October 19, 2015

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8952 5263

In reply refer to: SM-828060:FMelbourn

Mr. Ben C. Anderson
San Altos-Lemon Grove, LLC
Suite 225
5780 Fleet Street
Carlsbad, California 92008

Notice of Hearing and Issuance of Complaint No. R9-2015-0110 for Administrative Civil Liability Against San Altos-Lemon Grove, LLC for Violations of Order No. 2009-0009-DWQ, as amended.

Mr. Anderson:

Enclosed find Complaint No. R9-2015-0110 (Complaint) for Administrative Civil Liability against San Altos-Lemon Grove, LLC (Discharger) for $848,374 for violations of State Water Resources Control Board Order No. 2009-0009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, California Water Code (Water Code) section 13376, the Water Quality Control Plan for the San Diego Basin, and federal Clean Water Act section 301. The alleged violations are described in the Complaint and the attached Technical Analysis to the Complaint. Pursuant to Water Code section 13323, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) shall hold a hearing on the Complaint no later than ninety (90) days after it is issued.

Waiver of Hearing

You may elect to waive your right to a hearing before the San Diego Water Board. Waiver of the hearing constitutes admission of the violations alleged in the Complaint and acceptance of the assessment of civil liability as set forth in the Complaint. For the San Diego Water Board to accept the waiver of your right to a public hearing, you must sign, as the Legally Responsible Person for San Altos-Lemon Grove, LLC, the enclosed waiver form with Option 1 selected, and submit it to the San Diego Water Board by 5:00 p.m. on **October 30, 2015**.

Public Hearing

Alternatively, if you elect to proceed to a public hearing, a hearing is tentatively scheduled to be held at the San Diego Water Board meeting on **December 16, 2015**. The meeting is scheduled to convene at the San Diego Water Board, 2375 Northside Drive, Suite 100, San Diego, California at 9:00 a.m. At that time, the San Diego Water Board will accept testimony, public comment, and decide whether to affirm, reject, or modify the proposed liability, or whether to refer the matter for judicial civil action.

Enclosed is the recommended hearing procedure for the San Diego Water Board to follow in conducting the hearing. Please note that comments on the proposed procedure are due by **October 26, 2015**, to the San Diego Water Board's advisory attorney, Catherine Hagan, at the address indicated in the hearing procedure.

Please submit all written documents as Portable Document Format (PDF) files to sandiego@waterboards.ca.gov. In the subject line of any response, please include the reference number **SM-828060:FMelbourn**. For questions or comments, please contact Frank Melbourn by telephone at (619) 521-3372, or by email at fmelbourn@waterboards.ca.gov.

Respectfully,

JAMES G. SMITH
Assistant Executive Officer

JGS:jch:ljd:cmc:ftm

Enclosures:
1. ACL Complaint No. R9-2015-0110 with attached Technical Analysis
2. ACL Complaint Fact Sheet
3. Proposed Hearing Procedure
4. Waiver of Public Hearing Form

cc with enclosures:
David Boyers, State Water Resources Control Board, dboyers@waterboards.ca.gov
Wayne Chiu, San Diego Water Board, wchiu@waterboards.ca.gov
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Malik Tamimi, City of Lemon Grove, mtamimi@lemongrove.ca.gov
Laurie Walsh, San Diego Water Board, lwalsh@waterboards.ca.gov

SMARTS:
Place ID: SM-828060
Violation IDs: 855345, 855346, 857231, 857232, 857243, and 857267
WDID No: 9 37C369143
Enforcement ID: 420236

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

In the matter of:	COMPLAINT NO. R9-2015-0110 FOR ADMINISTRATIVE CIVIL LIABILITY
San Altos-Lemon Grove, LLC Valencia Hills Construction Site San Diego County	Noncompliance with Order No. 2009-0009-DWQ, Water Code § 13376, Water Quality Control Plan for the San Diego Basin, and Clean Water Act § 301
PIN: SM-828060	October 19, 2015

SAN ALTOS-LEMON GROVE, LLC IS HEREBY GIVEN NOTICE THAT:

1. San Altos-Lemon Grove, LLC (Discharger) has violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) may impose civil liability pursuant to Water Code section 13385.

2. This Administrative Civil Liability Complaint is issued under authority of Water Code section 13323.

3. The Discharger is constructing Valencia Hills, a single family detached home community of 78 homes on 18.26 acres (Site). The Site is located at 1350 San Altos Place, in the southwest corner of the City of Lemon Grove, County of San Diego, California.

4. The Discharger is the property owner. Ben C. Anderson is the contact and the "Legally Responsible Person" (LRP) for the Discharger.

5. On March 6, 2014, Ben C. Anderson, on behalf of the Discharger filed a Notice of Intent (NOI) to comply with California State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction Storm Water Permit).

6. The Discharger stated in the NOI that construction activities would begin at the Site on March 1, 2014, and end on December 31, 2015. Additionally, the Discharger stated in the NOI that the Site is a Risk Level 2 construction site; thus acknowledging that the Discharger must implement the requirements in Attachment D to the Construction Storm Water Permit to achieve Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT). On March 12, 2014, the State Water Board processed the NOI and assigned Waste Discharge Identification (WDID) No. 9 37C369143 to the Site.

7. Construction Storm Water Permit section V.A.2. requires the implementation of best management practices (BMPs), using best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to reduce pollution from storm water runoff from construction sites.

8. On December 12, 2014, the City of Lemon Grove (City) requested the San Diego Water Board's assistance in obtaining regulatory compliance at the Site after documenting the Discharger's second sediment discharge. By this time, the City had inspected the Site at least seven times; resulting in two administrative citations, three stop work notices, and one correct work notice. San Diego Water Board staff inspected the Site on December 15, 2014. Based upon the results of the inspection and previous inspections by the City, the San Diego Water Board issued Notice of Violation No. R9-2014-0153 on December 19, 2014, to the Discharger.

9. The City provided its Site inspection reports and enforcement documents to the San Diego Water Board for the following days: August 14, 2014; December 2, 2014; December 4, 2014; December 8, 2014; December 9, 2014; December 11, 2014; December 12, 2014; December 15, 2014; December 16, 2014; December 17, 2014; December 23, 2014; December 24, 2014; December 29, 2014; December 31, 2014; January 6, 2015; January 14, 2015; January 19, 2015; March 1, 2015; March 5, 2015; March 18, 2015; March 24, 2015; April 1, 2015; September 15, 2015; and October 5, 2015.

10. The City issued administrative citations to the Discharger on the following dates: December 11, 2014; December 15, 2014; December 16, 2014; March 19, 2015 (2 citations); March 24, 2015; April 1, 2015; September 22, 2015; and October 5, 2015.

11. The San Diego Water Board inspected the Site on the following days: December 15, 2014; May 8, 2015; May 13, 2015; and May 15, 2015.

12. The Site lies within the Chollas Hydrologic Subarea (HSA) (908.22) of the Pueblo San Diego Hydrologic Unit. Storm water discharges from the Site flow directly into Encanto Channel and thence Chollas Creek.

13. The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates the following beneficial uses for Chollas Creek and its tributaries:

    1. Contact Water Recreation (REC-1);
    2. Non-contact Water Recreation (REC-2);
    3. Warm Freshwater Habitat (WARM); and
    4. Wildlife Habitat (WILD).

14. Chollas Creek is designated as impaired for diazinon, dissolved metals (copper, lead, and zinc), indicator bacteria, nutrients (phosphorus and nitrogen), and trash pursuant to Clean Water Act section 303(d).

ALLEGED VIOLATIONS

15. **Violation No. 1**: The Discharger violated Water Code section 13376; Construction Storm Water Permit Discharge Prohibitions III.A. and III.B., section V.A.2. and Attachment D section A.1.b; Basin Plan Waste Discharge Prohibition No. 8; and the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. § 1251 et seq.) section 301 (33 U.S.C. § 1311) by discharging sediment laden storm water from the Site into Encanto Channel and thence Chollas Creek on the following six days: December 4, 2014; December 12, 2014; December 17, 2014; December 31, 2014; May 8, 2015, and September 15, 2015.

16. **Violation No. 2**: The Discharger violated Construction Storm Water Permit Attachment D, section B.1.b. by failing to implement material stockpile BMPs at the Site on the following 10 days: December 2 through 8, 2014; December 15, 2014; May 13, 2015; and September 15, 2015.

17. **Violation No. 3**: The Discharger violated Construction Storm Water Permit Attachment D, section B.3.a. by failing to implement vehicle fluid leak BMPs at the Site on the following two days: December 15, 2014; and May 13, 2015.

18. **Violation No. 4**: The Discharger violated Construction Storm Water Permit Attachment D, section D.2. by failing to implement erosion control BMPs in inactive areas at the Site on the following 22 days: December 1 through 9 , 2014; December 15 through 16, 2014; January 6, 2015; January 14, 2015; May 8 through 15, 2015; and September 15, 2015.

19. **Violation No. 5:** The Discharger violated Construction Storm Water Permit Attachment D, section E.1. by failing to implement perimeter sediment control BMPs at the Site on the following 14 days: December 4 through 8, 2014; December 15 through 16, 2014; May 8 through 13, 2015; and September 15, 2015.

20. **Violation No. 6:** The Discharger violated Construction Storm Water Permit Attachment D, section E.3. by failing to implement erosion control BMPs in active areas at the Site on the following 22 days: December 1 through 8 , 2014; December 15 – 16, 2014; January 6, 2015; March 23 through 24, 2015; May 8 through 15, 2015; and September 15, 2015.

21. **Violation No. 7:** The Discharger violated Construction Storm Water Permit Risk Attachment D, section E.4. by failing to apply linear sediment controls at the Site on the following nine days: December 15 through 16, 2014; May 8 through 13, 2015; and September 15, 2015.

22. **Violation No. 8:** The Discharger violated Construction Storm Water Permit Attachment D, section F. by failing to effectively manage run-on and runoff at the Site on the following seven days: December 15, 2014; and May 8 through 13, 2015.

23. **Violation No. 9:** The Discharger violated Construction Storm Water Permit Attachment D, section E.7. by failing to remove sediment or other construction materials from roads at the Site on the following 10 days: December 2 through 9, 2014; December 16, 2014; and September 15, 2015.

24. **Violation No. 10:** The Discharger violated Construction Storm Water Permit Attachment D, section E.6. by failing to protect storm drain inlets at the Site on the following three days: December 8, 2014; May 13, 2015; and September 15, 2015.

25. **Violation No. 11:** The Discharger violated Construction Storm Water Permit Attachment D, section B.2.f. by failing to contain and securely protect stockpiles waste material from wind and rain at the Site on the following nine days: January 6 through 14, 2015.

26. **Violation No. 12:** The Discharger violated Construction Storm Water Permit Attachment D, section B.1.c. by failing to properly store chemicals at the Site on the following seven days: March 18 through 24, 2015.

27. **Violation No. 13:** The Discharger violated Construction Storm Water Permit Attachment D, section B.2.i. by failing to prevent the discharge of concrete waste to the ground at the Site on the following 15 days: March 18 through April 1, 2015.

28. The details of these violations are set forth in full in the accompanying Technical Analysis, which is incorporated herein by this reference as if set forth in full.

MAXIMUM LIABILITY

29. Pursuant to Water Code section 13385(a), a person who violates either Water Code section 13376, a waste discharge requirement, a basin plan prohibition, or a requirement of section 301 of the federal Clean Water Act is subject to administrative civil liability pursuant to Water Code section 13385(c)

> *...in an amount not to exceed the sum of both of the following:*
> *(1) Ten thousand dollars ($10,000) for each day in which the violation occurs.*
> *(2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars ($10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.*

30. Due to the difficulty in accurately determining the volume of sediment laden storm water discharged during the discharge events, civil liability was only calculated on a per day basis for the discharge violations. Therefore, the maximum liability that the San Diego Water Board may assess for the alleged violations listed above is $1,360,000 pursuant to Water Code section 13385(c).

MINIMUM LIABILITY

31. Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "[a]t a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation." The State Water Board Enforcement Policy (Enforcement Policy) further instructs the Regional Water Boards to assess liability against a violator at least ten percent higher than the economic benefit realized from the violation, such that liabilities are not construed as the cost of doing business and provide a meaningful deterrent to future violators.

32. As detailed in the attached Technical Analysis, and based on a calculated economic benefit of $29,923, the minimum liability amount the San Diego Water Board may assess the Discharger is $32,915.

PROPOSED LIABILITY

33. Pursuant to Water Code section 13385(e), in determining the amount of any civil liability, the San Diego Water Board shall consider the nature, circumstances, extent, and gravity of the violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge; and with respect to the Discharger, the ability to pay, the effect on the Discharger's ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violations, and other matters as justice may require.

34. The Enforcement Policy establishes a methodology for assessing administrative civil liability. The use of this methodology addresses the factors that are required to be considered when imposing a civil liability as outlined in Water Code section 13385(e). The required factors have been considered for the violations alleged herein using the methodology in the Enforcement Policy, as explained in detail in the Technical Analysis and summarized in Technical Analysis Exhibit No. 27, Penalty Methodology Summary.

35. Based on consideration of the above facts, the applicable law, and after applying the penalty calculation methodology in section VI of the Enforcement Policy, the Prosecution Team recommends that the San Diego Water Board impose civil liability against the Discharger in the amount of $848,374 for the violations alleged herein and set forth in full in the accompanying Technical Analysis. The assessed amount includes $15,763 for 212.5 hours of San Diego Water Board staff time to investigate and prepare the enforcement documents. Should this matter proceed to hearing, the San Diego Water Board may choose to increase the recommended liability to recover additional necessary staff costs accrued after this Complaint is issued and through the hearing.

JAMES G. SMITH
Assistant Executive Officer

Signed pursuant to the authority delegated by the Executive Officer to the Assistant Executive Officer.

Attachment: Technical Analysis

SMARTS:
Place ID: SM-828060
Violation IDs: 855345, 855346, 857231, 857232, 857243, and 857267
WDID No: 9 37C369143
Enforcement ID: 420236

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TECHNICAL ANALYSIS

ADMINISTRATIVE CIVIL LIABILITY CONTAINED IN COMPLAINT NO. R9-2015-0110
for
SAN ALTOS-LEMON GROVE, LLC
VALENCIA HILLS CONSTRUCTION SITE
WDID 9 37C369143

NONCOMPLIANCE
with
State Water Resources Control Board Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ and 2012-0006-DWQ,
National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges associated with Construction and Land Disturbance Activities
and
Water Quality Control Plan for the San Diego Basin
and
Water Code Section 13376
and
Clean Water Act Section 301

Prepared by

Frank Melbourn
Water Resource Control Engineer
Compliance Assurance Unit

October 19, 2015

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TABLE OF CONTENTS

TABLE OF CONTENTS i

I. INTRODUCTION 1

A. Construction Storm Water Permit 1
B. Site Description 2
C. Beneficial Uses of Potentially Affected Waters 3
D. Compliance History 3

II. ALLEGED VIOLATIONS 6

A. Violation No. 1: Unauthorized Discharge of Sediment 6
B. Violation No. 2: Failure to Implement Material Stockpile BMPs 7
C. Violation No. 3: Failure to Implement Vehicle Fluid Leak BMPs 9
D. Violation No. 4: Failure to Implement Erosion Control BMPs in Inactive Areas 10
E. Violation No. 5: Failure to Implement Perimeter Sediment Control BMPs 11
F. Violation No. 6: Failure to Implement Erosion Control BMPs in Active Areas 12
G. Violation No. 7: Failure to Apply Linear Sediment Controls 13
H. Violation No. 8: Failure to Manage Run-On and Runoff 14
I. Violation No. 9: Failure to Remove Sediment from Roads 15
J. Violation No. 10: Failure to Protect Storm Drain Inlets 16
K. Violation No. 11: Failure to Contain and Securely Protect Stockpiled Waste 17
L. Violation No. 12: Failure to Properly Store Chemicals 17
M. Violation No. 13: Failure to Prevent Discharge of Concrete Waste to the Ground 18

III. LIABILITY CALCULATIONS 19

A. Determination of Administrative Civil Liability 19
B. State Water Board Enforcement Policy 20
C. Proposed Base Civil Liabilities for Alleged Violations 20
   1. Violation No. 1: Unauthorized Discharge of Sediment 21
   2. Violation No. 2: Failure to Implement Material Stockpile BMPs 26
   3. Violation No. 3: Failure to Implement Vehicle Fluid Leak BMPs 29
   4. Violation No. 4: Failure to Implement Erosion Control BMPs in Inactive Areas 32
   5. Violation No. 5: Failure to Implement Perimeter Sediment Control BMPs 36
   6. Violation No. 6: Failure to Implement Erosion Control BMPs in Active Areas 39
   7. Violation No. 7: Failure to Apply Linear Sediment Controls 43
   8. Violation No. 8: Failure to Manage Run-On and Runoff 46
   9. Violation No. 9: Failure to Remove Sediment from Roads 49
   10. Violation No. 10: Failure to Protect Storm Drain Inlets 53
   11. Violation No. 11: Failure to Contain and Securely Protect Stockpiled Waste 56
   12. Violation No. 12: Failure to Properly Store Chemicals 59
   13. Violation No. 13: Failure to Prevent Discharge of Concrete Waste to the Ground 62
D. Consideration of Ability to Pay and Ability to Continue in Business 65
E. Other Factors as Justice May Require 66
F. Total Proposed Liability Amount 67

EXHIBITS

Exhibit No. 1: Notice of Intent
Exhibit No. 2: City Stop Work Notice December 2, 2014
Exhibit No. 3: City Stop Work Notice December 4, 2014
Exhibit No. 4: City Inspection Report December 8, 2014
Exhibit No. 5: City Inspection Report December 9, 2014
Exhibit No. 6: City Administrative Citation December 11, 2014
Exhibit No. 7: City Administrative Citation December 15, 2014
Exhibit No. 8: San Diego Water Board Inspection Report December 15, 2014
Exhibit No. 9: City Letter with Administrative Citation and Inspection Report December 16, 2014
Exhibit No. 10: City Contractor Report December 17, 2014
Exhibit No. 11: Notice of Violation No. R9-2014-0153
Exhibit No. 12: City Contractor Report December 31, 2014
Exhibit No. 13: City Inspection Report March 18, 2015
Exhibit No. 14: City Administrative Citation March 19, 2015
Exhibit No. 15: City Correct Work Notice March 24, 2015
Exhibit No. 16: City Administrative Citation March 24, 2015
Exhibit No. 17: City Administrative Citation April 1, 2015
Exhibit No. 18: San Diego Water Board Inspection Report May 8, 2015
Exhibit No. 19: San Diego Water Board Inspection Report May 13, 2015
Exhibit No. 20: San Diego Water Board Inspection Report May 15, 2015
Exhibit No. 21: City Administrative Citation September 15, 2015
Exhibit No. 22 City Inspection Report September 15, 2015
Exhibit No. 23: City Administrative Citation October 5, 2015
Exhibit No. 24: City Contractor Report January 16, 2015
Exhibit No. 25: City Inspection Report January 6, 2015
Exhibit No. 26: City Inspection Report January 14, 2015
Exhibit No. 27: Penalty Methodology Summary
Exhibit No. 28: Economic Benefit Calculation and Supporting Documentation
Exhibit No. 29: Staff Cost Summary

I. INTRODUCTION

This technical analysis provides a summary of factual and analytical evidence that support the findings in Administrative Civil Liability Complaint No. R9-2015-0110 (Complaint) and the recommended assessment of civil liability in the amount of **$848,374** against San Altos-Lemon Grove, LLC (Discharger) for violations of California State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction Storm Water Permit).

