

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

CONSTRUCTION INSPECTION

MS4 OWNER/OPERATOR: Paseo Family Housing

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>
NAME: <u>Steve Shafer, Paseo Site Superintendent</u>	AFFILIATION: <u>BOGC, Inc</u>

Paseo Family Housing
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

13520 Evening Creek Drive North Ste. 160,
San Diego, CA 92128
OWNER MAILING ADDRESS

Micah Spano (858) 679-2828
OWNER CONTACT NAME AND PHONE #

Micah Spano
FACILITY OR DEVELOPER NAME (if different from owner)

315 South Santa Fe Avenue, Vista, CA
FACILITY ADDRESS

Micah Spano (858) 679-2828
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)

WDID No. 9 37C367130

Development: Paseo Pointe

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 Paseo Pointe development project (Site) (WDID No. 937C367130) on March 5, 2014. This 2.6 acre construction site is under the land development jurisdiction of the City of Vista (City). 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 6, 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 Notice of Violation to the Paseo Point developer. The City followed up on the Notice with a Stop Work Order enforcement action also issued on March 6, 2014.

II. FINDINGS

A. Training

Provision VII of the CGP requires the discharger to ensure that all persons responsible for implementing requires of the CGP be appropriately trained. The discharger is also responsible for providing documentation of all training for persons responsible for implementing the SWPPP.

During the Site inspection, the QSP/QSD was not onsite. The SWPPP was presented to the San Diego Water Board staff upon request as there was no trailer onsite. The SWPPP was not signed and did not include WDID # or a copy of the NOI (see Figure 9). The SWPPP did not include documentation of training for all individuals responsible for implementing the SWPPP.

San Diego Water Board Finding:

1. The discharger is in violation of provision VII.A for failing to have documentation that all persons responsible for implementing the requirements of the CGP were appropriately trained.

B. Erosion and Sediment Control BMPs

Provisions D, E, and F of Attachment D require Risk Level 2 dischargers 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.

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As seen in Figures 2, 4 and 5, sufficient erosion and sediment control BMPs were not installed throughout the Site prior to the rain event that began on February 28, 2014. Sufficient erosion control and sediment control BMP materials were not stockpiled onsite and ready for deployment prior to the forecasted rain event. Failure to have the required erosion and sediment control BMPs properly installed prior to the rain event resulted in a discharge from the Site.

San Diego Water Board Findings:

2. 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).
3. 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).
4. The discharger is in violation of provision E.1 for failing to establish and maintain effective perimeter controls to sufficiently control erosion and sediment discharges from the site.
5. The discharger is in violation of Attachment D, provision E.3, for failing to implement sufficient erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction (see Figures 2-5).

C. Inspections

Provision G requires the discharger to properly inspect the Site, and maintain erosion and sediment control BMPs.

San Diego Water Board Finding:

6. The discharger is in violation of provision G.2 for failing to 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.

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D. Rain Event Action Plans

Provision H requires the discharger to prepare Rain Event Action Plan (REAP) 48 hours prior to a predicted 50% change of a qualifying rain event.

During the Site inspection, the SWPPP was presented to the San Diego Water Board staff upon request as there was no trailer onsite. The SWPPP did not include a REAP for the forecasted qualifying rain event on February 28, 2014.

San Diego Water Board Finding:

7. The discharge is in violation of provision H for failing to prepare a REAP 48 hours prior to a likely precipitation event.

E. Record Keeping

Provision I.14 requires Risk Level 2 dischargers to retain records all records on-site while construction is ongoing.

All required construction records (i.e. inspection reports, monitoring reports, documentation of follow up corrective actions) were not onsite as required pursuant to provision I.14 of the CGP.

San Diego Water Board Finding:

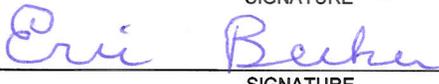
8. The discharger is in violation of provision I.14 for failing to retain all records on-site while construction is ongoing.

III. RECOMMENDATIONS AND ADDITIONAL COMMENTS

1. It is recommended that the discharger be allowed to provide a status update to the San Diego Water Board by June 14, 2014 for bringing its construction project into compliance with the CGP. The status update should include an explanation of any modifications made to the SWPPP and onsite practices. The status update should include documentation that demonstrates the requirements of the Order are being adequately implemented and future implementation will be in compliance with the CGP.

