



## California Regional Water Quality Control Board, San Diego Region

February 3, 2015

**Via email only**

Robert Paradise  
Pulte Home Corporation  
Southern California Division  
27101 Puerta Real, Suite 300  
Mission Viejo, California 92691  
[bob.paradise@pultegroup.com](mailto:bob.paradise@pultegroup.com)

**In reply refer to / attn:**  
**SM-823345:wchiu**

**Subject: Notice of Violation No. R9-2015-0032, Laurel Pointe Construction Project, Order No. 2009-0009-DWQ, NPDES Permit No. CAS000002, Construction General Permit**

Mr. Paradise:

Enclosed is Notice of Violation (NOV) No. R9-2015-0032 issued to Pulte Home Corporation 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 February 16, 2015** that confirms the violations have been corrected, identify a date by which the violations were corrected, and description of the actions taken 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.

Please send any written correspondence in response to this letter to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov). These electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: **PIN: SM-823345:wchiu**.

For questions pertaining to the subject matter, please contact Wayne Chiu at (619) 521-3354 or [wchiu@waterboards.ca.gov](mailto: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. R9-2015-0032

cc (via email only): Steve Kanady, Pulte Home Corporation ([steve.kanady@pultegroup.com](mailto:steve.kanady@pultegroup.com))  
Nino Suttle, Pulte Home Corporation ([nino.suttle@pultegroup.com](mailto:nino.suttle@pultegroup.com))  
Erica Horn, KCM Group ([ehorn@kcmgroup.com](mailto:ehorn@kcmgroup.com))  
Jason Christmas, City of Vista ([jchristman@cityofvista.com](mailto:jchristman@cityofvista.com))  
Cheryl Filar, City of Vista ([cfilar@cityofvista.com](mailto:cfilar@cityofvista.com))  
Erica Ryan, Stepping Stone Permit Compliance ([erica@stepstonepermit.com](mailto:erica@stepstonepermit.com))

Tech Staff Info & Use	
Order No.	2009-0009-DWQ
NPDES No.	CAS000002
Place ID	SM-823345
WDID	937C366706
Inspection ID	2024577
Violation ID	856167, 856168, 856169
Enforcement ID	418129



California Regional Water Quality Control Board, San Diego Region

February 3, 2015

NOTICE OF VIOLATION
No. R9-2015-0032

Robert Paradise
Pulte Home Corporation
Southern California Division
27101 Puerta Real, Suite 300
Mission Viejo, California 92691

Pulte Home Corporation
Laurel Pointe Construction Project
PIN No. SM-823345

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

PULTE HOME CORPORATION 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.

PULTE HOME CORPORATION 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.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.

- b. Observation:** On January 29, 2015, the San Diego Water Board inspected the Laurel Pointe construction site (WDID 937C366706). Pulte Home Corporation is the Legally Responsible Person (LRP) enrolled under the Construction General Permit (CGP) for the site. The San Diego Water Board inspector observed a discharge of non-storm water from the site due to inadequate and ineffective implementation of non-storm water management, constituting an unauthorized discharge from the site. See attached January 29, 2015 Facility Inspection Report Photos 3 and 4.

The City of Vista (City) also provided evidence of sediment discharges from the site to the City's MS4 in December 2014. The discharge was the result of inadequate implementation of erosion controls, which were also observed during the January 29, 2014 inspection. See attached January 29, 2014 Facility Inspection Report Compliance History and Attachment 2.

## 2. 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:** During the January 29, 2015 inspection, the San Diego Water Board inspector observed inadequate erosion controls required by the CGP, which directly lead to erosion and sedimentation that ultimately resulted in the discharge of sediment from the site documented by the City in December 2014. The discharge was a result of the implementation of controls, structures, and BMPs that do not achieve BCT. See attached January 29, 2014 Facility Inspection Report Compliance History, Findings 1 through 4, and Attachments 1 and 2.

## 3. Failure to Implement Good Site Management "Housekeeping" Best Management Practices (BMPs) for Construction Materials and Waste Management:

- a. Pursuant to Provision X and Section B.1.a of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers are required to cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).

- b. **Pursuant to Provision X and Section B.2.f of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
- c. **Observation:** During the January 29, 2015 inspection, the San Diego Water Board inspector observed soil stockpiles throughout the site without adequate berm or containment. See attached January 29, 2015 Facility Inspection Report Photos 1 and 2.

**4. Failure to Implement Measures to Control Non-Storm Water Discharges:**

- a. **Pursuant to Provision X and Section C.1 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers shall implement measures to control all non-storm water discharges during construction.
- b. **Observation:** During the January 29, 2015 inspection, the San Diego Water Board inspector observed inadequate implementation of measures to prevent and control discharges of non-storm water runoff. See attached January 29, 2015 Facility Inspection Report Photos 3 and 4.

**5. Failure to Implement Adequate Erosion Controls for 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. **Observation:** During the January 29, 2015 inspection, the San Diego Water Board inspector observed several inactive areas on the site without effective soil cover or other BMPs to prevent erosion. Evidence of erosion and sediment transport due to inadequate or ineffective erosion control measures for inactive areas was observed throughout the site during the inspection. Inadequate implementation of erosion controls was also observed and documented by the San Diego Water Board during an inspection conducted on March 5, 2014. See attached January 29, 2015 Facility Inspection Report Photos 5 through 7 and Attachment 1.

