

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

FACILITY INSPECTION REPORT

FACILITY: City of Chula Vista MS4 **INSPECTION DATE/TIME:** 3/13/2014; 8:30 am

CIWQS Place ID: CW-214491

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: <u>Wayne Chiu</u>	AFFILIATION: <u>San Diego Water Board</u>
NAME: <u>Whitney Ghoram</u>	AFFILIATION: <u>San Diego Water Board</u>
NAME: <u>Silvester Evetovich</u>	AFFILIATION: <u>City of Chula Vista</u>
NAME: <u>Khosro Aminpour</u>	AFFILIATION: <u>City of Chula Vista</u>

City of Chula Vista
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

1800 Maxwell Road
Chula Vista, CA 91911
OWNER MAILING ADDRESS

Khosro Aminpour
619-397-6111
OWNER CONTACT NAME AND PHONE #

FACILITY OR DEVELOPER NAME (if different from owner)

1800 Maxwell Road
Chula Vista, CA 91911
FACILITY ADDRESS

Khosro Aminpour
619-397-6111
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:

- | | |
|---|---|
| <input checked="" type="checkbox"/> MS4 URBAN RUNOFF REQUIREMENTS | <input type="checkbox"/> GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES |
| <input 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)

Facility: City of Chula Vista
Inspection Date: 3/13/2014

I. BACKGROUND AND PURPOSE

On March 13, 2014, Wayne Chiu and Whitney Ghoram from the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) conducted inspections of three construction sites (WDIDs 937C358483 [Baldwin & Sons Otay Ranch Village 2], 937C365294 [Sunrise Otay Ranch Village 2], and 937C361454 [Millenia]) within the jurisdiction of the City of Chula Vista (City). The purpose of the inspections was to determine if the sites were implementing BMP in compliance with Construction General Storm Water Permit Order No. 2009-0009-DWQ (CGP), and to conduct an audit to assess whether the City was implementing its construction management program in compliance with San Diego County Municipal Storm Water Permit, Order No. R9-2007-0001 (MS4 Permit).

The inspections were conducted with Silvester Evetovich, and Khosro Aminpour, Principal and Senior Civil Engineers, respectively, from the City's Public Works Department. The inspections were conducted during the rainy season, which is defined in the MS4 Permit as October 1 through April 30 of each year. The findings from the March 13, 2014 construction site inspections and the audit of the City's construction management program are summarized below.

II. FINDINGS

March 13, 2014 Inspection Findings

1. Baldwin & Sons Otay Ranch Village 2: The owner of the project is identified in the Storm Water Multiple Application and Report Tracking System (SMARTS) as Baldwin & Sons. Andrea Kroppmann, Project Superintendent, was present during the inspection. The project is identified as Risk Level 1 in SMARTS, but was changed to Risk Level 2 on March 4, 2014 due to an extension of the planned project completion date. According to SMARTS, the total area to be disturbed by the project is approximately 84 acres.

David White, inspector from the City's Public Works Department, conducts the inspections of the site for MS4 Permit requirements. Mr. White was not available at the time of the inspection, so the San Diego Water Board inspected the site. Documentation of training for construction site contractors and subcontractors were not included or available in the Storm Water Pollution Prevention Plan (SWPPP). Inadequate implementation of erosion control best management practices (BMPs) were observed for areas of the project that were active, as required for Risk Level 2 sites, and several areas that appeared to be inactive, or could be scheduled to be inactive as required for Risk Level 1 and Risk Level 2 sites. Inadequate implementation and/or maintenance of perimeter control BMPs for an inactive area of the project was observed. Inadequate implementation of erosion control BMPs identified during the inspection by the San Diego Water Board were not identified by the City inspector during previous inspections.

Facility: City of Chula Vista
Inspection Date: 3/13/2014

2. Sunrise Otay Ranch Village 2: The owner of the project is identified in SMARTS as the Sunrise Co. Brent Harlan, Superintendent for the project, was present during the inspection. The project is identified as Risk Level 1 in SMARTS. According to SMARTS, the total area to be disturbed by the project is 11.3 acres.

David White, inspector from the City's Public Works Department, conducts the inspections of the site for MS4 Permit requirements. Mr. White was not available at the time of the inspection, so the San Diego Water Board inspected the site. Documentation of training for construction site contractors and subcontractors were not included or available in the SWPPP. Inadequate implementation of erosion control BMPs were observed for the areas of the project that appeared to be inactive, or could be scheduled to be inactive. Adequate implementation and maintenance of perimeter control BMPs for the project was observed. Inadequate implementation of erosion control BMPs identified during the inspection by the San Diego Water Board was not identified by the City inspector during previous inspections.

