Loveridge observed that the existing drainage inlet located at the northeast corner of El Camino Real and Tamarack Avenue was overwhelmed by the increased flow. Sediment laden runoff was observed flowing over the top of the curb, up the adjacent pedestrian walkway, and out into the intersection.
- 0700** The Project Inspector and LAE staff found that the northernmost BMPs intended to prevent runoff from entering the project site had been breached. This flow combined with the slope runoff from behind the K-Rail resulted in a sediment and debris blockage that breached and gave way to the discharge. The sediment and storm water flowed unabated into the northbound number 2 lane of El Camino Real through the lifting holes of the K-Rail. There was no safe access for staff to block the lifting holes or remove the debris, so efforts focused on maintaining the downstream check dams which were also overrun by the volume of water and sediment.
- 0714** Shawnetta Grandberry, Senior Construction Inspector for the City, received a call from Laurie Walsh of the Regional Water Quality Control Board, stating that she had observed a discharge of sediment laden water from the El Camino Real Road Widening Project entering the intersection at El Camino Real and Tamarack Avenue.
- 0720** Dave Carlin, Project Construction Manager for KSWE, arrived on site as the most severe period of rainfall was ending. He began assisting LAE staff in repairing the BMPs.
- 0727** The Senior Construction Inspector contacted Casey Arndt, the Municipal Projects Manager for the City, and Dave Carlin to notify them of the discharge. Dave Carlin stated he was aware of the discharge and that crews were actively working to repair the breach. Dave Carlin also contacted Casey Arndt to inform him of the BMP breach and a resulting discharge. A field meeting was immediately called to determine a course of action.
- 0740** Rainfall at this time had reduced to intermittent sprinkle and crews were able to safely resume work adjacent to traffic. Casey Arndt and Shawnetta Grandberry met Dave Carlin and LAE staff on site to assess BMP management and develop a course of action to remediate the site and prepare for the next forecast event. A list of additional BMPs and corrective actions was developed and required to be installed prior to 1300. LAE began installation of additional BMPs along toe and southerly (low-end) of project. BMPs already in place along both sides of ECR were cleaned and additional gravel-bags were added. Additional check dams were added along the northbound El Camino Real curb line as well as in existing concrete ditch located behind the sidewalk. Between 0730-1130, installation of additional BMPs as described above continued with only intermittent light rainfall with little to no flow observed in the curb line.
- 0745** The rain gauge reading was over 1.60", indicating a total of 0.50" of rain had fallen in approximately one hour.
- 0752** Patrick Vaughan, Engineering Manager for the City's Construction Management and Inspection Division, was notified and updated on the incident investigation.
- 0808** Patrick Vaughan arrived onsite for an assessment and briefing.
- 0830** City staff left the project site.

- 1130** Laurie Walsh arrived on site and met with Dave Carlin, Todd Petersen, Superintendent for LAE, and Tim Loveridge. Items specifically noted by Ms. Walsh were inadequacy of upstream run-on protection, lack of required slope protection BMPs (erosion control and runoff control), inadequate perimeter BMPs around the site, and the need for additional layering of previously placed check dams.
- 1140** Shawnetta Grandberry arrived onsite to meet with Ms. Walsh. Ms. Walsh again relayed her recommended corrective actions. In addition, during the field meeting Ms. Walsh stated her intention to issue a NOV to the project for the discharge.
- 1300** The final rain event of the day moved in and crews continued cleaning and maintaining the BMPs. No evidence of further sediment runoff was observed during this period.
- 1530** Work crews finished refreshing and installing the required BMPs. Additional fiber rolls were placed on the excavated slope benches and gravel bags were added to run-on protection and check dam locations. Check dams along the westerly side of El Camino Real were reinstalled and supplemented. A street sweeper went along entire project footprint to remove all accumulated sediment and clear the curb lines. Prior to end of shift LAE and KWSE staff met to discuss planned operations to further prevent the discharge of sediments from the site.

### **March 3, 2015**

LAE called off all production work and scheduled staff to perform slope-protection, BMP installation repair/replace of BMPs, and reestablish the BMP stockpile per City direction.