**6. Failure to Implement Adequate Linear Sediment Controls for Exposed Slopes:**

- a. **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.
- b. **Observation:** During the January 29, 2015 inspection, the San Diego Water Board inspector observed slopes throughout the site without linear sediment controls along

the toe, face, and/or grade breaks of exposed slopes. Inadequate implementation of linear sediment controls on slopes was also photo documented by the San Diego Water Board during an inspection conducted on March 5, 2014. See attached January 29, 2015 Facility Inspection Report Photos 5 through 10 and Attachment 1.

**7. Failure to Identify and Record BMPs That Need Maintenance to Operate Effectively, or That Have Failed:**

- a. Pursuant to Provision X and Section G.2 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers shall perform weekly inspections and observations, and at least once each 24-hour period during extended storm events, to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended.
- b. Observation:** During the January 29, 2015 inspection, the San Diego Water Board inspector observed several BMPs throughout the site requiring maintenance to operate effectively, that have failed, or could fail to operate as intended. See attached January 29, 2015 Facility Inspection Report Photos 1 through 10.

**8. Failure to Implement Repairs or Design Changes to BMPs within 72 Hours or As Soon As Possible:**

- 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 other design changes to BMPs within 72 hours of identification and complete changes as soon as possible.
- b. Observation:** The Laurel Pointe construction site was issued a Stop Work Order by the City on December 31, 2014. The QSP was notified of failures and other shortcomings in the implementation of BMPs to bring the site into compliance. During the January 29, 2015 inspection, the San Diego Water Board observed several BMPs throughout the site that were not repaired or changed approximately 30 days after being notified of the failures and shortcomings.

## 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 Wayne Chiu at (619) 521-3354 or [wchiu@waterboards.ca.gov](mailto:wchiu@waterboards.ca.gov).



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

ESB:wc

Attachments: Facility Inspection Report dated January 29, 2015

Tech Staff Info & Use	
Place ID	SM-823345
WDID	937C366706
Inspection ID	2024577
Violation ID	856167, 856168, 856169
Enforcement ID	418129

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

**FACILITY INSPECTION REPORT**

**FACILITY:** Laurel Pointe

**INSPECTION DATE/TIME:** 1/29/2015; 10:00 am

**WDID/FILE NO.:** 937C366706

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

NAME: Wayne Chiu

AFFILIATION: San Diego Water Board

NAME: Bob Paradise

AFFILIATION: Pulte Home Corporation

NAME: Sohail Bokhari

AFFILIATION: Pulte Home Corporation

NAME: Steve Kanady

AFFILIATION: Pulte Home Corporation

NAME: Nino Suttle

AFFILIATION: Pulte Home Corporation

NAME: Erika Horn

AFFILIATION: KCM Group

NAME: Jason Christman

AFFILIATION: City of Vista

NAME: Cheryl Filar

AFFILIATION: City of Vista

NAME: Erica Ryan

AFFILIATION: Stepping Stone Permit Compliance

Pulte Home Corporation  
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

Laurel Pointe  
FACILITY OR DEVELOPER NAME (if different from owner)

27101 Puerta Real, Suite 300  
Mission Viejo, CA 92691  
OWNER MAILING ADDRESS

1521 Leonis place  
Vista, CA 92084  
FACILITY ADDRESS

Bob Paradise, 951-258-6001  
OWNER CONTACT NAME AND PHONE #

Same  
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: Laurel Pointe  
Inspection Date: 1/29/2015

## I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On March 5, 2014, Laurie Walsh of the San Diego Water Board performed an inspection of the Laurel Pointe construction site (WDID 9 37C366706) for compliance with the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP). The inspection was conducted with the City of Vista (City) during an audit of the City's Jurisdictional Urban Runoff Management Program.

According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is a Risk Level 2 construction site, disturbing over 53 acres, and owned and being developed by Pulte Home Corporation, Southern California Division. The March 5, 2014 inspection report identified and documented inadequate implementation of erosion controls for inactive and active areas, inadequate management controls for runoff within and off the site, and inadequate management of waste. According to the March 5, 2014 inspection report (Attachment 1), the City issued a Stop Work Order to the developer on March 7, 2014 because of unauthorized discharges of sediment from the site after a storm event. The Stop Work Order was lifted on March 17, 2014.

On December 31, 2014, the City issued a Notice of Violation (NOV) and Stop Work Order (Attachment 2) to the Laurel Pointe construction site for failing to comply with construction storm water best management practices (BMPs) required by local ordinances. The City's documentation attached to the Notice of Violation and Stop Work Order described inadequate implementation and/or maintenance of erosion controls, sediment controls, tracking controls, and stockpile management, and documented evidence of unauthorized discharges to the City's MS4. The site was required to stop work and implement BMPs to bring the site into compliance with the City's construction storm water BMP requirements.

The City contacted the San Diego Water Board about conducting a joint inspection at the Laurel Pointe construction site because the developer was not demonstrating adequate progress in bringing the site into compliance. The City's storm water manager requested a joint inspection with the San Diego Water Board for additional support to bring the site into compliance with the City's local requirements.