A. Construction Storm Water Permit

The Construction Storm Water Permit authorizes discharges of storm water associated with construction activity so long as the dischargers comply with all requirements, provisions, limitations and prohibitions in the permit. Pursuant to federal statutes and regulations, the Construction Storm Water Permit requires the implementation of the best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to reduce or eliminate pollutants in storm water runoff, as well as additional requirements necessary to implement applicable water quality standards.

Sites with any construction or demolition activity resulting in a land disturbance of equal to or greater than one acre are required to obtain coverage under the Construction Storm Water Permit. Dischargers that have obtained coverage under the Construction Storm Water Permit are required to implement controls, structures, and management practices (a.k.a. Best Management Practices [BMPs[1]]) that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.

Based upon each site's sediment transport and receiving water risk (Risk Level), the Construction Storm Water Permit requires different BMPs, monitoring, and reporting to achieve and demonstrate BAT and BCT. The specific requirements for each Risk Level are contained in Attachments C, D, and E to the permit (Risk Level 1, 2, or 3, respectively). Sites that fail to implement one or more of the requirements contained in Attachments C, D, or E, as applicable, are not in compliance with the implementation of BMPs that achieve BAT and BCT. Discharges of storm water or non-storm water from sites where BMPs have not been implemented that achieve BAT and BCT, as required by the Construction Storm Water Permit, are unauthorized discharges.

[1] Best Management Practices (BMPs) are "schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of 'waters of the United States.' BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage." (40 C.F.R. § 122.2)

B. Site Description

The 18.26 acre Valencia Hills construction site (Site) is located within the City of Lemon Grove, and is within the Chollas Hydrologic Subarea (HSA 902.22) of the Pueblo San Diego Hydrologic Unit. Runoff from the Site discharges into Encanto Channel, and then discharges into Chollas Creek which discharges into San Diego Bay. Encanto Channel runs parallel to Akins Avenue along the southeastern side of the Site. See Figure 1.

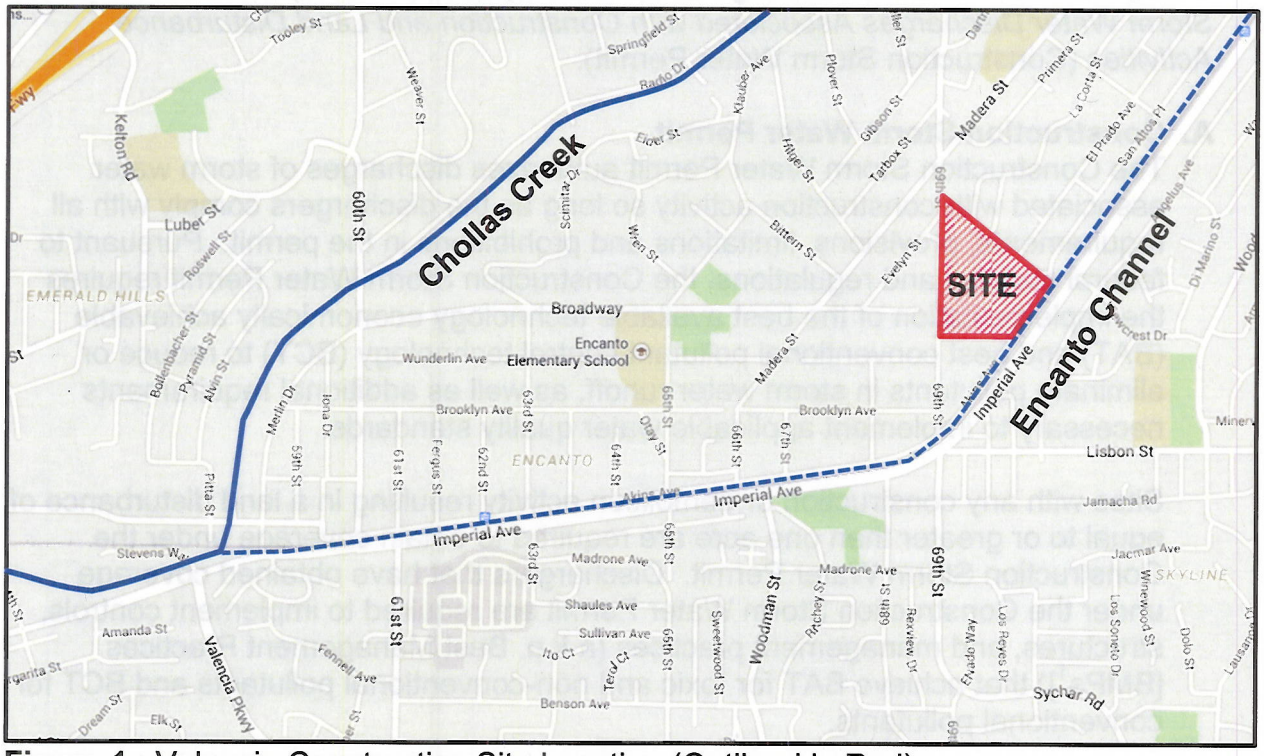


Figure 1. Valencia Construction Site Location (Outlined in Red)

The Site is owned by San Altos-Lemon Grove, LLC (Discharger). Ben C. Anderson is the contact and the "Legally Responsible Person" (LRP) for the Discharger. On March 6, 2014, Ben Anderson, on behalf of the Discharger, filed a Notice of Intent (NOI) with the State Water Board to comply with the requirements of the Construction Storm Water Permit. See Exhibit No. 1, Notice of Intent. On March 12, 2014, the State Water Board processed the NOI and assigned Waste Discharge Identification (WDID) No. 9 37C369143 to the Discharger. The submitted NOI lists BCA Development, Inc. as the "Contractor/Developer" and Ben Anderson as its contact.

The NOI identifies the Site as a Risk Level 2 construction site that must implement the requirements in Attachment D to the Construction Storm Water Permit to achieve BAT and BCT. The submitted NOI, states that construction activities will disturb all 18.26 acres of the Site. The NOI further states that construction activities would begin on March 1, 2014, and final stabilization would be completed on December 31, 2015.

C. Beneficial Uses of Potentially Affected Waters

The Site indirectly discharges to Chollas Creek. The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates beneficial uses for all surface and ground waters in the San Diego Region. These beneficial uses "*form the cornerstone of water quality protection under the Basin Plan.*" (Basin Plan, Chapter 2) Beneficial uses are defined in the Basin Plan as "*the uses of water necessary for the survival or well being of man, plants and wildlife.*" (*Id.*)

The Basin Plan also designates water quality objectives to protect the designated beneficial uses. Water Code section 13050(h) defines "water quality objectives" as "the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area."

The Basin Plan designates the following potential and existing beneficial uses for Chollas Creek:

- Contact Water Recreation (REC-1)
- Non-contact Water Recreation (REC-2)
- Warm Freshwater Habitat (WARM)
- Wildlife Habitat (WILD)

Chollas Creek is designated as impaired for diazinon, dissolved metals (copper, lead, and zinc), indicator bacteria, nutrients (phosphorus and nitrogen), and trash pursuant to Clean Water Act section 303(d). In August 2002, the San Diego Water Board adopted its first Total Maximum Daily Load (TMDL) to address diazinon impairment in Chollas Creek. In June 2007, the San Diego Water Board adopted a TMDL to address the dissolved metals impairment in Chollas Creek. In February 2010, the San Diego Water Board adopted a TMDL to address the indicator bacteria impairment in Chollas Creek.

D. Compliance History

December 2014: The City issued the Discharger a Stop Work Notice on December 2, 2014, for failing to implement required BMPs. See Exhibit No. 2, City Stop Work Notice December 2, 2014. The City warned the Discharger that without adequate BMPs, a "*discharge is imminent.*" The Discharger failed to implement the required BMPs and there was an unauthorized discharge of sediment and sediment laden storm water runoff from the Site into Encanto Channel on December 4, 2014. This resulted in the City issuing the Discharger a second Stop Work Notice on December 4, 2014. See Exhibit No. 3, Stop Work Notice December 4, 2014. The same BMP deficiencies identified before the storm event, as well as additional deficiencies in perimeter sediment controls were identified in a follow up City inspection of the Site on December 8 and 9, 2014. See Exhibit No. 4, City Inspection Report December 8, 2014; and Exhibit No. 5, City Inspection Report December 9, 2014.

On December 11, 2014, the City issued an Administrative Citation to the Discharger warning that if recommended BMPs were not installed by December 15, 2014, then monetary penalties would begin. See Exhibit No. 6, City Administrative Citation December 11, 2014. The City documented another unauthorized discharge of sediment and sediment laden storm water on December 12, 2014, from the Site into Encanto Channel and issued a second Administrative Citation. See Exhibit No. 7, City Administrative Citation December 15, 2014.

On December 12, 2014, the City requested the San Diego Water Board's assistance in obtaining regulatory compliance at the Site after the Discharger's second sediment discharge. By this time, the City had inspected the Site at least seven times; resulting in two administrative citations, three stop work notices, and one correct work notice. Therefore, the San Diego Water Board inspected the Site on December 15, 2014, and noted violations of the Construction Storm Water Permit. See Exhibit No. 8, San Diego Water Board Inspection Report December 15, 2014. On December 16, 2014, the City issued the Discharger its third Administrative Citation for failure to install adequate BMPs. See Exhibit No. 9, City Letter with Administrative Citation and Inspection Report December 16, 2014. On December 17, 2014, after a storm event, the City inspected the Site and observed workers power washing a City of San Diego street south of the Site to remove accumulated sediment discharged from the Site. See Exhibit No. 10, City Contractor Report December 17, 2014. On December 19, 2014, the San Diego Water Board issued Notice of Violation No. R9-2014-0153 to the Discharger, and requested a written response to confirm that the violations were corrected. See Exhibit No. 11, NOV No. R9-2014-0153. On December 31, 2014, after a storm event, the City documented another discharge from the Site. See Exhibit No. 12, City Contractor Report December 31, 2014.

January 2015: The City lifted the Site's Stop Work Order on January 22, 2015, after the Discharger corrected the bulk of the violations.

March 2015: The City documented Discharger BMP violations on March 18, 2015; including discharges of cement to the ground for which the City fined the Discharger $1,000. See Exhibit No. 13, City Inspection Report March 18, 2015; and Exhibit No. 14, City Administrative Citation March 19, 2015. The City noted continued BMP violations on March 23 and 24, 2015, and issued a $1,000 Administrative Citation for the discharge of cement to the ground. See Exhibit No. 15, City Inspection Report March 24, 2015; and Exhibit No. 16, City Administrative Citation March 24, 2015. On March 27, 2015, San Diego Water Board staff during an inspection found that the Discharger had implemented corrective actions that largely addressed the violations noted in Notice of Violation No. R9-2015-0153.

April 2015: The City issued the Discharger a second $1,000 fine for cement discharges to the ground. See Exhibit No. 17, City Administrative Citation April 1, 2015.

May 2015: On the morning of May 8, 2015, San Diego Water Board staff advised the Discharger that an Administrative Civil Liability was being considered. On the evening of May 8, 2015, San Diego Water Board staff documented a sediment discharge from the Site into Encanto Channel, as well as other BMP violations. See Exhibit No. 18, San Diego Water Board Inspection Report May 8, 2015. On May 12, 2015, the San Diego Water Board provided the Site Superintendent with the May 8, 2015, inspection report. San Diego Water Board staff documented additional Site BMP violations on May 13, 2015. See Exhibit No. 19, San Diego Water Board Inspection Report May 13, 2015. On May 14, 2015, San Diego Water Board staff spoke by telephone with the Site Superintendent about the approaching storm event, the inadequacy of existing Site BMPs, the strong likelihood of an administrative civil liability, and that San Diego Water Board staff would inspect the Site again on May 15, 2015. On May 15, 2015, after a storm event, San Diego Water Board staff documented additional BMP violations at the Site. See Exhibit No. 20, San Diego Water Board Inspection Report May 15, 2015.

June through October 2015: The City inspected the site once in June and once in July 2015. The City characterizes the Site as "High Priority" and returned to inspecting the Site every other week beginning in September 2015. The City issued a $1,000 Administrative Citation to the Discharger for discharging sediment from the Site into Encanto Channel and for failing to have adequate BMPs during an inspection on September 15, 2015. See Exhibit No. 21, City Administrative Citation September 22, 2015; and Exhibit No. 22, City Inspection Report September 15, 2015. On September 17, 2015, the City sent letters warning all active construction sites within the City that failure to implement effective BMPs may result in City, State or Federal penalties. The City issued another $1,000 Administrative Citation on October 5, 2015, for inadequate erosion control BMPs. See Exhibit No. 23, City Administrative Citation October 5, 2015. The City found BMP deficiencies in every inspection since May 2015; erosion control BMP deficiencies were the most prevalent.

II. ALLEGED VIOLATIONS

The following allegations against the Discharger are the basis for assessing administrative civil liability pursuant to Water Code section 13385, and also appear in the Complaint:

A. Violation No. 1: Unauthorized Discharge of Sediment. (6 Days)

The Discharger discharged pollutants to waters of the United States without filing a Report of Waste Discharge as required under Water Code section 13376. Pursuant to section III.B. of the Construction Storm Water Permit, *"[a]ll discharges are prohibited except for storm water and non-storm water discharges specifically authorized by [the Construction Storm Water Permit]."* Furthermore, pursuant to section III.A. of the Construction Storm Water Permit, *"[d]ischargers shall not violate any discharge prohibitions contained in applicable Basin Plans or statewide water quality control plans."* Waste Discharge Prohibition No. 8 in Chapter 4 of the Basin Plan prohibits discharges to the storm water conveyance system that are not composed entirely of storm water. In addition, pursuant to section V.A.2. and Attachment D, section A.1.b. of the Construction Storm Water Permit, *"[d]ischargers 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 BAT for toxic and non-conventional pollutants and BCT for conventional pollutants."*

Sediment-laden water was discharged from the Site into Encanto Channel and Chollas Creek on December 4, 12, 17, 31, 2014, May 8, 2015, and September 15, 2015. See Figure 2. May 8, 2015, Sediment Discharge. The violations were noted in the following documents: City Stop Work Notice December 4, 2014 (Exhibit No. 3); City Administrative Citation December 15, 2014 (Exhibit No. 7), and San Diego Water Board Inspection Report December 15, 2014 (Exhibit No. 8); City Contractor Report December 17, 2014 (Exhibit No. 10); City Contractor Report December 31, 2014 (Exhibit No. 12); in photographs and text in San Diego Water Board Inspection Report May 8, 2015 (Exhibit No. 18), and City Administrative Citation September 15, 2015 (Exhibit No. 21). The discharges into Encanto Channel and Chollas Creek were unauthorized and a violation of the Construction Storm Water Permit section III.B. because the Discharger failed to reduce or eliminate the pollutants in the storm water runoff prior to discharge (i.e., to implement BMPs that achieve BAT and BCT).

Figure 2. May 8, 2015, Sediment Discharge. View of sediment in street (Orlando Drive) after storm event. Photograph taken by Frank Melbourn, San Diego Water Board. 20150508_191716.jpg

B. Violation No. 2: Failure to Implement Material Stockpile BMPs. (10 days) Pursuant to section B.1.b. in Attachment D to the Construction Storm Water Permit, dischargers are required to "*[c]over and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).*"

The Discharger was in violation of section B.1.b. for 10 days; from December 2 through 8, 2014, December 15, 2014, May 13, 2015, and September 15, 2015. See Figure 3. Failure to implement material stockpile BMPs. The violations were noted in the following documents: City Stop Work Notice December 2, 2014 (Exhibit No. 2); City Stop Work Notice December 4, 2014 (Exhibit No. 3); City Inspection Report December 8, 2014 (Exhibit No. 4); San Diego Water Board Inspection Report December 15, 2014 (Exhibit No. 8); San Diego Water Board Inspection Report May 13, 2015 (Exhibit No. 19), and City Inspection Report September 15, 2015 (Exhibit No. 22).