### **March 4, 2015**

Production work returned to scheduled activities. City staff met with LAE and KSWE to discuss the incident. The site continues to be monitored by the City, LAE, and KSWE. The SWPPP has been reviewed and contractor has ensured the City that all BMPs have been implemented and will be maintained throughout the duration of the project. The area of primary concern is the engineered cut/fill slope where several BMPs have been placed in a manner that they can be quickly removed/replaced to facilitate the work. The backfill operation will continue with all required BMPs stockpiled directly adjacent to the work-site. In advance of any predicted rain events stockpiles will be inspected and verified for deployment. The City is awaiting a response from the Native American monitors to determine if temporary backfill behind the westerly curb line of ECR can be performed. LAE and KWSE added additional fiber-roll to manage any potential flow from the surrounding private lots.

### **March 5, 2015**

The contractor and the City were proactive and expeditious in their response, implementing corrective actions as soon as the breached was discovered. The City will work closely with the contractor to reduce, eliminate, and prevent reoccurrence of non-storm discharges from this construction site. As a City sponsored project, compliance with the JURMP, Municipal Code, Municipal Permit, and Construction General Permit is of the highest priority.

Prepared by: Shawnetta Grandberry, Senior Construction Inspector, City of Carlsbad  
Dave Carlin, Project Construction Manager, Kleinfelder-Simon Wong Engineering

Date: March 5, 2015



<b>Job Title</b>	<b>El Camino Real Road Widening – Incident Summary Photos 03-02-15</b>		
<b>Job No</b>	<b>3957</b>		
<b>WDID#</b>	<b>9 37C371534</b>		



Time:	0740	By:	S. Grandberry
Discharge flowing south on ECR from the project site.			

Time:	0740	By:	S. Grandberry
Discharge flowing over and around chevrons on of ECR.			



Time	0745	By	S. Grandberry
Ineffective BMP placement resulted in several breaches throughout the site.			

Time	0745	By	S. Grandberry
Lack of BMP stockpiles throughout the site resulted in relocation of BMPs to breached areas.			



Time	0930	By:	D. Carlin
Northernmost run-on protection where rainfall overwhelmed diversion and flowed behind K-Rail resulting in primary sediment discharge.			

Time:	930	By :	D. Carlin
Sediment accumulated behind K-rail from slope erosion. Resulted in sediment flowing out of K-rail lifting holes onto ECR.			

