



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

March 3, 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7009 1410 0002 2347 7467

Mr. Geoffrey Sherman
BBA Partners LLC
17140 Bernardo Center Drive, #310
San Diego, CA 92128

In reply refer to:
CWU:645217:Lwalsh

Subject: Notice of Violation No. R9-2010-0014
The Heights Development – Poway, California
WDID No. 9 37C345205

Dear Mr. Sherman:

Enclosed is **Notice of Violation (NOV) R9-2010-0014** issued to BBA Partners LLC (Discharger) for violations of State Water Resources Control Board Order 99-08-DWQ. The Discharger failed to comply with Order 99-08-DWQ by failing to reduce pollutants in storm water discharges from their construction sites to the best available technology economically achievable and best conventional pollutant control technology (BAT/BCT) performance standard; and by allowing discharges of material other than storm water (e.g. sediment) to a separate storm sewer system (MS4).

Questions pertaining to the issuance of this Notice of Violation should be directed to Laurie Walsh at 858-467-2970 or lwalsh@waterboards.ca.gov.

Respectfully,

David T. Barker, P.E.
Supervising Water Resource Control Engineer
Surface Water Basins Branch

DTB:cmc:law

Order No.	R9-2010-0014
CIWQS Place ID	645217
Reg. Measure No.	373188
SMARTS BMP Violations	841125, 841130, 841132
SMARTS Discharge Violations	841126, 841131, 841133

California Environmental Protection Agency



Mr. Geoffrey Sherman
BBA Partners LLC
NOV R9-2010-0014

- 2 -

March 3, 2010

Enclosures: Notice of Violation R9-2010-0014

Cc via US Mail: (w/encl.)

Jim Kennedy, 14755 Valley View Road, Poway, CA 92064

Cc via email: (w/encl.)

Malik Tamimi, City of Poway, Stormwater Program Administrator, MTamimi@ci.poway.ca.us
Oscar Iniguez, Watkins Landmark Construction, oscar@watkinslandmark.com
Danis Bechter, City of Poway, dbechter@ci.poway.ca.us



California Regional Water Quality Control Board San Diego Region



Linda Adams
Secretary

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

March 3, 2010

IN THE MATTER OF:

Mr. Geoffrey Sherman
BBA Partners LLC
17140 Bernardo Center Dr #300
San Diego, CA 92128

**NOTICE OF VIOLATION
NO. R9-2010-0014**

WDID NO. 9 37C345205

In reply refer to:
CWU: 645217:lwalsh

**Subject Site: The Heights Development in the City of Poway
WDID NO. 9 37C345205**

Mr. Geoffrey Sherman, BBA Partners LLC (Discharger) is hereby notified of:

Violations of State Water Resources Control Board Order 99-08-DWQ

Such violations subject you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board).

I. Project Description and Responsible Parties

The Heights Development Project (Project) is the construction of a road with utilities for future development of 8 to 10 houses on Valley View Road in Poway, San Diego County, California. Of the 10 homes to be constructed, one, the Sabin residence, is currently under construction. This Project is subject to the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* (Water Quality Order No. 99-08-DWQ) because the Project disturbs at least one acre of soil.

A Notice of Intent (NOI) to comply with the terms of *Water Quality Order No. 99-08-DWQ* was approved on January 8, 2007 and assigned WDID number 9 37C345205. The NOI identifies the Project's property owner and developer as BBA Partners LLC and Watkins Landmark Construction respectively. Geoffrey Sherman is identified as the Project Manager for BBA Partners LLC. Jody James Watkins is identified as the contact for Watkins Landmark Construction.

II. Potential Civil Liability

Pursuant to CWC Section 13385, any person who violates any waste discharge requirements or dredged and fill material permit or any water quality certification issued pursuant to Section 13160 shall be liable civilly in accordance with the section.

Pursuant to CWC Section 13385 the maximum civil liability that the San Diego Water Board may assess is ten thousand dollars (\$10,000) per day of violation (per violation). CWC Section 13385(e) requires that, when pursuing civil liability under CWC Section 13385, "At a minimum, liability shall be assessed at a level that recovers the economic benefit, if any, derived from the acts that constitute the violation."