Figure 3. Failure to implement material stockpile BMPs. Photograph taken by the City of Lemon Grove on December 2, 2014.

C. Violation No. 3: Failure to Implement Vehicle Fluid Leak BMPs. ***(2 days)*** Pursuant to section B.3.a. in Attachment D to the Construction Storm Water Permit, dischargers are required to "*[p]revent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.*" The Discharger was in violation of section B.3.a. for two days: December 15, 2014; and May 13, 2015. See Figure 4. Failure to have vehicle fluid leak protection. The violations were noted in the following documents: San Diego Water Board Inspection Report December 15, 2014 (Exhibit No. 8); and San Diego Water Board Inspection Report May 13, 2015 (Exhibit No. 19).

Figure 4. Failure to have vehicle fluid leak protection. Photograph taken by Wayne Chiu, San Diego Water Board on December 15, 2014, of heavy equipment without vehicle fluid leak protection. IMG_5064.jpg

D. Violation No. 4: Failure to Implement Erosion Control BMPs in Inactive Areas. (22 days)

Pursuant to section D.2. in Attachment D to the Construction Storm Water Permit, dischargers are required to "*provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.*" The Discharger was in violation of section B.2. for 22 days: 9 days (December 1 through 9, 2014); 2 days (December 15 through 16, 2014); 1 day (January 6, 2015); 1 day (January 14, 2015); 8 days (May 8 through 15, 2015), and 1 day (September 15, 2015). See Figure 5. Failure to implement erosion control BMPs on inactive areas.

The violations were noted in the following documents: in photographs and text in City Stop Work Notice December 2, 2014 (Exhibit No. 2); City Stop Work Notice December 4, 2014 (Exhibit No. 3); City Inspection Report December 8, 2014 (Exhibit No. 4); City Inspection Report December 16, 2014 (Exhibit No. 9); City Contractor Report January 16, 2015 (Exhibit No. 24); San Diego Water Board Inspection Report December 15, 2014 (Exhibit No. 8); City Inspection Report January 6, 2015 (Exhibit No. 25); City Inspection Report January 14, 2015 (Exhibit No. 26); San Diego Water Board Inspection Report May 8, 2015 (Exhibit No. 18); San Diego Water Board Inspection Report May 13, 2015 (Exhibit No. 19); San Diego Water Board Inspection Report May 15, 2015 (Exhibit No. 20), and City Inspection Report September 15, 2015 (Exhibit No. 22).

Figure 5. Failure to implement erosion control BMPs on inactive areas. Photograph taken by Wayne Chiu, San Diego Water Board on December 15, 2014, of housing pad without erosion control BMPs. Note the erosion rills. IMG_5061.jpg

E. Violation No. 5: Failure to Implement Perimeter Sediment Control BMPs. (14 days)

Pursuant to section E.1. in Attachment D to the Construction Storm Water Permit, dischargers are required to "*establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.*" The Discharger was in violation of section E.1. for 14 days: 5 days (December 4 through 8, 2014); 2 days (December 15 through 16, 2014); 6 days (May 8 through 13, 2015), and 1 day (September 15, 2015). See Figure 6. Failure to implement perimeter sediment control BMPs. The violations were noted in the following documents: in photographs and text in City Stop Work Notice December 4, 2014 (Exhibit No. 3); City Inspection Report December 8, 2014 (Exhibit No. 4); San Diego Water Board Inspection Report December 15, 2014 (Exhibit No. 8); City Inspection Report December 16, 2014 (Exhibit No. 9); San Diego Water Board Inspection Report May 8, 2015 (Exhibit No. 18); San Diego Water Board Inspection Report May 13, 2015 (Exhibit No. 19), and City Inspection Report September 15, 2015 (Exhibit No. 21).

Figure 6. Failure to implement perimeter sediment control BMPs. Photograph taken by Frank Melbourn, San Diego Water Board on May 8, 2015, of gap (identified by red arrow) in perimeter sediment control BMPs that resulted in sediment discharge to Encanto Channel. 20150508_192234.jpg

F. Violation No. 6: Failure to Implement Erosion Control BMPs in Active Areas. (22 days)

Pursuant to section E.3. in Attachment D to the Construction Storm Water Permit, dischargers are required to "*implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.*" The Discharger was in violation of section E.3. for 22 days: 8 days (December 1 through 8, 2014); 2 days (December 15 through 16, 2014); 1 day (January 6, 2015); 2 days (March 23 through 24, 2015); 8 days (May 8 through 15, 2015), and 1 day (September 15, 2015). See Figure 7. Lack of erosion control BMPs in active areas. The violations were noted in the following documents: in photographs and text in City Stop Work Notice December 2, 2014 (Exhibit No. 2); City Stop Work Notice December 4, 2014 (Exhibit No. 3); in photograph in City Inspection Report December 8, 2014 (Exhibit No. 4); San Diego Water Board Inspection Report December 15, 2014 (Exhibit No. 8); City Inspection Report December 16, 2014 (Exhibit No. 9); City Contractor Report January 16, 2015 (Exhibit No. 24); in photograph in City Administrative Citation March 24, 2015 (Exhibit No. 16); in photograph in San Diego Water Board Inspection Report May 8, 2015 (Exhibit No. 18); San Diego Water Board Inspection Report May 13, 2015 (Exhibit No. 19); San Diego Water Board Inspection Report May 15, 2015 (Exhibit No. 20), and City Inspection Report September 15, 2015 (Exhibit No. 22).

Figure 7. Lack of erosion control BMPs in active areas. Photograph on May 15, 2015, of muddy thoroughfare (Tangelos Place) lacking erosion control BMPs after rain event. Photograph taken by Frank Melbourn, San Diego Water Board. IMG_0354.jpg

G. Violation No. 7: Failure to Apply Linear Sediment Controls. (9 days) Pursuant to section E.4. in Attachment D to the Construction Storm Water Permit, dischargers are required to "*apply linear sediment controls along toe of slope, face of the slope, and at the grade breaks of exposed slopes to comply with the sheet flow lengths in accordance with Table 1.*" The Discharger was in violation of section E.4. for nine days: 2 days (December 15 through 16, 2014); 6 days (May 8 through 13, 2015), and 1 day (September 15, 2015). See Figure 8. Failure to apply linear sediment controls. The violations were noted in the following documents: San Diego Water Board Inspection Report December 15, 2014 (Exhibit No. 8); City Inspection Report December 16, 2014 (Exhibit No. 9); San Diego Water Board Inspection Report May 8, 2015 (Exhibit No. 18); San Diego Water Board Inspection Report May 13, 2015 (Exhibit No. 19), and City Inspection Report September 15, 2015 (Exhibit No. 22).

Figure 8. Failure to apply linear sediment controls. Photograph taken by Wayne Chiu, San Diego Water Board, on December 15, 2014, depicting the lack of linear sediment controls on a slope. IMG_5035.jpg

H. Violation No. 8: Failure to Manage Run-On and Runoff. (7 days)
Pursuant to section F. in Attachment D to the Construction Storm Water Permit, dischargers are required to "*effectively manage all run-on, all runoff within the site and all runoff that discharges off the site. Run-on from off site shall be directed away from all disturbed areas or shall be collectively be in compliance with the effluent limitations in this General Permit.*" The Discharger was in violation of section F. for seven days: 1 day (December 15, 2014); and 6 days (May 8 through 13, 2015). See Figure 9. Failure to manage run-on and runoff. The violations were noted in the following documents: San Diego Water Board Inspection Report December 15, 2014 (Exhibit No. 8); San Diego Water Board Inspection Report May 8, 2015 (Exhibit No. 18); and San Diego Water Board Inspection Report May 13, 2015 (Exhibit No. 19).

Figure 9. Failure to manage run-on and runoff. Photograph taken by Wayne Chiu, San Diego Water Board on December 15, 2014, displaying erosion caused by runoff flowing under fence and offsite. IMG_5042.jpg.

I. **Violation No. 9: Failure to Remove Sediment or Other Construction Materials from Roads. (10 days)**
Pursuant to section E.7. in Attachment D to the Construction Storm Water Permit, dischargers are required "*at a minimum daily (when necessary) and prior to any rain event, the discharger shall remove any sediment or other construction activity-related materials that are deposited on the roads (by vacuuming or sweeping).*" The Discharger was in violation of section E.7. for 10 days: 8 days (December 2 through 9, 2014) December 16, 2014, and September 15, 2015. See Figure 10. Failure to remove sediment from roads. The violations were noted in the City Stop Work Notice December 2, 2014 (Exhibit No. 2); in City photographs from December 4, 2014; City Inspection Report December 8, 2014 (Exhibit No. 4); City Inspection Report December 9, 2014 (Exhibit No. 5); City Inspection Report December 16, 2014 (Exhibit No. 9), and City Inspection Report September 15, 2015 (Exhibit No. 22).

Figure 10. Failure to remove sediment from roads. Photograph taken by the City of Lemon Grove on December 4, 2014, depicting sediment on Akins Avenue southwest of the Site.

J. Violation No. 10: Failure to Protect Storm Drain Inlets. (3 days) Pursuant to section E.6. in Attachment D to the Construction Storm Water Permit, dischargers "*shall ensure that all storm drain inlets and perimeter controls, runoff control BMPs, and pollutant controls at entrances and exits (e.g. tire washoff locations) are maintained and protected from activities that reduce their effectiveness.*" The Discharger was in violation of section E.6. for three days: December 8, 2014; May 13, 2015, and September 15, 2015. See Figure 11. Failure to protect storm drain inlets. The violation was noted in the City Inspection Report December 8, 2014 (Exhibit No. 4); in San Diego Water Board photographs from May 13, 2015 (Exhibit No. 19), and City Inspection Report September 15, 2015 (Exhibit No. 22).

Figure 11. Failure to protect storm drain inlets. Photograph taken by Frank Melbourn, San Diego Water Board on May 13, 2015, displaying unprotected storm drain inlet. IMG_0295.jpg.

K. Violation No. 11: Failure to Contain and Securely Protect Stockpiled Waste Material from Wind and Rain. (9 days)

Pursuant to section B.2.f. in Attachment D to the Construction Storm Water Permit, dischargers are required to "*[c]ontain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.*" The Discharger was in violation of section B.2.f. for nine days (January 6 through 14, 2015). The violations were noted in the following documents: City Inspection Report January 6, 2015 (Exhibit No. 25); and City Inspection Report January 14, 2015 (Exhibit No. 26).

L. Violation No. 12: Failure to Properly Store Chemicals. (7 days)

Pursuant to section B.1.c. in Attachment D to the Construction Storm Water Permit, dischargers are required to "*[s]tore chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).*" The Discharger was in violation of section B.1.c. for seven days (March 18 through 24, 2015). See Figure 12. Failure to properly store chemicals. The violations were noted in the following documents: City Inspection Report March 18, 2015 (Exhibit No. 13); and City Correct Work Notice March 24, 2015 (Exhibit No. 15).

Figure 12. Failure to properly store chemicals. Photograph taken by the City of Lemon Grove on March 24, 2015, depicting chemicals and vehicle lubricants stored on pallets without protection from the elements and without secondary containment.

M. Violation No. 13: Failure to Prevent Discharge of Concrete Waste to the Ground. (15 days)

Pursuant to section B.2.i. in Attachment D to the Construction Storm Water Permit, dischargers are required to "*[e]nsure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.*" The Discharger was in violation of section B.2.i. for 15 days (March 18 through April 1, 2015). See Figure 13. Failure to prevent discharge of concrete waste to the ground. The violations were noted in the following documents: City Administrative Citation March 19, 2015 (Exhibit No. 14); City Administrative Citation March 24, 2015 (Exhibit No. 16); and City Administrative Citation April 1, 2015 (Exhibit No. 17).

Figure 13. Failure to prevent the discharge of concrete waste to the ground. Photograph taken by the City of Lemon Grove on March 24, 2015, depicting discharge of concrete waste on slope (identified by red circle).

III. LIABILITY CALCULATIONS

A. Determination of Administrative Civil Liability

An administrative civil liability may be imposed pursuant to the procedures in Water Code section 13323. The Complaint alleges the act(s) or failure to act that constitutes a violation of law, the provision of law authorizing civil liability, and the proposed civil liability. Pursuant to the relevant portions of Water Code section 13385(a):

> *A person who violates any of the following shall be liable civilly in accordance with this section:*
>
> *(1) Section 13375 or 13376.*
> *(2) A waste discharge requirement or dredged or fill material permit issued pursuant to this chapter or any water quality certification issued pursuant to Section 13160.*
> *(3) A requirement established pursuant to section 13383.*

Furthermore, Water Code section 13385 (c) provides that:

> *Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:*
>
> *(1) Ten thousand dollars ($10,000) for each day in which the violation occurs.*
> *(2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars ($10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.*

Water Code section 13385(e) requires the consideration of several factors when determining the amount of civil liability to impose. These factors include:

> *...the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.*

B. State Water Board Enforcement Policy

On November 17, 2009, the State Water Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy was approved by the Office of Administrative Law and became effective on May 20, 2010. The Enforcement Policy establishes a methodology for assessing administrative civil liability. Use of the methodology addresses the factors in Water Code section 13385(e). The liability calculation methodology enables the Regional Water Boards to fairly and consistently implement liability provisions of the Water Code for maximum enforcement impact to address, correct, and deter water quality violations.

Pursuant to the Enforcement Policy, Regional Water Boards determine an initial liability factor based on the Potential for Harm and the extent of Deviation from Requirements for a violation. Regional Water Boards may then use three adjustment factors for modification of the initial liability amount. These factors are Culpability, Cleanup and Cooperation, and History of Violations. The initial liability amount can be increased or decreased based on these adjustment factors. Additional adjustments may be used regarding multiple violations resulting from the same incident and multiple day violations.

C. Proposed Base Civil Liabilities for Alleged Violations

This section provides the recommendations for the proposed base civil liabilities for each of the alleged violations discussed in Section II, developed in accordance with the procedures in the Enforcement Policy methodology. A summary of the information and factors used to develop the proposed base civil liabilities for each of the violations are provided in Exhibit No. 27, Penalty Methodology Summary.

1. **Violation No. 1: Unauthorized Discharge of Sediment.**

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 1)

The Potential for Harm for Discharge Violations is determined by using a three-factor scoring system to quantify: (1) the potential for harm to beneficial uses; (2) the degree of toxicity of the discharge; and (3) the discharge's susceptibility to cleanup or abatement. The determination of these three factors and the final score are discussed below.

Factor 1: Harm or Potential Harm to Beneficial Uses

A score between 0 and 5 is assigned in accordance with the statutory factors of the nature, circumstances, extent, and gravity of the violation, based on a determination of whether the harm or potential for harm is negligible (0), minor (1), below moderate (2), moderate (3), above moderate (4), or major (5).

The San Diego Water Board Prosecution Team (Prosecution Team) assigned a score of **3**. The Enforcement Policy defines a score of **3** as a "*moderate threat to beneficial uses (i.e., impacts are observed or reasonably expected and impacts to beneficial uses are moderate and likely to attenuate without appreciable acute or chronic effects)*." A score of **3** was selected because:

a. Sediment, the primary storm water pollutant from construction sites, was indirectly discharged into Chollas Creek.

b. Chollas Creek is designated as an impaired water body for dissolved metals (copper, lead, and zinc) pursuant to Clean Water Act section 303(d). Storm water runoff containing sediment discharged from the Site likely transported other pollutants such as metals; therefore it is reasonable to state that the unauthorized discharge further degraded the already impaired waters of Chollas Creek.

c. Sediment discharges from the Site into Chollas Creek are reasonably expected to have a negative impact on its beneficial uses (REC-1, REC-2, WARM, and WILD). However the discharges are likely to attenuate without appreciable acute and chronic effects.

Factor 2: The Physical, Chemical, Biological or Thermal Characteristics of the Discharge

A score between 0 and 4 is assigned based on a determination of whether the discharged material poses a negligible (0), minor (1), moderate (2), above moderate (3), or major (4) risk or threat to potential receptors. "Potential receptors" are those identified considering human, environmental and ecosystem health exposure pathways.

The Prosecution Team assigned a score of **2**. The Enforcement Policy defines a score of **2** as "*[d]ischarged material poses a moderate risk or threat to potential receptors (i.e. the chemical and/or physical characteristics of the discharged material have some level of toxicity or pose a moderate level of concern regarding receptor protection)*." A score of **2** was selected because:

a. Sediment discharges can adversely impact the physical quality of in-stream waterways by altering or obstructing flows and affecting existing riparian functions.

b. Sediment acts as a binding carrier to other toxic constituents like metals and organic contaminants (i.e., pesticides and PCBs).

c. Sediment discharges typically increase receiving water turbidity levels which have an adverse impact on the quality of receiving waters and the ability to support habitat related beneficial uses by reducing visibility and interfering with biotic feeding and reproduction.

d. Sediment discharges cause acute effects on the invertebrate aquatic community (e.g., it can be lethal when the benthic community is buried in sediment).

Factor 3: Susceptibility to Cleanup and Abatement

A score of 0 is assigned if 50 percent or more of the discharge is susceptible to cleanup or abatement. A score of 1 is assigned if less than 50 percent of the discharge is susceptible to cleanup or abatement.

The Prosecution Team assigned a score of **1**. A score of **1** was selected because the San Diego Water Board determined that less than 50 percent of the unauthorized discharges of sediment and sediment laden water to Encanto Channel and Chollas Creek was susceptible to cleanup or abatement.