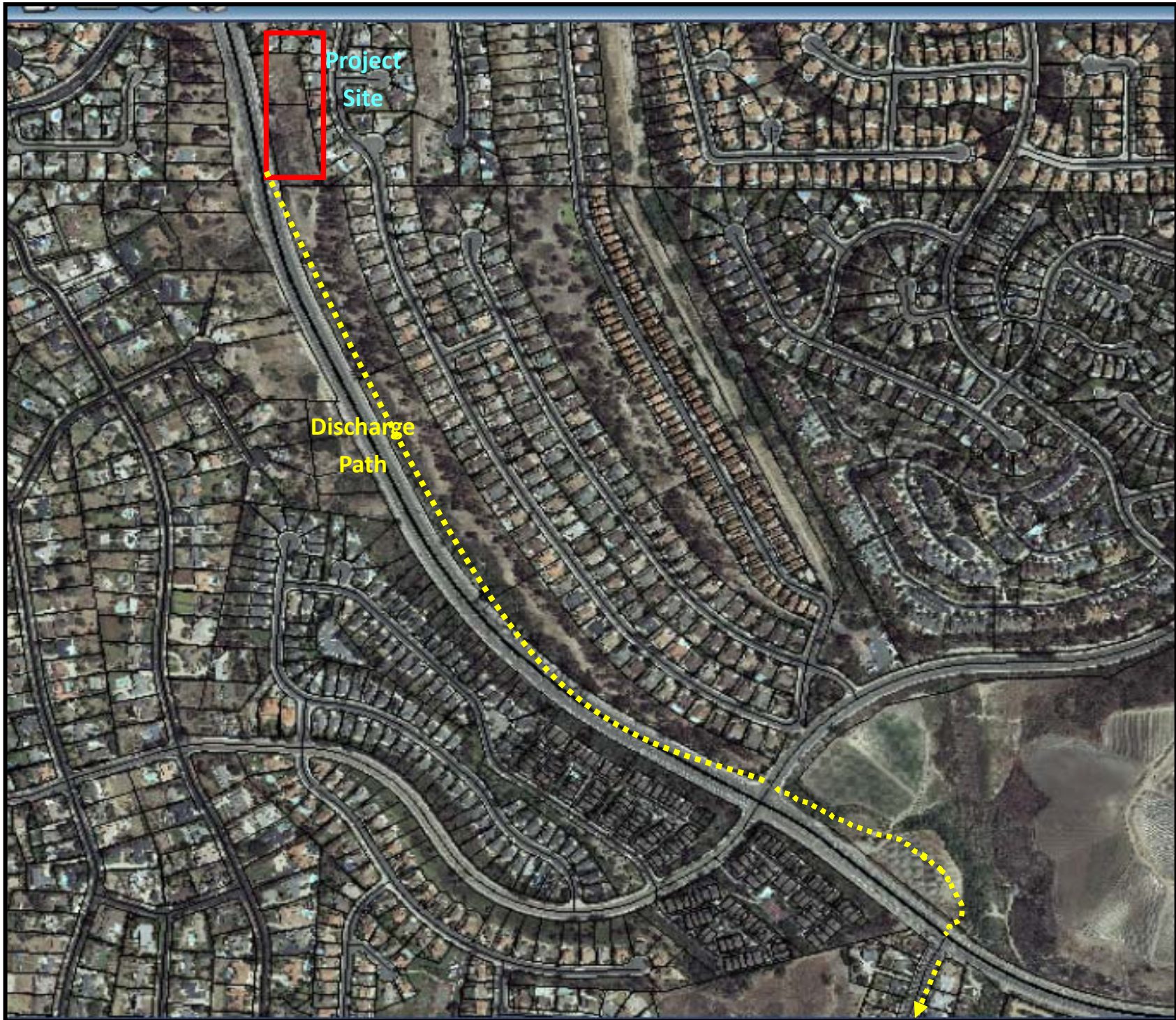


Time:	1030	By:	D. Carlin
View of area behind ECR curb line just south of Chestnut. BMP's intact, prior to being supplemented. No runoff identified from this area.			



Time:	1500	By :	D. Carlin
View of project site near end of shift as crew began installation slope protection BMPs.			

# El Camino Real Road Widening Project Site Map



CITY OF CARLSBAD

SAN DIEGO COUNTY CALIFORNIA

Deviations from the Plans/Specifications in this Report

CONTRACT NO. 3957, 3643, 6302, 6303  
EL CAMINO REAL ROAD  
WIDENING, TAMARACK TO  
CHESTNUT AVE.  
CITY OF CARLSBAD

Report No. 46 - EW  
Shift Date 27-Feb-15  
 NIGHTWORK FRIDAY  
Shift Hours Start 7:00 Stop 3:30

**INSPECTORS DAILY REPORT**

**Earthwork**

Description and Location of the Operation: Page 1 of 1

LAE continued to placed the slope fill from sta. 531+00 to 532+50. The ends of the grid that were placed previously on both ends of the fill were exposed and the grid was over lapped at the tie-ins. The contractor used the 870 loader to wheel roll the backfill material for compaction. The labors picked the debris out of the backfill as they placed the 1' lifts.  
Steve with SCS was onsite do the required compaction testing and observe the placement of the grid material.

The contractor stopped work at 1:30 to start implementing the BMPs before the forecasted rain on SAT.  
The contractor placed additional fiber rolls around the stockpiles of debris and in the flow line going through the Tamarack yard. LAE also covered the diesel tank, trash dumpster and stockpiles of 3/4" rock in the yard.

**Significant Conversations:**

Talked to Todd with LAE about the required BMP's at the Tamarack yard.  
Todd with LAE and I talked about the necessary BMP's through out the jobsite and when to get started on the SWPPP work. Todd ask me to let him do his job that he would ensure the SWPPP would be taken care of , the SWPPP was in his contract to do and if we were not confident with his work ,take the SWPPP out of the contract and have someone else do the work.