III. Identification of Violations

- A. **CONSTRUCTION VIOLATIONS** - The San Diego Water Board inspected the Project on October 1, 2009, December 8, 2009, and most recently on January 19, 2010 for compliance with Water Quality Order No. 99-08-DWQ. The San Diego Water Board inspections identified continued inadequate construction best management practices (BMPs). A copy of each inspection report is attached to this Notice of Violation (NOV).

The Project began construction in March of 2007. To date, it is the San Diego Water Board's understanding that the City of Poway (City) has issued 13 Stop or Correct Work Notices for the Project.

Date	Stop or Correct	Description
9/5/07	Correct	Inadequate erosion control and desilting basin not per plan
9/19/07	Stop	Inadequate erosion control and desilting basin not per plan. The City verified that the site was protected to the Maximum Extent Practicable (MEP) on September 21.
12/4/07	Stop	Inadequate erosion control and sediment discharge before a 70% chance of rain
1/5/08	Stop	Rain Event Discharge
1/22/08	Stop	Inadequate erosion control and sediment discharge
1/31/08	Stop	Inadequate erosion control and Failure to maintain erosion control
4/1/08	Correct	Stabilized construction entrance needs maintenance
8/11/08	Correct	Inadequate erosion control and failure to maintain erosion control
10/1/08	Correct	Inadequate erosion control and failure to maintain erosion control and insufficient gravel bags on site.
12/9/08	Stop	No dust control
12/19/08	Correct	Inadequate erosion control, runoff from site impacting adjacent properties
4/14/09	Stop	Inadequate erosion control, erosion control is not per the approved plan, and failure to maintain erosion/ sediment control device
2/5/10	Stop	Inadequate erosion control, and failure to maintain erosion/sediment control device

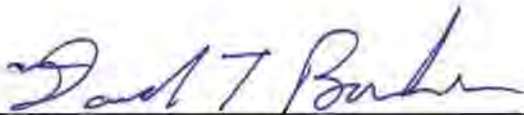
1. FAILURE TO IMPLEMENT / MAINTAIN BEST MANAGEMENT PRACTICES

The Discharger failed to comply with Water Quality Order No. 99-08-DWQ, Special Provision for Construction Activity C.2 which requires the discharger to reduce pollutants in storm water discharges from their construction sites to the best available technology economically achievable and best conventional pollutant control technology (BAT/BCT) performance standard. Water Quality Order No. 99-08-DWQ Sections A.6 and A.8 describes what constitutes BAT and BCT as follows: "At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads." The project had inadequate erosion control and sediment control BMPs during the October 1, 2009, December 8, 2009 and January 19, 2010 San Diego Water Board inspections and during the City of Poway inspections where Stop or Correct Notices.

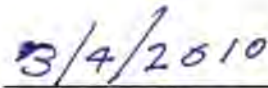
2. FAILURE TO PREVENT PROHIBITED DISCHARGES

The Discharger failed to comply with Water Quality Order No. 99-08-DWQ Discharge Prohibition A.2 which states "Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited..." The Project was documented as having unauthorized discharges from several locations during the October 1, 2009, December 8, 2009 and January 19, 2010 San Diego Water Board inspections.

Questions pertaining to the issuance of this Notice of Violation should be directed to Laurie Walsh at (858) 467-2970 or lwalsh@waterboards.ca.gov.



David T. Barker
Supervising Water Resource Control Engineer



DATE

cc: Malik Tamimi, City of Poway, MTamimi@ci.poway.ca.us
Oscar Iniguez, Watkins Landmark Construction, oscar@watkinslandmark.com
Danis Bechter, City of Poway, dbechter@ci.poway.ca.us
Jim Kennedy, 14755 Valley View Road, Poway, CA 92064

SMARTS: Construction Inspection: 2002516, 2002518, 2002519
Construction Permit BMP violation: 841125, 841130, 841132
Construction Discharge Violation: 841126, 841131, 841133
NOV Reg. Measure No.: 373188

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

FACILITY INSPECTION REPORT

FACILITY: Heights Development Project **CIWQS#:** **INSPECTION DATE/Time:** 10/1/09 9:30 am to 11 am

