
California Regional Water Quality Control Board, San Diego Region

October 1, 2015

NOTICE OF VIOLATION
No. R9-2015-0155

Gary Stanford
San Diego Unified School District
4860 Ruffner Street
San Diego, CA 92111

San Diego Unified School District
Correia Middle School Retaining Wall

PIN No. SM-832958:CArias

**Violations of Order No. 2009-0009-DWQ,
Statewide Construction General Storm
Water Permit**

SAN DIEGO UNIFIED SCHOOL DISTRICT 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.

SAN DIEGO UNIFIED SCHOOL DISTRICT is in violation of State Water Resources Control Board Order No. 2009-0009-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*.

A. Summary of Violations

1. Failure to Comply with Discharge Prohibitions and Effluent Standards

- a. **Pursuant to Provision III A. of Order No. 2009-0009-DWQ:** Dischargers shall not violate any discharge prohibitions contained in applicable Basin Plans or statewide water quality control plans.
- b. **Pursuant to Provision III B. of 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.

- c. **Pursuant to Provision A.1.b. of Attachment C to 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.
- d. **Observation:** On September 15, 2015, Mr. Jim Peugh, a concerned citizen of the City of San Diego, observed sediment-laden storm water runoff entering a storm drain located within the Correia Middle School Retaining Wall construction site. Mr. Peugh took photos of the site and the discharge on September 18-19, 2015 (see Attachment 1).

On September 15, 2015, the Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) report associated with this site indicated that filter fabric was removed from the storm drain inlet to prevent a flooding hazard (see Attachment 2).

On September 15, 2015, the City of San Diego conducted an inspection of the site, and photodocumentation indicates that the filter fabric had been removed, and disturbed sediment was visible surrounding the inlet (see Attachment 3).

2. Failure to Implement Erosion and Sediment Control Best Management Practices (BMPs)

- a. **Pursuant to Provision D.2 of Attachment C to Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.
- b. **Pursuant to Provision E.1 of Attachment C to Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
- c. **Observation:** On September 22, 2015, the San Diego Water Board conducted an inspection of the construction site. The site had a large area of disturbed sediment (an embankment approximately 40 feet high at its highest elevation, approximately 400 feet long on the north side, and approximately 1000 feet long on the east side). The BMPs on the terraced slope were inadequate to prevent erosion during the storm on September 15, 2015 (see Attachment 4: Facility Inspection Report dated September 22, 2015).

3. Failure to Implement Run-on and Run-off Controls

- a. **Pursuant to Provision F. of Attachment C to Order No. 2009-0009-DWQ:**
Risk Level 1 dischargers shall effectively manage all run-on, all runoff within the site and all runoff that discharges off the site. Run-on from offsite shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in this General Permit.
- b. **Observation:** During the September 22, 2015 inspection, the San Diego Water Board observed evidence that storm water run-on from Valeta St. was not effectively controlled and entered the construction site causing erosion along the entire length of the slope (see Figure 8 of Attachment 4: Facility Inspection Report dated September 22, 2015).

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.



Laurie Walsh, P.E.
Senior Water Resource Control Engineer

LAW:cma

- Enclosures: Attachment 1: Photos provided by Mr. Jim Peugh
Attachment 2: QSP report dated September 15, 2015
Attachment 3: Photo from City of San Diego inspection
Attachment 4: San Diego Water Board Facility Inspection Report
dated September 22, 2015

Tech Staff Info & Use	
Enforcement ID	420244
Violation ID	858030, 858031, 858032
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NPDES No.	CAS000002
Inspection ID	2026889