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**Los Angeles Regional Water Quality Control Board**

**INSPECTION REPORT**

**DATE OF INSPECTION:** October 17, 2016

**DATE OF REPORT:** November 9, 2016

**REPORT PREPARED BY:** Francisco Pineda, Environmental Scientist

**REPORT REVIEWED BY:** Hugh Marley, Enforcement Section Chief; Pavlova Vitale, Enforcement Unit Chief; Vanessa Young, Office of Enforcement Attorney; David Coupe, Office of Chief Counsel Attorney; Enrique Casas, Engineering Geologist; LB Nye, Senior Environmental Scientist; Luz Vargas, Engineering Geologist; Enrique Loera, Water Resource Control Engineer; Alex Alimohammadi, Water Resource Control Engineer; Bryan Elder, Water Resource Control Engineer; Wen Yang, Senior Engineering Geologist.

**PROPERTIES INSPECTED:** Parcels 2821-002-024, 2821-002-025, 2821-009-029, 2821-002-023, 2821-009-030, 2821-009-031, and 2821-009-023.

**PURPOSE OF INSPECTION:** To execute the Regional Board and Los Angeles County inspection warrants. Regional Board staff's purpose was to determine and document impacts or threatened impacts to water quality from the land disturbance activities taking place in the above mentioned parcels.

**LOS ANGELES REGIONAL (REGIONAL BOARD) AND STATE WATER QUALITY CONTROL BOARD STAFF PRESENT DURING INSPECTION:**

Project Lead: Pavlova Vitale, Senior Environmental Scientist

Inspection Team 1: Enrique Casas, Engineering Geologist, and Luz Vargas, Engineering Geologist

Inspection Team 2: Enrique Loera, Water Resources Control Engineer, and LB Nye, Senior Environmental Scientist

Inspection Team 3: Francisco Pineda, Environmental Scientist, and Bryan Elder, Water Resource Control Engineer

Inspection Team 4: Wen Yang, Senior Engineering Geologist; and Alex Alimohammadi, Water Resources Control Engineer

**LOS ANGELES COUNTY DEPARTMENTS PRESENT DURING INSPECTION:** Los Angeles County District Attorney's Office, Los Angeles County Department of Public Works, Los Angeles County Department of Regional Planning.

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**LOS ANGELES COUNTY STAFF PRESENT DURING THE INSPECTION:** Joseph Priebe, Investigator; Steve Papayoanou, Investigator; Cliff Auldridge, Investigator; R. Collins, Investigator; M. Feng, Investigator; W. Jordan, Investigator; Y. Ahumada, Sergeant; M. Morgan, Investigator; H. Alvarado, Sergeant; J. Osorio, Investigator; James Fontenette, Sergeant; K. Sugahara, Investigator; D. Cohen, Investigator; T. Siedentopp, Investigator; Mitch Miller, Department of Public Works; Kevin Petrowsky, Department of Public Works; Amy Milanese, Department of Public Works; Rachelle Burke, Department of Public Works; Shawn Skeries, Regional Planning; Jeff Lemieux, Regional Planning; Jose De La Rosa, Regional Planning; Jonathan Bell, Regional Planning; Chris Mastro, Local Enforcement Agency.

**BACKGROUND:**

The properties inspected are located in the Santa Susana Mountains, an unincorporated area in Los Angeles County. This area is located adjacent to Brown's Canyon Road, near land owned by the Mountains Recreation and Conservation Authority (MRCA), the Santa Monica Mountains Conservancy (SMMC), the Michael D. Antonovich Regional Park and other private properties. Mr. Wayne Fishback has been developing approximately 5 of the 7 parcels listed above. The development activities have consisted of clearing, grading, filling-in of natural stream courses, and disposing of construction debris. The Regional Board first inspected several of the parcels being developed on March 4, 2014. Subsequent inspections took place May 4, 2015, August 4-5, 2015, August 10, 2015, and September 17 and 18, 2015. Mr. Fishback has conducted these activities without permits or authorizations from the Regional Board.

The parcels inspected are located in the Los Angeles River Watershed, specifically in Ybarra Canyon and Devil's Canyon and above the confluence of Ybarra Creek and Devil's Creek. Both Ybarra Creek and Devil's Creek are tributary to Brown Canyon Creek, and are waters of the state and United States. Ybarra Creek is an intermittent stream that flows through Ybarra Canyon and enters into the Parcels 2821-002-024, 2821-002-023, 2821-009-030, 2821-009-030, 2821-002-024 and 2821-009-031. Devil's Creek is an intermittent stream that flows through Devil's Canyon just west of Parcel 2821-002-025 and enters into Parcel 2821-009-029. During storm events, stormwater from large drainages on the properties flow into Ybarra Creek and Devil's Creek. The existing intermittent, and potential beneficial uses of Browns Canyon Creek are, municipal and domestic water supply, ground water recharge, warm freshwater habitat, wildlife habitat, water contact recreation, and noncontact recreation. These water bodies also drain to the Los Angeles River which has beneficial uses of municipal and domestic supply, navigation, commercial and sport fishing, industrial service and process supply, groundwater recharge, warm freshwater habitat, marine habitat, wildlife habitat, migration of aquatic organisms, spawning reproduction, or early development, shellfish harvesting, wetland habitat, water contact recreation.

**INSPECTION PROCEDURE:**

On October 17, 2016, at approximately 7:00 am, Regional Board staff accompanied by Los Angeles County personnel entered the Fishback Ranch to inspect Parcels 2821-

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002-024, 2821-002-025, 2821-009-029, 2821-002-023, 2821-009-030, 2821-009-031, and 2821-009-023. Regional Board staff executed Superior Court of California, Los Angeles County Inspection Warrant No. IW00062-16 issued pursuant to California Code of Civil Procedure section 1822.50 et seq., and Water Code section 13267 (c).

Regional Board staff implemented the inspection workplan (Attachment A) which includes maps and waypoints with corresponding latitude and longitude coordinates to ensure the inspection was confined to the parcels listed in the inspection warrant.

## **FINDINGS:**

### **Parcel 2821-002-024:**

Mr. Wayne Fishback owns Parcel 2821-002-024. Regional Board staff had not previously inspected this parcel.

Regional Board staff Inspection Team 1 inspected Parcel 2821-009-024 on October 17, 2016 at approximately 11:30 am. A single road runs through this parcel near its eastern edge. No major disturbances were noted in the parcel. This parcel borders on parcel 2821-009-025 on its southern and western edge.

### **Parcel 2821-002-025:**

Mr. Wayne Fishback owns Parcel 2821-002-025; Regional Board staff last inspected this parcel on September 17 and 18, 2015, and found evidence of ongoing grading activities, filled-in ravines, and heavy erosion.

Regional Board Inspection Teams 1 and 4 inspected Parcel 2821-009-025, at around 8:30 am. Ybarra Creek runs through the northeast corner of the parcel; the western border of this parcel drains toward Devils Creek. The parcel has steep hills and ravines with dense brush. Ybarra Creek is just west of the parcel and Devil's Creek is just west of the parcel. Any discharge of pollutants from the western side of the parcel threatens to discharge into Devil's Creek and any discharge of pollutants from the eastern side of the parcel threatens to discharge into Ybarra Creek.

Summary of the findings for the parcel:

- **Grading activity on the ridge on the western side of the parcel** - Construction debris consisting of broken pieces of concrete and bricks were observed in a cut graded into a ridge along the west portion of the parcel. There were no erosion and/or sediment control Best Management Practices (BMPs) in place to prevent the sides of the cut from eroding and releasing sediment into Devil's Creek during a rain event (Photo 1). This cut was a recent development as it was not noted in the September 2015 inspection report.

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- **Berms in a drainage that leads to Devil's Creek** – Two berms were constructed across a drainage that leads to Devils Creek on the western side of this parcel. These berms were constructed using deposited sediment and did not allow pass-through of upstream flows. Measurements were taken of these berms using a measuring tape and walking wheel. The first berm had a length of 80 feet, a width of 28 feet, the downstream slope of the berm was 25 feet with a 2:1 run to rise ratio and the upstream slope of the berm was 3.5 feet with a 2:1 run to rise ratio (Photos 2 and 3). Using these measurements Regional Board staff estimated the volume of the berm to be 1,090 cubic yards. The measurements of the second berm were a length of 45 feet, a width of 12 feet, with an upstream slope of 2 feet with a run to rise ratio of 2:1, and a downstream slope of 9 feet with a run to rise ratio of 2:1 (Photo 4). Using these measurements Regional Board staff estimated the volume of the soil used to construct the second berm to be 95 cubic yards. Additionally there was a section of road constructed from broken pieces of concrete (Photo 5). These crossings are a recent disturbance as they were not noted in the September 2015 inspection report. Calculations for volume of sediment berms attached as Attachment B.
- **Berms in another drainage that leads to Devil's Creek** – There were three berms constructed across a drainage that leads to Devil's Creek. Regional Board staff measured the three berms using a measuring tape reel. The first berm had a length of 66 feet with an upstream slope of 2 feet, a run to rise ratio of 2:1, and a downstream slope of 8 feet with a run to rise ratio of 2:1. Using these measurements, Regional Board Staff estimated the volume of the berm to be 54 cubic yards. The second berm was measured to be 61 feet long with a downstream slope of 13 feet with a run to rise ratio of 2:1. Using these measurements, Regional Board staff estimated the volume of the second berm to be 94 cubic yards. The third berm was measured to be 23 feet long with a downstream slope of 8 feet with a run to rise ratio of 2:1. Using these measurements, Regional Board staff estimated that the volume of this berm was 13 cubic yards. These berms were found on the western side of the parcel (Photos 6, 7, 8). These sediment berms are a recent disturbance as they were not noted in the September 2015 inspection report. Calculations for sediment berms attached as Attachment B.
- **Sand bag berm** – A berm constructed across the unnamed tributary with sand bags was observed in the same area where the soil berms referenced above and in Photos 6, 7, 8 were found (Photos 9 and 10). This sand bag berm was a recent disturbance as it was not noted in the in the September 2015 inspection report.



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- **Stockpiled concrete debris** – Concrete debris was observed stockpiled throughout the parcel. Concrete debris was also seen partially buried at different locations within the parcel (Photo 11 and Photo 14).
- **Rebar and metal stockpiles** – A stockpile of rebar and other miscellaneous metal was observed in a graded area located on the eastern side of the parcel. There were no BMPs in place to keep rust from the metals from discharging into Ybarra Creek and Devil's Creek (Photo 12). This stockpile rebar was not previously noted in the September 2015 inspection report.
- **A dirt road created using crushed asphalt** – A road was graded in the southeastern section of the parcel. These roads contained crushed asphalt (Photo 13).
- **Large graded areas** – Areas within the parcel have been graded. Some of these graded areas contain stockpiles of construction debris. These large graded areas can erode and release sediment and other fill materials into creek waters (Photo 14). At least three separate areas within the parcel had been graded flat. These three areas had not been noted in the September 2015 inspection report and are likely new disturbances.

#### **Parcel 2821-009-029:**

Mr. Wayne Fishback owns Parcel 2821-009-029; Regional Board staff had not inspected this parcel in prior inspections. Devil's Creek runs through the western section of this parcel (Map 1). At approximately 9:45 am Regional Board Inspection Team 2 inspected Parcel 2821-009-029.

Summary of the findings for the parcel:

- **Partially completed corral** – A partially completed corral under construction was present in the parcel (Photo 15). A bobcat tractor was present near the partially completed corral (Photo 15).
- **Terrain** – The parcel is heavily covered with weeds, bushes, and trees. Several hillsides with valleys were discernable (Photo 16). Devil's Creek runs through the Parcel; there was no visible flow in the creek.

#### **Parcel 2821-002-023:**

Mr. Wayne Fishback owns Parcel 2821-002-023; Regional Board staff last inspected this parcel on September 17 and 18, 2015, and observed ongoing grading activity and filled-in ravines. The parcel has steep hills and ravines and is heavily covered in brush.

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Regional Board Inspection Team 3 inspected this parcel at approximately 10:50 am.