FACILITY: HEIGHTS DEVELOPMENT PROJECT FIELD VISIT October 1, 2009

REPRESENTATIVE(S) PRESENT DURING INSPECTION: Laurie Walsh (SDRWQCB), Peter Peuron (SDRWQCB), Malik Tamimi (City of Poway Stormwater Program), Danis Becher (City of Poway Public Works), Clay Ost (City of Poway Engineering), Geoff Sherman (Excel Realty Holdings)

City of Poway

**Malik Tamimi Stormwater Program Administrator
(858) 668-4653**

NAME OF COPERMITTEE

CONTACT NAME AND PHONE #

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 X "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02 X 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 ___ 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

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

I. COMPLIANCE HISTORY:

- 2/17/2009 Regional Board conducts a site visit to Heights Development Project in response to a complaint.
- 3/24/2009 Regional Board issues Notice of Violation R9-2009-0039 to the Heights property owner and developer BBA Partners LLC and Watkins Landmark Construction, respectively.
- 6/23/2009 Regional Board staff met with City staff to discuss the City's findings of their Priority Project Site inventory review and compliance with SUSMP. Six PDP were found to have either failed to adequately design the post-construction treatment control BMP, failed to install the treatment control BMP according to the specified plans, or failed to install the post-construction BMPs all together. All six projects were reviewed, approved, and inspected (post-construction) for compliance by City staff.
- 7/29/2009 Regional Board issued NOV R9-2009-0120 to City of Poway for failure to implement its SUSMP in accordance with Order No. R9-2007-0001.
- 8/25/2009 Regional Board emailed City of Poway explaining its position on when post construction BMPs are to be in place and functioning.

FACILITY: City of Poway Heights
PDP Field Visit

CIWQS#: 249010

INSPECTION DATE/Time: 10/01/09 9:00 am

II. FINDINGS:



Sediment on road at entrance of site is evidence of a discharge to the MS4. Pursuant to 10/1/09 email, the City and the Developer were notified that this was evidence of a discharge of sediment to the MS4 and that the sediment should be cleaned up and actions should be taken to prevent such a situation in the future. See confirmation email from Geoff Sherman 10/2/09 9:35 am.



The area around the home construction should be "buttoned up" with regards to protection from run off and erosion and sediment discharges. The trash container should be covered. Piles of material should be secured to prevent erosion and the drive-way should be protected to prevent erosion and sediment discharges. The site should be in compliance with any City requirements as well as the Gen Construction Storm water permit requirements.



Sediment was present on the spillway located in the detention basin nearest the home at the top of the hill. The presence of sediment is evidence of a historical release of sediment from the detention basin. This may be further evidence that the basin is too small for the amount of flow directed towards the basin. The developer was asked to clean the spillway and clear the area around the standpipe and to clear the standpipe orifices such that the basin can operate as designed for detention and retention. See confirmation email from Geoff Sherman 10/2/09 9:35 am.



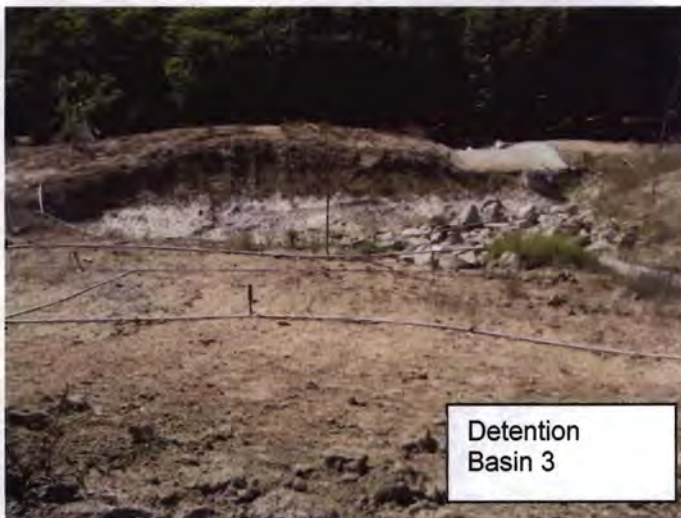
Material in drainage swales. The developer was notified that the swales should be cleaned out and remain clear of debris so as not to discharge debris and sediment during a storm event. See confirmation email from Geoff Sherman 10/2/09 9:35 am.