FINAL SCORE – "Potential for Harm"

The Potential for Harm for Discharge Violations is the sum of Factors 1, 2, and 3. Based on the determinations above, the final Potential for Harm score is **6** (3 + 2 + 1).

STEP 2 – Assessment for Discharge Violations (Violation No. 1)

According to Water Code section 13385, a Regional Water Board may impose civil liability on a per day basis, a per gallon basis, or both. Due to the difficulty in accurately determining the volume of unauthorized discharges from the Site, civil liability was only calculated on a per day basis for the violation.

Per day assessments for discharge violations are determined based on the final Potential for Harm score and the extent of the Deviation from Requirement, which are used in Table 2 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Deviation from Requirement

The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Major "Deviation from Requirement" as "[t]he requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions)."

The Prosecution Team has determined that the Deviation from Requirement is **Major** because the Construction Storm Water Permit prohibits all discharges except for storm water and non-storm water discharges specifically authorized by the permit. Only discharges that have been controlled with BMPs that achieve BAT and BCT are authorized. Because the Discharger did not implement BMPs that achieve BAT and BCT, the requirements of the Construction Storm Water Permit were "rendered ineffective."

Per Day Factor

Using a Potential for Harm factor score of **6** (see Step 1) and Deviation from Requirement of **Major**, the Per Day Factor for the unauthorized discharges from the Site to Chollas Creek is **0.220** in Table 2 of the Enforcement Policy.

Days of Discharge Violations
Sediment laden water was discharged from the Site into Encanto Channel and Chollas Creek on December 4, 12, 17, 31, 2014, May 8, 2015, and September 15, 2015. Therefore, there were six days of discharge.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 1)
Step 3 does not apply to Discharge Violations

STEP 4 – Adjustment Factors (Violation No. 1)
There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability
An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not implement BMPs that achieve BAT and BCT, which resulted in the unauthorized discharges from the Site. The Discharger was informed by the City and the San Diego Water Board in writing various times that the Site's BMPs were inadequate. A reasonable person would have corrected the deficient BMPs to prevent future discharges.

Cleanup and Cooperation
An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger in many cases ignored the BMP recommendations or took longer than 72 hours to correct deficiencies.

History of Violations
Where there is a history of repeat violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 1)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier
Total Base Liability	=	6	x	0.220	x	$10,000	x	1.3	x	1.1	x	1.0 = $18,876

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 1)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 1)

See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 1)

The Discharger derived an economic benefit by not properly implementing the erosion and sediment control BMPs that are required for all construction sites. At a minimum, the Discharger should have implemented erosion control and sediment control requirements for a Risk Level 1 construction site. The estimated cost to implement effective soil cover and effective perimeter sediment controls is **$13,500** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$9,476.** See Exhibit No. 28, Economic Benefit Calculation and Supporting Documentation.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 1)

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is (a) ten thousand dollars ($10,000) per day of violation (per violation); and (b) ten dollars ($10) for every gallon discharged, over one thousand (1,000) gallons discharged, that was not cleaned up. In this instance, the Prosecution Team is proposing the assessment of civil liability for the discharge of sediment to waters of the United States only on a per day basis based on information currently available. The Maximum Liability Amount that could be assessed for this violation is **$10,000 per day per discharge**. Therefore, the maximum liability amount is **$60,000** for five days of discharge.

Minimum Liability Amount

Water Code section 13385(e) requires that when pursuing civil liability under 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*." The Enforcement Policy requires that the adjusted Total Base Liability Amount be at least ten percent (10%) higher than the Economic Benefit. Therefore the Minimum Liability Amount that should be assessed for this violation is (1.1 x $9,476) = **$10,424**.

STEP 10 – Final Liability Amount (Violation No. 1)

Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for **six days** of discharge in violation of the Construction Storm Water Permit is **$18,876**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

2. Violation No. 2: Failure to Implement Material Stockpile BMPs.

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 2)

Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 2)

Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 2)

While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm

The violation poses either a Minor, Moderate, or Major threat to beneficial uses. The Potential for Harm for this violation is characterized as **Moderate**. The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm." The Prosecution Team has determined that the Potential for Harm is **Moderate** because the failure to implement adequate stockpile management BMPs poses a substantial potential for harm if there is storm water or non-storm water runoff that flows through and transports sediment from the Site to receiving waters.

Deviation from Requirement

The violation is characterized as either a Minor, Moderate, or Major deviation from the requirement. In this case, the Prosecution Team characterized the violation as a **Moderate** Deviation from Requirement. The Enforcement Policy defines a Moderate Deviation from Requirement as "[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved)." **Moderate** was selected because the Discharger covered only some of the material stockpiles, thus rendering the requirement only partially effective.

Per Day Factor

Using a Potential for Harm determination of **Moderate** and Deviation from Requirement determination of **Moderate**, the Per Day Factor for the failure to implement the stockpile management requirements is **0.35** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the stockpile management requirements of or B.1.b. in Attachment D to the Construction Storm Water Permit for **10 days** (December 2 through 8, 2014, December 15, 2014, May 13, 2015, and September 15, 2015).

STEP 4 – Adjustment Factors (Violation No. 2)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not adequately implement the stockpile management requirements. There was no reason BMPs could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger repeatedly failed to comply with the requirement over several months.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 2)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier	
Total Base Liability	=	10	x	0.35	x	$10,000	x	1.3	x	1.1	x	1.0	= $50,050

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 2)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 2)

See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 2)

The Discharger derived an economic benefit by not properly implementing the stockpile management BMPs that are required for all construction sites. At a minimum, the Discharger should have properly covered and contained stockpiles on the Site before the predicted storm events. The estimated cost to properly cover and contain the stockpiles is **$1,550** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$1,088.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 2)

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). The Maximum Liability Amount that could be assessed for this violation is **$10,000 per day**. Therefore the maximum liability amount for ten days of violation is **$100,000**.

Minimum Liability Amount

Water Code section 13385(e) requires that when pursuing civil liability under 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.*" The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $1,088) = **$1,197**.

STEP 10 – Final Liability Amount (Violation No. 2)

Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for 10 days of violation of the Construction Storm Water Permit is **$50,050**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

3. Violation No. 3: Failure to Implement Vehicle Fluid Leak BMPs.

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 3)

Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 3)

Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 3)

While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm

The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Potential for Harm for this violation was characterized as **Moderate**. The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. The Prosecution Team has determined that the Potential for Harm is **Moderate** because the failure to implement adequate vehicle storage and maintenance BMPs poses a substantial potential for harm if there is storm water or non-storm water runoff that flows through and transports oil, grease, or fuel from the Site to receiving waters.

Deviation from Requirement

The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Major "Deviation from Requirement" as "[t]he requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions)." The Prosecution Team has determined that the Deviation from Requirement is **Major** because the Discharger failed to provide drip pans for vehicles stored on the Site, thus rendering the requirement ineffective.

Per Day Factor

Using a Potential for Harm determination of **Moderate** and Deviation from Requirement determination of **Major**, the Per Day Factor for the failure to implement vehicle fluid leak BMPs is **0.55** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the vehicle storage and maintenance requirements of Sections B.3.a. in Attachment D to the Construction Storm Water Permit for **2 days** (December 15, 2014, and May 13, 2015).

STEP 4 – Adjustment Factors (Violation No. 3)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not adequately implement the vehicle storage and maintenance requirements. There was no reason BMPs could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger failed to comply with the requirement twice over several months.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 3)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier
Total Base Liability	=	2	x	0.55	x	$10,000	x	1.3	x	1.1	x	1.0 = $15,730

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 3)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 3)

See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 3)

The Discharger derived an economic benefit by not properly implementing the vehicle storage and maintenance BMPs that are required. At a minimum, the Discharger should have provided drip pans for construction equipment stored on the Site. The estimated cost to provide drip pans for construction vehicles on the Site is **$1,286** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$823.** See Exhibit No. 27.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 3)

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). The Maximum Liability Amount that could be assessed for this violation is **$10,000 per day of violation**. Therefore the maximum liability amount is **$20,000**.

Minimum Liability Amount

Water Code section 13385(e) requires that when pursuing civil liability under 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.*" The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $823) = **$905**.

STEP 10 – Final Liability Amount (Violation No. 3)

Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to adequately implement vehicle storage and maintenance requirements for **two days** in violation of the Construction Storm Water Permit is **$15,730**, plus staff costs. The proposed liability is within the minimum and maximum liability range.

4. Violation No. 4: Failure to Implement Erosion Control BMPs in Inactive Areas.

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 4)

Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 4)
Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 4)
While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm
The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Potential for Harm for this violation was characterized as **Moderate**. The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. The Prosecution Team has determined that the Potential for Harm is **Moderate** because the failure to implement adequate erosion control BMPs poses a substantial potential for harm if there is storm water or non-storm water runoff that flows through the Site and erodes exposed soil areas which generates sediment that can be transported in runoff to receiving waters.

Deviation from Requirement
The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Major "Deviation from Requirement" as "[t]he requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions)." The Prosecution Team has determined that the Deviation from Requirement is **Major** because San Diego Water Board and City inspectors consistently found inactive areas without erosion control BMPs.

Per Day Factor
Using a Potential for Harm determination of **Moderate** and Deviation from Requirement determination of **Major**, the Per Day Factor for the failure to implement erosion control BMPs on inactive areas is **0.55** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the erosion control requirements of Section D.2. in Attachment D to the Construction Storm Water Permit for a period of **22 days**: 9 days (December 1 through 9, 2014); 2 days (December 15 through 16, 2014); 1 day (January 6, 2015); 1 day (January 14, 2015); 8 days (May 8 through 15, 2015), and 1 day (September 15, 2015).

STEP 4 – Adjustment Factors (Violation No. 4)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not adequately implement the erosion control requirements for inactive areas of the Site. There was no reason BMPs could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger was repeatedly told by San Diego Water Board and City inspectors to address the violation.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 4)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier	
Total Base Liability	=	22	x	0.55	x	$10,000	x	1.3	x	1.1	x	1.0	= $173,030

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 4)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 4)

See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 4)

The Discharger derived an economic benefit by not properly implementing the erosion control BMPs that are required for inactive areas. At a minimum, the Discharger should have provided effective soil cover for all inactive areas on the Site. The estimated cost to provide effective soil cover for all inactive areas on the Site is **$8,500** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$5,966.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 4)

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). Therefore, the Maximum Liability Amount that could be assessed for this violation is **$220,000**.

Minimum Liability Amount

Water Code section 13385(e) requires that when pursuing civil liability under 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.*" The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $5,966) = **$6,563**.

STEP 10 – Final Liability Amount (Violation No. 4)

Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to adequately implement erosion control requirements for inactive areas for **22 days** in violation of the Construction Storm Water Permit is **$173,030**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

5. Violation No. 5: Failure to Implement Perimeter Sediment Control BMPs

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 5)

Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 5)

Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 5)

While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm

The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. The Prosecution Team has determined that the Potential for Harm is **Moderate** because the failure to implement adequate perimeter sediment control BMPs poses a substantial potential for harm if there is loose or eroded sediment that can be transported from the Site in storm water or non-storm water runoff to receiving waters.

Deviation from Requirement

The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Moderate "Deviation from Requirement" as "[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved)." The Prosecution Team has determined that the Deviation from Requirement is **Moderate** because there was evidence that the Discharger had attempted to implement perimeter sediment control BMPs; however they were ineffective as evidenced by sediment discharges, gaps in perimeter protection, and unmaintained BMPs during inspections.

Per Day Factor

Using a Potential for Harm determination of **Moderate** and Deviation from Requirement determination of **Moderate**, the Per Day Factor for the failure to implement the perimeter sediment control BMPs is **0.35** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the perimeter sediment control requirements of Section E.1. in Attachment D to the Construction Storm Water Permit for a period of **14 days:** 5 days (December 4 through 8, 2014); 2 days (December 15 through 16, 2014); 6 days (May 8 through 13, 2015), and 1 day (September 15, 2015).

STEP 4 -- Adjustment Factors (Violation No. 5)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not adequately implement the perimeter sediment control requirements to prevent erosion and sediment discharges from the Site. There was no reason BMPs could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger did not adequately implement perimeter sediment control BMPs over several months.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 5)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier	
Total Base Liability	=	14	x	0.35	x	$10,000	x	1.3	x	1.1	x	1.0	= $70,070

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 5)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 5)

See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 5)

The Discharger derived an economic benefit by not properly implementing the perimeter sediment control BMPs that are required. At a minimum, the Discharger should have maintained or repaired gaps in perimeter sediment control BMPs when identified. The estimated cost to maintain or repair gaps in perimeter sediment control BMPs is **$3,100** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$2,175.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 5)

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). Therefore, the Maximum Liability Amount that could be assessed for this violation is **$140,000**.

Minimum Liability Amount

Water Code section 13385(e) requires that when pursuing civil liability under 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.*" The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $2,175) = **$2,393**.

STEP 10 – Final Liability Amount (Violation No. 5)

Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to adequately implement perimeter sediment control requirements for **14 days** in violation of the Construction Storm Water Permit is **$70,070**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

6. Violation No. 6: Failure to Implement Erosion Control BMPs in Active Areas.

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 6)

Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 6)

Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 6)

While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm

The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. The Prosecution Team has determined that the Potential for Harm is **Moderate** because the failure to implement the additional erosion control requirements for a Risk Level 2 construction site to reduce the higher potential of sediment generation poses a substantial potential for harm that may be caused by additional sediment potentially discharged in storm water runoff to receiving waters.

Deviation from Requirement

The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Major "Deviation from Requirement" as "[t]he requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions)." The Prosecution Team has determined that the Deviation from Requirement is **Major** because there was no evidence that the Discharger had adequately implemented, or was prepared to implement erosion control BMPs for active areas, thus rendering the requirement ineffective.

Per Day Factor

Using a Potential for Harm determination of **Moderate** and Deviation from Requirement determination of **Major**, the Per Day Factor for the failure to implement the additional Risk Level 2 erosion control requirements is **0.55** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the Risk Level 2 erosion control requirements of Section E.3. in Attachment D to the Construction Storm Water Permit for **22 days:** 8 days (December 1 through 8, 2014); 2 days (December 15 through 16, 2014); 1 day (January 6, 2015); 2 days (March 23 through 24, 2015); 8 days (May 8 through 15, 2015), and 1 day (September 15, 2015).

STEP 4 – Adjustment Factors (Violation No. 6)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not adequately implement the additional Risk Level 2 erosion control requirements for active areas of the Site. There was no reason BMPs could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger was repeatedly told by San Diego Water Board and City inspectors to address the violation.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 6)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier
Total Base Liability	=	22	x	0.55	x	$10,000	x	1.3	x	1.1	x	1.0

= **$173,030**

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 6)
See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 6)
See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 6)
The Discharger derived an economic benefit by not properly implementing the additional erosion control BMPs that are required on active areas for Risk Level 2 construction sites. At a minimum, the Discharger should have applied erosion control BMPs on active areas of the Site prior to the predicted storm events, and have BMPs available on site for deployment. The estimated cost to have materials available on site and provide erosion control BMPs for active areas on the Site is **$8,500** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$5,966.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 6)
For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount
Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). Therefore, the Maximum Liability Amount that could be assessed for this violation is **$220,000**.

Minimum Liability Amount
Water Code section 13385(e) requires that when pursuing civil liability under 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*." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $5,966) = **$6,563**.

STEP 10 – Final Liability Amount (Violation No. 6)
Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to adequately implement additional Risk Level 2 erosion control requirements for **22 days** in violation of the Construction Storm Water Permit is **$173,030**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

7. Violation No. 7: Failure to Apply Linear Sediment Controls

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 7)
Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 7)
Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 7)
While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm
The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. The Prosecution Team has determined that the Potential for Harm is **Moderate** because the failure to implement the additional sediment control requirements for a Risk Level 2 construction site to reduce the higher potential of sediment generation and transport from exposed slopes poses a substantial potential for harm that may be caused from additional sediment potentially discharged in storm water runoff to receiving waters.

Deviation from Requirement
The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Major "Deviation from Requirement" as "[t]he requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions)." The Prosecution Team has determined that the Deviation from Requirement is **Major** because the failure of the Discharger to implement effective BMPs resulted in sediment discharges.

Per Day Factor

Using a Potential for Harm determination of **Moderate** and Deviation from Requirement determination of **Major**, the Per Day Factor for the failure to implement the additional Risk Level 2 linear sediment control requirements is **0.55** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the Risk Level 2 linear sediment control requirements of Section E.4. in Attachment D to the Construction Storm Water Permit for **nine days:** 2 days (December 15 through 16, 2014); 6 days (May 8 through 13, 2015), and 1 day (September 15, 2015).

STEP 4 – Adjustment Factors (Violation No. 7)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not adequately implement the additional Risk Level 2 linear sediment control requirements for exposed slopes on the Site. There was no reason BMPs could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger did not adequately implement the additional Risk Level 2 sediment control BMPs for exposed slopes over several months.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 7)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier	
Total Base Liability	=	9	x	0.55	x	$10,000	x	1.3	x	1.1	x	1.0	= $70,785

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 7)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 7)

See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 7)

The Discharger derived an economic benefit by not properly implementing the additional sediment control BMPs that are required on exposed slopes for Risk Level 2 construction sites. At a minimum, the Discharger should have applied linear sediment control BMPs on exposed areas of the Site prior to the predicted storm events. The estimated cost to implement linear sediment control BMPs for exposed slopes on the Site is **$1,000** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$700.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 7)

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). Therefore, the Maximum Liability Amount that could be assessed for this violation is **$90,000**.