Summary of the findings for the parcel:

- **Ybarra Creek** – The creek enters the parcel from the northwest and flows in a southeastern direction across the parcel. The creek was obscured by foliage and there was no visible flow of water at the time of inspection.
- **Construction debris stockpiles** – On a hill in the northeast area of the parcel, piles of brick, concrete slabs, and other construction debris were spread for approximately 75 feet. There were no sediment or erosion control BMPs to prevent erosion into Ybarra Creek (Photo 17).
- **Sequential check dams in a steep ravine** – The check dams were made of sand bags and were located at various points of a steep ravine. This ravine contained large volumes of construction debris and sediment (Photo 18). These dams are a recent disturbance as they were not at the site during the September 2015 inspection.
- **Road erosion upstream of a sandbag check dam** – The ravine has erosion rills going the length of the ravine and debris that was previously buried is becoming visible. Eroded materials from the road in the ravine flows towards the sand bag dams shown in Photo 18 mentioned above (Photo 19).
- **Concrete rubble dam** – The final dam on steep ravine above Ybarra Creek was constructed with broken concrete containing exposed and rusty rebar (Photo 20).

#### **Parcel 2821-009-030:**

Mr. Wayne Fishback owns Parcel 2821-009-030; Regional Board staff last inspected this parcel on September 17 and 18, 2015 and found concrete debris, stock piled non-native dirt and waste, and filled-in ravines. Ybarra Creek enters into the northeastern section of the Parcel (Map 1). Any discharge of pollutants from the parcel threatens to discharge into Ybarra Creek. Regional Board Inspection Team 3 inspected at approximately 8:30 AM.

Summary of the findings for the parcel:

- **Crushed concrete stockpiles** – Crushed piles of concrete were found throughout the parcel. The crushed concrete contained exposed and rusty metal rebar (Photo 21).
- **Construction material stockpiling** – Construction materials that included brick, tile, stones, and wood were stockpiled in a large graded area (Photo 22).

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- **Sediment Stockpiling** – Stockpiles of sediment were found on the parcel at various locations. These stockpiles were not covered; BMPs were not implemented to prevent sediment from being released into Ybarra Creek. (Photo 22)
- **Ravine with concrete debris fill** – Crushed concrete debris partially filled a ravine within the southern section of the parcel. There were no BMPs present to prevent concrete debris and other fill material from being released into Ybarra Creek. (Photos 23 and 24) The ravine filled with concrete debris was not noted in the September 2015 inspection report.
- **Erosion of large graded areas** – Areas within the parcel have been graded. Erosion gullies were observed on these graded areas. There were no BMPs in place to prevent sediment and other materials from being released into Ybarra Creek. (Photos 23 and 25) The September 17 and 18, 2015, inspection report describes these areas as having been recently graded and that no evidence of erosion was present.
- **Dirt roads** – Graded dirt roads are found within the parcel. These roads split off of each other and met back up which formed a road network. Erosion gullies were found on these dirt roads. There were no BMPs in place to prevent sediment from being released into Ybarra Creek (Photo 25).

#### **Parcel 2821-009-031:**

Cepheid V, LLC, owns Parcel 2821-009-031; Regional Board staff last inspected this parcel on September 17 and 18, 2015, and found filled-in ravines, waste disposal, and concrete debris. Ybarra Creek flows just east of the parcel and enters into the parcel's southeastern corner (Map 1). All drainage from this parcel eventually impacts Ybarra Creek. Regional Board Inspection Team 1 inspected Parcel 2821-009-031 at approximately 9:00 am.

Summary of the findings for the parcel:

- **Slopes constructed with fill** – Slopes in this parcel contained multicolored imported fill material. There were no BMPs in place to prevent the release of sediment into Ybarra Creek (Photo 26).
- **Damaged sand bag berms at the top of a graded slope** – Sand bag berms were placed at the top of a slope in the general vicinity of latitude 34 18.264 and longitude -118 36.644 next to an area that had been graded flat. BMPs consisting of the sand bags were ineffective as the bags were damaged and were releasing sediment. Some of the sand bags had rolled down the slope (Photo 27).

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Sediment from the graded slope and ripped sand bags threatened to discharge into Ybarra Creek. The sand bag berm was not present during the September 2015 inspection.

- **Sediment stockpiles** – Sediment stockpiles were found on the parcel at various locations. BMPs were not implemented to prevent sediment from being released into Ybarra Creek (Photo 28).
- **Buried and stockpiled construction debris** – Construction debris that had been deposited in graded terraces is visible at different areas within the parcel. Construction debris consisted of crushed asphalt, concrete and bricks. BMPs were not implemented to prevent these materials from eroding and discharging into Ybarra Creek (Photos 29 and 30). The buried and stockpiled construction debris was noted during the September 2015 inspection.
- **Evidence of erosion** – Erosion rills were found on graded slopes located between two areas that had been graded flat in the northeastern part of the parcel (Photo 30). The deposited sediment will slowly erode and eventually discharged into Ybarra Creek. These erosion rills on the graded slopes have developed since the September 2015 inspection.
- **Silt fence and straw wattle BMPs in poor condition** – Sediment control BMPs including a silt fence and straw wattle were placed along the fence line adjacent to Ybarra Creek. However, the BMPs were in poor condition. The straw wattle was ripped and releasing straw (Photo 31).
- **Manure stockpile** – A pile of manure was placed against the fence line that was adjacent to Ybarra Creek. There were no BMPs in place to prevent the stockpile of manure from being discharged into the creek (Photo 31). The pile of manure was sixty (60) feet from Ybarra Creek. The manure stockpile was not noted in during the September 2015, inspection.

### **Parcel 2821-009-023:**

Sacred Oaks Ranch, LLC, owns Parcel 2821-009-023. Regional Board staff had not inspected this parcel in prior inspections. Regional Board Inspection Teams 1 and 2 inspected the parcel at approximately 11:00 am. Inspection Team 2 completed the parcels assigned to them in the inspection workplan (Attachment A) early and was able to assist Inspection Team 1. Ybarra Creek flows in a southwestern direction through this parcel (Map 1). Any discharge of pollutants from the parcel threatens to discharge into Ybarra Creek.

Summary of the findings for the parcel:

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- **Arizona Crossing** – In this parcel, Regional Board staff found an Arizona crossing in Ybarra Creek. The Arizona crossing consisted of rip rap made of crushed concrete debris. The Arizona crossing is an unpermitted discharge of sediment and concrete material to Ybarra Creek (Photo 32 and 33).
- **Berms in Ybarra Creek** – Two berms were found in the creek that caused in-stream diversion and impoundment of water (Photo 34). The berms consisted of sediment and plastic sheeting. Pipes were found coming from these pooled areas, and one set of these pipes lead to a pump and spigot (Photo 35). Any water removed from the parcel and not used for riparian uses is likely an unauthorized water diversion. Therefore, on December 16, 2016, Regional Board staff contacted Jeffrey Yeazell from the State Water Resources Control Board's Department of Water Rights to determine if a water rights permit had been filed for parcel 2821-009-023. Mr. Yeazell stated that according to their GIS database, there was no water rights permit for parcel 2821-009-023.
- **Sediment and construction debris in ravine** – Large amount of sediment and broken concrete were deposited in a ravine. The deposited debris appears to have been graded and terraced. Construction debris was also deposited throughout the parcel. This deposited construction debris threatens to discharge into Ybarra Creek (Photo 36).
- **Ybarra Creek passes through the parcel** – There was no flow in Ybarra Creek. However, water was present in the pools created by berms in the creek (Photo 34).

#### **END OF INSPECTION:**

At approximately 1:30 pm, Mr. Fishback appeared at the entrance of Parcel 2821-009-030 off Brown's Canyon Road. He spoke with law enforcement personnel who were supporting the inspection activities. Law enforcement personnel provided Mr. Fishback the Los Angeles County and the Regional Board's Inspection Warrants. Mr. Fishback left through the gate owned and operated by Mountains Recreation and Conservation Authority (MRCA) toward his parcels on the northeast. Law enforcement personnel informed him that he could not interfere with the inspection activities. Mr. Fishback stated that he would speak with his attorney. He took a picture of the staging area, and left the premises.

The inspection concluded at approximately 2:15 pm. The inspection verified that grading and disposal of waste is still taking place without authorization or a permit from the Regional Board on properties owned by or accessible to Mr. Fishback. The grading and disposal of waste and other activities impact and continue to threaten to impact water quality and its beneficial uses.

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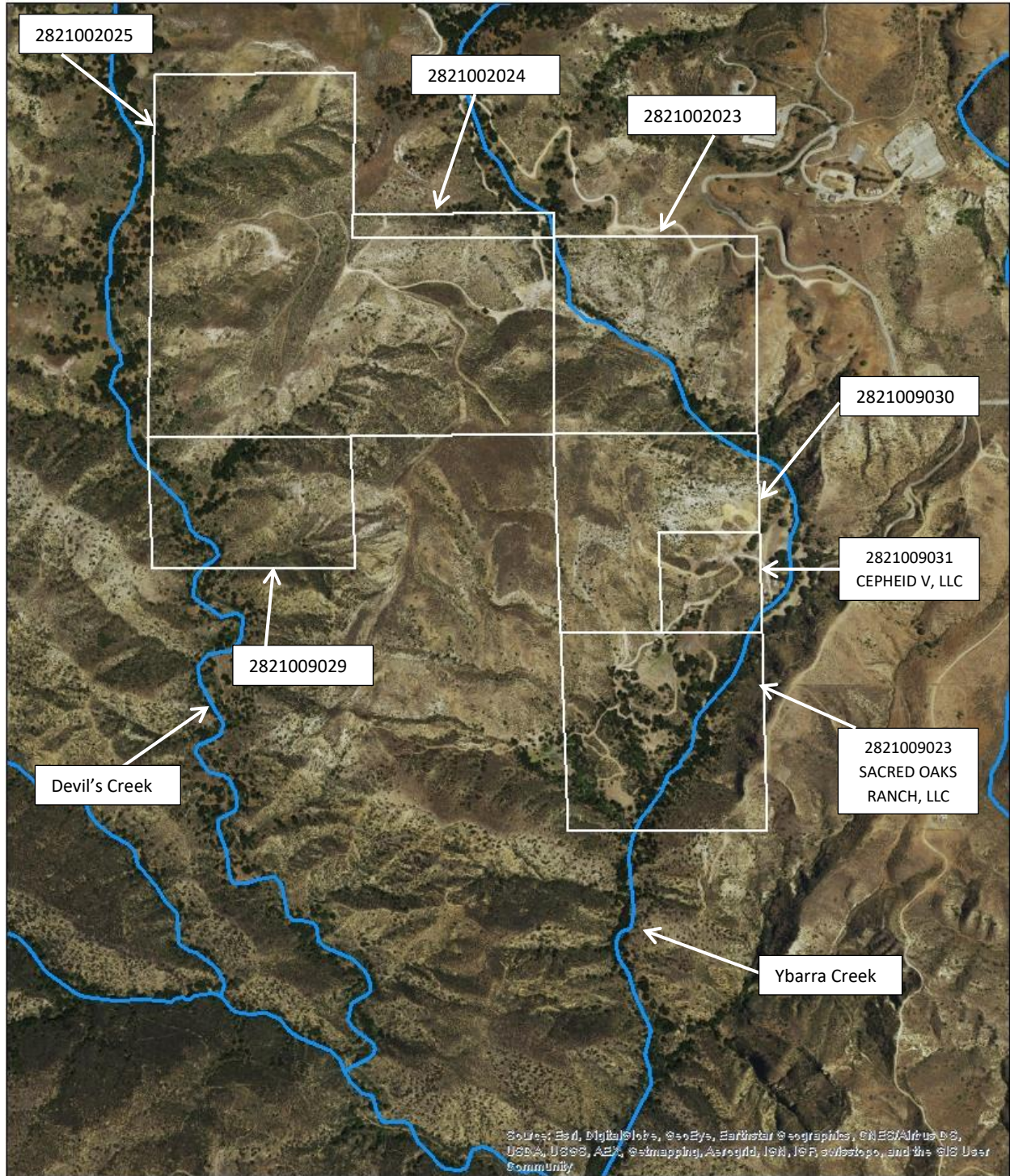
## **CONCLUSION:**

- Construction demolition debris was stockpiled, buried and dumped throughout the inspected properties. This debris was disposed to land without a permit or authorization from the Regional Board. The debris has not been characterized and therefore it has not been determined if the debris contains any hazardous waste, or has any other pollutants other than sediment, asphalt, brick, and concrete that can also create a detrimental effect on water quality.
- Significant impacts were found within Ybarra Creek and the unnamed tributary of Devil's Creek. Large areas on the property have been graded. Erosion was found to be occurring on these graded areas. Stockpiles of sediment were also found throughout the property. Sediment released from these graded areas and stockpiles can have significant harm on the beneficial uses of Ybarra Creek, Devil's Creek, and downstream waterbodies. Sediment effects on aquatic wildlife include clogging of gills, reduced resistance to disease, and lowered growth rates. Additionally, sediment being deposited in rivers can alter the flow of water.
- An Arizona crossing constructed across Ybarra Creek was found in Parcel 2821-009-023. This parcel is owned by Sacred Oaks Ranch, LLC. The Arizona Crossing was constructed using sediment and concrete debris. Two berms were also constructed within Ybarra Creek, and were used to pool water in Ybarra Creek.
- Two in-stream diversions were found in Ybarra Creek that consisted of sediment and plastic sheeting. These berms pooled water in the creek and PVC piping connected the pooled water a water pump and spigot.
- Two soil berms were found within a drainage that leads to Devil's Creek in Parcel 2821-002-025. A crossing constructed of concrete was found in the same unnamed tributary.
- Three additional berms were found within a drainage that leads to Devil's Creek in Parcel 2821-002-025.
- The filled-in unnamed tributaries pose a water quality threat to Devil's Creek and Ybarra Creek because the sediment contained in the filled-in tributaries has the potential to discharge into the creeks during storm events.