Detention Basin 1



Detention Basin 2



Detention Basin 3

The detention basins currently in place are shown in the pictures to the left. Per map included in the Water Quality Technical Report submitted by Bill Yen & Associates Detainment Treatment Point 1, 2, and 3 are pictured to the left.

The City explained during this site visit that the Basins were designed to handle peak flows and were not designed to be post-construction treatment control BMPs. Reports from Kristin Schwall (RB Construction Storm Water Inspector) indicate that the basins were designed using runoff from the section of the road that drains to the basin without consideration of the hillside runoff contributions. Therefore, the basins were designed too small. The City explained that the basins were never intended to be used as treatment control BMPs. Consequently, the project did not have post construction treatment control BMPs in the Water Quality Technical Report at the time of project approval. The Regional Board identified this violation at their June 23, 2009 meeting and site visit. The Regional Board issued the City NOV R9-2009-0120 for failing to implement their SUSMP program as required by Order No. R9-2007-001.



This piece of the site is located east of the entrance road. City of Poway issued a corrective work notice to the developer for incorrect installation of BMPs (e.g fiber rolls were not trenched in or staked appropriately). As a result of the corrective work notice, the developer installed the BMPs as directed by the City and installed a fiber blanket as seen in the forefront of the photo. When asked the purpose of the rock placed at the toe of the slope, the developer responded because they did not have anywhere else to put it.

Post Construction BMPs for the Heights Subdivision



High Rate Media Filter vaults installation, waiting for the cement decks to be poured and arrival of filter media. Filters not operational at time of inspection (Start of rainy season 10/1/09).

III. RECOMMENDATIONS AND ADDITIONAL COMMENTS

1. During the field visit, I requested a copy of the Water Quality Technical Report for the high rate media filters.
2. I informed the City and the Geoff Sherman (Excel Realty Holdings) that it is my intent to be out at the site during a rain event to check to see if the filters are working and how the runoff functions throughout the site.
3. Recommendation made via email dated 10/1/2009:

Malik and Geoff,


Here are a few items Pete and I noted for your immediate consideration at the site.

1. Sediment on road at entrance of site is evidence of a discharge to the MS4. What caused this? Whatever caused it should be corrected so not to create a condition where sediment is discharged again. The sediment should be cleaned up so that the sediment on the street is not discharged to the MS4. See picture 1 & 2
2. The area around the home construction should be "buttoned up" with regards run off and erosion. The trash container should be covered. Piles of material should be secured to prevent erosion and runoff. The site should be in compliance with any City requirements as well as the Gen Construction Storm water requirements. See photos 3 and 4.
3. Pete noticed some material in the drainage swales. The swales should be cleaned out and remain clear of debris. See photo 5
4. Sediment was present on the spillway located nearest the home at the top of the hill. The sediment should be removed from the spillway and the area around the standpipe cleared in order for the basin to operate as designed for detention and retention. See photo 6.
5. During the field visit, I requested a copy of the Water Quality Technical Report for the high rate media filters. I am formally requesting a copy be sent to me via this email.

see part 2/2 email with pictures 4,5,6.

IV. SIGNATURE SECTION

Inspection Report
received by:

	SIGNATURE	TITLE	DATE
Laurie Walsh STAFF INSPECTOR			10/7/2009 INSPECTION DATE

VI. (For internal use only)

Reviewed by Supervisor: 	Date: 10/8/09
CC:	
Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____	
s: north watershed unit/forms/inspection form.doc (vrs. 11/22/00)	

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

FACILITY INSPECTION REPORT

FACILITY: Heights Development Project CIWQS#:358372 INSPECTION DATE/Time: 12/08/09 1 pm

FACILITY: HEIGHTS DEVELOPMENT PROJECT FIELD VISIT December 8, 2009

REPRESENTATIVE(S) PRESENT DURING INSPECTION: Laurie Walsh (SDRWQCB), Chris Means (SDRWQCB), Geoff Sherman (Excel Realty Holdings), Ken Desencso (Engineer for Jim Kennedy), Bill Yen (Bill Yen & Associates)