3. Millenia: The owner of the project is identified in SMARTS as McMillin Real Estate Services. Robert Olimon, Off-site Superintendent, and Caine Tsutsui, Qualified SWPPP Practitioner (QSP) for the site, were present during the inspection. The project is identified as Risk Level 2 in SMARTS. According to SMARTS, the total area to be disturbed by the project is approximately 207 acres.

Bob Keleman, inspector from the City's Public Works Department, conducts the inspections of the site for MS4 Permit requirements. Mr. Keleman was present during the inspection. The Legally Responsible Person's signed certification for the SWPPP and documentation of training for construction site personnel, contractors and subcontractors were not included or available in the SWPPP. Inadequate implementation of erosion control BMPs were observed for areas of the project that were active, as required for Risk Level 2 sites, and several areas that appeared to be inactive, or could be scheduled to be inactive as required for Risk Level 1 and Risk Level 2 sites. Adequate implementation and maintenance of perimeter control BMPs for the project was observed. Inadequate implementation of erosion control BMPs identified during the inspection by the San Diego Water Board was not identified by the City inspector during the March 13, 2014 inspection or previous inspections.

Construction Management Program Audit Findings

4. Pursuant to section C.1 of the MS4 Permit, the City is required to establish, maintain, and enforce adequate legal authority to control pollutant discharges into and from its MS4 through ordinance, statute, permit, contract or similar means. Pursuant to section D.2.a.(1) of the MS4 Permit, the City is required upgrade its grading ordinances, and other ordinances as necessary to achieve full compliance with the MS4 Permit. The City developed a Development Storm Water Manual

Facility: City of Chula Vista
Inspection Date: 3/13/2014

(Manual), dated January 2011, which establishes construction storm water requirements for development, redevelopment, and public projects. The legal authority for requiring implementation of the Manual's construction storm water requirements by development, redevelopment and public projects is established by Chula Vista Municipal Code Chapter 14.20.

5. Pursuant to section D.2.c.(1) of the MS4 Permit, the City is required to designate a minimum set of BMPs and other measures to be implemented at all construction sites. Section 7 of the Manual identifies the minimum BMPs to be required for all construction sites. Section 7.2 of the Manual includes the performance standards that must be met by construction sites. The performance standards include:
 - a. *Minimize increases in pollution (including sediment) in runoff from the site to the MEP.*
 - b. *Minimize slope erosion to the MEP.*
 - c. *Minimize increases in water velocity moving offsite to the MEP.*
 - d. *Meet effluent standard included in the General Construction Permit for those projects that disturb one acre or more of land.*

The performance standards under Section 7.2 limit the minimization of erosion to the MEP only to slopes. This performance standard is not consistent with the requirement that designated minimum BMPs for construction sites must include "*erosion prevention, to be used as the most important measure for keeping sediment on site during construction*" which is not limited to just slopes.

Section 7.3 of the Manual specifies several requirements regarding the implementation of erosion and sediment controls. The Manual includes a requirement for disturbed areas that are not completed, but not being actively graded, to be fully protected from erosion if left for 7 or more calendar days. The Manual does not specify or emphasize that erosion prevention is to be used as the most important measure for keeping sediment on site during construction, but the requirements under Section 7.3 may be considered consistent with the designated set of minimum BMPs required by the MS4 Permit if adequately required and enforced.

6. Section 7.4 of the Manual, however, states that the following:

"The area that can be cleared or graded and left exposed at one time is limited to the amount of acreage that the owner/ contractor can adequately protect prior to a predicted rainstorm. At no time shall disturbed soil area of the project site be more than 100 acres for an individual grading permit or combination of grading permits under the associated Tentative Map (i.e. TM XXX-1 through 3). The Director of Public Works may approve, on a case-by-case basis, expansions of the disturbed soil area limit. Soil stabilization and sediment control materials shall be maintained on site sufficient to protect the disturbed soil areas.

Facility: City of Chula Vista
Inspection Date: 3/13/2014

Under this requirement, grading shall be phased at larger sites. For example, it may be necessary to deploy erosion and sediment control BMPs in areas that are not completed but are not actively being worked before additional grading is done.”

Section 7.4 potentially conflicts with the requirements of Section 7.3 if Section 7.4 does not require construction sites to minimize areas that are cleared and graded to only the portion of the site that is necessary for construction, or implement erosion controls for disturbed soil areas as rapidly as feasible.