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**Map 1.** Showing all parcels inspected on October 17, 2016.

### Photo Log



**Photo 1.** This photo shows a cut made into the side of a ridge. Concrete and brick debris has been deposited in the cut. The sides of the cut have exposed, unstabilized sediment at risk of eroding. This photo was taken in Parcel 2821-002-025, at latitude and longitude 34 18.653, -118 37.263.



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**Photo 2.** This photo shows a berm in a drainage that leads to Devil's Creek. This photo was taken in Parcel 2821-002-025 at latitude and longitude of 34 18.729, -118 37.356.

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**Photo 3.** This photo shows another view of the berm in drainage that lead to Devil's Creek that was also shown in Photo 2. This photo was taken in Parcel 2821-002-025 at latitude: 34 18.729 and longitude: -118 37.367.



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**Photo 4.** This photo shows a berm in a drainage that lead to Devil's Creek and is the same as shown in Photos 2 and 3. This photo was taken in Parcel 2821-002-025, latitude: 34 18.717 and longitude: -118 37.365.

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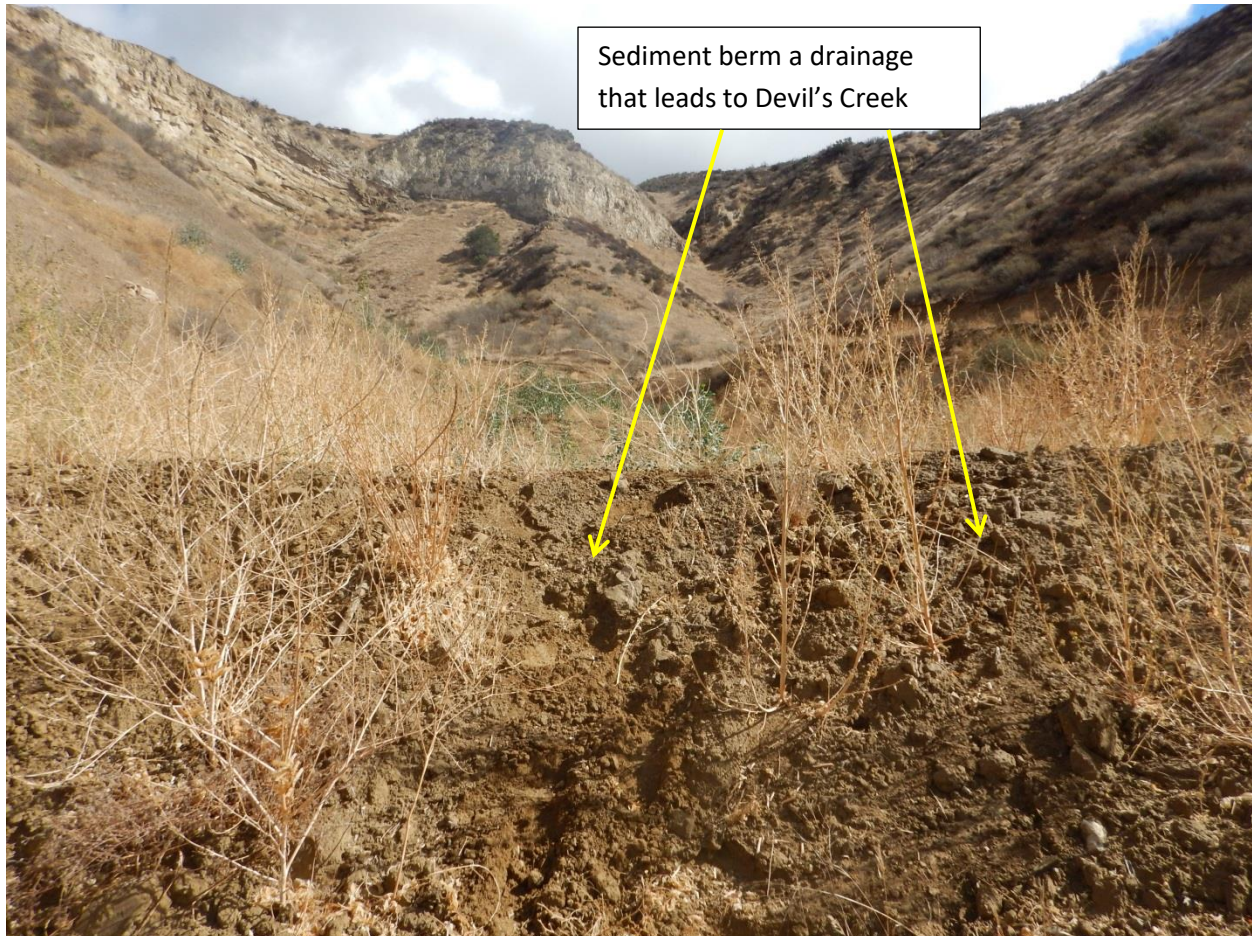


**Photo 5.** This photo shows a suspected crossing of drainage of Devil's Creek made of concrete debris. Ultimately, the stream on the left side of the photo discharges to Devil's Creek on the other side of the trail at the top of the photo. This tributary is the same tributary shown in Photos 2, 3, and 4. This photo was taken on Parcel 2821-002-025 at latitude: 34 18.714 and longitude: -118 37.393.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 6.** This photo shows a sediment berm in a drainage to Devil's Creek. This photo was taken on Parcel 2821-002-025 at latitude: 34 18.586 and longitude:-118 37.344.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 7.** This photo shows a drainage that leads to Devil's Creek. This is another view of the sediment berm from Photo 6. This photo was taken on Parcel 2821-002-025, at latitude: 34 18.603 and longitude:-118 37.304.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 8.** Showing another sediment berm in a drainage that leads to Devil's Creek. This photo was taken on Parcel 2821-002-025 at latitude: 34 18.583 and longitude: -118 37.344.



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**Photo 9.** This photo shows a sand bag berm located in drainage that leads to Devil's Creek. This photo was taken on parcel 2821-002-025, at latitude: 34 18.568 and longitude: -118 37.358. This area lacked erosion control best management practices, and there was loose sediment accumulated behind the berm.



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**Photo 10.** This photo shows another view of the sand bag berm located in a drainage that leads to of Devil's Creek. The sand bag berm shown is the same sand bag berm shown in Photo 8. This photo was taken on Parcel 2821-002-025, at latitude: 34 18.568 and longitude: -118 37.418.



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**Photo 11.** This photo shows concrete debris partially buried in Parcel 2821-002-025 from sediment build up. The pieces of concrete debris contained rebar. This photo was taken near latitude: 34 18.574 and longitude: -118 37.078.

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**Photo 12.** This photo shows a stockpile of rebar and other miscellaneous metals found in Parcel 2821-002-025. This photo was taken near latitude: 34 18.594 and longitude: -118 37.078.



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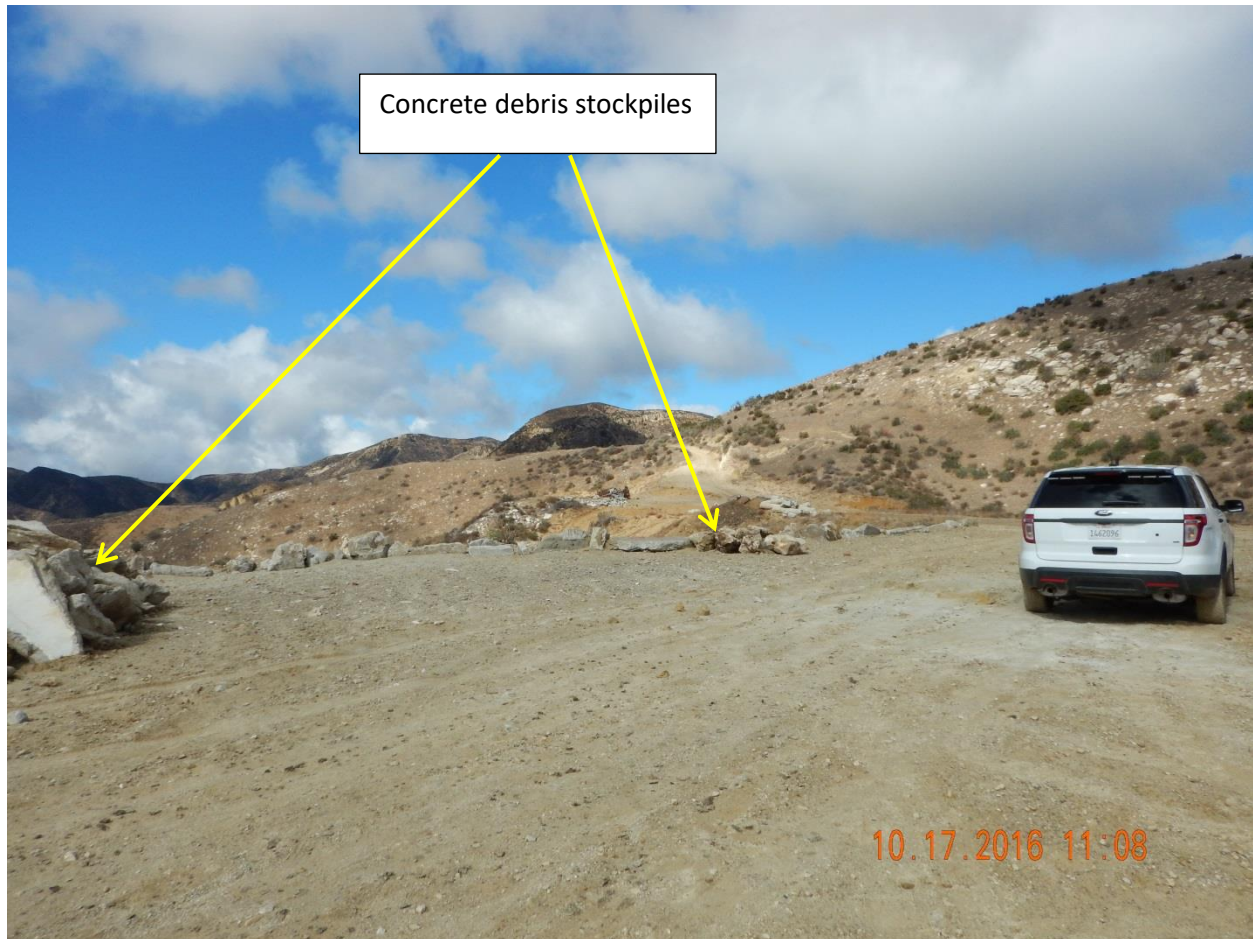
APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 13.** This photo shows crushed asphalt that was used to build the road. This photo was taken near latitude: 34 18.574 and longitude: -118 37.078 in Parcel 2821-002-025.