On January 29, 2015, approximately one month after the Stop Work Order was issued to the site by the City, Wayne Chiu of the San Diego Water Board performed an inspection of the Laurel Pointe construction site for compliance with the requirements of the CGP. The San Diego Water Board inspector met with Mr. Bob Paradise, the contact for the owner and developer of the site, Mr. Steve Kanady, Construction Manager for the developer, Ms. Erika Horn, the Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) for the site, and Mr. Nino Suttle, the Field Manager for the developer who has been delegated the weekly inspections by the QSP. Also present at the inspection were Mr. Sohail Bokhari, a representative of the developer, Mr. Jason Christman and Ms. Cheryl Filar, Associate Engineer and Storm Water Program Manager at the City of Vista, respectively, and Ms. Erica Ryan,

Facility: Laurel Pointe  
Inspection Date: 1/29/2015

construction storm water compliance consultant to the City. The San Diego Water Board inspector did not review the SWPPP or other records during the inspection.

## II. FINDINGS

1. Stockpiles throughout the site observed without adequate containment (See Photos 1 and 2). All construction sites are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
2. Inadequate implementation of measures to control discharges of non-storm water runoff observed (See Photos 3 and 4). All construction sites are required to implement measures to control all non-storm water discharges during construction.
3. The entire site has been subject to a Stop Work Order since December 31, 2014, so the entire site is inactive. Several inactive areas were observed without effective soil cover to control potential erosion (See Photos 5 through 7). All construction sites are required to provide effective soil cover for inactive areas (i.e. areas that have been disturbed and not scheduled to be re-disturbed for at least 14 days) and all finished slopes, open space, utility backfill, and completed lots.
4. Several slopes throughout the site were observed to lack linear sediment controls along the toe and grade breaks of exposed slopes (See Photos 5 through 10). Risk Level 2 construction sites are required to apply linear sediment controls along the toe of the slope, face of the slopes, and at the grade breaks of exposed slopes to comply with sheet flow lengths given in Table 1 of Attachment D to the CGP.
5. A review of SMARTS on January 29, 2015 indicated that the Annual Report for 2012-2013 is past due. The 2012-2013 Annual Report was due September 1, 2013. All construction sites are required to prepare and electronically submit an Annual Report no later than September 1 of each year.

## III. COMMENTS AND RECOMMENDATIONS

### Comments

1. There is evidence that good site management "housekeeping" BMPs for stockpiles were not being adequately implemented (See Finding 1). The City's December 31, 2014 Notice of Violation and Stop Work Order also describes inadequate stockpile management, which is at least 30 days of non-compliance.

Facility: Laurel Pointe  
Inspection Date: 1/29/2015

2. There is evidence that the site is not adequately implementing measures to control all non-storm water discharges during construction (See Finding 2).
3. There is evidence that erosion controls were not adequately implemented for several inactive slopes and areas throughout the site (See Finding 3). The San Diego Water Board's March 5, 2014 inspection report describes inadequate erosion controls for inactive and active areas throughout the site, which is at least 330 days of non-compliance. The City's December 31, 2014 Notice of Violation and Stop Work Order also describes inadequate implementation of erosion controls throughout the site, which confirms continual non-compliance.
4. There is evidence that linear sediment controls were not adequately implemented for slopes throughout the site (See Finding 4). Photos from the San Diego Water Board's March 5, 2014 inspection report also show a lack of linear sediment controls for slopes throughout the site, which is at least 330 days of non-compliance.
5. Rills and other signs of erosion on slopes and pads have not been repaired throughout the site (See Photos 5, 6, and 10).
6. There was evidence observed during the inspection that the site has not implemented BMPs to meet BCT Technology Based Effluent Limitations (TBELs) under Section V.A.2 of the CGP, as required for all construction sites. The inadequate implementation of BMPs resulted in the unauthorized discharges from the site in March and December 2014 (See Compliance History discussion).
7. There is evidence that either the QSP or person delegated to perform weekly inspections is not adequately identifying and recommending implementation and/or maintenance of good site management "housekeeping," non-storm water management, erosion control, sediment control, and run-on/runoff control BMPs, or the owner/developer was not directing the implementation of the BMPs as recommended by the QSP.
8. The City appears to be issuing appropriate enforcement actions to compel compliance, but due to the prolonged period of time the site is taking to bring the site into compliance, additional enforcement actions issued by the City are warranted.

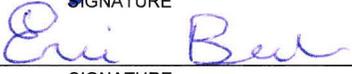
### Recommendations

1. Issue a Notice of Violation for unauthorized discharges from the site and failure to implement Risk Level 2 requirements of the CGP.
2. Allow the City to continue its enforcement process to bring the site into compliance with local construction storm water BMP requirements.

Facility: Laurel Pointe  
 Inspection Date: 1/29/2015

3. Refer the site to the Compliance Assurance Unit to determine whether or not issuing formal enforcement action may be appropriate.

**IV. SIGNATURE SECTION**

Wayne Chiu		1/29/2015
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		2/3/15
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C366706
Place ID	SM-823345
Inspection ID	2024577
Violation ID	856166, 856167, 856168, 856169

Facility: Laurel Pointe  
Inspection Date: 1/29/2015



**Photo 1**



**Photo 2**

**Photos 1 and 2** show examples of soil stockpiles observed through the site without adequate containment. Most stockpiles observed during inspection were covered with plastic, but did not have containment.



**Photo 3**



**Photo 4**

**Photos 3 and 4** show inadequate implementation of measures to control discharges of non-storm water to the MS4. Photo 3 shows runoff from broken sprinkler head flowing across unpaved road and transporting sediment to v-ditch that discharges to MS4 inlet. Photo 8 shows evidence of sediment transport that has been occurring over time, indicating lack of adequate inspections to identify erosion due to non-storm water flows.