Excel Realty Holdings

**Geoff Sherman - Excel Realty Holdings
(858) 613-1800X465**

NAME OF COPERMITTEE

CONTACT NAME AND PHONE #

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 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

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

I. COMPLIANCE HISTORY:

- 2/17/2009 Regional Board conducts a site visit to Heights Development Project in response to a complaint.
- 3/24/2009 Regional Board issues Notice of Violation R9-2009-0039 to the Heights property owner and developer BBA Partners LLC and Watkins Landmark Construction, respectively.
- 6/23/2009 Regional Board staff met with City staff to discuss the City's findings of their Priority Project Site inventory review and compliance with SUSMP. Six PDP were found to have either failed to adequately design the post-construction treatment control BMP, failed to install the treatment control BMP according to the specified plans, or failed to install the post-construction BMPs all together. All six projects were reviewed, approved, and inspected (post-construction) for compliance by City staff.
- 7/29/2009 Regional Board issued NOV R9-2009-0120 to City of Poway for failure to implement its SUSMP in accordance with Order No. R9-2007-0001.
- 8/25/2009 Regional Board emailed City of Poway explaining its position on when post construction BMPs are to be in place and functioning.
- 10/01/2009 Regional Board conducted a field visit to document site conditions. Post construction treatment control BMPs were not installed at the time of the inspection. The agent for the developer (Excel Realty Holdings) corrected noted areas of concern sending photo documentation to the Regional Board via email on 10/7/2009 (from Excel) and 10/9/2009 (from City of Poway).

FACILITY: City of Poway Heights

CIWQS#: 358371

INSPECTION DATE/Time: 12/08/09 1 pm

II. FIELD INSPECTION:

Detention Basin 1 is located to the right of the property entrance. The red arrows show the flow of water from the basin through the standpipe and out the discharge pipe located on the other side of the spillway. The photo to the bottom right shows the path water takes down gradient from the Heights property, ultimately ending up in Mr. Kennedy's pond. This site visit was conducted the day after a significant rain event. Mr. Kennedy's pond was murky looking. Mr. Kennedy called me on Monday 12/07/09 to inform me of runoff from the Heights property and that he had taken video of the discharge. I asked him to continue to collect photos and video if possible to document these water quality events as they would be helpful to the board during any future potential enforcement actions.



Detention Basin 2 shows areas of erosion. There was a small amount of water captured in Detention Basin 2, but a larger amount of runoff appeared to settle within the blue lined area of the flat area to the left of Detention Basin 2. The gully formed downgradient of the ponded water outlined in blue is estimated at 18 inches deep.



FACILITY: City of Poway Heights

CIWQS#: 358371

INSPECTION DATE/Time: 12/08/09 1 pm



Sediment accumulation in Detention Basin 2 (nearest construction of the single family residence) located at the top of the hill. This sediment came from the eroding soil beneath the rip rap as seen in the photo below as well as the hillside next to the garage (pictured later in this report).



Detention Basin 3

Photo 1 below shows the hillside downgradient from the newly constructed tennis courts. The slope is unprotected from stormwater which resulted in erosion as seen in photo 2 and 3. The silt fence failed as seen in photo 3, causing a discharge of sediment beyond the property border.





This sediment basin is located at the rear of the home. It is full after the significant rain event on 12/07/09 and needs to be cleaned out before the next rain event. The surrounding slope is not protected against erosion. The silt fence at the toe of this slope (pictured below) needs repair in many places. Sediment that accumulated in front of the silt fence should be removed, the silt fence mended, and reinstalled.



The slope shown in the left photo is next to the garage. The slope is unprotected which resulted in erosion as seen by the rills on the hillside. The drainage ditch shown on the right is filled with sediment near the discharge as indicated by the red arrow. The blue arrow shows erosion beneath the concrete drainage swale. This erosion undercut the drainage swale completely day lighting on the other side (indicated by the small blue arrow) where the pvc pipe is.



FACILITY: City of Poway Heights

CIWQS#: 358371

INSPECTION DATE/Time: 12/08/09 1 pm



Two areas on the road where erosion controls failed resulting in a discharge of sediment to the road. The developer and their contractors were aware of these erosion failures once we arrived at the site and were preparing to clean up the sediment and resecure the erosion control BMPs.