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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023

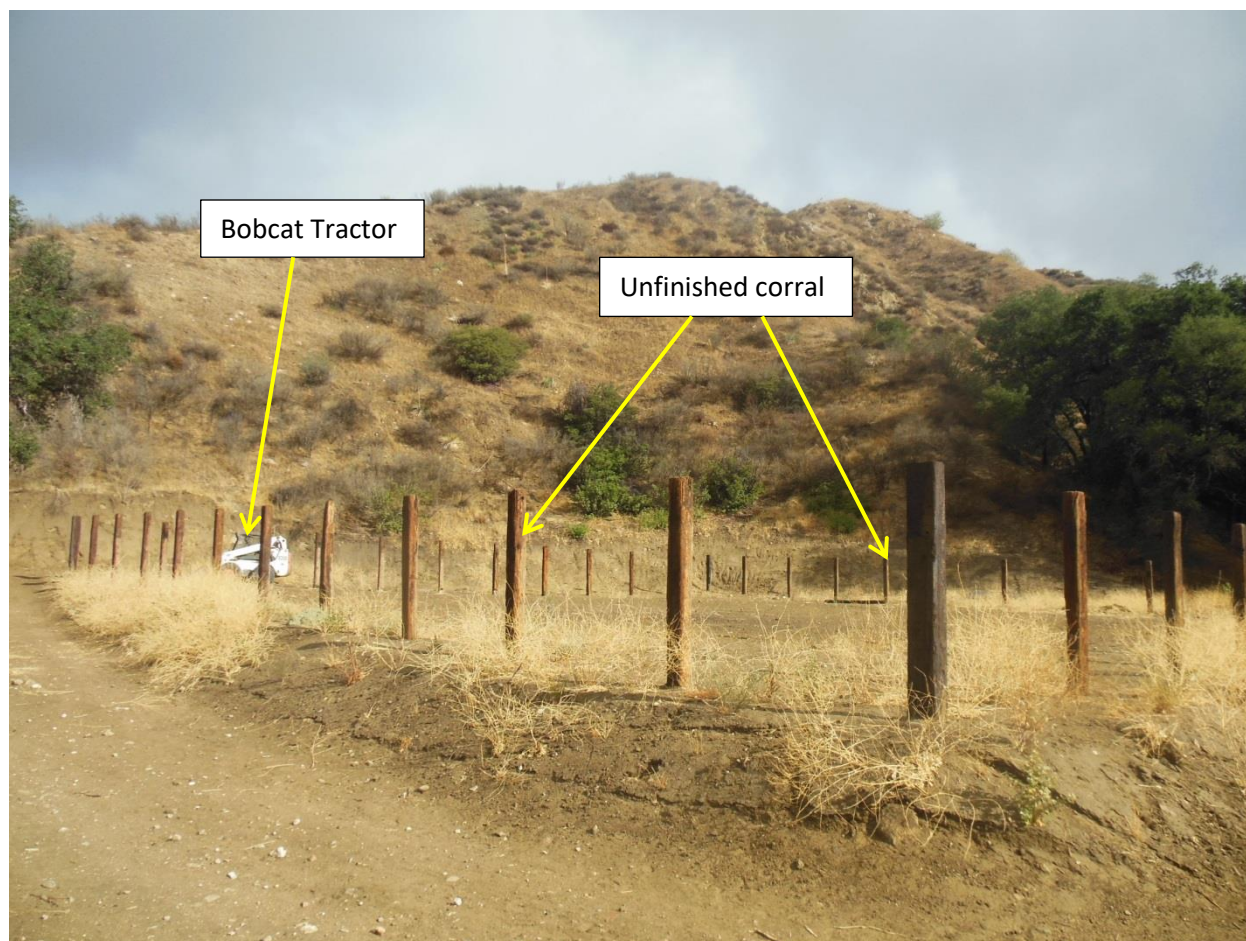


**Photo 14.** This photo shows a large graded area in Parcel 2821-002-025. This area contains stockpiles of concrete. This area lacked erosion control best management practices (BMPs), or sediment control BMPs. This photo was taken near latitude: 34 18.574 and longitude: -118 37.078.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 15.** This photo shows a Bobcat tractor and an unfinished corral found in Parcel 2821-009-029.

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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 16.** Showing undisturbed land found in parcel 2821-009-029.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023

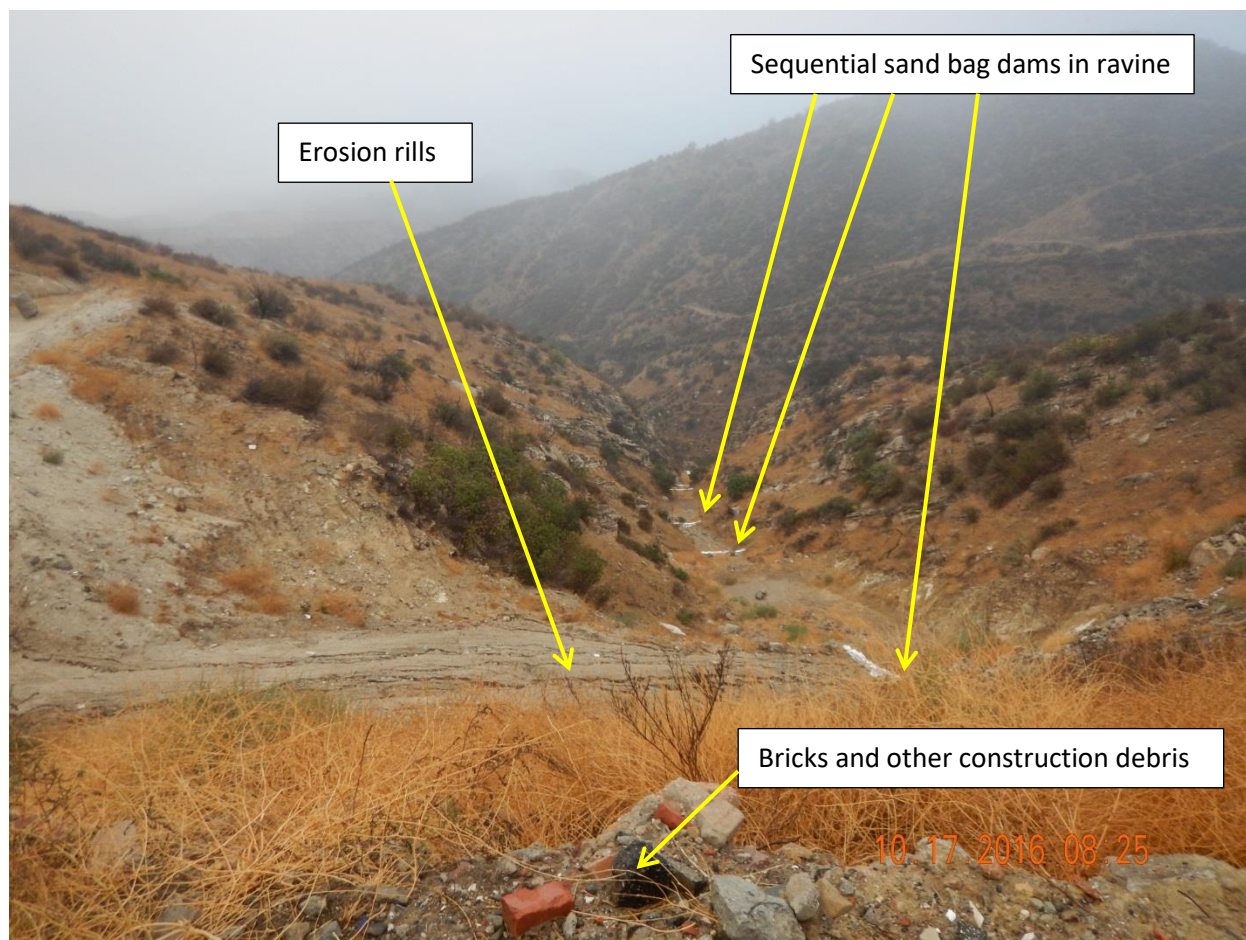


**Photo 17.** This photo shows construction debris piles found in the northeast section of Parcel 2821-002-023, near latitude: 34 18.622 and longitude: -118 36.766.



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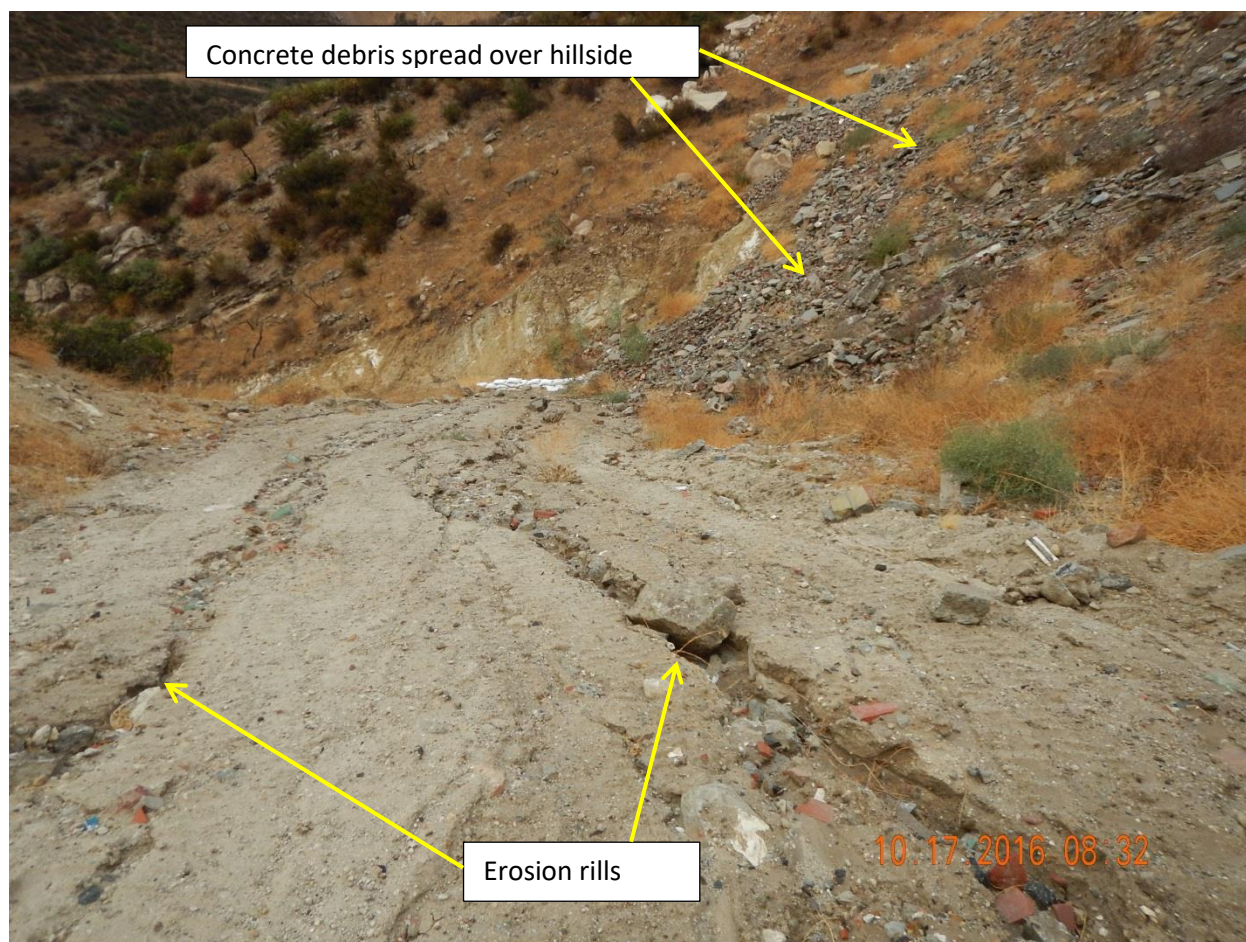
APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 18.** This photo shows sequentially placed sand bag dams on a steep ravine. The steep ravine leads to Ybarra Creek. This photo was taken on Parcel 2821-002-023 near latitude: 34 18.600 and longitude: -118 36.755.

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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 19.** This photo shows erosion occurring on the road in Parcel 2821-002-023 above the sand bag dams. This photo was taken near latitude: 34 18.626 and longitude -118 36.767.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 20.** This photo shows a dam in a steep ravine. The dam was made of broken pieces of concrete that contained rebar. This photo was taken on parcel 2821-002-023 above Ybarra Creek near latitude: 34 18.547 and longitude: -118 36.769.