Minimum Liability Amount

Water Code section 13385(e) requires that when pursuing civil liability under 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.*" The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $700) = **$770**.

STEP 10 – Final Liability Amount (Violation No. 7)

Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to adequately implement additional Risk Level 2 linear sediment control requirements for exposed slopes for **nine days** in violation of the Construction Storm Water Permit is **$70,785**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

8. Violation No. 8: Failure to Manage Run-On and Runoff.

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 8)

Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 8)

Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 8)

While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm

The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. The Prosecution Team has determined that the Potential for Harm is **Moderate** because the failure to adequately control run-on, runoff within the Site, and runoff that discharged from the Site poses a substantial potential for harm from additional sediment that potentially discharged in storm water runoff to receiving waters.

Deviation from Requirement

The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Moderate "Deviation from Requirement" as "[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved)." The Prosecution Team has determined that the Deviation from Requirement is **Moderate** because there was evidence that the Discharger had at least implemented partially run-on controls, runoff controls within the Site, and runoff controls to prevent discharges off the Site, but the lack of adequate runoff controls within the Site compromised the intended effectiveness of the requirement.

Per Day Factor

Using a Potential for Harm determination of **Moderate** and Deviation from Requirement determination of **Moderate**, the Per Day Factor for the failure to implement the run-on and runoff control requirements is **0.35** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the run-on and runoff control requirements of Section F. in Attachment D to the Construction Storm Water Permit for **seven days:** 1 day (December 15, 2014); and 6 days (May 8 through 13, 2015).

STEP 4 – Adjustment Factors (Violation No. 8)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not adequately implement the run-on and runoff control requirements on the Site. There was no reason BMPs could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger did not adequately implement the run-on and runoff control BMPs over several months.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 8)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier	
Total Base Liability	=	7	x	0.35	x	$10,000	x	1.3	x	1.1	x	1.0	= $35,035

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 8)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 8)

See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 8)

The Discharger derived an economic benefit by not properly implementing the run-on and runoff control requirements. At a minimum, the Discharger should have implemented runoff controls within the Site in addition to implementing adequate perimeter sediment controls. The estimated cost to implement runoff controls within the Site is **$600** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$420.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 8)

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). Therefore, the Maximum Liability Amount that could be assessed for this violation is **$70,000**.

Minimum Liability Amount

Water Code section 13385(e) requires that when pursuing civil liability under 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.*" The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $420) = **$462**.

STEP 10 – Final Liability Amount (Violation No. 8)

Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to adequately implement run-on and runoff control requirements for **seven days** in violation of the Construction Storm Water Permit is **$35,035**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

9. Violation No. 9: Failure to Remove Sediment or Other Construction Materials from Roads.

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 9)

Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 9)

Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 9)

While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm

The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. The Prosecution Team has determined that the Potential for Harm is **Moderate** because the existence of sediment and/or construction materials and waste in the streets poses a substantial threat to receiving water beneficial uses when there are storm events.

Deviation from Requirement

The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Moderate "Deviation from Requirement" as "[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved)." The Prosecution Team has determined that the Deviation from Requirement is **Moderate** because there was evidence that the Discharger attempted to reduce the existence of sediment and construction materials from roadways however their efforts were clearly unsuccessful as evidenced in the inspection reports.

Per Day Factor

Using a Potential for Harm determination of **Moderate** and Deviation from Requirement determination of **Moderate**, the Per Day Factor for the failure to adequately sweep up sediment and construction materials from roadways is **0.35** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the requirement of Section E.7. in Attachment D to the Construction Storm Water Permit for **10 days:** December 2 through 9, 2014; December 16, 2014, and September 15, 2015.

STEP 4 – Adjustment Factors (Violation No. 9)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances.

The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence failed to remove sediment and construction materials from roadways. There was no reason the Discharger could not reasonably have hired a street sweeper or employed laborers to sweep the roadways.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger did not sweep the sediment and construction materials within 72 hours after repeated notifications to do so.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 9)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier	
Total Base Liability	=	10	x	0.35	x	$10,000	x	1.3	x	1.1	x	1.0	= $50,050

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 9)
See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 9)
See discussion in Section III.E.

STEP 8 – Economic Benefit
The Discharger derived an economic benefit by removing the sediment and construction materials from the roadways. At a minimum, the Discharger should have swept the roadways. The estimated cost to implement the BMPs on the Site is **$300** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$211.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 9)
For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount
Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). Therefore, the Maximum Liability Amount that could be assessed for this violation is **$100,000**.

Minimum Liability Amount
Water Code section 13385(e) requires that when pursuing civil liability under 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.*" The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $211) = **$232**.

STEP 10 – Final Liability Amount (Violation No. 9)
Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to sweep the streets of sediment and construction materials for **10 days** in violation of the Construction Storm Water Permit is **$50,050**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

10. Violation No. 10: Failure to Protect Storm Drain Inlets.

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 10)
Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 10)
Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 10)
While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm
The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. The Prosecution Team has determined that the Potential for Harm is **Moderate** because the failure to implement adequate storm drain inlet protections poses a substantial potential for harm because in the event of storm event or non-storm water discharge pollutants will flow unabated into the receiving water.

Deviation from Requirement
The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Moderate "Deviation from Requirement" as "[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved)." The Prosecution Team has determined that the Deviation from Requirement is **Moderate** because there was evidence that the Discharger had attempted to implement storm drain inlet protection on some of the storm drain inlets at the Site but not all.

Per Day Factor

Using a Potential for Harm determination of **Moderate** and Deviation from Requirement determination of **Moderate**, the Per Day Factor for the failure to implement the perimeter sediment control BMPs is **0.35** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the requirement to protect storm drain inlets, Section E.6. in Attachment D to the Construction Storm Water Permit for **three days:** December 8, 2014; May 13, 2015, and September 15, 2015.

STEP 4 – Adjustment Factors (Violation No. 10)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not protect some of the storm drain inlets on the Site. There was no reason BMPs could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.0** for this violation because the Discharger corrected the violations with 72 hours of being notified.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 10)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier	
Total Base Liability	=	3	x	0.35	x	$10,000	x	1.3	x	1.0	x	1.0	= $13,650

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 10)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 10)

See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 10)

The Discharger derived an economic benefit by not protecting storm drain inlets as required. At a minimum, the Discharger should have installed storm drain inlet inserts to protect the storm drain inlets. The estimated cost to install storm drain inserts into the storm drain inlets is **$600** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$420.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 10)

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). Therefore, the Maximum Liability Amount that could be assessed for this violation is **$30,000**.

Minimum Liability Amount

Water Code section 13385(e) requires that when pursuing civil liability under 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*." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $420) = **$462**.

STEP 10 – Final Liability Amount (Violation No. 10)
Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to protect storm drain inlets for **three days** in violation of the Construction Storm Water Permit is **$13,650**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

11. Violation No. 11: Failure to Contain and Securely Protect Stockpiled Waste Material from Wind and Rain.

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 11)
Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 11)
Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 11)
While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm
The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Enforcement Policy defines Minor Potential for Harm as "[t]he characteristics of the violation present a minor threat to beneficial uses, and/or the circumstances of the violation indicate a minor potential for harm." The Prosecution Team has determined that the Potential for Harm is **Minor** because the stockpile that the Discharger failed to cover contained scrap lumber which poses a minor threat to beneficial uses.

Deviation from Requirement

The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Moderate "Deviation from Requirement" as "[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved)." The Prosecution Team has determined that the Deviation from Requirement is **Moderate** because there was evidence that the Discharger had attempted to cover other waste stockpiles at the Site.

Per Day Factor

Using a Potential for Harm determination of **Minor** and Deviation from Requirement determination of **Moderate**, the Per Day Factor for the failure to implement the perimeter sediment control BMPs is **0.25** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the requirement to cover waste stockpiles, Section B.2.f. in Attachment D to the Construction Storm Water Permit for **nine days:** January 6 through 14, 2015.

STEP 4 – Adjustment Factors (Violation No. 11)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not protect some of the storm drain inlets on the Site. There was no reason BMPs could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger failed to correct the violation with 72 hours of being notified.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 11)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier	
Total Base Liability	=	9	x	0.25	x	$10,000	x	1.3	x	1.1	x	1.0	= $32,175

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 11)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 11)

See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 11)

The Discharger derived an economic benefit by not properly protecting waste stockpiles as required. At a minimum, the Discharger should have covered and bermed the waste stockpiles. The estimated cost to cover and berm the waste stockpiles is **$455** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$315.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 11)

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount
Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). Therefore, the Maximum Liability Amount that could be assessed for this violation is **$90,000**.

Minimum Liability Amount
Water Code section 13385(e) requires that when pursuing civil liability under 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.*" The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $315) = **$347**.

STEP 11 – Final Liability Amount (Violation No. 11)
Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to protect waste stockpiles for **nine days** in violation of the Construction Storm Water Permit is **$32,175**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

12. Violation No. 12: Failure to Properly Store Chemicals.

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 12)
Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 12)
Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 12)
While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm

The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Enforcement Policy defines Major Potential for Harm as "[t]he characteristics of the violation present a particularly egregious threat to beneficial uses, and/or the circumstances of the violation indicate a very high potential for harm." The Prosecution Team has determined that the Potential for Harm is **Major** because the failure to have secondary containment of diesel fuels and asphaltic material poses an egregious threat to beneficial uses because there is a very high potential for harm if these materials were discharged to the receiving waters.

Deviation from Requirement

The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Moderate "Deviation from Requirement" as "[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved)." The Prosecution Team has determined that the Deviation from Requirement is **Moderate** because although there was no secondary containment for the chemicals they were in water tight containers.

Per Day Factor

Using a Potential for Harm determination of **Major** and Deviation from Requirement determination of **Moderate**, the Per Day Factor for the failure to implement the perimeter sediment control BMPs is **0.55** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger was in violation of the requirement to provide secondary containment for stored chemicals and fuels, Section B.1.c. in Attachment D to the Construction Storm Water Permit for **7 days:** March 18 through 24, 2015.

STEP 4 – Adjustment Factors (Violation No. 12)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not provide secondary containment for the chemicals and fuels. There was no reason secondary containment could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger failed to correct the violation with 72 hours of being notified.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 12)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier
Total Base Liability	=	7	x	0.55	x	$10,000	x	1.3	x	1.1	x	1.0

=	=	$55,055

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 12)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 12)

See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 12)

The Discharger derived an economic benefit by not providing secondary containment as required. At a minimum, the Discharger should have installed secondary containment structures. The estimated cost to protect the chemicals and fuels is **$3,213** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$1,985.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 12)

For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). Therefore, the Maximum Liability Amount that could be assessed for this violation is **$70,000**.

Minimum Liability Amount

Water Code section 13385(e) requires that when pursuing civil liability under 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*." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $1,985) = **$2,184**.

STEP 10 – Final Liability Amount (Violation No. 12)

Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to provide secondary containment for chemicals and fuels for **seven days** in violation of the Construction Storm Water Permit is **$55,055**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

13. Violation No. 13: Failure to Prevent Discharge of Concrete Waste to the Ground.

STEP 1 - Potential for Harm for Discharge Violations (Violation No. 13)

Step 1 does not apply to Non-Discharge Violations.

STEP 2 – Assessment for Discharge Violations (Violation No. 13)

Step 2 does not apply to Non-Discharge Violations.

STEP 3 – Per Day Assessment of Non-Discharge Violations (Violation No. 13)

While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program. Per day assessments of non-discharge violations are determined based on the Potential for Harm and the extent of Deviation from Requirement, which are used in Table 3 of the Enforcement Policy to determine the Per Day Factor. The Per Day Factor is multiplied by the Statutory Maximum Liability amount allowed under the Water Code (i.e. $10,000 per day).

Potential for Harm

The Potential for Harm is based on a determination of whether the circumstances of the violation indicate "a minor potential for harm" (Minor), "a substantial potential for harm" (Moderate), or "a very high potential for harm" (Major). The Enforcement Policy defines Minor Potential for Harm as "[t]he characteristics of the violation present a minor threat to beneficial uses, and/or the circumstances of the violation indicate a minor potential for harm." The Prosecution Team has determined that the Potential for Harm is **Minor.** While cementious material is highly toxic to plants and animals; in this case the several instances of discharge appear to be less than five gallons in volume to the ground, and not directly into a storm drain.

Deviation from Requirement

The Deviation from Requirement is based on a determination of whether the intended effectiveness of the requirement "remains generally intact" (Minor), "has been partially compromised" (Moderate), or "rendered ineffective" (Major). The Enforcement Policy defines a Major "Deviation from Requirement" as "[t]he requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions)." The Prosecution Team has determined that the Deviation from Requirement is **Major** because no intent was made to use wash out or concrete waste bins when facilities existed at the Site.

Per Day Factor

Using a Potential for Harm determination of **Minor** and Deviation from Requirement determination of **Major**, the Per Day Factor for the failure to implement the perimeter sediment control BMPs is **0.55** in Table 3 of the Enforcement Policy.

Days of Non-Discharge Violation

According to the documentation included with this technical analysis, the Discharger failed to prevent the discharge of concrete waste to the ground in violation of section B.2.i. in Attachment D to the Construction Storm Water Permit for **15 days:** March 18 through April 1, 2015.

STEP 4 – Adjustment Factors (Violation No. 13)

There are three additional factors that are considered for modification of the amount of the initial liability: the Discharger's Culpability, the Discharger's efforts for Cleanup and Cooperation after the violation, and the Discharger's History of Violations. These three factors are discussed below.

Culpability

An adjustment for the initial liability based on the Discharger's Culpability should result in a multiplier between 0.5 to 1.5, with a lower multiplier for accidental or non-negligent violations, and a higher multiplier for intentional or negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances. The Prosecution Team assigned a Culpability multiplier of **1.3** for this violation because the Discharger either intentionally or due to negligence did not use the concrete washout facilities on the Site. There was no reason BMPs could not reasonably have been implemented to be in compliance with the Construction Storm Water Permit.

Cleanup and Cooperation

An adjustment for the initial liability based on the Discharger's efforts for Cleanup and Cooperation should result in a multiplier between 0.75 to 1.5, with a lower multiplier where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. The Prosecution Team assigned a Cleanup and Cooperation multiplier of **1.1** for this violation because the Discharger failed to correct the violation with 72 hours of being notified.

History of Violations

Where there is a history of repeated violations, a minimum multiplier of 1.1 should be used to reflect this. The Prosecution Team assigned a History of Violations multiplier of **1.0** for this violation because the Discharger does not have a history of construction storm water violations determined by this Board.

STEP 5 – Determination of Total Base Liability Amount (Violation No. 13)

The Total Base Liability Amount (i.e. initial amount of liability) is determined by multiplying the Per Day Assessment by the Days of Violation and then applying the adjustment factors as follows:

Total Base Liability	=	Days of Violation	x	Per Day Factor	x	Statutory Maximum Liability	x	Culpability Multiplier	x	Cleanup & Cooperation Multiplier	x	History of Violations Multiplier	
Total Base Liability	=	15	x	0.55	x	$10,000	x	1.3	x	1.1	x	1.0	= $75,075

STEP 6 – Ability to Pay and Ability to Continue in Business (Violation No. 13)

See discussion in Section III.D.

STEP 7 – Other Factors as Justice May Require (Violation No. 13)
See discussion in Section III.E.

STEP 8 – Economic Benefit (Violation No. 13)
The Discharger derived an economic benefit by not properly disposing of the concrete waste as required. At a minimum, the Discharger should have discharged the concrete waste into a designated concrete washout container. The estimated cost to rent a concrete washout container and properly dispose of the concrete is **$618** based upon costs estimated by the San Diego Water Board. Using the US EPA BEN Model the Discharger enjoyed an economic benefit of **$378.** See Exhibit No. 28.

STEP 9 – Maximum and Minimum Liability Amounts (Violation No. 13)
For all violations, Water Code section 13385 sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts being proposed.

Maximum Liability Amount
Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars ($10,000) per day of violation (per violation). Therefore, the Maximum Liability Amount that could be assessed for this violation is **$150,000**.

Minimum Liability Amount
Water Code section 13385(e) requires that when pursuing civil liability under 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*." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the Economic Benefit. Therefore, the minimum liability is (1.1 x $378) = **$416**.

STEP 11 – Final Liability Amount (Violation No. 13)
Based on the unique facts of this case, and the liability calculation methodology within Section VI of the Enforcement Policy, the proposed civil liability for failing to properly dispose of concrete waste for **15 days** in violation of the Construction Storm Water Permit is **$75,075**, plus staff costs. The proposed liability is within the minimum and maximum liability range. See Exhibit No. 27.

D. Consideration of Ability to Pay and Ability to Continue in Business

The Total Base Liability Amount may be adjusted to address the violator's ability to pay or continue in business. For a violation addressed pursuant to Water Code section 13385, the adjustment for ability to pay and ability to continue in business cannot reduce the liability to less than the economic benefit amount.

According to the NOI, the property owner is San Altos-Lemon Grove, LLC, and the developer is BCA Development, Inc. The contact for both entities is Ben Anderson. According to publicly available information (http://www.manta.com/c/mmj25wg/bca-development-inc), Ben Anderson is the owner of BCA Development, Inc., and the estimated annual revenue of BCA Development, Inc. is $10 to $20 million. According to this information, the Discharger has the ability to pay the proposed civil liability and continue in business.

Based on this publicly available data, the burden of this affirmative defense now shifts to the Discharger to offer any evidence they would like to the Prosecution Team to consider when evaluating their ability to pay the Total Proposed Liability Amount.

