

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

FACILITY INSPECTION REPORT

FACILITY: Moritz Residence **WDID/401 File #:** none **INSPECTION DATE/Time:** 6/9/08 2:25 pm

FACILITY: **Moritz Residence (APN # 321-040-49)**

REPRESENTATIVE(S) PRESENT DURING INSPECTION: Christopher Means (SDRWQCB), Danis Bechter (City of Poway), Kelly Fisher (CDFG)

Dr. Bill Moritz

(858) 472-0251

NAME OF OWNER, PARTY RESPONSIBLE FOR DISCHARGE

OWNER CONTACT NAME AND PHONE #

FACILITY OR DEVELOPER NAME (if different from owner)

FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

14272 Jerome Drive

Poway, CA 92064

FACILITY STREET ADDRESS

FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION
- GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS
- GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS
- GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- SECTION 401 WATER QUALITY CERTIFICATION
- CWC SECTION 13264

INSPECTION TYPE (Check One)

- A1 ___ "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
- B1 ___ "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02 ___ Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
- 03 ___ Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
- 04 X ___ Complaint--Inspection made in response to a complaint.
- 05 ___ Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06 ___ No Exposure Certification (NEC) - verification that there is no exposure of industrial activities to storm water.
- 07 ___ Notice of termination request for industrial facilities or construction sites - verification that the facility or construction site is not subject to permit requirements (Type, NOT I or NOT C - circle one).
- 08 ___ Compliance Assistance Inspection - Outreach inspection due to discharger's request for compliance assistance.

INSPECTION FINDINGS

Yes ___ Were violations noted during this inspection? (Yes/No/Pending Sample Results)

I. COMPLIANCE HISTORY:

- 2/7/08 City of Poway issues Stop Work Notice for import of fill onto site in conflict with City grading ordinance.
- 2/8/08 City of Poway issues 2nd Stop Work Notice for grading into an ephemeral stream and import of fill.
- 3/21/08 City staff confirms conversation via memo with Dr. Moritz to stop grading and filling and meet with city to discuss violation of regulations including RWQCB & CDFG codes.
- 4/24/08 City of Poway issues 3rd Stop Work Notice which requires restoration of stream to pre-construction topography.
- 5/8/08 City of Poway refers complaint to SDRWQCB Central Watershed Protection Unit .
- 6/9/08 Regional Board with Fish & Game & Poway staff inspect site (from road and adjacent property) and attend a meeting with Dr. Moritz's representative at City Hall.

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II. FINDINGS (See attached photos)


- An in-house review of aerial photos obtained from the internet (see photo 1-2), historical photos taken by CDFG staff in April 2005 (photo 3), and a review of topographic maps at the June 9, 2008 meeting established the existence of a vegetated ephemeral drainage on the Moritz property, which connects to a blue line stream on the adjacent property tributary to Rattlesnake Creek, and ultimately Poway Creek (HSA 906.20). The ephemeral stream generally ran in a North to South direction just west of a horse riding ring on his property.
- As detailed in the February 7, 2008 Stop Work Notice provided by the City of Poway, Dr. Moritz began importing an unknown number of truckloads of earthen material onto his property, as well as cutting into a slope on at the north western end of his property to fill in the creek and raise the topography of the area approximately 5-feet (judging from the southern edge of his property). The source of the imported fill material is unknown.
- Additionally, Dr. Moritz installed a 24-inch HDPE pipe to convey upstream drainage across his property. The outlet of the pipe has been placed out of line with where the creek continued onto the adjacent property, and threatens to cause a condition of erosion, and nuisance to the adjacent property owned by Sean Marsden. (see photo 4)
- At the time of the inspection the entire area of fill remained in a disturbed condition, and no sediment or erosion control BMPs (except some silt fencing along the perimeter) were in place.
- City of Poway Staff confirmed that Dr. Moritz has not obtained any grading permits to do the work. CDFG staff confirmed that Dr. Moritz has submitted an application for a Section 1602 Streambed Alteration Agreement, but it was after the work had been completed.
- No Application for 401 certification or Waste Discharge Requirements has been received by the Regional Board.
- It is unknown at this time whether the area of disturbance is over an acre, and would therefore be required to obtain coverage under the Statewide General Construction Stormwater Permit. Regardless of the area of disturbance, best management practices (erosion and sediment controls) must be implemented.
- After the field visit, Regional Board, City of Poway and CDFG staff met with Mr. Stuart J. Sandrock who was acting as Dr. Moritz's representative. The various violations that have resulted from Dr. Moritz's unauthorized activity were discussed. Mr. Sandrock was alerted to the intention of the Regional Board to initiate an enforcement action to the restore the creek to its original topography and configuration. It was suggested strongly by myself and others in attendance that Dr. Moritz enlist the services of a qualified Civil Engineer, and an Environmental Consultant who has expertise in stream restoration.