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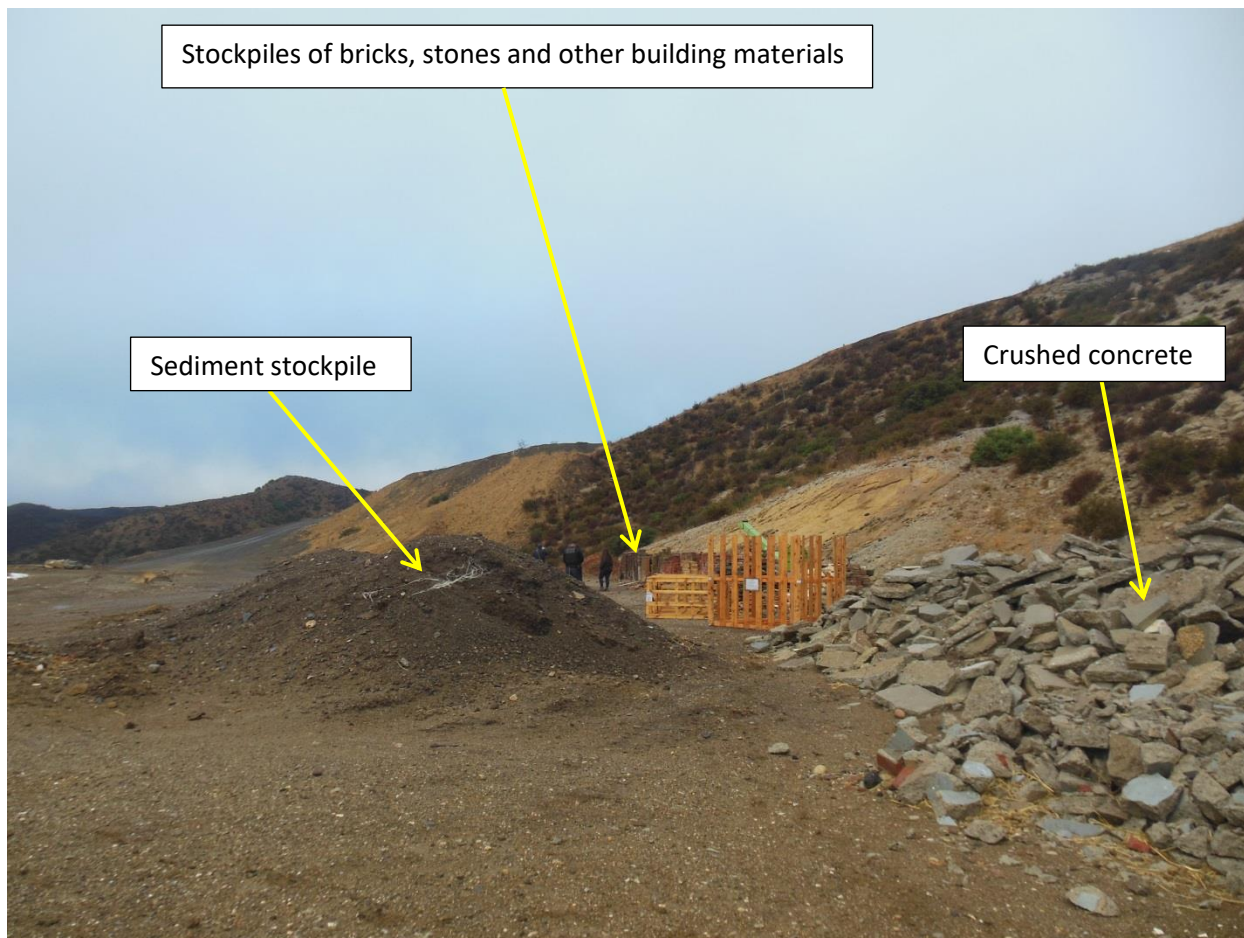
APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 21.** This photo shows piles of crushed concrete. The crushed pieces of concrete have rebar in them. This photo was taken in Parcel 2821-009-030 near latitude: 34 18.338 and longitude: -118 36.687. While reviewing photos of the inspection it was found that the camera used by Team 1 had the incorrect date. The camera had the date of October 16, 2016, when it should have had the correct date of October 17, 2016.

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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023

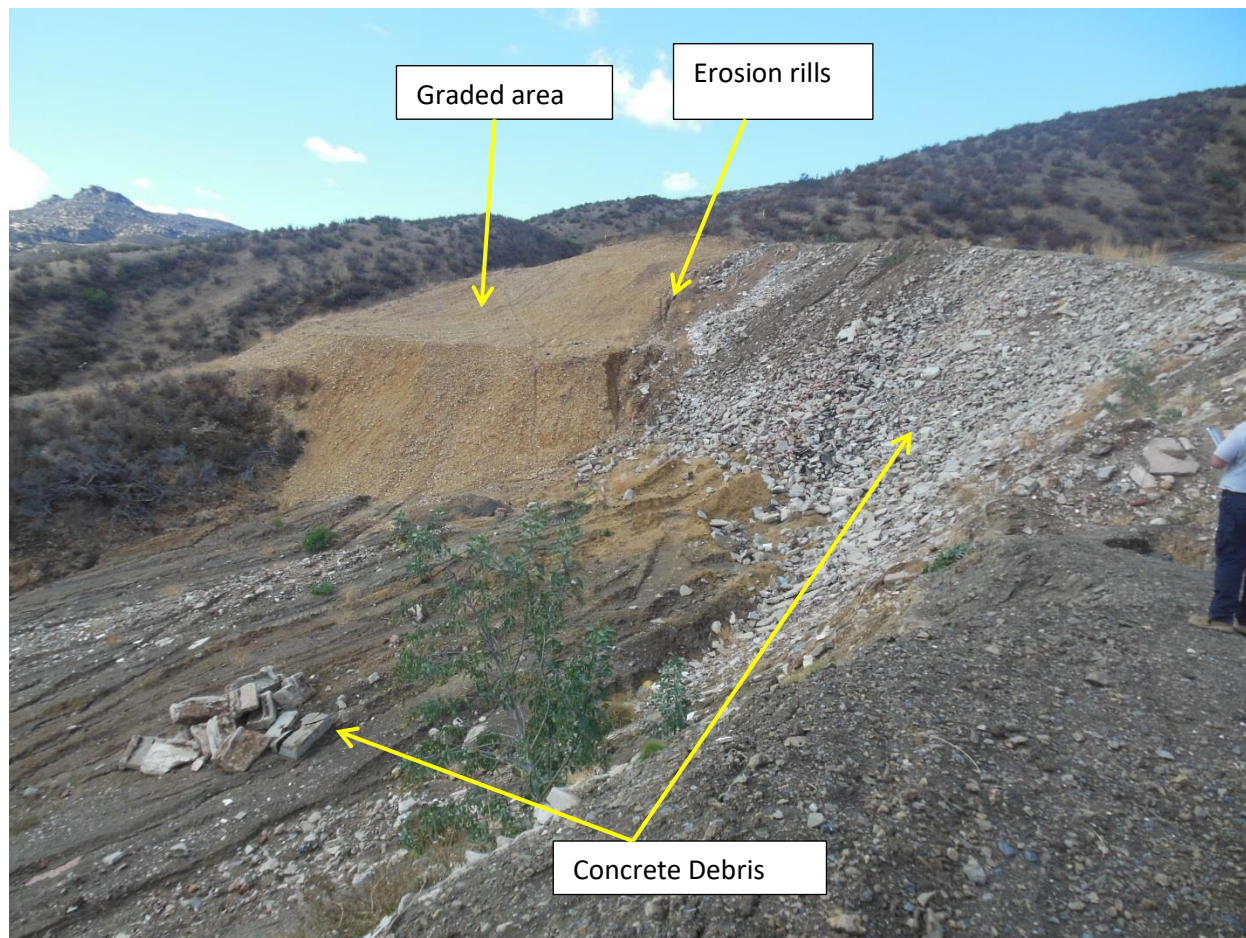


**Photo 22.** This photo shows stockpiles of sediment, crushed concrete debris, and construction materials. This area lacked erosion or sediment control BMPs. This photo was taken in Parcel 2821-009-030 near latitude: 34 18.338 and longitude: -118 36.687.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023

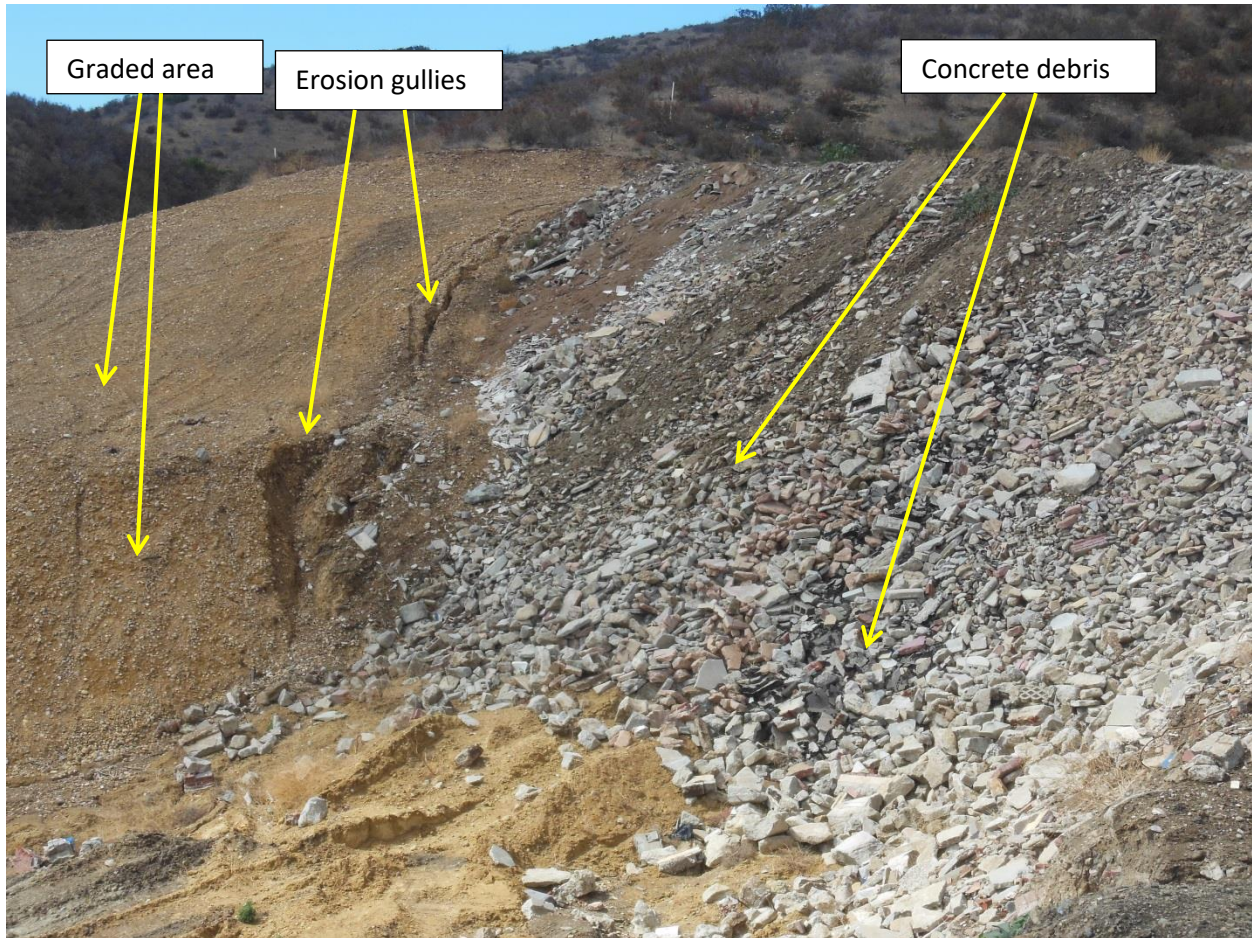


**Photo 23.** This photo shows graded slopes and crushed concrete being used to fill a ravine. This photo was taken in Parcel 2821-009-030 near latitude: 34 18.260 and longitude: -118 36.831.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 24.** This photo shows graded slopes and crushed concrete being used to fill a ravine. Erosion gullies are visible on the graded slopes. This photo was taken in Parcel 2821-009-030 near latitude: 34 18.260 and longitude: -118 36.831.

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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 25.** This photo shows a dirt road with an erosion gully running along its edge. This photo was taken in Parcel 2821-009-030 near latitude: 34 18.260 and longitude: -118 36.831. This area lacked erosion control BMPs.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 26.** This photo shows terraced multicolored soil in Parcel 2821-009-031. The multicolored soils indicate that non-native soils and potentially crushed construction debris may have deposited in the area. This area lacked erosion and sediment control BMPs. This photo was taken near latitude: 34 18.264 and longitude -118 36.644.

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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 27.** This photo shows a damaged sand bag berm placed at top of slope at the edge of an area that was graded flat. This photo was taken in Parcel 2821-009-031 near latitude: 34 18.264 and longitude: -118 36.644.