Facility: Laurel Pointe  
Inspection Date: 1/29/2015



Photo 5



Photo 6



Photo 7

**Photos 5 through 7** show several areas of the site that lack effective soil cover, or inadequate maintenance of effective soil cover. Photos 5 through 7 also show lack of linear sediment controls along the toe of the slope, face of the slope, and/or at the grade breaks.

Photo 5 shows a completed slope with degraded erosion control blanket that is no longer effective and rill erosion can be observed on the slope under the blanket. Photo 6 shows a slope adjacent to a completed building pad with evidence of rill erosion, due to lack of effective cover or inadequate maintenance of cover. Photo 7 shows an area on a completed lot where hydromulch was not applied.

Facility: Laurel Pointe  
Inspection Date: 1/29/2015



Photo 8



Photo 9



Photo 10

**Photos 8 through 10** show several exposed slopes that lack linear sediment controls required for Risk Level 2 construction sites. Photo 8 shows a slope with erosion control blanket and linear control at toe of slope, but no linear controls at the grade break. Photo 9 shows a slope with degraded erosion control blanket recently planted, with a v-ditch at the base of the slope that leads to a storm drain inlet, but no controls to prevent runoff from slope to transport sediment to v-ditch. Photo 10 shows a completed building pad and adjacent slope with no linear sediment control and evidence of significant gully erosion.

**Attachment 1**  
to  
January 29, 2015  
Facility Inspection Report  
for  
Laurel Pointe Construction Site

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

**CONSTRUCTION INSPECTION**

**MS4 OWNER/OPERATOR:** Pulte Home Corp

**INSPECTION DATE/TIME:** 03/05/2014

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

NAME: <u>Laurie Walsh, Water Resource Engineer</u>	AFFILIATION: <u>San Diego Water Board</u>
NAME: <u>Cheryl Filar, Stormwater Program Manager</u>	AFFILIATION: <u>City of Vista</u>
NAME: <u>Hiram Sarabia, Stormwater Specialist</u>	AFFILIATION: <u>City of Vista</u>
NAME: <u>Jonathan Nottage, Senior Env. Specialist</u>	AFFILIATION: <u>City of Vista</u>
NAME: <u>Kurt Groscup, Construction Inspector</u>	AFFILIATION: <u>City of Vista</u>

Pulte Home Corp  
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

Laurel Pointe / Adobe Estates  
FACILITY OR DEVELOPER NAME (if different from owner)

27101 Puerta Real Ste 300, Mission Viejo, CA  
OWNER MAILING ADDRESS

W. Bobier and Sports Park Way, Vista, CA  
FACILITY ADDRESS

Robert Paradise (951) 258-6001  
OWNER CONTACT NAME AND PHONE #

Robert Paradise (951) 258-6001  
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.
- MS4 AUDIT - AN EVALUATION OF AN MS4 PROGRAM OR PROGRAM COMPONENT THAT COULD POSSIBLY LEAD TO ENFORCEMENT. IT MUST INCLUDE A SITE VISIT.

**INSPECTION FINDINGS:**

Y WERE VIOLATIONS NOTED DURING THIS INSPECTION? (YES/NO/PENDING SAMPLE RESULTS)

Development: Laurel Pointe / Adobe Estates  
WDID No. 9 37C366706  
Inspection Date: 03/05/2014

## I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

Laurie Walsh from the Regional Water Quality Control Board, San Diego Region (San Diego Water Board) inspected the Laurel Pointe/Adobe Estates development project (Site) (WDID No. 937C366706) on March 5, 2014. This construction site is under the jurisdiction of the City of Vista. The purpose of this inspection was to determine if the Site is in compliance with the Risk Level 2 requirements of the Construction General Storm Water Permit Order No. 2009-0009-DWQ (CGP).

The inspection was conducted jointly with City staff and San Diego Water Board staff during the rainy season, as defined in the City's Phase I MS4 Permit as October 1 through April 30 of each year. The findings from this construction site inspection are summarized below.

On March 7, 2014, after the estimated 3.5-inch rain event (as reported by the City) that occurred February 28 - March 2, 2014 and after a discharge of sediment occurred from the Site, the City issued a Stop Work Order to the developer. The City Engineer, Greg Mayer, modified the Stop Work Order on March 11, 2014 after a Site inspection by City staff, to allow site stabilization adjacent to the detention basin (see Figure 8a and 8b), including planned curb, gutter and pavement to lock down the soil that is at the highest risk of being eroded into the detention basin. The City lifted the Stop Work Order on March 17, 2014.

## II. FINDINGS

### Erosion And Sediment Control BMPs

Attachment D of CGP includes requirements specific to Risk Level 2 discharges. Provisions D, E, and F require a discharger to control the discharge of pollutants from its site through use of BMPs to control all runoff within the site and all runoff that discharge off the site.

As seen in Figures 2-5, erosion control BMPs were not installed on the slope nearest the street prior to the rain event that began on February 28, 2014. Erosion control and sediment control BMP materials were present on Site as seen in Figures 6, 7, and 11, however the slope in Figure's 2 and 3 did not have erosion control along with sediment control BMPs in place prior to the rain event. The gravel bags used for sediment control BMPs (see Figures 2-4) were inundated due to lack of adequate erosion control BMPs and caused a discharge of sediment from the Site to the MS4.

### **San Diego Water Board Findings:**

1. The discharger is in violation of Attachment D, provision D.2, for failing to provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots (see Figures 2-5, and 8).