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IV. SIGNATURE SECTION

Laurie Walsh, PE STAFF INSPECTOR	 SIGNATURE	March 5, 2014 INSPECTION DATE
Eric Becker, PE REVIEWED BY SUPERVISOR	 SIGNATURE	5/19/14 DATE

Tech Staff Info & Use	
WDID No.	9 37C367130
NPDES No.	CAS 000002
SMARTS Place ID	824462
SMARTS Inspection ID	2022122
Violation ID	853784 (BMP), 853785 (SWPPP)
Enforcement ID	415494 (BMP) 415495 (SWPPP)

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V. FIGURES

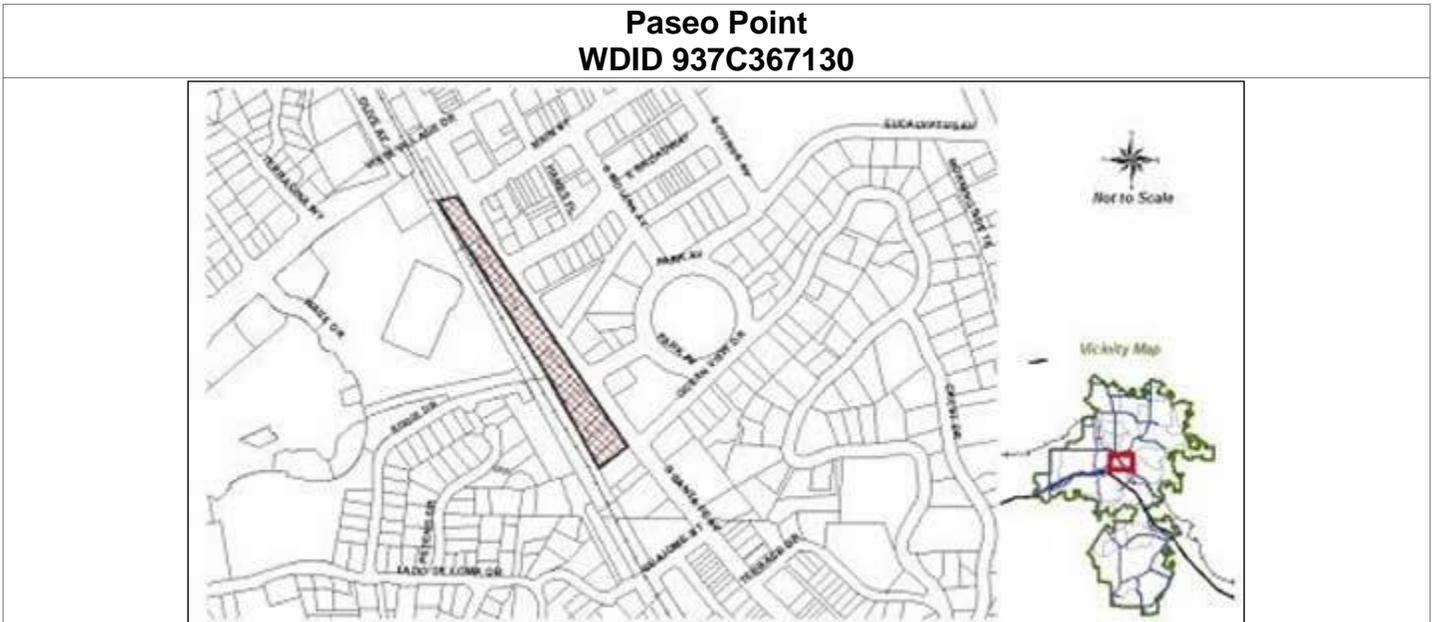


Figure No. 1 Paseo Point Site Plan



Figure 2: Site entrance show signs of sediment discharged from the site as evident by the sediment on the sidewalk



Figure 3: Site entrance tracking BMPs shown. Shaker plates and crushed rock.

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Figure 4: Looking south through the Site. No erosion control present on site.



Figure 5: Looking west at the site. Fiber rolls resting on dirt, not staked in. Burms looked recently created and silt fence recently installed. No erosion control present at the site.



Figure 6: Discharge of sediment occurred beyond silt fence and under the chain link fence into storm water channel below as is evident from staining on side wall of channel and channel invert.



Figure 7: Close up to area where silt fence was resurrected. Evidence of discharge from the site towards the railroad tracks.

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Figure 8: Evidence of discharge leaving the site under the silt fence due to improper installation and failure to have proper erosion control BMPs in place prior to the scheduled rain event.

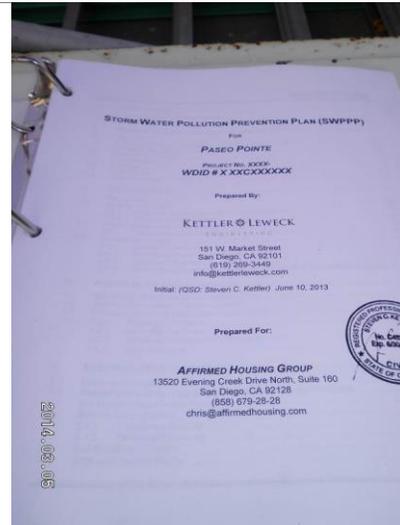


Figure 9: On site SWPPP did not include WDID # and copy of the NOI was not available for review.