



City of Encinitas

NOTICE OF VIOLATION DELIVERED TO PROJECT SITE

March 8, 2013

Mohammad Qahoush
MSCE I Regional Operations Manager - San Diego Branch
402 W Broadway Suite 400 San Diego CA 92101

NOTICE OF VIOLATION / ADMINISTRATIVE CITATION

Dear Mr. Qahoush,

On March 8, 2013, the City of Encinitas Stormwater Management Division staff observed and documented BMP failures and resultant discharge of sediment laden runoff from the construction site located at 425 Santa Fe Drive in Encinitas, CA (*see attached photographs*). Based upon these observations, Administrative Citation – CW030813 has been issued for violation of the following City of Encinitas Storm Water Municipal Code Sections:

20.08.040B, Illegal Discharges, which prohibits discharges of non-storm water to the storm water conveyance system.

20.08.080 Compliance with Best Management Practices, which states that no discharger shall fail to implement, install, use or maintain Best Management Practices established by the City Engineer.

The full text of the Storm Water Municipal Code can be accessed on the City's website at: <http://cwp.ci.encinitas.ca.us>

As a construction contractor, it is your responsibility to properly implement and maintain all applicable Best Management Practices to prevent any discharges from entering the City's storm water conveyance system. As per Municipal Code Section 20.08.110, Site Specific Best Management Practices, the following corrective actions are required:

1. Immediately discontinue all illegal discharges to the Municipal storm drain conveyance system.
2. Properly implement, install, use, and maintain Best Management Practices to prevent future discharges.
3. Clean up all sediment discharge from site.
4. Prepare and submit to the City of Encinitas **within 5 days of receipt of this letter** a written response detailing the steps taken or to be taken to maintain and rehabilitate site-wide BMPs (sediment traps, silt fences, fiber rolls and gravel bags) to prevent re-occurrence of the observed violations. Specifically, provide with the response a plan to restore full storage capacity of sediment traps (basins) located throughout the site.

If you have any questions, please contact me directly at (760) 633-2890 or via email at: memerson@encinitasca.gov

Sincerely,

Mike Emerson
Senior Environmental Specialist

Cc: Larry Sobolowsky, Site Superintendent
Encl: Administrative Citation CW030813
Photographs of Observed Violations Dated 03/08/13



City of Encinitas

Administrative Citation

Date of Violation: 03/08/2013

Citation Number: CW-030813

Warning
 1st Citation \$100 per violation
 2nd Citation \$200 per violation
 3rd Citation \$500 (per violation and each subsequent violation within a 12-month period)

Payment of \$0 is due no later than _____ (see reverse side for payment and appeal information)

This citation prohibits the continuation or repeated occurrence of the violation described below. Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement by the City.

Violation Address 425 Santa Fe Drive., Encinitas, CA 92024	Assessor's Parcel Number
Person Cited Mohammad Qahoush	Relationship of person being cited Project Manager
Mailing Address 402 W Broadway Suite 400 San Diego CA 92101	Business (if applicable) USS CAL BUILDERS, INC.

Code Sections Violated	Description of Violation
20.08.040B	Illegal discharge of sediment from construction project located at 425 Santa Fe Drive.
20.08.080	Failure to comply with Best Management Practices established by the City Engineer.

As per the City of Encinitas Municipal Code Section 20.08.110 the following corrective actions must be implemented:

- 1) Immediately discontinue all illegal discharges to the Municipal storm drain conveyance system.
- 2) Properly implement, install, use, and maintain Best Management Practices to prevent future discharges.
- 3) Clean up all sediment discharge from site.
- 4) Prepare and submit to the City of Encinitas within 5 days of receipt of this letter a written response detailing the steps taken or to be taken to maintain and rehabilitate site-wide BMPs (sediment traps, silt fences, fiber rolls and gravel bags) to prevent re-occurrence of the observed violations. Specifically, provide with the response a plan to restore full storage capacity of sediment traps (basins) located throughout the site.

Failure to comply may result in the issuance of the next level citation for each code section violated and/or other enforcement actions.

Enforcing Officer Mike Emerson	Phone Number 760-633-2890	Signature 	Date issued 03/08/2013
Person Cited (Print Please)		Acknowledgement of Receipt-Signature	Date
Owner/Manager			
Method of Delivery			
<input checked="" type="checkbox"/> In Person <input type="checkbox"/> Posted on Property <input type="checkbox"/> By Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Other			

This form must be presented to the City of Encinitas Cashier at the time of payment.

ADMINISTRATIVE CITATIONS

Encinitas Municipal Code Chapter 1.08.080 provides for the issuance of an administrative citation for violations of the Code. There are four levels of citations that may be issued progressively for a violation. The levels, as indicated on the front of the citation, are a Warning, a \$100 Citation, a \$200 Citation, and a \$500 Citation. These fines are per violation and are cumulative.

A. RIGHTS OF APPEAL

You have the right to appeal this citation within 15 calendar days from the date the citation was issued. An appeal must be made in writing, including a return address, a basis for the appeal in detail must be included, and be accompanied by the fine amount. An appeal will result in an administrative hearing.

Failure of any person to properly file a written appeal within 15 calendar days shall constitute a waiver of his or her right to an administrative hearing and adjudication of the citation or any portion thereof and the total amount of the fine.

B. HOW TO PAY FINE

The amount of the fine is indicated on the front of the administrative citation and is due within 30 calendar days of the issue date of the citation. You may pay by mail or in person. Payment should be made by credit card, personal check, cashier's check, or money order payable to the City of Encinitas. Payment should be made at the address below. Please write the citation number on your check or money order.

City of Encinitas
Attention: Finance Department / Administrative Citations
505 S. Vulcan Ave.
Encinitas, CA 92024

If the fine is not paid within 30 calendar days of the issue date of the citation, you will receive a Delinquent Notice from the Finance Department and there will be a 100% penalty fee assessed in addition to the original fine.

**Payment of any fine shall not excuse the failure to correct the violation
nor shall it bar further enforcement by the City.**

C. CONSEQUENCES FOR FAILURE TO PAY THE FINE

The failure of any person to pay the fine assessed by a citation within 30 calendar days of the issuing date of the citation or the due date on a Delinquent Notice may result in turning the account over to a collection agency, filing a claim with Small Claims Court, a lien against your property, or any other available legal remedy to collect such money. The City has the authority to collect all costs associated with the filing of such actions.

D. CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

There are numerous other enforcement options that may be used to encourage correction of violations. These options include, but are not limited to: criminal prosecution, civil litigation, abatement, recording the violation with the County Recorder, and forfeiture of certain benefits for substandard residential rental property.

If you need further information about the violation and/or how to comply, please call the officer designated on the front of the citation.