Development: Laurel Pointe / Adobe Estates  
WDID No. 9 37C366706  
Inspection Date: 03/05/2014

2. The discharger is in violation of Attachment D, provision E.3, for failing to implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction (see Figures 2-5).
3. The discharger is in violation of Attachment D, provision F for failing to effectively manage all runoff within the site and all runoff that discharges off the site (see Figure 2-5, and 8)

#### Good Housekeeping BMPs

Attachment D, provision B.2 of the CGP requires Risk Level 2 dischargers to implement good housekeeping measures for waste management on site.

A plastic pool filled with used oil and rainwater was stored on the Site in the hopper of a scraper (see Figure 10). Used oil should be properly disposed of and not stored onsite in the manner found during this inspection.

#### **San Diego Water Board Finding**

4. The discharger is in violation of Attachment D, provision B.2, of the CGP for failing to implement good housekeeping BMPs for waste management on the Site.

#### Record Keeping

Attachment D, provision I.14 of the CGP requires dischargers to, at a minimum, maintain all records on-site while construction is ongoing including records of any corrective actions, and follow-up activities that resulted from analytical results, visual observations, or inspections. Documentation reviewed during this inspection did not include documentation of daily/weekly training.

Attachment D, provision G.5.h of the CGP requires discharger to, at a minimum, include photographs within the inspection checklists/reports to document maintenance and repair activities. Inspection checklists/reports did not include photographs.

#### **San Diego Water Board Finding**

5. The discharger is in violation of Attachment D, provision G.5, of the CGP for failing to maintain minimum documentation.

Development: Laurel Pointe / Adobe Estates  
 WDID No. 9 37C366706  
 Inspection Date: 03/05/2014

**III. RECOMMENDATIONS AND ADDITIONAL COMMENTS**

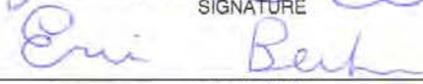
Recommendation:

The maintenance of erosion control BMPs on interior slopes of the Site is needed to fix existing erosion (see Figure 6 and 8) and install additional BMPs to prevent future erosion. Significant erosion on the slopes of the detention basin was noted during the inspection (see Figure 8). Erosion control measures are needed on these slopes to prevent future erosion or slope failure.

Comment:

The violations noted during this inspection were input into SMARTS under the dischargers WDID No. 937C366706.

**IV. SIGNATURE SECTION**

Laurie Walsh, PE STAFF INSPECTOR	 SIGNATURE	March 5, 2014 INSPECTION DATE
Eric Becker, PE REVIEWED BY SUPERVISOR	 SIGNATURE	5/1/14 DATE

Tech Staff Info & Use	
WDID No.	9 37C366706
NPDES No.	CAS 000002
SMARTS Place ID	823345
SMARTS Inspection ID	2022120
Violation ID	853722 (BMP), 853723 (Housekeeping/Records)
Enforcement ID	415432 (BMP), 415433 (Housekeeping/Records)



Development: Laurel Pointe / Adobe Estates

WDID No. 9 37C366706

Inspection Date: 03/05/2014



Figure 2: Slope along North Santa Fe Ave where discharge of sediment occurred due to a failure of the erosion control and sediment control BMPs in place at the time of the qualifying rain event on 2/27-29/14. Erosion control included mulch on slope. Sediment control included gravel bags at toe of slope.

Figure 3: Sediment discharged at the bottom of the North Santa Fe Avenue. Note sediment laden gravel bags replaced after cleanup of sediment discharged to storm drain on North Santa Fe Avenue occurred.



Figure 4: Photo shows no erosion control present on slope where erosion and sedimentation occurred causing the discharge of sediment into the storm drain inlet at the bottom of North Santa Avenue.

Figure 5: Evidence of sediment discharge seen by erosion rills on unvegetated area just prior to curb and sediment remnants in street after street sweeping efforts occurred.

Development: Laurel Pointe / Adobe Estates

WDID No. 9 37C366706

Inspection Date: 03/05/2014



Figure 6: Silt fence as sediment control present around curbs and erosion control present on interior slopes.



Figure 7: Silt fence as sediment control present around curbs and erosion control present on interior slopes. Stacked gravel bags present on site for deployment as erosion/sediment control measures.



Figure 8: Detention basin on site shows runoff collected during Feb 28-March 2, 2014 rain event. Signs of erosion present on the slopes.



Figure 9: Erosion control BMP present on the interior slopes of project.

Development: Laurel Pointe / Adobe Estates

WDID No. 9 37C366706

Inspection Date: 03/05/2014



Figure 10: Kiddy pool filled with oil and rain water found in scrapper on site. Scrapers were reportedly being repainted on site.

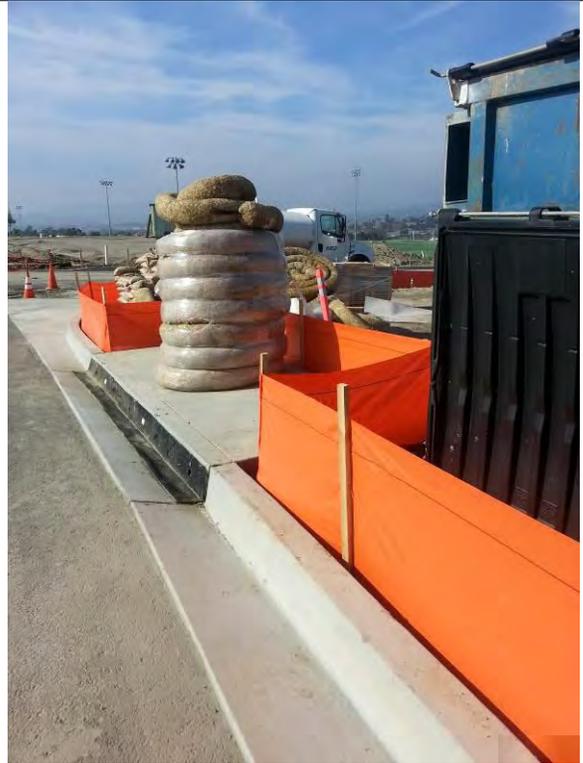


Figure 11: Silt fence installed to provide sediment control on interior portions of site. Stacked BMPs material present for deployment, if needed.