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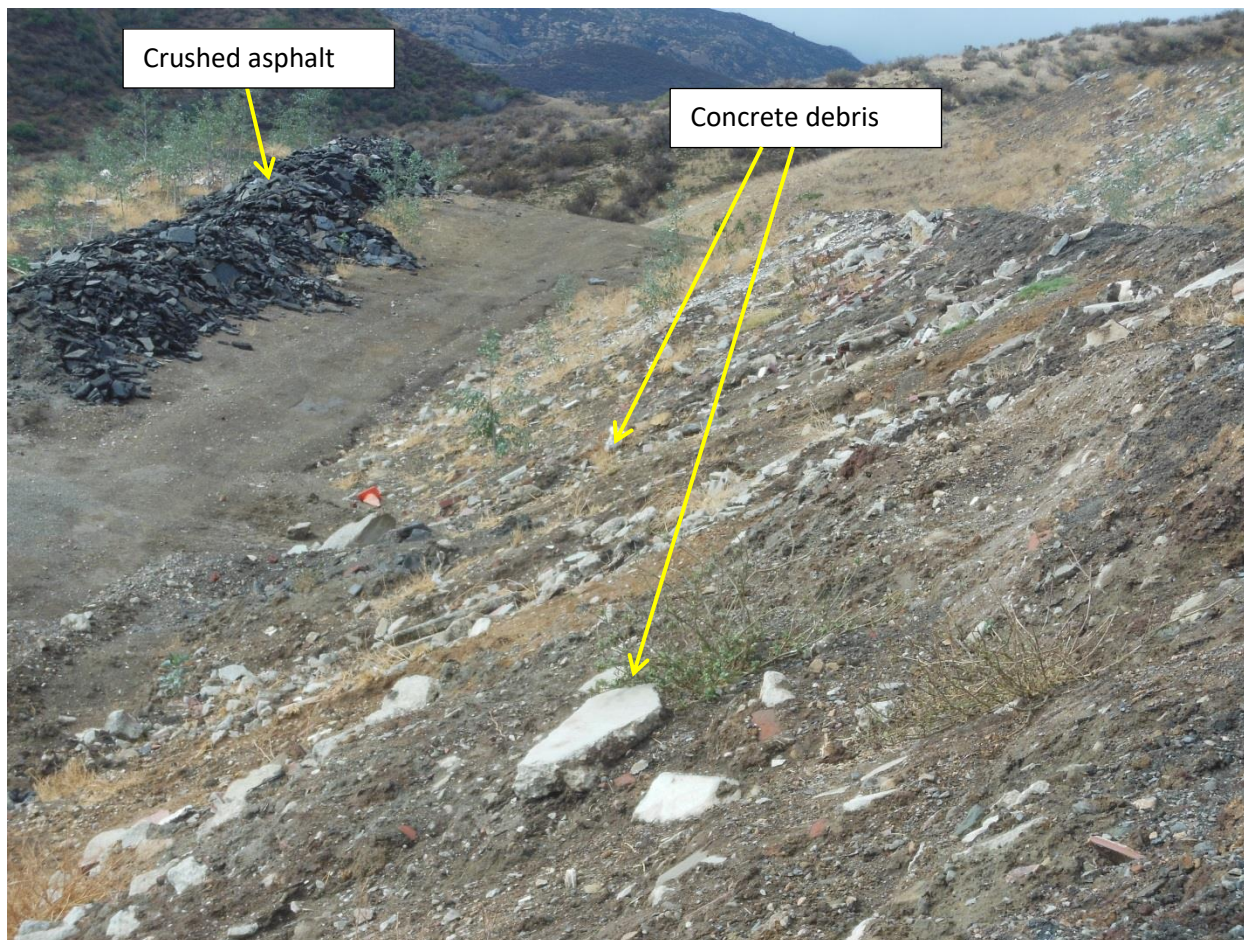
APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 28.** This photo shows stockpiles of soil found in Parcel 2821-009-031. This area lacked erosion or sediment control BMPs. This photo was taken near latitude: 34 18.264 and longitude -118 36.644.

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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023

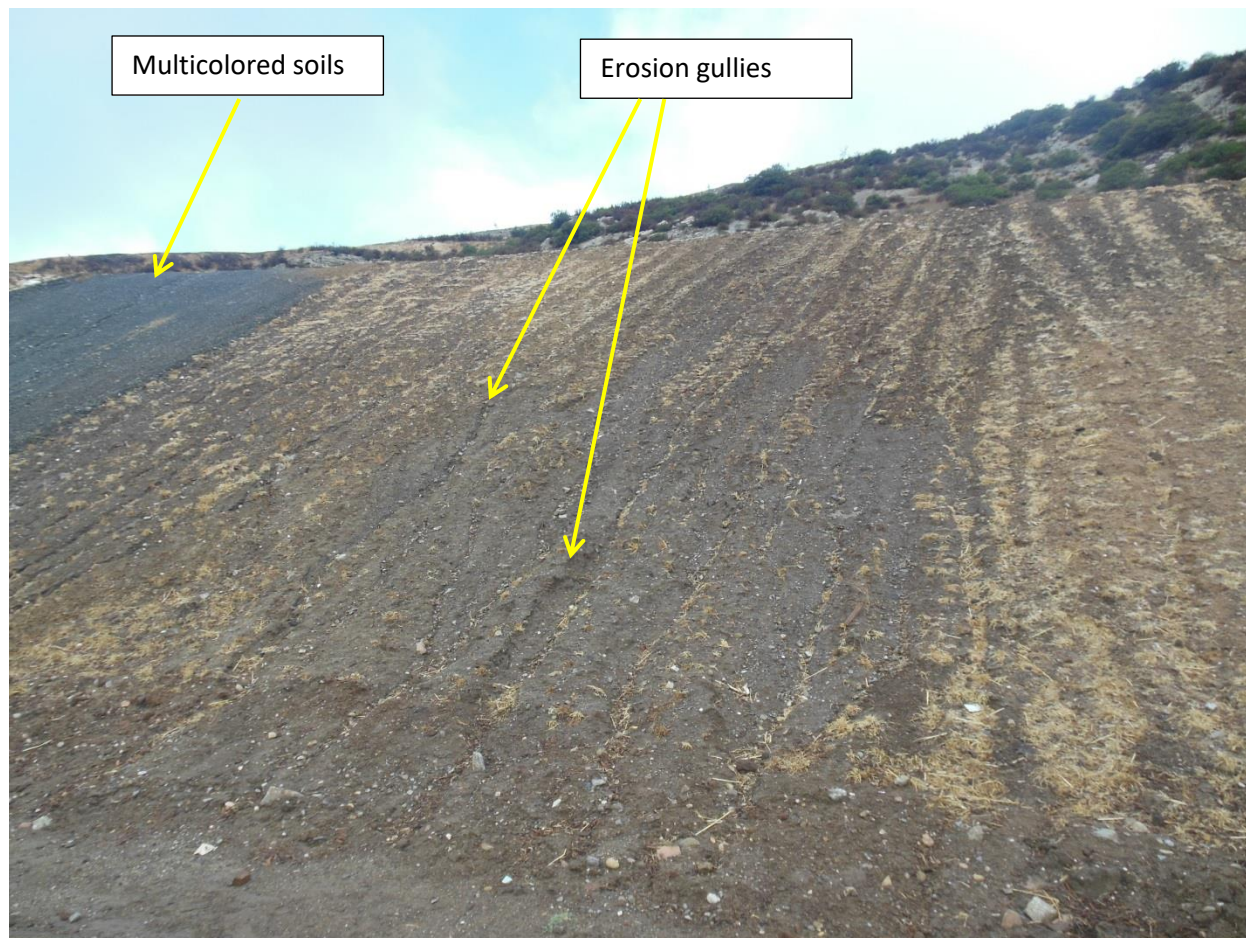


**Photo 29.** This photo shows crushed piles of asphalt and concrete in Parcel 2821-009-031 near latitude: 34 18.271 and longitude: -118 36.713.



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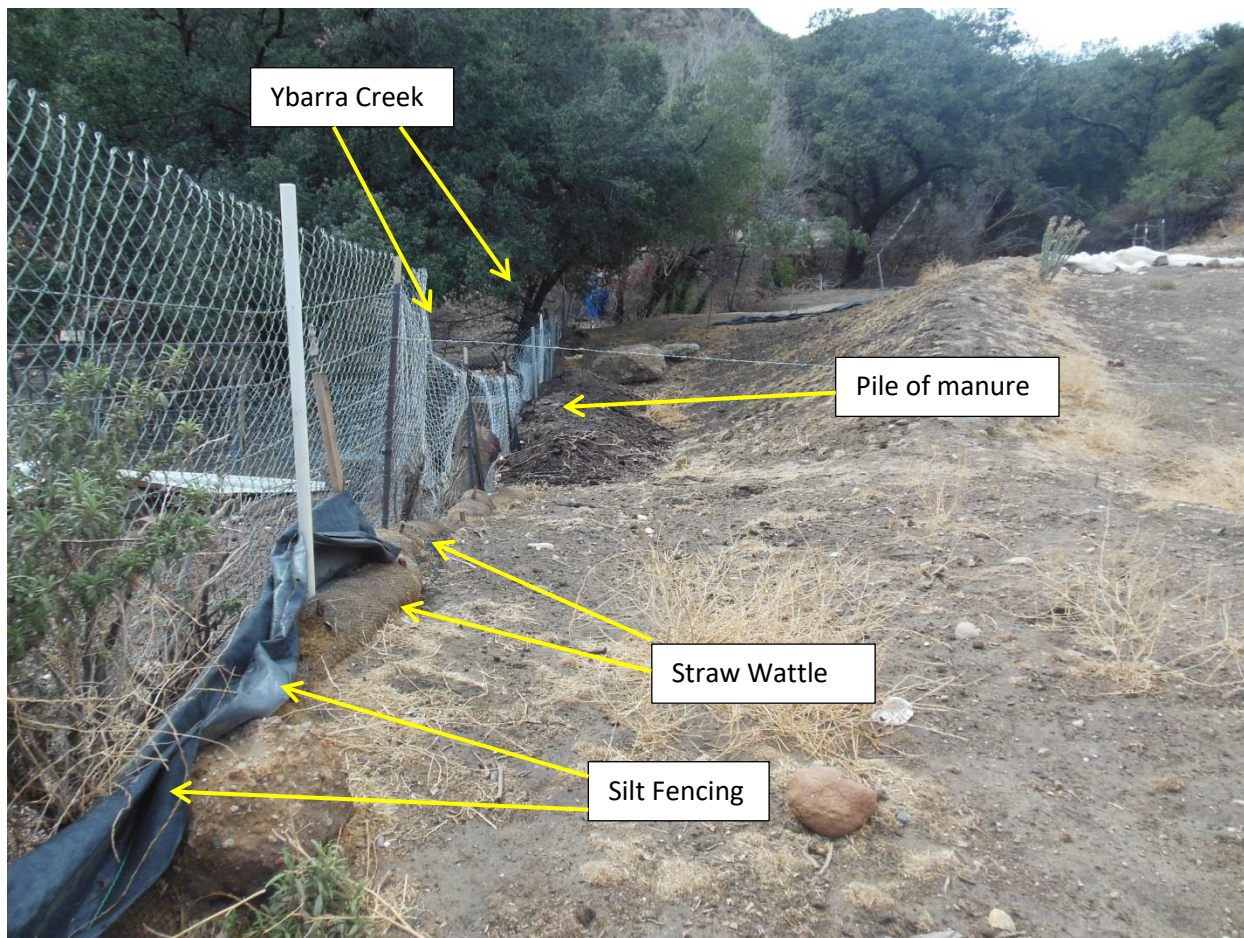
APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 30.** This photo shows erosion rills on a graded slope located between two terraced areas. There are multi colored soils on the slopes. This photo was taken in Parcel 2821-009-031 near latitude: 34 18.308 and longitude: -118 36.671.

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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 31.** This photo shows sediment control BMPs placed along the fence line including a straw wattle and parts of silt fencing. A pile of manure is also along the edge of the fence line. This area lacked erosion control BMPs. This photo was taken in Parcel 2821-009-031 near latitude: 34 18.248 and longitude: -118 36.630. Ybarra Creek is on the other side of the chain-linked fence.