E. Other Factors as Justice May Require

The Enforcement Policy provides that if the San Diego Water Board believes that the amount determined using the above factors is inappropriate, the liability amount may be adjusted under the provision for "other factors as justice may require," if express finding are made.

Examples of circumstances warranting an adjustment under this step are:

a. The discharger has provided, or Water Board staff has identified, other pertinent information not previously considered that indicates a higher or lower amount is justified.

b. A consideration of issues of environmental justice indicates that the amount would have a disproportionate impact on a particular disadvantaged group.

c. The calculated amount is entirely disproportionate to assessments for similar conduct made in the recent past using the Enforcement Policy.

(Enforcement Policy, p. 19.)

The circumstances in this matter do not warrant an adjustment under this step.

The Enforcement Policy also provides under the "Other Factors as Justice May Require" that the cost of investigation and enforcement should be added to the liability amount. From December 15, 2014, to September 10, 2015, the San Diego Water Board invested 212.50 hours to investigate, prepare enforcement documents, and consider this action. The total investment of the San Diego Water Board to date is **$15,763**. These staff costs are not divided by violation and are added at the end of the collective penalty assessment. A summary of the staff costs incurred to date is provided in Exhibit No. 29, Staff Cost Summary. If the Discharger elects to contest this matter, the recommended liability may increase to recover necessary additional staff costs incurred through to the day of hearing.

F. Total Proposed Liability Amount

The total proposed liability amount for the violations in ACL Complaint No. R9-2015-0110 is $832,611, plus staff costs of $15,763 for a total of **$848,374**. A summary of the methodology used by the Prosecution Team to calculate the proposed civil liability is provided in Exhibit No. 27, Penalty Methodology Summary. Below is a tabular summary of the total proposed liability, Table No. 1.

Table No. 1. Total Proposed Liability Amount Summary

Violation No.	Alleged Violation	Liability Per Day of Violation	Days of Violation Assessed	Proposed Liability Amount
1	Discharges of sediment	$3,146	6	$18,876
2	Failure to protect material stockpiles.	$5,005	10	$50,050
3	Failure to protect against vehicle leaks.	$7,865	2	$15,730
4	Failure to protect against Erosion in inactive areas.	$7,865	22	$173,030
5	Failure to implement adequate perimeter sediment controls.	$5,005	14	$70,070
6	Failure to protect against Erosion in active areas.	$7,865	22	$173,030
7	Failure to implement adequate linear sediment controls.	$7,865	9	$70,785
8	Failure to implement adequate run-on/runoff controls.	$5,005	7	$35,035
9	Failure to remove sediment from roadways.	$5,005	10	$50,050
10	Failure to protect storm drain inlets.	$4,550	3	$13,650
11	Failure to protect waste stockpiles.	$3,575	9	$32,175
12	Failure to adequately store chemicals.	$7,865	7	$55,055
13	Failure to prevent concrete discharges to the ground.	$5,005	15	$75,075
Total Base Liability Amount				**$832,611**
Staff Costs to Date				**$15,763**
Total Proposed Liability Amount				**$848,374**

Exhibit No. 1

State Water Resources Control Board

NOTICE OF INTENT

GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY
(WQ ORDER No. 2009-0009-DWQ)

WDID: **Risk Level:** Level2

Property Owner Information

Type: Private Business

Name: SAN ALTOS LEMON GROVE LLC
Address: 5780 Fleet Avenue
Address 2: Suite 225
City/State/Zip: Carlsbad CA 92008

Contact Name: Ben Anderson
Title: Contact
Phone #: 714-966-1544
Email: kimberlyv@bcadevelopment.com

Contractor/Developer Information

Name: BCA DEVELOPMENT INC
Address: 3194 Airport Loop Drive
Address 2: Suite C2
City/State/Zip: Costa Mesa CA 92626

Contact Name: Ben Anderson
Title:
Phone #: 714-966-1544
Email: kimberlyv@bcadevelopment.com

Construction Site Information

Site Name: Valencia
Address: 1350 San Altos Place
City/State/Zip: Lemon Grove CA 91945
County: San Diego
Latitude: 32.7163 Longitude: -117.04805
Total Size of Construction Area: 18.26
Total Area to be Disturbed: 18.26

Contact Name: Ben Anderson
Title:
Site Phone #: 714-966-1544
Email: kimberlyv@bcadevelopment.com
Construction Start: March 01, 2014
Complete Grading:
Final Stabilization: December 31, 2015

Risk Values

R: 41.3 K: 0.24 LS: 2.11

Beneficial Uses/303(d): No

Type of Construction: *Residential
Receiving Water: Chollas Creek
Qualified SWPPP Developer: Kamal Sweis
RWQCB Jurisdiction: Region 9 - San Diego
Phone: 619-516-1990

Certification #: 20266
Email: r9_stormwater@waterboards.ca.gov

Certification

Name Ben Anderson
Title: President

Date: March 06, 2014

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	Y				Y
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	Y			ENTRANCE NEEDS TO BE CLEANED. ALSO NEED STREET SWEPT	NO
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	Y				Y
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	Y			SOME ARE COVERED SOME ARE NOT	NO
Are heavy equipment and vehicles parked in designated areas with permeable surface?	Y				Y
Are appropriate spill response and containment measures kept on the site?	Y				Y
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	Y				Y
Are concrete washouts properly installed, maintained with no evidence of discharges.	Y				Y
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	Y				Y
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	Y				Y
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		N		TC-1 IS DOWNSTREAM of upper SITE; NEEDS TO BE CLEANED	NO
Other					
Are there any other potential storm water pollution issues/concerns?	Y			RAIN EVENT TODAY, TC-1 SHOULD BE PROTECTED	NO
Was there any employee or subcontractor training on stormwater BMPs?		N			

VIOLATIONS

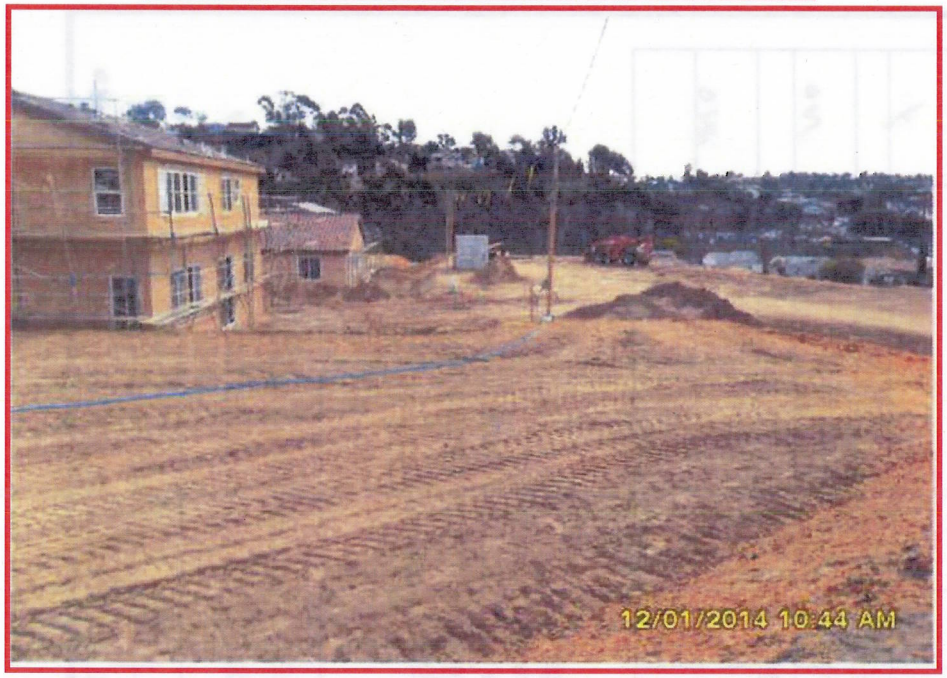
- ☐ No violations noted at time of inspection/investigation
- ☐ No violations; however, recommended corrective actions required
  - ☐ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☒ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☒ Stop Work Notice Issued on: 12 | 2 | 14

RECOMMENDED CORRECTIVE ACTION

SEE STOP WORK NOTICE - Discharge is IMMINENT IF NOAA FORECAST CORRECT: 100% HEAVY RAIN THIS AFTERNOON.

I CALL TO TIM ANDERSON THIS MORNING AT 9AM. LEFT V. MAIL THAT SITUATION NEEDED ATTENTION ASAP - NO RETURN CALL

Lack of eroison control BMPs on inactive areas.



Lack of eroison control BMPs on active areas.

Exhibit No. 2

NOTICE

DATE: 12/2/14
PROJECT: VALENCIA
PROJECT #: GR-1692
ADDRESS: SAN AITOS PL

☒ STOP WORK/NOTICE OF VIOLATION

Stop all other work until erosion control/NPDES deficiencies noted below are corrected. Issuance of this Stop Work Notice will notify the Regional Water Quality Control Board regarding your BMP deficiencies. This may subject you to fines of up to $10,000/day.

☐ CORRECT WORK

Correct noted deficiencies within the specified time frame to avoid a Stop Work Notice:

☐ 24 Hours ☐ 72 Hours ☐ 5 Days ☐ Prior to October 1st, And/Or ☐ Before Rain Event

---

THIS PROJECT IS IN CONFLICT WITH THE FOLLOWING:

☐ City of Lemon Grove Grading Ordinance* ☒ City of Lemon Grove JURMP
☐ Other: _____

THE AREAS OF CONFLICT ARE:

☐ Erosion control is not on site ☐ Erosion control is not per the approved plan
☒ Erosion control is inadequate ☐ Failure to maintain erosion/sediment control device
☐ Other _____

THE FOLLOWING DEFICIENCIES ARE NOTED:

☒ Stabilized construction entrance ☐ Runoff from the site ☐ Desilting basin
☐ Perimeter protection at toe of slope ☐ Waste/materials storage
☐ Concrete washout inadequate, not maintained ☐ No secondary containment
☒ Cover stockpiles ☐ No storm drain inlet/outlet protection ☐ Trash/debris not managed
☐ Cover on sloped and/or flat areas that are inactive for more than 10 days
☐ Other _____

***STOP/ CORRECT WORK ADEQUATELY ADDRESSED (DATE/SIGNATURE)_____

CC: ☒ City Engineer
☐ Engineering
☐ Management Analyst
☐ Code Compliance
☐ Building
☐ RWQCB

ISSUED TO: TIM ANDERSON (VIA EMAIL)
DATE/TIME: 12/2/14 3pm
BY: GARY HARDER
TITLE: ENG. INSPECTOR
PHONE: (619) 454-1272

IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF LEMON GROVE'S DEVELOPMENT SERVICES DEPARTMENT AT (619) 825-3805.

* Having deficiencies in your erosion control is a violation of the City of Lemon Grove's Grading Ordinance. A violation of the City's Grading Ordinance is a misdemeanor. Each separate day or portion thereof on which a violation exists or is allowed to exist shall constitute a separate offense punishable by the provisions of the Ordinance.

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: Harper / [signature] / 12/2/14 / 1pm

Inspection: ☐ Permit-Required Inspection ☐ Follow-up Inspection ☒ Other (Explain) Weekly

Construction Project Priority: ☐ High ☐ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: Gr-1692

Project Name & Type: Valencia, Subdivision

Project Location & Address: San Altos pl

Contractor's Name & Telephone #: Anderson Development (949) 275-6739

Property Owner & Telephone #: San Altos LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C 369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☒ Yes ☐ No ☐ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☐ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: MS4

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Is construction site phased/scheduled to address erosion control on a timely basis?	X			Contractor Hydroseeding as needed, but did not seed as planned	N
Preservation of existing vegetation?	X				Y
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch					
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			Not enough plastic covers for stockpiles	NO
Site Drainage: Outlet Protection/Slope Drain	X				Y
Inlet/Outlet Protection	Y				Y
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	Y				Y

Lack of eroison control BMPs on inactive areas.

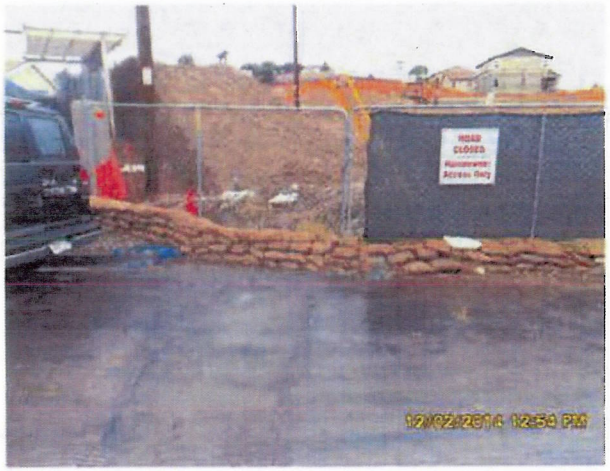
12/01/2014 10:42 AM

12/01/2014 10:14 AM

12/01/2014 10:43 AM

KSD
12/01/2014 10:14 AM

12/02/2014 12:56 PM


ROAD
CLOSED
Homeowner
Access Only
12/02/2014 12:56 PM

12/02/2014 12:53 PM

12/02/2014 12:56 PM

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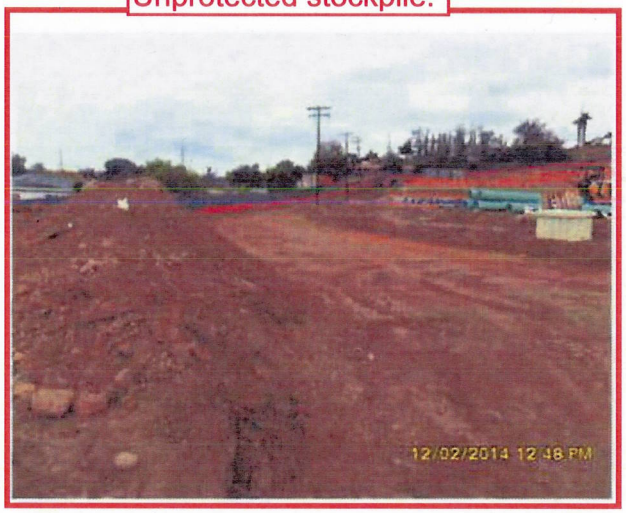
12/02/2014 12:54 PM

12/02/2014 09:08 AM

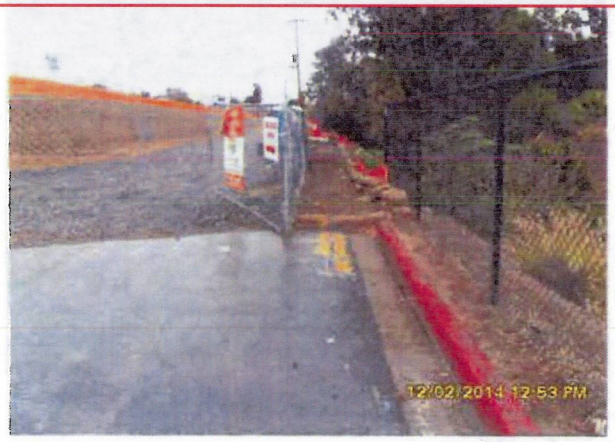
12/02/2014 12:54 PM

ROAD
CLOSED
12/02/2014 12:54 PM

Unprotected stockpile.

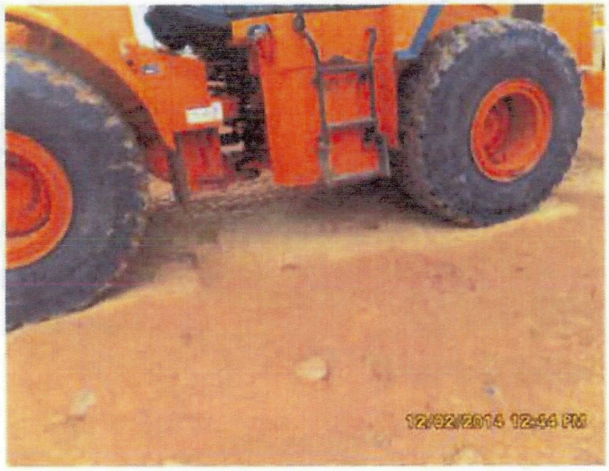


Lack of eroison control BMPs on inactive areas.



Stockpiles lack coverage and perimeter containment.

12/02/2014 12:43 PM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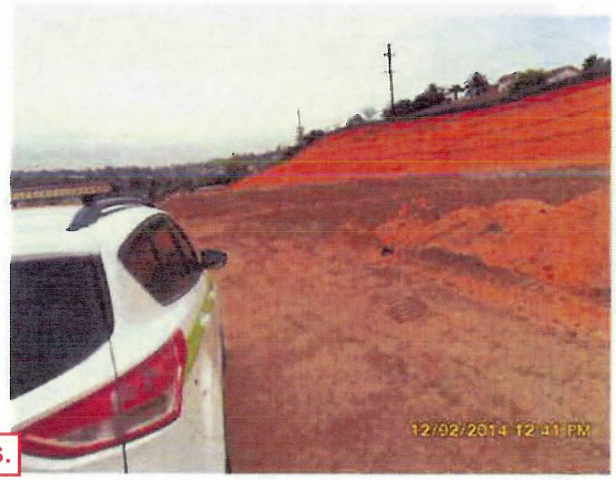

Lack of eroison control BMPs on active areas.

Lack of eroison control BMPs on inactive areas.

Lack of eroison control BMPs on inactive areas.