**Miscellaneous Notes:**


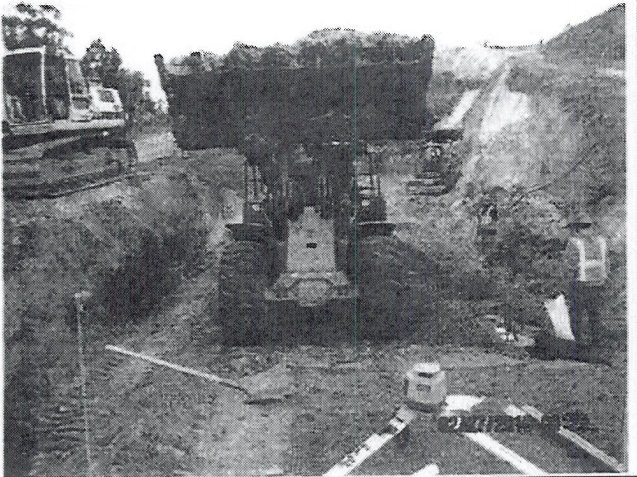

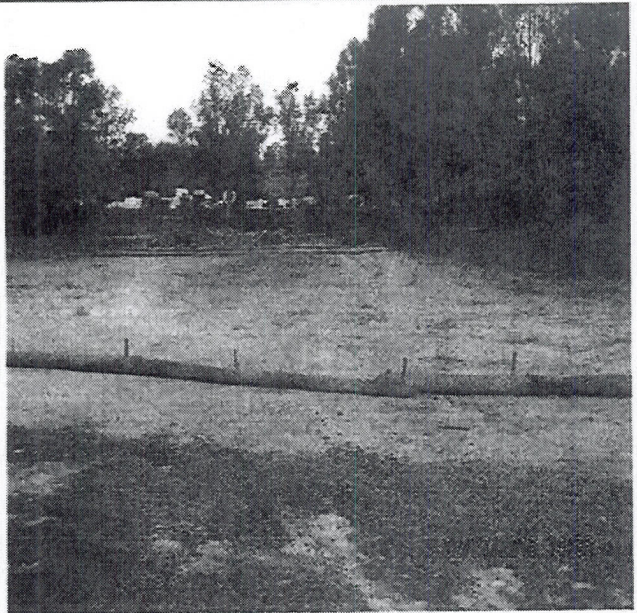
The ASM monitor was onsite to observe the excavation.  
Richard with SSS was onsite from time to time during the day.

WEATHER			Item #6		Item #3						PRIME: LAE		
AM: Clear			Unclassified excavation		SWPPP						EQMNT/IDLE OR DOWN	SUB1:	
PM: Clear												SUB2:	
REMARKS:												SUB3:	
			SUB4:										
			SUB5:										
			SUB6:										
EQPT. ID	NO. MEN	DESCRIPTION (Of Equipment or Labor)	ST	OT	ST	OT	ST	OT	ST	OT	NAME	CLASS	CON/SUB
N/A	1	DODGE RAM 4500 12-20	6.0		2.0						Todd Peterson	Supematant	Prime
N/A	1	Labor	6.0		2.0						Jesse Gusman	Labor	Prime
LA-45	1	FORD F450 Flatbed 12-20	6.0		2.0						Balthazar Morales	Labor	Prime
311	1	Cat D-5 K dozer	6.0		2.0						Julio Lopez	Operator	Prime
Rental	1	Hyundia Loader 789	6.0		2.0						Nick Guagliardo	Operator	Prime
SL-25	1	JD 210 LE skip loader	6.0		2.0						Jose Vantura	Labor	Prime
WT-5	1	2000 gal. water truck	6.0		2.0						Khristian Guterez	Labor	Prime
LA-45		CHEVY 2500 Truck 06-12	8.0										Prime
LA-15		CHEVY 2500 Truck 06-12	8.0										Prime

Inspector Hrs.  
REG: 8.0  
OT:  
INTERMITTENT INSPECTION

*Tim Loveridge*  
Tim Loveridge

INSPECTOR  
Title

<b>Job Title</b>		<b>El Camino Real Widening – Tamarack Ave to Chestnut Ave</b>	
<b>Job No</b>		<b>3957</b>	
<b>Construction MGR</b>		<b>Dave Carlin, PE (Kleinfelder- SWE)</b>	
			
Date:		By:	<i>T. Loveridge</i>
2-27-15			
Exposed grid for tie-in.		Loader wheel rolling the backfill.	
			
Date:		By:	<i>T. Loveridge</i>
2-27-15			
Steve with SCS taking compaction test over the grid.		Additional fiber rolls installed in the Tamarack yard.	