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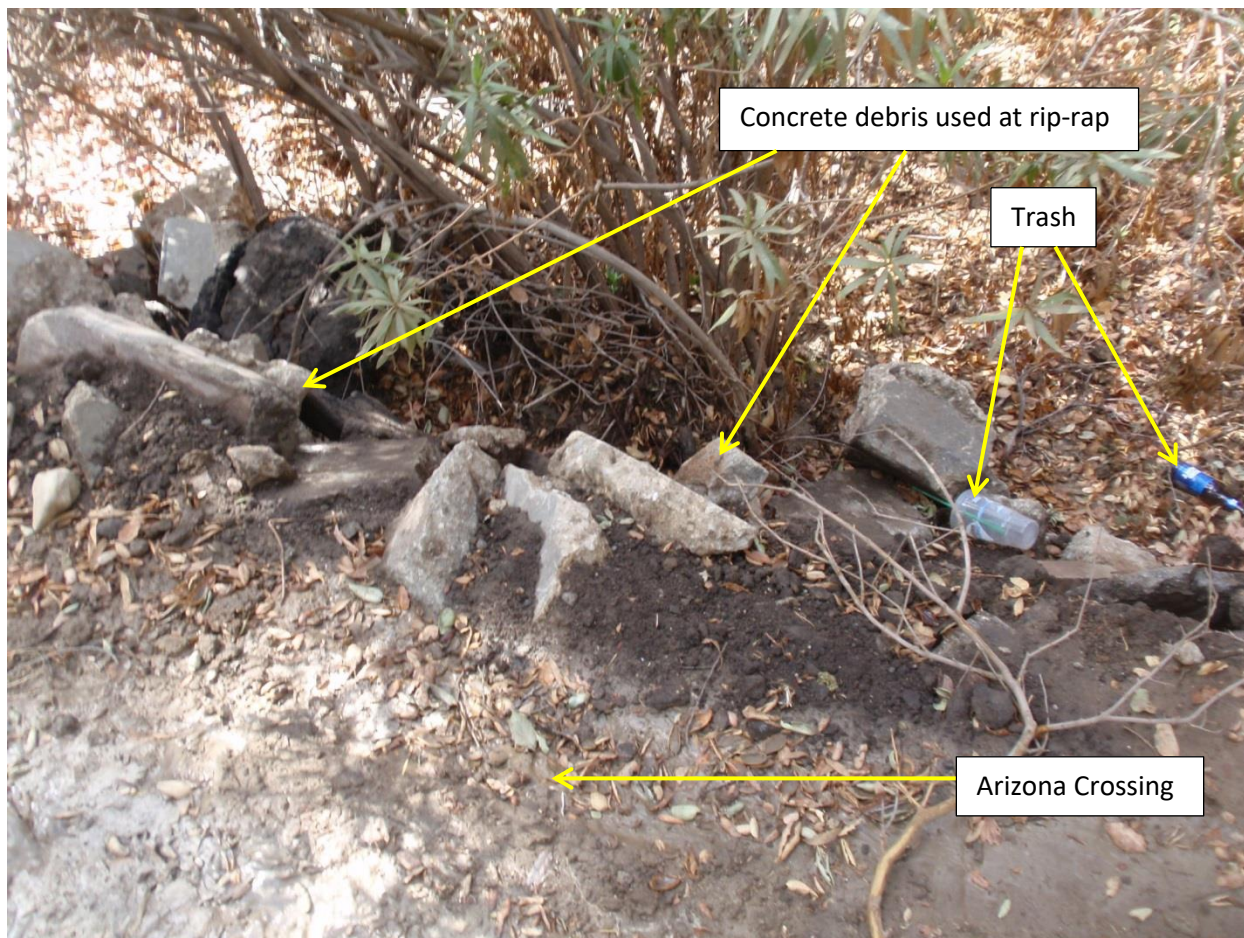
APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 32.** This photo shows an Arizona crossing in Ybarra Creek in Parcel 2821-009-023. This photo was taken near latitude: 34 18.158 and longitude:-118 36.665.

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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023

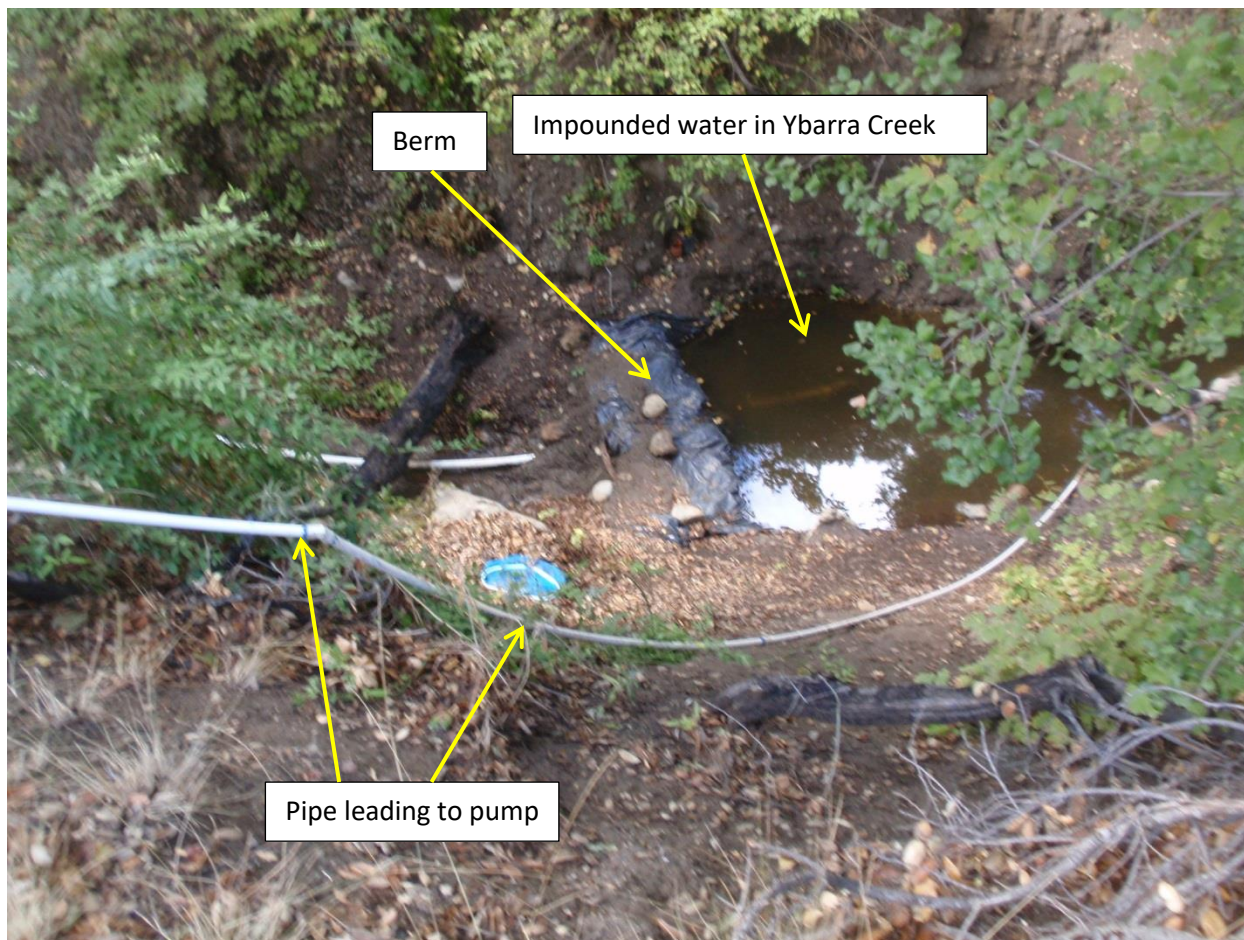


**Photo 33.** This photo shows crushed concrete used to create the Arizona crossing in Parcel 2821-009-023 near latitude: 34 18.158 and longitude:-118 36.665.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 34.** This photo shows an in-stream diversion and water impoundment in Ybarra Creek that was created with plastic sheeting and sediment. Pipes leading to a pump were observed coming from the pooled water behind the sediment berm. The pump was not operational during the inspection. This photo was taken in parcel 2821-009-023 near latitude: 34 18.158 and longitude:-118 36.665.



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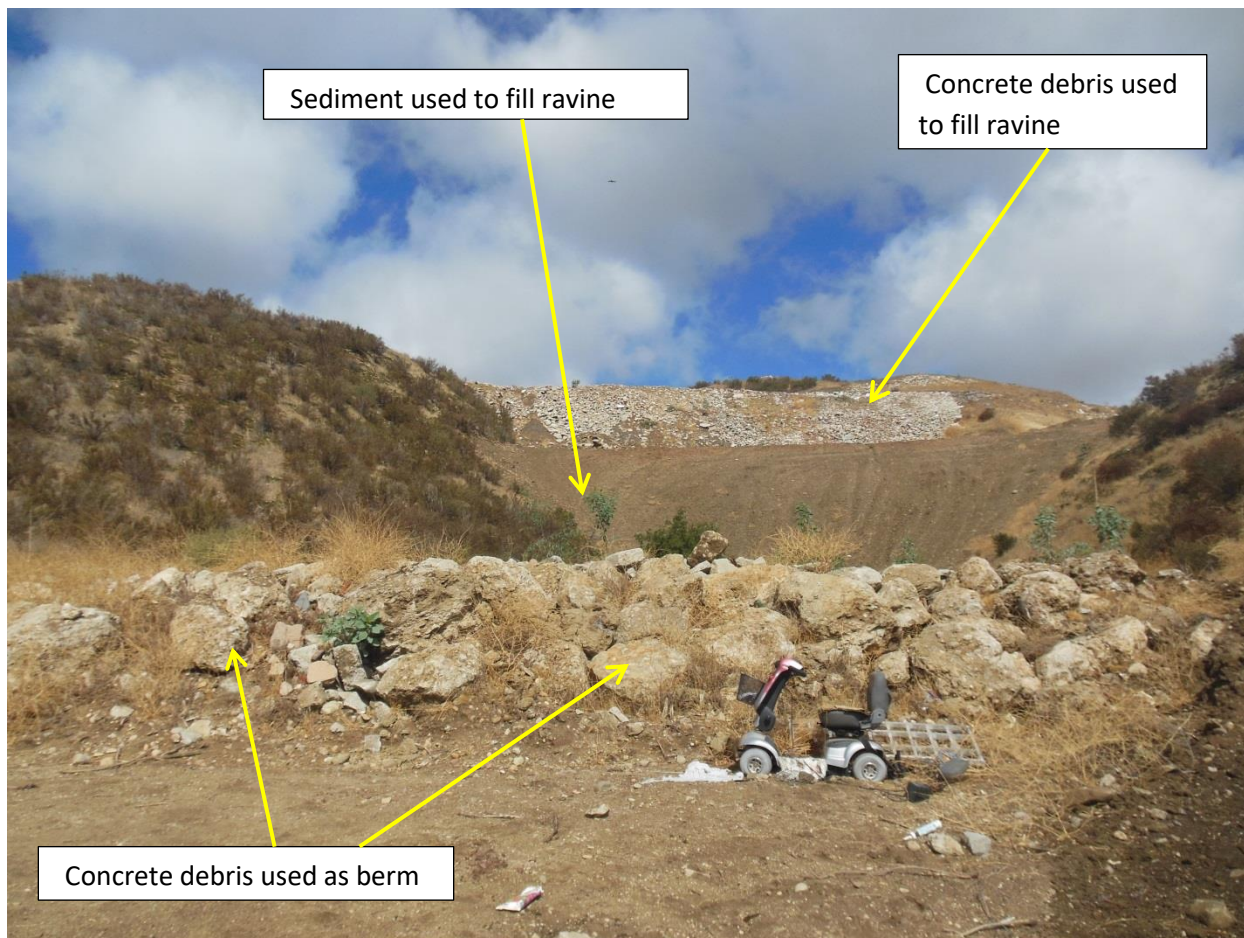
APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 35.** This photo shows the pipes in Photo 34 were connected to a pump. The pump was not in operation at the time of the inspection. This photo was taken in Parcel 2821-009-023 near latitude: 34 18.158 and longitude:-118 36.665.

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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023



**Photo 36.** This photo shows a ravine filled with sediment and crushed concrete debris. This area lacked erosion control BMPs. This photo was taken in Parcel 2821-009-023 near latitude: 34 18.184 and longitude: -118 36.812.



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APNs 2821-002-023; 2821-009-030; 2821-002-024; 2821-002-025; 2821-009-029; 2821-009-031; 2821-009-023

## **Attachment A**

### **Inspection Workplan**

## INSPECTION WORK PLAN FOR THE PROPERTIES OWNED BY MR. WAYNE FISHBACK

### BACKGROUND:

Mr. Fishback owns 5 parcels in the area of Browns Canyon in the County of Los Angeles. The Regional Board is concerned of the water quality impacts as a result of grading activities, and the burying of demolition waste. Also, the Regional Board received a complaint from Ms. Susan Hall alleging that there was additional grading activity taking place at Mr. Fishback's property. The Regional Board plans on inspecting these properties and documenting any impacts observed.

DATE OF INSPECTION: October 17, 2016 at approximately 7 am. This is a joint inspection with Los Angeles County staff.