7. Pursuant to sections D.2.a.(2)(a)-(b) of the MS4 Permit, prior to approval and issuance of local construction and grading permits, the City must require all individual proposed construction sites to implement designated BMPs and other measures so that pollutant discharges from the site will be reduced to the MEP, and verify that the project’s storm water management plan (e.g. SWPPP) complies with their grading ordinance, and other ordinances, and the requirements of the MS4 Permit. The San Diego Water Board inspector reviewed the SWPPPs available on SMARTS for the three sites inspected and noted the following:
 - a) The dry season and wet season requirements for all construction projects specified under Section 7.3 the Manual were not clearly included in the SWPPPs reviewed.
 - b) There were no requirements in the SWPPPs to minimize grading during the wet season and correlation of grading with seasonal dry weather periods to the extent feasible.
 - c) There were no requirements in the SWPPPs that indicated erosion prevention is to be used as the most important measure for keeping sediment on site during construction.
 - d) There was no information in the SWPPPs that would allow the City to determine the maximum area that would be disturbed during construction and could be adequately protected during a rainstorm, or the amount of materials that would be stored on site to be deployed within 24 hours of a predicted rainstorm (defined as a forecasted 40% or more chance of rain by the Manual).
8. Pursuant to section D.2.c.(3), the City is required to implement, or require implementation of the designated minimum BMPs and any additional measures necessary to comply with the MS4 Permit at each construction site within its jurisdiction year round. Pursuant to section D.2.d of the MS4 Permit, the City is required to inspect construction sites for compliance with its local ordinances, permits, and the requirements of the MS4 Permit. Based on the observations noted by Findings 1-3, the City’s construction storm water inspection program failed to identify the following deficiencies in the implementation of the designated minimum BMPs required by the Manual and MS4 Permit for all construction sites:

Facility: City of Chula Vista
Inspection Date: 3/13/2014

- a) The City's inspectors did not require the sites to fully protect disturbed areas that have not been completed, but are not actively being graded, after 7 days, as required by the Manual.
 - b) The City's inspectors did not require deployment of physical or vegetation erosion control BMPs as soon as grading and/or excavation is completed for any portion of the sites, as required by the Manual.
 - c) The City's inspectors did not require the implementation of erosion prevention to be used as the most important measure for keeping sediment on site during construction.
 - d) By not requiring implementation of several designated minimum BMPs required by the Manual and the MS4 Permit, the City's inspectors did not require the implementation of BMPs to retain, reduce, and properly manage all pollutant discharges to the MEP.
9. Pursuant to section D.2.e of the MS4 Permit, the City is required to implement an escalating enforcement process that achieves prompt corrective actions at construction sites for violations of the City's water quality protection requirements and ordinances. There was no evidence that the City was implementing an enforcement process because the City's inspectors were not identifying applicable violations during inspections (see Findings 1-3).
10. Pursuant to section D.5.b.(1)(a) of the MS4 Permit, the City is required to implement an education program so that its planning and development review staff have an understanding of storm water management plan (e.g. SWPPP) development and review and source control BMPs. Education of the City's planning and development review staff was not implemented or inadequate, as evidenced by SWPPPs approved by the City staff that do not include the designated minimum BMPs for construction sites (see Finding 6).
11. Pursuant to section D.5.b.(1)(b) of the MS4 Permit, the City is required to implement an education program so that its construction, building, code enforcement, and grading review staffs, inspectors, and other responsible construction staff have an understanding of Federal, state, and local water quality laws and regulations applicable to construction and grading activities, and proper implementation of erosion and sediment control and other BMPs to minimize impacts to receiving waters from construction activities. Education of the City's construction, building, code enforcement, and grading review staffs, inspectors, and other responsible construction staff was not implemented or inadequate as evidenced by the lack of enforcement actions issued by the City's inspectors for violations of the City's designated minimum BMP requirements (i.e. erosion controls required by the Manual and MS4 Permit) (see Findings 1-3, 7 and 8).

Facility: City of Chula Vista
 Inspection Date: 3/13/2014

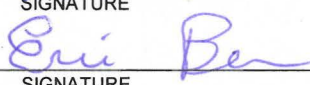
RECOMMENDATIONS AND ADDITIONAL COMMENTS

1. For the three construction sites under the City’s jurisdiction inspected by the San Diego Water Board, the City’s implementation of its construction management program is not in compliance with the requirements of sections D.2.a.(2)(a)-(b), D.2.c.(3), D.2.d, D.2.e, and D.5.b.(1)(a)-(b) of the MS4 Permit.

2. The City should provide recommendations for bringing its construction management program into compliance with the requirements of the MS4 Permit. Recommendations should include proposed modifications to the construction management program implementation processes, proposed modifications to the Manual, and other documentation that will be developed to demonstrate the requirements of the MS4 Permit are being adequately implemented.

3. In the event the City does not bring its construction management program into compliance with the requirements of the MS4 Permit within a reasonable period of time, it is recommended that the San Diego Water Board initiate additional enforcement actions to compel the City to come into compliance with the requirements of the MS4 Permit.

III. SIGNATURE SECTION

Wayne Chiu		3/13/2014
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		4/10/14
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
Place ID	214491
Reg Measure ID	214388
Inspection ID	15522142
Violation ID	966804