12/02/2014 09:08 AM

12/02/2014 09:22 AM

12/02/2014 09:22 AM

Exhibit No. 3

NOTICE

DATE: 12/4/2014
PROJECT: VALENCIA
PROJECT #: GR-1692
ADDRESS: SAN ALTOS PL

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☐ Other: _____

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☑ Erosion control is inadequate ☑ Failure to maintain erosion/sediment control device
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☐ Perimeter protection at toe of slope ☐ Waste/materials storage
☐ Concrete washout inadequate, not maintained ☐ No secondary containment
☑ Cover stockpiles ☐ No storm drain inlet/outlet protection ☐ Trash/debris not managed
☐ Cover on sloped and/or flat areas that are inactive for more than 10 days
☑ Other Illegal Discharge

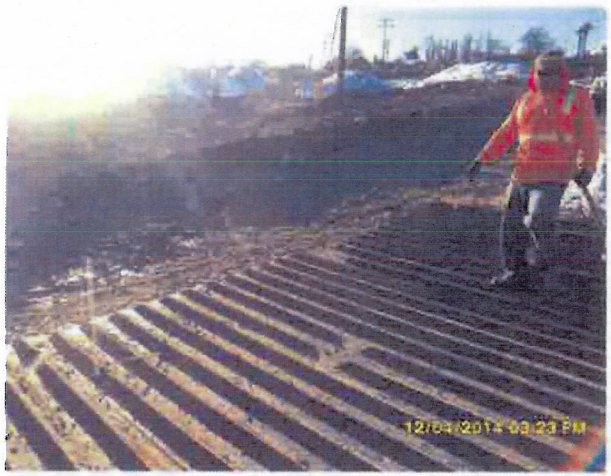
***STOP/ CORRECT WORK ADEQUATELY ADDRESSED (DATE/SIGNATURE)_____

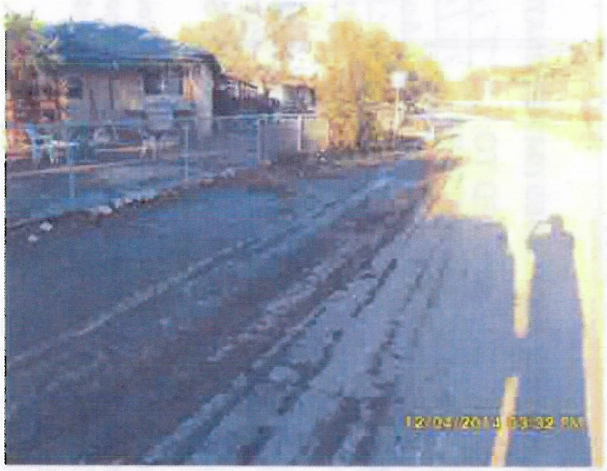
CC: ☑ City Engineer
☑ Engineering
☐ Management Analyst
☐ Code Compliance
☐ Building
☑ RWQCB

ISSUED TO: Tim Anderson (EMAIL)
DATE/TIME: 12/4/2014 10AM
BY: Gary Manes
TITLE: Env. Inspector
PHONE: (619) 454 1272

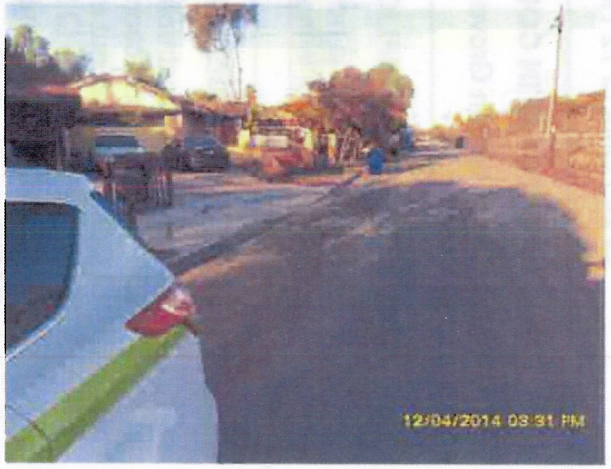
IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF LEMON GROVE'S DEVELOPMENT SERVICES DEPARTMENT AT (619) 825-3805.

* Having deficiencies in your erosion control is a violation of the City of Lemon Grove's Grading Ordinance. A violation of the City's Grading Ordinance is a misdemeanor. Each separate day or portion thereof on which a violation exists or is allowed to exist shall constitute a separate offense punishable by the provisions of the Ordinance.

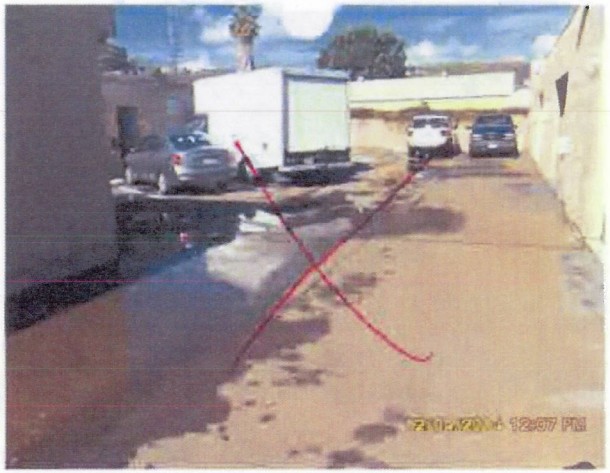


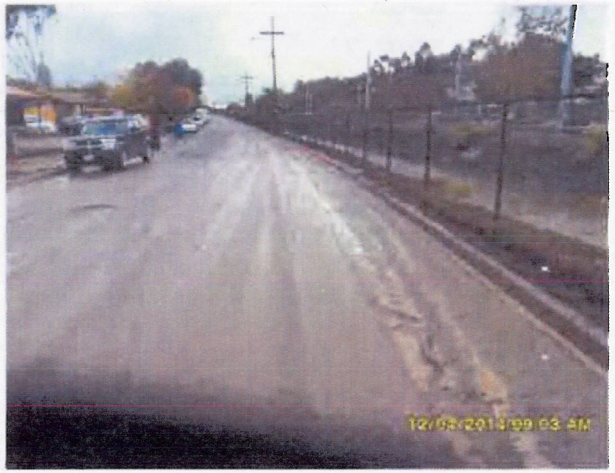


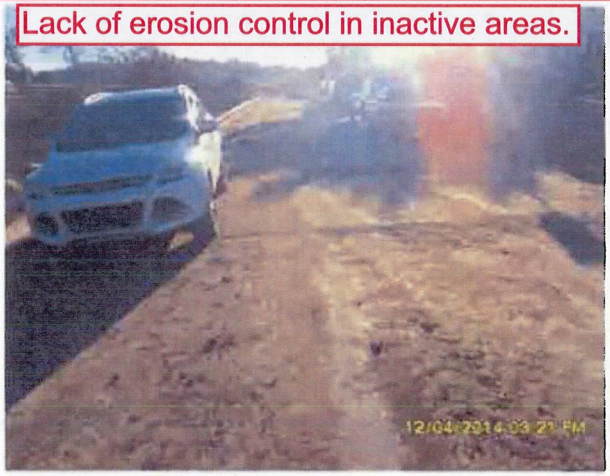
Sediment in street.

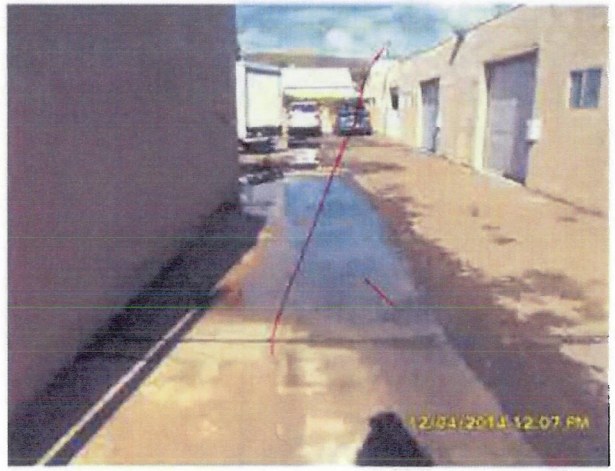


Lack of erosion control in inactive areas.





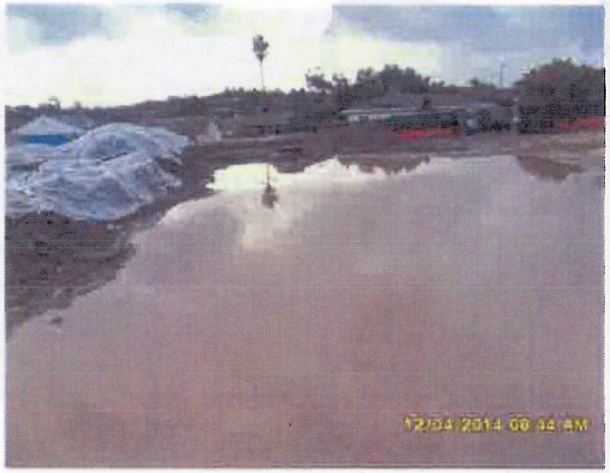


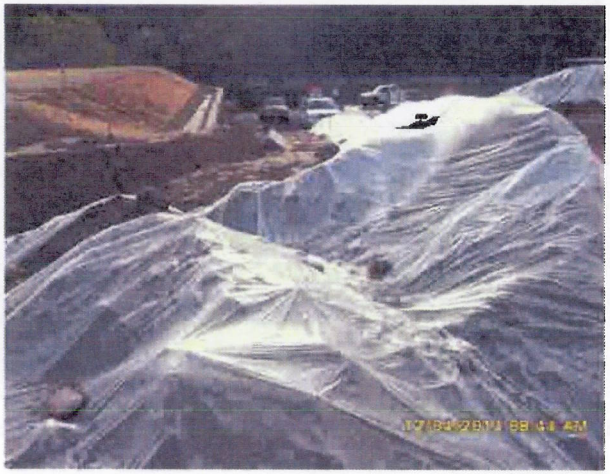


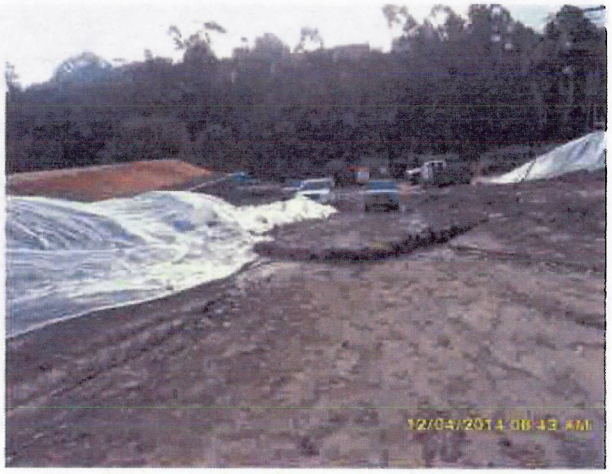
Lack of eroison control BMPs on active areas.

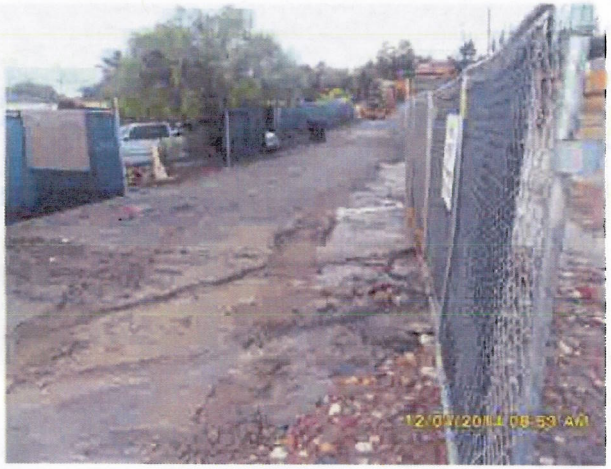
Sediment in street.

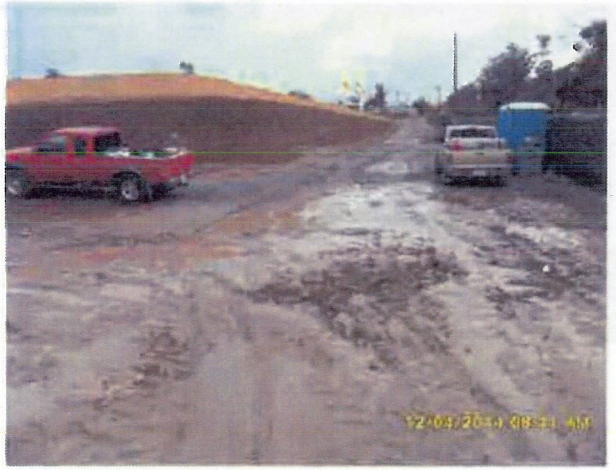
Althought stockpile is partially covered it lacks perimeter containment.



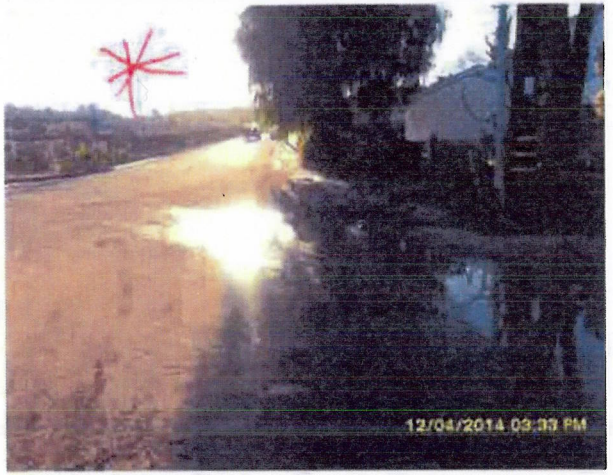


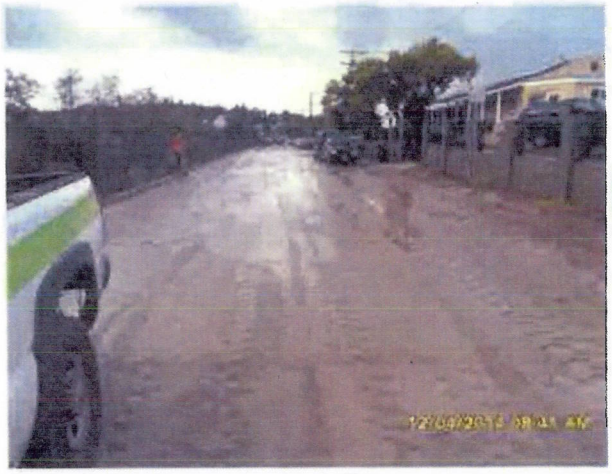






* = CITY OF SAN DIEGO 19TH ST RUNOFF. NOT VALENCIA





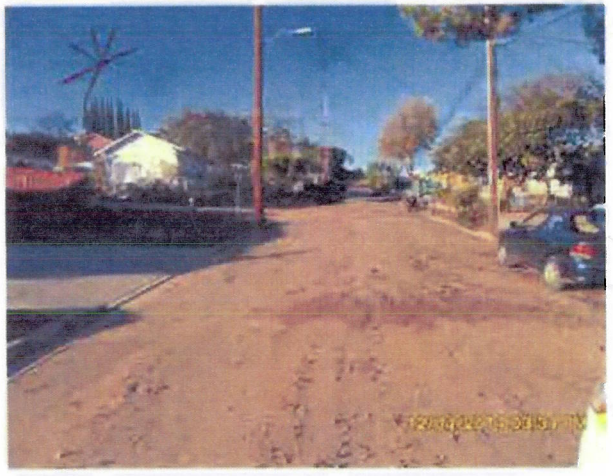


Exhibit No. 4

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: Harper / [signature] / 12/8/14 10:00 am

Inspection: ☐ Permit-Required Inspection ☐ Follow-up Inspection ☒ Other (Explain) Weekly (pre storm)

Construction Project Priority: ☐ High ☒ Medium ☐ Low Friday = 95 %

GENERAL INFORMATION

Grading or Building Permit #: ~~GR-1692~~ Gr-1692

Project Name & Type: Valencia, Homes

Project Location & Address: San Altos Place

Contractor's Name & Telephone #: Anderson Dev (949) 275-673

Property Owner & Telephone #: San Altos LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C 369143

Does this Project have an NOI/SWPPP Available? ☐ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☒ Yes ☐ No ☐ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: N 54

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?	Y			ON B/N SLOPES	Y
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	Y			HYDRO SEED TODAY	N
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	Y				
Site Drainage: Outlet Protection/Slope Drain					
Inlet/Outlet Protection					
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	Y				N
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	Y			INLET TO BE CLEANED	N

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping				ENTRANCE Being rebuilt, ST. Sweep THJ work	
Valencia				**Materials and Equipment Management**	
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	Y				Y
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?		N		NEED TO Cover Stock Piles	N
Are heavy equipment and vehicles parked in designated areas with permeable surface?		N		Vehicles in USE	Y
Are appropriate spill response and containment measures kept on the site?	Y				Y
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	Y				Y
Are concrete washouts properly installed, maintained with no evidence of discharges.		N		NO CONC WORK	Y
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	Y				Y
				Non-Storm Water Management	
Is the site free of evidence of illegal connections and/or illicit discharges?					
				Discharge Locations	
Are the discharge locations free of significant erosion or sediment transport?		N		STILL CLEANING -	NO
				Other	
Are there any other potential storm water pollution issues/concerns?		N			
Was there any employee or subcontractor training on stormwater BMPs?		N			

VIOLATIONS

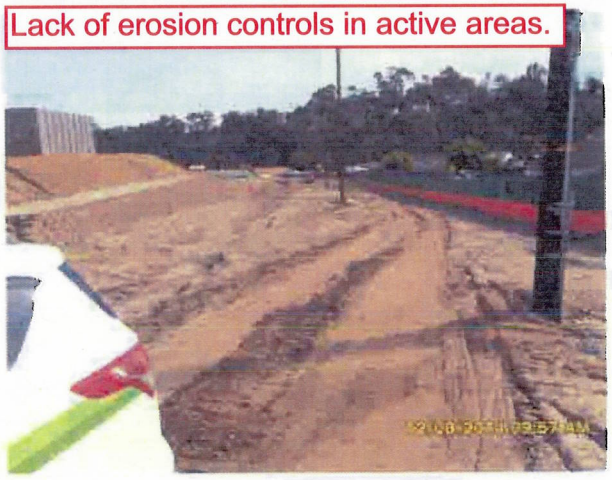
- ☐ No violations noted at time of inspection/investigation
- ☐ No violations; however, recommended corrective actions required
  - ☐ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☐ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☒ Stop Work Notice Issued on: 12/4/14

RECOMMENDED CORRECTIVE ACTION

NOT WRITTEN LAST WEEK, CONTRACTOR WORKING ON ITEMS

Uncovered stockpile.