III. RECOMMENDATIONS AND ADDITIONAL COMMENTS

- Site needs to be stabilized immediately. Erosion and sediment controls should be implemented
- Consistent with previous instances of unauthorized fill in the City of Poway, a Cleanup and Abatement Order should be prepared requiring removal of fill and restoration of the creek.

IV. SIGNATURE SECTION

Inspection Report received by :

FACILITY REPRESENTATIVE	SIGNATURE	TITLE	DATE
Christopher Means STAFF INSPECTOR			6/9/08
	SIGNATURE	INSPECTION DATE	

VI. (For internal use only)

Reviewed by Supervisor: _____ Date _____

cc: _____

Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____

s: north watershed unit/forms/inspection form.doc (vrs. 11/22/00)

CIWQS:

Regulatory Measure ID: 347272

Place ID: 719044

Party ID: 472125




VICINITY MAP



Address **14272 Jerome Dr**
Poway, CA 92064

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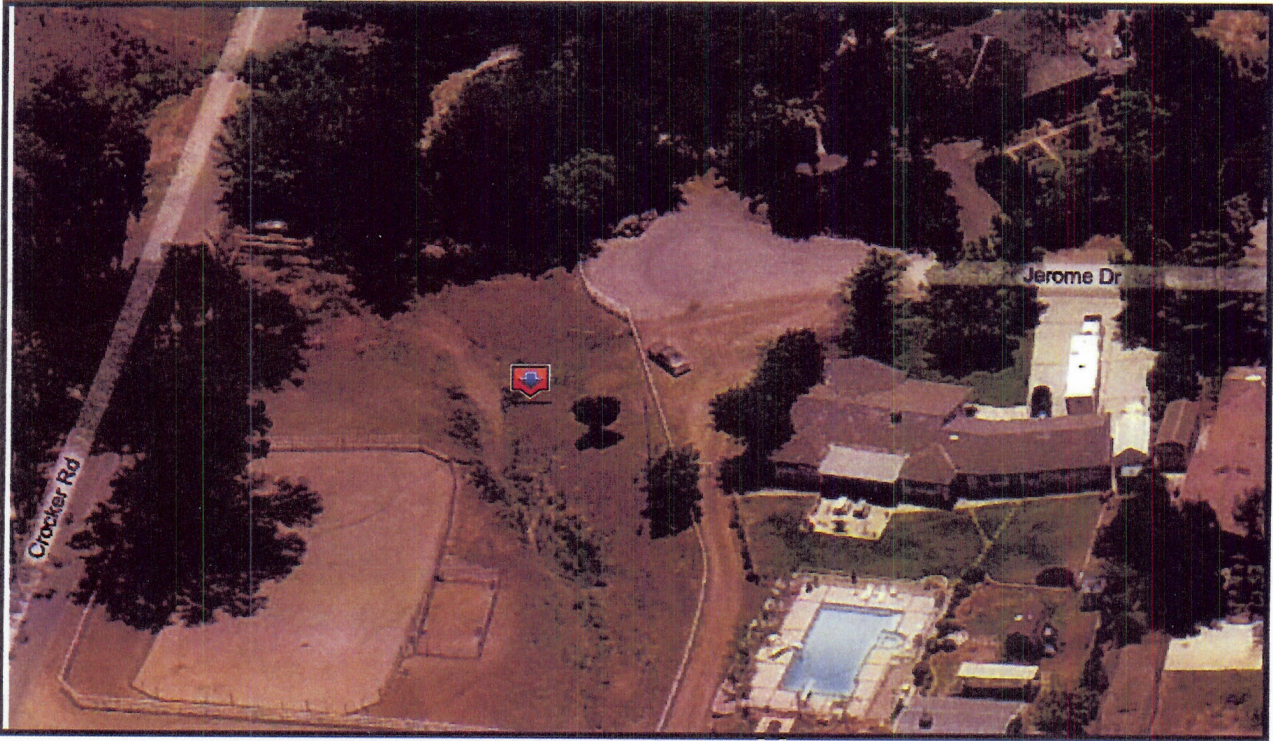



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For the best possible print results, click the printer icon on the Live Search Maps page.

Location result for
14272 Jerome Dr, Poway, CA 92064-2740



Aerial photo looking south of property.

For the best possible print results, click the printer icon on the Live Search Maps page.



This photo was taken April 11, 2005 from the adjacent parcel, looking downstream onto the Moritz property.



Photo provided by Kelly Fisher of CDFG

05.27.2008