The rain event occurred on Sunday December 7, 2009. The National Weather Service recorded 1.56 inches of rain fell in the San Diego area. Ref. www.weather.gov/climate under Archived Data.

CLIMATE REPORT

NATIONAL WEATHER SERVICE SAN DIEGO, CA

624 AM PST TUE DEC 8 2009

...THE SAN DIEGO/LINDBERGH FIELD CA CLIMATE SUMMARY FOR DECEMBER 7 2009...

CLIMATE NORMAL PERIOD 1971 TO 2000

CLIMATE RECORD PERIOD 1850 TO 2009

WEATHER ITEM	OBSERVED VALUE	TIME (LST)	RECORD VALUE	YEAR	NORMAL VALUE	DEPARTURE FROM NORMAL	LAST YEAR
--------------	----------------	------------	--------------	------	--------------	-----------------------	-----------

PRECIPITATION (IN)

YESTERDAY	1.56R		1.15	1992	0.03	1.53	0.00
MONTH TO DATE	1.56				0.26	1.30	0.00
SINCE JUL 1	1.68				2.10	-0.42	2.67
SINCE JAN 1	4.78				9.72	-4.94	7.73

FACILITY: City of Poway Heights

CIWQS#: 358371

INSPECTION DATE/Time: 12/08/09 1 pm

III. RECOMMENDATIONS AND ADDITIONAL COMMENTS


1. The slopes around the home at the top of the hill need to be protected from erosion by installing BMPs (e.g. bonded fiber matrix, fiber rolls, fiber blankets, etc.) to stabilize the slope next to the tennis court and the slope upgradient from the garage. The developer did email me on 12/10/2009 with photos showing installation of fiber rolls on both the slope downgradient of the tennis courts and the slope to the side of the garage.
2. Silt fences failed at a few locations around the home (e.g. downgradient from the pool and down gradient from the tennis courts). The fences should be fixed before the next rain event.
3. The detention basin located in the rear of the home, is full of sediment after the rain event on 12/7/2009. It should be cleaned out in preparation for any future rain events.
4. Areas where erosion has undercut the concrete drainage swales should be fixed and the slopes upgradient of the erosion stabilized before the next rain event.
5. Sediment on road at entrance of site is evidence of a discharge to the MS4. The cause of the failure (failure of bonded fiber matrix area or sand bag failure, etc) should be corrected so not to create a condition where sediment is discharged again. The sediment should be cleaned up so that the sediment on the street is not discharged to the MS4.
6. During this site visit, Bill Yen (engineer to the developer) and Ken Descenso (engineer for Mr. Kennedy) suggested concreting the Detention Basin 2 for ease of cleaning and to capture more sediment. Chris Means suggested possibly vegetating the basins instead with drought tolerant plantings and maintaining them. Geoff Sherman from Excel Realty Holdings was to hear both options. No decisions were made.

IV. SIGNATURE SECTION

Inspection Report received by:

	FACILITY REPRESENTATIVE	SIGNATURE	TITLE	DATE
Laurie Walsh STAFF INSPECTOR				1-26-10
		SIGNATURE	DATE	

VI. (For internal use only)-

Reviewed by Supervisor:  Date: 1-26-10

CC:

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

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

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

FACILITY INSPECTION REPORT

FACILITY: Heights Development Project CIWQS#249010 & INSPECTION DATE/Time: 1/19/2010 2 pm
WDID 9-37C345205:

FACILITY: HEIGHTS DEVELOPMENT PROJECT FIELD VISIT January 19, 2010

REPRESENTATIVE(S) PRESENT DURING INSPECTION: Laurie Walsh (SDRWQCB)

City of Poway

Malik Tamimi Stormwater Program Administrator
(858) 668-4653

NAME OF COPERMITTEE

CONTACT NAME AND PHONE #

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 X "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02 X 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 ___ 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

