



California Regional Water Quality Control Board, San Diego Region

July 25, 2014

Via email only

Janet Dixon
Director of Facilities Development
Temecula Valley Unified School District
31350 Rancho Vista Road
Temecula, California 92592
jdixon@tvusd.k12.ca.us

In reply refer to / attn:
SM-829993:wchiu

Subject: Notice of Violation No. R9-2014-XXXX, Temecula Valley High School Athletic Fields, Order No. 2009-0009-DWQ, NPDES Permit No. CAS000002

Ms. Dixon:

Enclosed is Notice of Violation (NOV) No. R9-2014-XXXX issued to the Temecula Valley Unified School District (TVUSD) for violations of Order No. 2009-0009-DWQ, issued by the California State Water Resources Control Board and overseen by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response **by August 8, 2014** that confirms the violations have been corrected and description of the actions that the TVUSD will take to ensure future violations of Order No. 2009-0009-DWQ will not occur.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." For questions pertaining to the subject matter, please contact Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.

Respectfully,



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

ESB:wc

Enclosure: Notice of Violation No. R9-2014-0091

cc (via email only): David McDaniel, NEFF Construction Inc. (dmcdaniel@neffcon.com)
Aldo Licitra, City of Temecula (aldo.licitra@cityoftemecula.org)
Rudy Shabec, City of Temecula (rudy.shabec@cityoftemecula.org)
Matthew Beile, City of Temecula (matthew.beile@cityoftemecula.org)

Tech Staff Info & Use	
Order No.	2009-0009-DWQ
NPDES No.	CAS000002
Place ID	SM-829993
WDID	933C370190
Inspection ID	2022903
Violation ID	854322, 854323, 854324
Enforcement ID	415852



California Regional Water Quality Control Board, San Diego Region

July 25, 2014

NOTICE OF VIOLATION
No. R9-2014-0091

Janet Dixon
Director of Facilities Development
Temecula Valley Unified School District
31350 Rancho Vista Road
Temecula, CA 92592

Temecula Valley Unified School District
Temecula Valley High School Athletic Fields
PIN No. SM-829993:wchiu

Violations of
Order No. 2009-0009-DWQ,
Construction General Permit

The TEMECULA VALLEY UNIFIED SCHOOL DISTRICT 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 TEMECULA VALLEY UNIFIED SCHOOL DISTRICT 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 Discharge Prohibitions for Construction Activities:
a. Pursuant to Provision III.A of State Water Board Order No. 2009-0009-DWQ: Dischargers shall not violate any discharge prohibitions contained in applicable Basin Plans or statewide water quality control plans.

- b. Pursuant to Provision III.B of State Water Board Order No. 2009-0009-DWQ:**
All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit.
- c. Pursuant to Provision III.D of State Water Board Order No. 2009-0009-DWQ:**
Debris resulting from construction activities are prohibited from being discharged from construction sites.
- d. Observation:** In response to a complaint, the San Diego Water Board inspected the Temecula Valley High School Athletic Fields construction site (WDID 9 33C370190) on July 23, 2014. According to the Storm Water Multiple Application and Report Tracking System (SMARTS), the Temecula Valley Unified School District (TVUSD) is the Legally Responsible Person (LRP) enrolled under the Construction General Permit (CGP) for the site, and the site has been determined to be a Risk Level 1 site. During the inspection, the San Diego Water Board inspector observed evidence of sediment discharged off the site to the City of Temecula's municipal separate storm sewer system (MS4) due to inadequate and ineffective implementation of best management practices (BMPs). The discharge of sediment was the result of inadequate implementation of non-storm water management and sediment controls observed during the July 23, 2014 inspection. See attached Photos 1 through 5 in Attachment 1.

The discharge of sediment off the site is a violation of the prohibition of discharges to a storm water conveyance system that is not composed entirely of storm water contained in the Water Quality Control Plan for the San Diego Basin (Basin Plan). The discharge of sediment also constitutes unauthorized discharges of non-storm water and debris resulting from construction activities from the site, which are prohibited by the CGP.

2. Failure to Implement Measures to Control Non-storm Water Discharges During Construction:

- a. Pursuant to Provision IX and Section C.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall implement measures to control all non-storm water discharges during construction.
- b. Observation:** During the July 23, 2014 inspection, the San Diego Water Board inspector observed evidence of non-storm water flows that were discharged and transported sediment off the site. See attached Photos 1 through 3 in Attachment 1.

3. Failure to Establish Effective Perimeter Controls:

- a. Pursuant to Provision IX and Section E.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 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. Observation: During the July 23, 2014 inspection, the San Diego Water Board inspector observed a lack of perimeter controls to control sediment discharges from the site. See attached Photos 1 through 5 in Attachment 1.

4. Failure to Effectively Manage Runoff Discharged Off the Site:

a. Pursuant to Provision IX and Section F of Attachment C of State Water Board Order No. 2009-0009-DWQ: Risk Level 1 dischargers shall effectively manage all run-on, all runoff within the site and all runoff that discharges off the site.

b. Observation: During the July 23, 2014 inspection, the San Diego Water Board inspector observed a lack of any BMPs to manage runoff within the site and runoff that discharged off the site. See attached Photos 1 through 5 in Attachment 1.

5. Failure to Make the Storm Water Pollution Prevention Plan (SWPPP) Available Upon Request:

a. Pursuant to Provision XIV.C of State Water Board Order No. 2009-0009-DWQ: The discharger shall make the SWPPP available at the construction site during working hours while construction is occurring and shall be made available upon request by a State or Municipal inspector. When the original SWPPP is retained by a crewmember in a construction vehicle and is not currently at the construction site, current copies of the BMPs and map/drawing will be left with the field crew and the original SWPPP shall be made available via a request by radio/telephone.

b. Observation: During the July 23, 2014 inspection, the San Diego Water Board requested the SWPPP for review from the superintendent. The superintendent indicated that the original SWPPP was with the Qualified Storm Water Practitioner (QSP) for the site, but the QSP was not available and could not be located.

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 per 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.

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

ESB:wc

Attachment 1: July 23, 2014 Inspection Photos

Tech Staff Info & Use	
Place ID	SM-829993
WDID	933C370190
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ATTACHMENT 1
to
Notice of Violation No. R9-2014-XXXX

July 23, 2014
Inspection Photos



Photo 1



Photo 2

Photos 1 and 2

Evidence of non-storm water from site that flowed through inadequately managed and controlled sediment from construction activities. Photo 1 also shows evidence of lack of perimeter controls and runoff controls to control sediment discharges and debris from construction activities off the site..

Photo 3

Evidence of sediment transported by non-storm water flows off site to City of Temecula storm drain system. Significant sediment build up behind gravel bags and evidence of non-storm water and sediment flow around gravel bags.



Photo 3



Photo 4



Photo 5

Photos 4 and 5

Evidence of lack of perimeter controls and runoff controls to control sediment discharges and debris from construction activities off the site.