**Attachment 2**  
to  
January 29, 2015  
Facility Inspection Report  
for  
Laurel Pointe Construction Site



**MUNICIPAL NPDES STORMWATER PERMIT CONSTRUCTION  
ACTIVITIES INSPECTION FORM**

**INSPECTION DATE: 12/31/2004 Inspection Season: Wet (10/1 - 4/30)**

**Inspector: Jason Christman**

**Water Quality Threat Priority: High**

*Revised Water Quality Threat Priority: NA Reason: NA*

**Signature:** \_\_\_\_\_ **Date:** *Click here to enter a date.* **FOLLOW-UP:**  YES  NO

**Inspection Location(s):**  On-Site  Off-Site  Other:

**Construction Phase: Vertical Rain%: 95-100% 24 hour forecast**

 NOAA: <http://forecast.weather.gov> **NOTE: 50% Chance of Rain 48 hours Ahead (GCP ONLY)**  
**Triggers REAP TEAM Action Plan Go To Page 2 Date Site Notified of REAP:** \_\_\_\_\_

- **Project Name: Adobe Estates Address: 1980 N. Santa Fe APN: 159-090-45**
- **Watershed: San Luis Rey Total Acres: 52.4 Lat: Long:**
- **Project Application:**  LD #: **13-020**  GP#: **7-013** :  Other: :
- **Project Type:**  Land Development  CIP  Other Agency  Other: *Click here to enter text.*
- **Construction Start Date: 7/29/2013 Construction End Date:** *Click here to enter a date.*
- **SUSMP Priority: SUSMP Priority**
- **SWRCB CONSTRUCTION GENERAL PERMIT (Order 2009-0009/2010-0014/2012-0006)**  YES  NO
- **WDID#:** *Click here to enter text.* **Risk Level: R2**
- **SWPPP/ECP Onsite:**  YES  NO
- **Dewatering**  YES  NO
  - SDRWQCB Individual NPDES Permit (Order R9 2008-002):  YES  NO
  - SDRWQCB -Conditional Waiver# #3 (Order R9 2014-0041)  YES  NO
  - Discharge to Sewer  YES  NO
- **Sewer Bypass Plan**  YES  NO **Hydrostatic Testing/Flushing (Order 2010-0003)**  YES  NO
- **Utility Location:**  YES  NO **Utility Vault Dewatering (SWRCB Order 2006-0008)**  YES  NO
- **Other SDRWQCB Conditional Waiver (Order R9 2014-0041):**  YES  NO **Waiver#:** *Choose an item.*
- **Discharge from Site:**  YES  NO **NOTE: CC: Stormwater Program Manager Date:** \_\_\_\_\_
- **Sediment Tracking Offsite:**  YES  NO

 **INSPECTOR Recommended Enforcement Action (Refer to Detailed Inspection Report and Photo Log):**

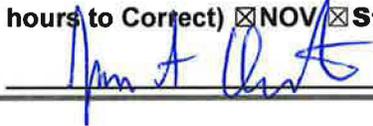
**Inspector Name:** **NA**  Other: Jason Christman

**Correction Notice (72 hours to Correct)**  **NOV**  **Stop Work** **NOTE: Stop Work Must be copied to Stormwater Program Manager for Required Report to SDRWQCB w/in 5 business days**

**Inspector Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Reinspection Date:** \_\_\_\_\_

**Reviewed By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

 **Enforcement Action Approved:**  **Correction Notice (72 hours to Correct)**  **NOV**  **Stop Work**  **NA**

**City Supervisor Signature or Delegated Representative:**  : **Date:** 12/31/14

**Site Representative:**

**Received By:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**E-Mailed to:**  **Owner/Developer**  **QSP**  **QSD**  **Other:** \_\_\_\_\_ **Date:** \_\_\_\_\_



## MUNICIPAL NPDES STORMWATER PERMIT CONSTRUCTION ACTIVITIES INSPECTION FORM

**REAP TEAM Action Plan Inspection (50% Rain Event per NOAA)**

**GCP Only: REAP Onsite AND Site Stabilized within (24 hrs)**     **Yes**  **No: Recommended Enforcement Action Required GO TO Page 1**