INSPECTION PLAN PREPARED BY: Pavlova Vitale, Sr. Environmental Scientist, Enforcement II Unit.

### OBJECTIVES:

The objectives of the inspection are the following:

1. Document the areas where grading has taken place.
2. Document the erosion related impacts from the grading that has taken place.
3. Document the impacts to the streams from the erosion.
4. Document the streams that have been altered. (Arizona Crossings)
5. Document whether waste is still being accepted at the properties.
6. Document the locations where the waste has been placed on the properties.
7. Document the terrain (natural or altered) within each parcel.
8. Document the dimensions of any areas where grading has taken place, where impacts in streams were observed, the area where waste was observed.

### LOCATIONS NEEDED FOR ACCESS TO PARCELS FOR INSPECTION ENTRY

Parcel 2821-009-031 (Cepheid V, LLC)

Parcel 2821-009-034 (Alajajyan)

Parcel 2821-009-023 (Sacred Oaks Ranch, LLC)

Parcel 2821-002-904 (MRCA)

### PARCELS TO BE INSPECTED:

The properties that will be inspected to carry out the objectives of this inspection include the following parcels:

Parcel Number	Inspection Team	Information from Prior Inspections	Date of Last Inspection
2821002024	2	Most likely just the same as parcel 2025	9/17/15
2821002025	2 & 3	Grading, filling-in of ravines, heavy erosion	9/17/15
2821009029	4	None	None
2821002023	2	Grading and filling	8/4/15
2821009030	1	7 ravines tributary to Ybarra Creek, horse boarding, concrete debris, stock piling, waste disposal, filling in of ravines.	9/17/15



Parcel Number	Inspection Team	Information from Prior Inspections	Date of Last Inspection
2821-009-031	1	Filling in of ravines, waste disposal, concrete debris, and horse boarding	9/17/15
2821-009-023	1	None	None

#### STAFF NEEDED FOR THE INSPECTION:

The Project Lead for the inspection will be Pavlova Vitale. There will be four teams consisting of a minimum of 2 Regional Board staff and 2 additional LA County staff on each team. Each team will be assigned parcels to inspect. In each team, there will be a team lead responsible for photo and video documentation of the observations noted in each parcel, a GPS operator responsible for ensuring that the inspection takes place within the confines of the parcel boundaries. This person will also record the GPS locations of any observed impacts, or other evidence. The note taker will record any observations to help describe the photographs or video taken, document the terrain in each parcel inspected, and record the dimensions of any impacted areas. The note taker will complete the worksheet for each parcel inspected. Each individual in the team will be assigned the following roles:

Team Number	Lead Person, Photo/Video Documentation	GPS Operator/Note Taker	Project Lead/support
1	Enrique Casas	Luz Vargas	Pavlova Vitale
2	LB Nye	Enrique Loera	Pavlova Vitale
3	Francisco Pineda	Bryan Elder	Pavlova Vitale
4	Wen Yang	Alex Alimohammadi	Pavlova Vitale

#### EQUIPMENT NEEDED FOR INSPECTION:

The equipment that will be needed to carry out the objectives of the inspection are:

- 4 GPS units
- 4 note pads
- 4 cameras with video capability with charged batteries and clean memory cards
- 4 two-way radios with charged batteries.
- 4 measuring tape reels
- 4 vehicles capable of 4 wheel drive.

#### HEALTH AND SAFETY PROTOCOLS:

The Health and Safety Officer for this inspection will be Pavlova Vitale. Pavlova Vitale will ensure that this inspection plan is approved by Regional Board management, and by the Health and Safety Industrial Hygienist at the State Water Board. In addition, Pavlova Vitale will ensure that the following protocols are followed to ensure the health and safety of each person in the teams.

1. Development of a Trip Plan that includes the map to the properties, the access to the properties, the names and phone numbers of all persons participating in the inspection, and

the locations and maps to the nearest hospitals, and the names of emergency contacts for each person conducting the inspection.

2. Ensuring that each team follows a break and lunch schedule during the inspection.
3. Ensuring that each team keeps open communication with the Inspection Lead regarding any problems encountered.
4. Ensuring that proper training is received by each team member prior to conducting the inspection.
5. Ensuring a First Aid Kit is available for use by each team.
6. Ensuring that staff are briefed on precautions to prevent injury during the inspection.
7. Ensuring each team is briefed on their roles and responsibilities.

Each person in the teams will ensure to bring the following:

1. Sun protection gear
2. hiking boots
3. hat
4. sun screen
5. small towel
6. change of clothes
7. water bottle to carry during the inspection

#### INSPECTION SUPPORT:

The Project Lead will bring drinking water, ice, canopy for shade, snacks, first aid kit, and maps of each of the parcels. The Inspection lead will ensure the equipment necessary (cameras, GPS units, measuring tools, worksheets, etc) for the inspection is brought to the site and is available for use.

#### SECURITY SUPPORT:

The LA County staff will provide security support during the inspection. In the event, the joint inspection is not possible and Regional Board staff will inspect the parcels without LA County, CHP support will be available.

#### IMPLEMENTATION OF THE OBJECTIVES:

Each parcel will be subdivided into regions as depicted in attachment 1. For each region, the team will complete worksheets that will document the observations. The worksheets include answering the following questions:

1. What is the parcel number and the region?
2. What is the time?
3. What is the name of person recording these observations?
4. Date of Inspection
5. What is the terrain?
6. Are there streams? If so, how many streams and is there flow in these streams? Is there evidence of alteration of the stream (Arizona Crossing etc)? Is there evidence of sediment released into the stream?
7. Is there evidence of grading taking place or that has taken place? If so what is the evidence?
8. Is there evidence of waste having been buried or deposited?
9. What are the numbers of the photos taken in this area?
10. Is there erosion in this area? Does it look like it came from the grading?
11. Are there non-native soils?
12. Are there piles of soil in this area?



13. Record the latitude and longitude of any evidence of impacts (grading, piles of soil, non-native soil, waste)
14. Are there any other concerns?
15. For every photograph taken, record the cardinal points, the parcel and the latitude and longitude.

**DELIVERABLES:**

Each team will be responsible to collect the information necessary to implement all the objectives for this inspection. The information collected will include completed worksheets consisting of written observations, and relevant measurements for each parcel inspected, and photographs of the streams, and the disturbed areas at each parcel location. Each team will also provide input in preparing the inspection report after the inspection is carried out. The inspection report will be completed within 30 days of the completion of the inspection.

**CONTINGENCIES:**

Mr. Fishback allows steer to roam around the property. Snakes may also be present. Trip and fall is a possibility due to the hilly nature of the area. Heat exhaustion is possible depending on the weather and the amount of walking that we will need to do. Snakes maybe present. Caution needs to be taken when walking in the parcels, breaks, and drinking water will need to be done often. Proper protective gear appropriate for hiking needs to be worn.

**INSPECTION PLAN REVIEW AND COMMENTS:**

This inspection plan was sent out for review and comment to:

1. LB Nye, Senior Environmental Scientist, 401 Unit, LARWQCB
2. Wen Yang, Senior Engineering Geologist, Chapter 15 Unit, LARWQCB
3. Ejigu Solomon, Senior Engineering Geologist, Storm Water Unit, LARWQCB
4. Enrique Casas, Engineering Geologist, Chapter 15 Unit, LARWQCB
5. Hugh Marley, Enforcement Section Chief, Enforcement Section, LARWQCB
6. Vanessa Young, Office of Enforcement Attorney, SWRCB
7. Mike Gugino, Industrial Hygienist, State Water Resources Control Board
8. Alex Alimohammadi, Water Resources Control Engineer, Storm Water Unit, LARWQCB
9. Enrique Loera, Water Resources Control Engineer, LARWQCB
10. Francisco Pineda, Environmental Scientist, Enforcement II Unit, LARWQCB
11. Bryan Elder, Water Resources Control Engineer, Office of Enforcement, SWRCB
12. Luz Vargas, Engineering Geologist, Storm Water Unit, LARWQCB

**COMMENTS TO THE INSPECTION PLAN WERE RECEIVED FROM:**

1. Vanessa Young
2. Mike Gugino
3. David Coupe

**ATTACHMENTS:**

1. Map of overall area to be inspected
2. Maps for each parcel to be inspected
3. Worksheets for each area to be inspected
4. Inspection Warrant
5. Trip Plan

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**Attachment B**

**Calculations**



**Attachment B:  
Calculations**

**Drainage 1 - Berm 1**

**Measurements**

Width: 28 feet

Length: 80 feet

Downstream slope length of 25 feet with a 2:1 run over rise length

Upstream slope length of 3.5 feet with a 2:1 run over rise length

**Calculations:** To determine the volume of the sediment berm, we will first determine the volume of three different sections of the berm: the downstream slope, the flat top of the berm and the upstream slope.

We can determine the height and width of the upstream slope using the slope length of 3.5 and the run to rise ratio of 2:1, we can determine the vertical height will be 1.56 feet and the horizontal width of the slope will be 3.13 feet. Using the height, width and length we can estimate the volume of the slope to be 266.46 cubic feet.

Knowing that the downstream slope has a slope length of 25 feet with a 2:1 run to rise ratio, we can determine the vertical height of the downstream slope to be 11.18 feet and the horizontal width of the downstream slope of 22.36 feet. Knowing the height, width and length of the downstream slope we can estimate the volume of the downstream slope to be 18,766 cubic feet.

We can determine the volume of the flat top of the berm we can use the height of the upstream slope using the of 1.56 feet and the width and length of 28 feet and 80 feet respectively we can estimate the volume to be 10,404 cubic feet.

By adding the volumes of the sections together we have an estimate of 29,436 cubic feet or 1,090 cubic yards for the total volume of the berm.

**Drainage 1 - Berm 2**

**Measurements**

Length: 45 feet

Width: 12 feet

Downstream slope of 9 feet with a run to rise ratio of 2:1

Upstream slope of 2 feet with a run to rise ratio of 2:1

**Calculations:** To determine the volume of the sediment berm, we will first determine the volume of three different sections of the berm: the downstream slope, the flat top of the berm and the upstream slope.

Knowing the downstream slope has a slope length 9 feet and a run to rise ratio of 2:1, we can determine the vertical height for this section to be 4.02 feet and the horizontal width to be 8.04 feet. With these measurements and we can estimate the volume of the downstream slope to be 1,421 cubic feet.

Knowing the upstream slope has a slope length of 2 feet and has a run to rise ratio of 2:1, we can determine the vertical height of the slope to be .89 feet and the horizontal width to be 1.78 feet. Knowing the height, width and length of the slope we can determine the volume of the upstream slope to be 46.32 cubic feet.

We can estimate the volume of the flat top of the berm by using the height of .89 feet, the width of 12 feet and the length of 45 feet. We estimate that the volume is 1,086 cubic feet.

When the volumes of the downstream slope, upstream slope and flat top of the berm are combined we have total volume of 2,553 cubic feet or 95 cubic yards.

### **Concrete Debris Road**

#### **Measurements:**

Width: 11 feet

Length: 17 feet

No measurement of height was taken, therefore volume cannot be calculated.

### **Drainage 2 - Berm 1**

#### **Measurements:**

Length: 66 feet

Upstream slope of 2 feet with a 2:1 run to rise ratio

Downstream slope of 8 feet with a 2:1 run to rise ratio

**Calculations:** To determine the volume of the berm we must first determine the volume of the downstream slope and upstream slope.

Knowing that the downstream length of slope of 8ft we can determine that the horizontal length of 7.15 feet and a vertical height of 3.57 feet. Knowing the height, length and width of the downstream slope we can estimate the volume of 1,382 cubic feet.

Knowing the upstream slope length of 2ft and the run to rise ratio of 2:1 we can determine the horizontal width 1.78 feet and a vertical height of .89 feet. knowing the height, length and width of the upstream slope we can estimate the volume to be 84.48 cubic feet.

Knowing the volumes of the downstream slope and the upstream slope we can estimate that the volume of the berm is 1,467 cubic feet or 54 cubic yards.



### Drainage 2 - Berm 2

**Measurements:**

Length: 61 feet

Downstream slope length of 13 feet with a run to rise ratio of 2:1.

**Calculations:** Knowing the downstream length of the downstream slope and the run to rise ratio of 2:1 we can estimate the volume of berm as 2,549 cubic feet or 94 cubic yards.

### Drainage 2 - Berm 3

**Measurements:**

Length: 23 feet

Downstream slope of 8 feet and run to rise ratio of 2:1

**Calculations:** Knowing the downstream length of the downstream slope and run to rise ratio of 2:1 we can estimate the volume of the berm as 364 cubic feet or 13 cubic yards.