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

I. COMPLIANCE HISTORY:

- 2/17/2009 Regional Board conducts a site visit to Heights Development Project in response to a complaint.
- 3/24/2009 Regional Board issues Notice of Violation R9-2009-0039 to the Heights property owner and developer BBA Partners LLC and Watkins Landmark Construction, respectively.
- 6/23/2009 Regional Board staff met with City staff to discuss the City's findings of their Priority Project Site inventory review and compliance with SUSMP. Six PDP were found to have either failed to adequately design the post-construction treatment control BMP, failed to install the treatment control BMP according to the specified plans, or failed to install the post-construction BMPs all together. All six projects were reviewed, approved, and inspected (post-construction) for compliance by City staff.
- 7/29/2009 Regional Board issued NOV R9-2009-0120 to City of Poway for failure to implement its SUSMP in accordance with Order No. R9-2007-0001.
- 8/25/2009 Regional Board emailed City of Poway explaining its position on when post construction BMPs are to be in place and functioning.
- 10/1/2009 Site visit to review status of installation of high rate media filters as post construction treatment control BMPs for the access road to the Heights Projects. This inspection also included review of the construction storm water BMPs on the single family residence being built at the top of the hill.
- 12/08/2009 Violations were noted with the construction storm water BMPs located on the single family residence at the top of the Heights development. See Inspection Report dated 12/08/2009.

FACILITY: City of Poway Heights
PDP Field Visit

CIWQS#: 249010&
WDID 9-37C345205

INSPECTION DATE/Time: 1/19/10 2 pm

II. FINDINGS:

This site visit was conducted to inspect construction BMPs and post construction BMPs reviewed during the December 8, 2009 field inspection. The weather during this inspection was severe rain and strong winds.

Detention Basins: I inspected detention Basin 1 and 3. Basin 2 was not inspected. Detention Basins 1 and 3 were within 6 inches of overflowing the spillway. These basins were filled with turbid water. As noted in Notice of Violation R9-2009-0039 the detention basins were incorrectly sized to adequately provide post construction treatment (SUSMP requirements), and to provide adequate detention (construction storm water permit requirements). The City of Poway has since required the developer to install high rate media filters to provide post construction treatment to storm water runoff from the road, but nothing has been done to the basins to increase their detention capacity.

Discharge of sediment laden storm water occurred at two locations; the slopes east and west of the tennis court and the entrance road to the development.

Slope West of Tennis Court: I inspected the slope to the west of the tennis courts. Erosion control BMPs measures were not installed on this slope. Large gully erosion was formed down gradient of the silt fence and hay bale towards the avocado grove due to lack of erosion control BMPs. Sediment control BMPs were inadequately installed along this slope. Silt fences were failing and discharges of sediment laden storm water under and around the silt fences beyond the site boundaries towards the avocado grove.

Slope East of the Residence: I inspected the slope to the east of the residence. Erosion control measures were not installed on this slope. Fiber rolls and hay bales were installed as sediment control BMPs on this slope but were inadequate to retain all of the sediment on the slope. Sediment laden water from this slope discharged on to the street and into the storm drain.

Entrance Road: Sediment laden storm water was observed traveling down the entrance road of the development, ultimately discharging beyond the site boundaries. Sediment contributions to storm water runoff came from the slopes adjacent to the road. A portion of the storm water flows bypassed the installed high rate media filters and was discharged from the site without treatment. Additional erosion and sediment control BMPs are needed on the slopes adjacent to the road.

III. RECOMMENDATIONS AND ADDITIONAL COMMENTS

Water Quality Order No. 99-08-DWQ Sections A.6 and A.8 clarify that at a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. The site had inadequate erosion control and sediment control BMPs on the slope west of the tennis court and east of the residence during this inspection. Additional effort is necessary to install adequate erosion control on the slope to the east of the home and the slope to the west of the tennis court. Adequate erosion control measures include properly installed and maintained fiber blankets or bonded fiber matrix. Adequate sediment control measures include properly installed and maintained fiber rolls and silt fences.

IV. SIGNATURE SECTION

Inspection Report
received by:

FACILITY REPRESENTATIVE	SIGNATURE	TITLE	DATE
Laurie Walsh			1/20/2010
STAFF INSPECTOR	SIGNATURE		INSPECTION DATE

VI. (For internal use only)

Reviewed by Supervisor: Date 1/20/10
 cc: _____
 Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____
 s: north watershed unit/forms/inspection form.doc (vrs. 11/22/00)