**Non GCP: BMPs Employed w/in 24 hrs**     **Yes**  **No: Recommended Enforcement Action Required GO TO Page 1**

CASQA #/Title	Status	Location	Effectiveness	Photo Log #	Comment
EC-3/EC-4/EC-5 Hydraulic Mulch/Hydroseeding/Soil Binders	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	Maintenance Required		BFM no longer effective in areas
EC-7 Geotextiles and Mats	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
SE-1 Silt Fence	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
SE-2/SE-3 Sediment Basin/Sediment Trap	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	Maintenance Required		Long term effectiveness of treatment control basins may be compromised by sediment loads
SE-4 Check Dam	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
SE-5 Fiber Rolls	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	Maintenance Required		Not effective along driveway entrances
SE-6 Gravel Bag Berm	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	Maintenance Required		Not effective
SE-7 Street Sweeping and Vacuuming	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	Missing		Not completed before rain event
SE-8 Sandbag Barrier	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	Maintenance Required		Needs maintenance, sediment cleaned out
SE-10 Storm Drain Inlet Protection	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
WE-1 Wind Erosion Control (Dust)	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
TC-1/TC-2 Stabilized Construction Entrance/Exit/Roadway	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
NS-2 Dewatering Operations (Need Permit Prior to Start and/or Agency Approval)	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
NS-3 Paving & Grinding Operations	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
NS-6 Illicit Connection /Discharge : CC Stormwater	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
NS-8/NS-9/NS-10 Vehicle & Equipment/Cleaning/Fueling/Maintenance	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
NS-12/NS-13 Concrete Curing/Finishing	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
WM-1 Material Delivery and Storage	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
WM-3 Stockpile Management	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	Missing		Not covered or surrounded with a BMP
WM-4 Spill Prevention and Control	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
WM-5 Solid Waste Management	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	Missing		Stockpile of debris not covered, trash bins open throughout site
WM-Hazardous Waste Management	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
WM-7 Contaminated Soil Management	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
WM-8 Concrete Waste Management	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
WM-9 Sanitary/Septic Waste Management	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		
WM-10 Liquid Waste Management	Not Used	<input type="checkbox"/> Onsite <input type="checkbox"/> Offsite	NA		



# MUNICIPAL NPDES STORMWATER PERMIT CONSTRUCTION ACTIVITIES INSPECTION FORM

## PHOTO LOG



**Materials/Trash  
uncovered**

3 [Click here to enter text.](#)



**Ineffective BMP**

5 [Click here to enter text.](#)



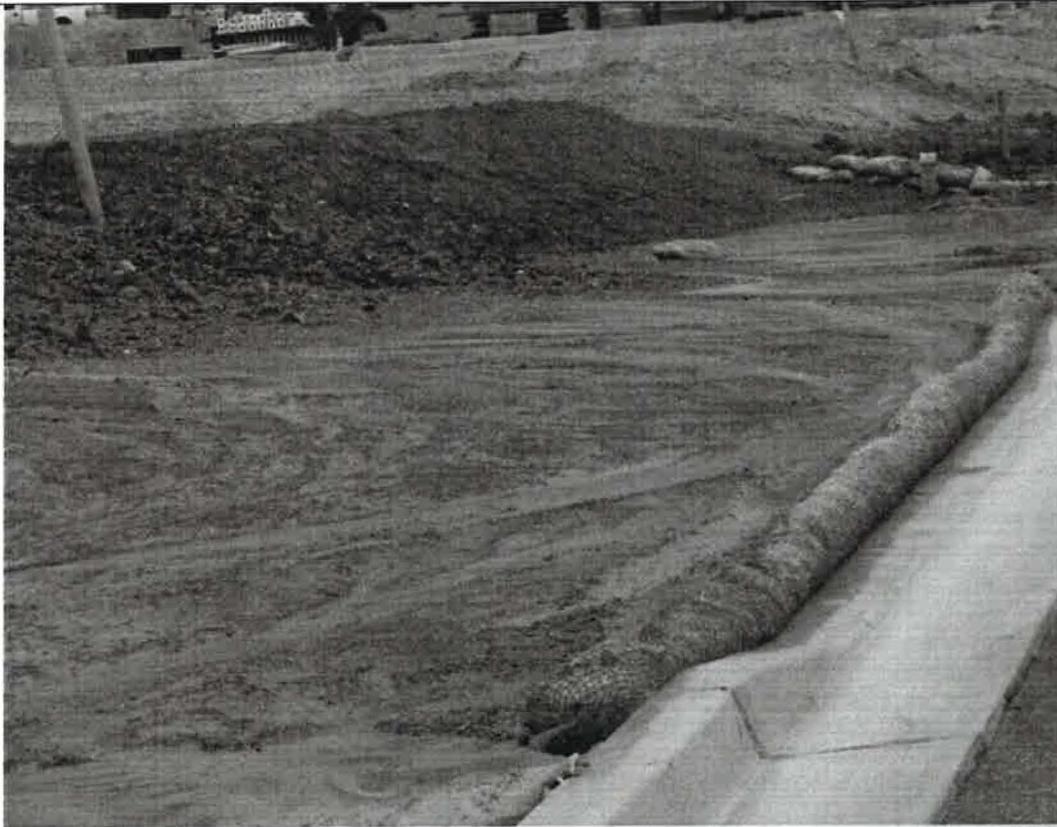
# MUNICIPAL NPDES STORMWATER PERMIT CONSTRUCTION ACTIVITIES INSPECTION FORM



Sediment not swept  
up before storm  
event



# MUNICIPAL NPDES STORMWATER PERMIT CONSTRUCTION ACTIVITIES INSPECTION FORM



8 Click here to enter text.

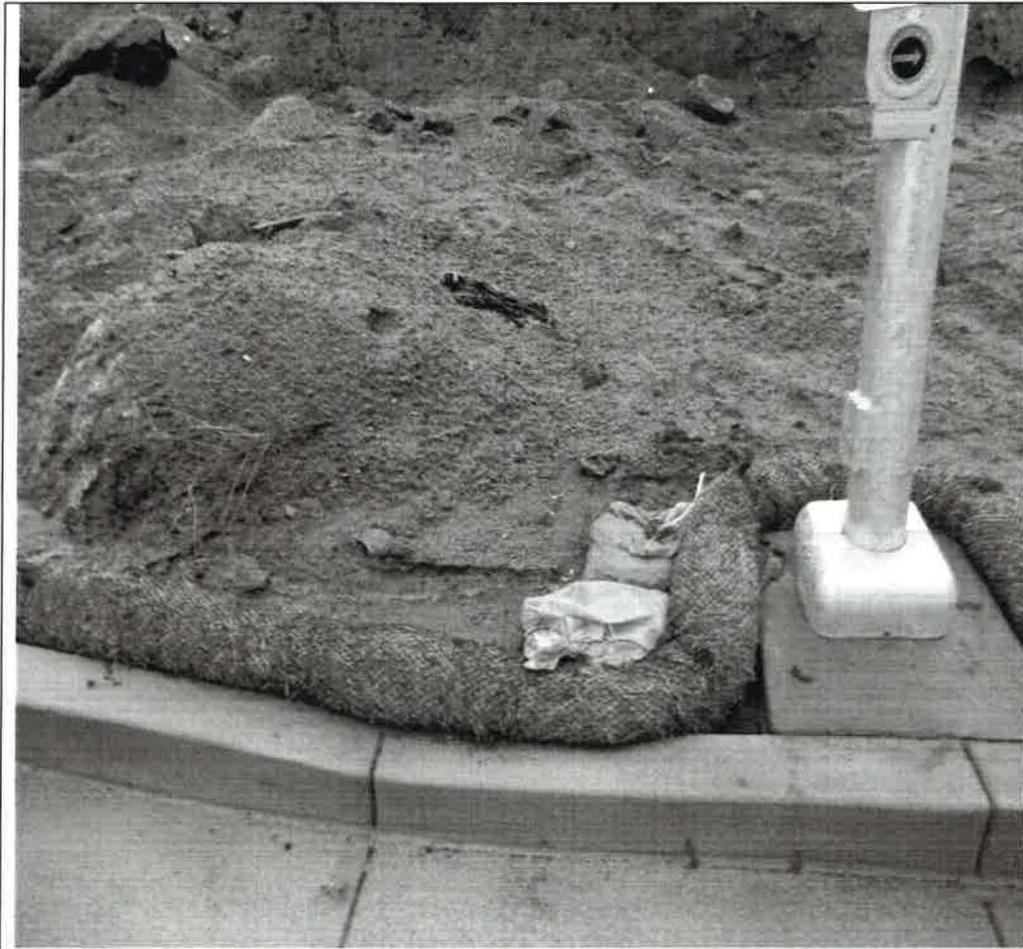
*Ineffective  
BMP*



*Sediment  
tracking*



**MUNICIPAL NPDES STORMWATER PERMIT CONSTRUCTION  
ACTIVITIES INSPECTION FORM**



Discharge  
to MS4



Discharge  
to  
MS4



**MUNICIPAL NPDES STORMWATER PERMIT CONSTRUCTION  
ACTIVITIES INSPECTION FORM**

**PHOTO LOG**



NOV previously issued  
for this area  
BMP's remain  
ineffective 10

9



Ineffective  
erosion control  
same area as  
before. 12

11



**MUNICIPAL NPDES STORMWATER PERMIT CONSTRUCTION  
ACTIVITIES INSPECTION FORM**



13

*BFM no longer  
effective*

14

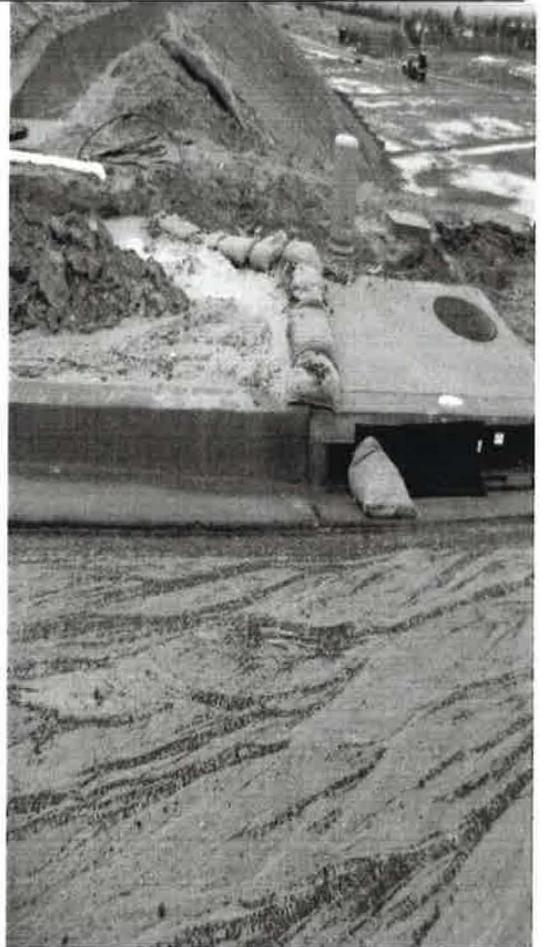


**MUNICIPAL NPDES STORMWATER PERMIT CONSTRUCTION  
ACTIVITIES INSPECTION FORM**



15

- Poorly maintained materials
- No protection for stockpile



16

Ineffective erosion control.