Lack of erosion controls in active areas.



Lack of erosion controls in inactive areas.

Exhibit No. 5

NOTICE

DATE: 12/9/14
PROJECT: VALENCIA
PROJECT #: GR-1692
ADDRESS: SAN AITOS PLACE

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☒ Cover on sloped and/or flat areas that are inactive for more than 10 days
☐ Other _____

***STOP/ CORRECT WORK ADEQUATELY ADDRESSED (DATE/SIGNATURE)_____

ISSUED TO: TIM ANDERSON VIA EMAIL
DATE/TIME: 12/9/14 6:30 PM
BY: GARY HARPER
TITLE: ENG. INSPECTOR
PHONE: (619) 454-1272

CC: ☒ City Engineer
☒ Engineering
☐ Management Analyst
☐ Code Compliance
☐ Building
☐ RWQCB

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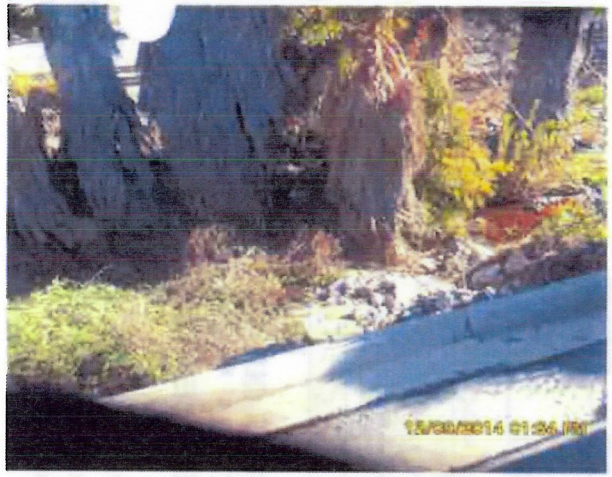

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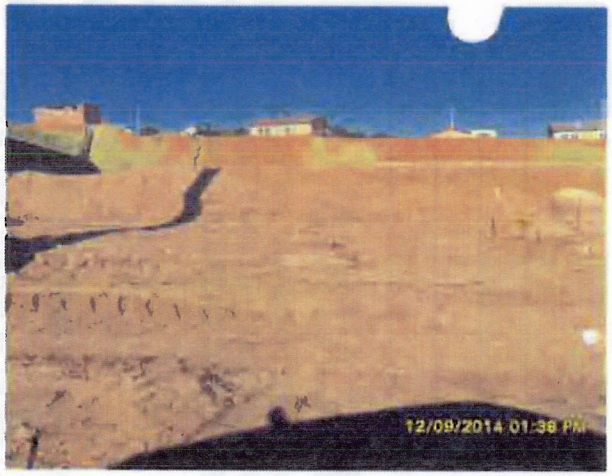
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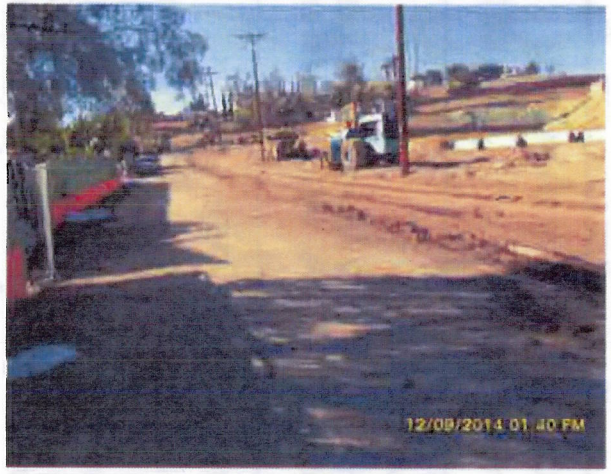
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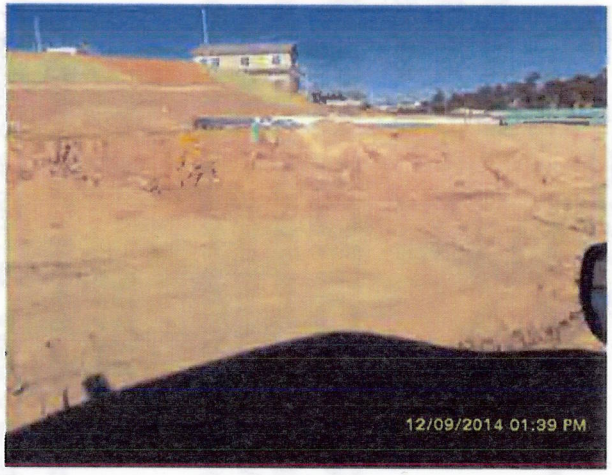
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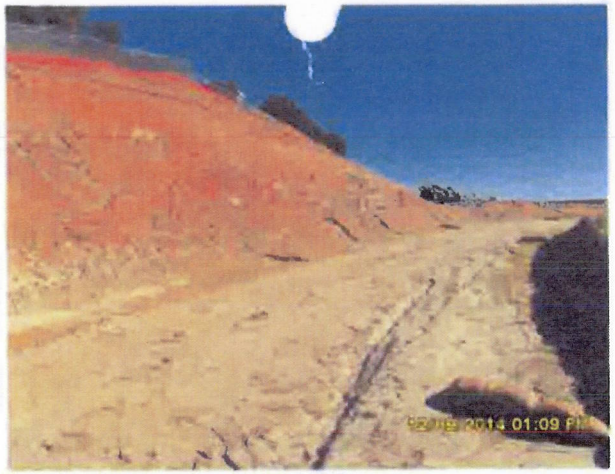
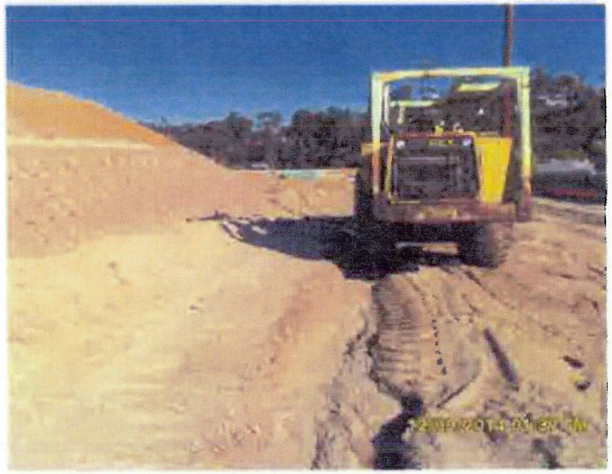
12/09/2014 01:39 PM





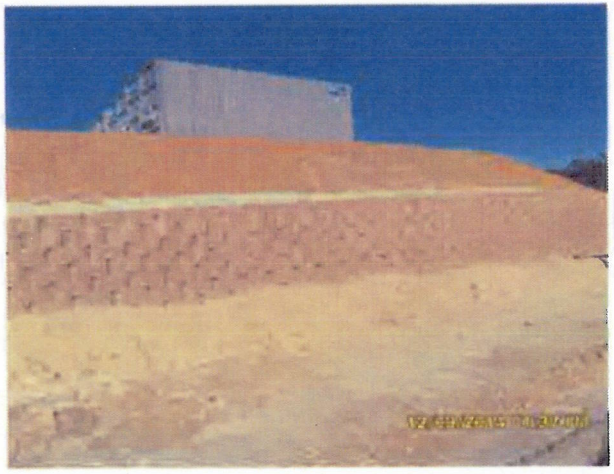


Exhibit No. 6

CITY OF LEMON GROVE
ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION

Circle One: (Warning) 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation $1,000

Payment of $ — is due no later than — to the City of Lemon Grove.
The City accepts cash, check or credit card.

If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.

B) RESPONSIBLE PARTY INFORMATION

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Site Representative / Project Manager

Mailing Address: 3194-C2 Airport Loop Drive Costa Mesa, CA 92626

Business Name (if applicable): BCA Development

cc: Phil Downey, Code Enforcement File

C) VIOLATION(S) INFORMATION

Date (Violation Observed): 12/11/14 Time (Violation Observed): 4:00-5:00 P.M.

Location of Violation: 1350 San Altos, LB / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):

B.48.060 18.08.560 Inadequate BMP's - see attached inspection reports
18.08.170
18.08.180

D) CORRECTION(S) REQUIRED (with date to complete corrections)

Install BMP's per Recommendations > 12/15/14 5:00 P.M.
Maintain adequate supplies of BMPs

E) SERVICING CITATION INFORMATION

Enforcing Officer Name: Leon Finstad Phone No.: 619-825-3825 Signature: [signature] Date: 12/11/14

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person (By Mail / Email) Posted on Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

WHITE-ORIGINAL PINK-COPY CITATION CARD-OWNER

8.48.060 Best management practice requirements and general requirements applicable to all dischargers.

A. Applicable Requirements. All dischargers in the city must comply with the generally applicable prohibitions and requirements in Sections 8.48.010 through 8.48.060 of this chapter, and must also comply with any other parts of this chapter (including relevant parts of the Manual) that are applicable to the type of facility or activity owned or operated by that discharger.

B. Minimum Best Management Practices for All Dischargers. All dischargers in the city must install, implement and maintain at least the following minimum BMPs:

1. Eroded Soils. Prior to the rainy season, dischargers must remove or secure any significant accumulations of eroded soils from slopes previously disturbed by clearing or grading, if those eroded soils could otherwise enter the stormwater conveyance system or receiving waters during the rainy season.

2. Pollution Prevention. Dischargers employing ten or more persons on a full-time basis shall implement those stormwater pollution prevention practices that are generally recognized in that discharger's industry or business as being effective and economically advantageous.

3. Prevention of Illegal Discharges. Illicit connections must be eliminated (even if the connection was established pursuant to a valid permit and was legal at the time it was constructed), and illegal discharge practices eliminated.

4. Slopes. Completed slopes that are more than five feet in height, more than two hundred fifty square feet in total area, and steeper than 3:1 (run-to-rise) that have been disturbed at any time by clearing, grading, or landscaping, shall be protected from erosion prior to the first rainy season following completion of the slope, and continuously thereafter.

5. Storage of Materials and Wastes. All materials and wastes with the potential to pollute urban runoff shall be stored in a manner that either prevents contact with rainfall and stormwater, or contains contaminated runoff for treatment and disposal.

6. Use of Materials. All materials with the potential to pollute urban runoff (including, but not limited to, cleaning and maintenance products used outdoors, fertilizers, pesticides and herbicides, etc.) shall be used in accordance with label directions. No such product may be disposed of or rinsed into receiving waters or the stormwater conveyance system.

C. Inspection, Maintenance, Repair and Upgrading of BMPs. BMPs at manned facilities must be inspected by the discharger before and following predicted rain events. BMPs at unmanned facilities must be inspected by the discharger at least once during the rainy season and at least once between each rainy season. These BMPs must be maintained so that they continue to function as designed. BMPs that fail must be repaired as soon as it is safe to do so. If the failure of a BMP indicates that the BMPs in use are inappropriate or inadequate to the circumstances, the BMPs must be modified or upgraded to prevent any further failure in the same or similar circumstances.

D. Stormwater Pollution Prevention Plan. An authorized enforcement official may require a commercial, industrial or land disturbance activity discharger to prepare and submit an SWPPP for approval by that official if: (1) the discharger does not come into compliance with this chapter after one or more warnings (or other enforcement action) that BMPs are inadequate or are not being adequately maintained; or (2) the facility or activity at issue is a significant source of contaminants to receiving waters despite compliance with this

chapter. Any discharger required to submit and to obtain approval of an SWPPP shall install, implement, and maintain the BMPs specified in the approved SWPPP.

The SWPPP shall identify the BMPs that will be used by the discharger to prevent or control pollution of stormwater to the MEP. If the facility is an industrial facility, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general industrial stormwater permit. If the activity at issue is a construction or land disturbance activity, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general construction stormwater permit. If a facility required to submit an SWPPP to the city discharges non-stormwater to groundwater, the facility shall obtain an RWQCB permit as required by the State Water Code, and shall describe the requirements of that permit in the SWPPP.

Whenever submission of an SWPPP is required pursuant to this chapter, an authorized enforcement official may take existing city BMPs into account when determining whether the practices proposed in the SWPPP are BMPs that will prevent or control pollution to the required level of MEP.

E. Notification of Spills, Releases and Illegal Discharges. Spills, releases, and illegal discharges of pollutants to receiving waters or to the stormwater conveyance system shall be reported by the discharger as required by all applicable state and federal laws. In addition, any such spills, releases and illegal discharges with the potential to endanger health, safety or the environment shall be reported to the Directors within twenty-four hours after discovery of the spill, release or discharge. If safe to do so, necessary actions shall be taken to contain and minimize the spill, release or illegal discharge.

F. Sampling, Testing, Monitoring and Reporting. Commercial, industrial or land disturbance activity dischargers shall perform the sampling, testing, monitoring and reporting required by this chapter. In addition, an authorized enforcement official may order a discharger to conduct testing or monitoring and to report the results to the city if: (1) the authorized enforcement official determines that testing or monitoring is needed to determine whether BMPs are effectively preventing or reducing pollution in stormwater to the MEP, or to determine whether the facility is a significant source of contaminants to receiving waters; or (2) the authorized enforcement official determines that testing or monitoring is needed to assess the impacts of an illegal discharge on health, safety or the environment; or (3) an illegal discharge has not been eliminated after written notice by an authorized enforcement official; or (4) repeated violations have been documented by written notices from authorized enforcement officials; or (5) the RWQCB requires the city to provide any information related to the discharger's activities.

Testing and monitoring ordered pursuant to this subsection may include the following:

1. Visual monitoring of dry weather flows, wet weather erosion, and/or BMPs;
2. Visual monitoring of premises for spills or discharges;
3. Laboratory analyses of stormwater or non-stormwater discharges for pollutants;
4. Background or baseline monitoring or analysis; and
5. Monitoring of receiving waters or sediments that may be affected by pollutant discharges by the discharger (or by a group of dischargers including the discharger).

The authorized enforcement official may direct the manner in which the results of required testing and monitoring are reported, and may determine when required sampling, testing or monitoring may be discontinued.

G. Mitigation. All illegal discharges must be mitigated within a reasonable period of time to correct or compensate for all damage to the environment caused by the illegal discharge. The authorized enforcement official shall determine whether mitigation measures proposed or completed by the discharger meet this standard. The authorized enforcement official shall require the discharger to submit a mitigation plan and schedule by a specified date prior to taking action, and to submit a summary of completed mitigation by a specified date. Notwithstanding the granting of any period of time to the discharger to correct the damage, the

discharger shall remain liable for some or all of any fines or penalties imposed pursuant to this chapter, or by the RWQCB. (Ord. 369 § 1, 2008)

18.08.170 Erosion control required.

A. Plans for an erosion control system shall be prepared and submitted for the review and approval of the city engineer as a part of any application for a construction permit. The erosion control system shall comply with the requirements of the latest national pollutant discharge elimination system permit, Chapters 8.48 and this chapter to satisfy the requirements for erosion control and eliminate the discharge of sediment and pollutants. The erosion control plan shall include, but not be limited to, the following information:

1. Name, address, and a twenty-four hour phone number of the owner or responsible party, and the person or contractor responsible for installing and maintaining the erosion control system and performing emergency erosion control work;

2. The name, address and signature of the civil engineer or person who prepared the plan;

3. All desilting basins, debris basins, silt traps, and other desilting, velocity retarding and protection facilities necessary to adequately protect the site and downstream properties from erosion and its effects, preserve natural hydrologic features, and preserve riparian buffers and corridors;

4. The streets, easements, drains, and other improvements;

5. The location and placement of gravel bags, diverters, check dams, slope planting, drains, and other erosion controlling devices and measures;

6. Access routes to all such erosion control facilities and how access shall be maintained during inclement weather.

B. Erosion control system standards shall be as follows:

1. The faces of cut-and-fill slopes and the project site shall be prepared and maintained to control against erosion. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval of the city engineer.

2. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, cribbing, riprap, or other devices or methods as approved by the city engineer, shall be employed to control erosion, prevent discharge of sediment, and provide safety.

3. Temporary desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent of maximum density. A gravel bag or plastic spillway must be installed for overflow, as designed by the engineer of work, to avoid failure of the earthen dam. A soils engineering report prepared by the soils engineer, including the type of field-testing performed, location and results of testing shall be submitted to the city engineer for approval upon completion of the desilting basins.

4. Desilting facilities shall be provided at drainage outlets from the graded site, and shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow reasonable settlement of suspended particles.

5. Desilting basins shall be constructed around the perimeter of projects, whenever feasible, and shall provide improved maintenance access from paved roads during wet weather. Grading cost estimates must include maintenance and ultimate removal costs for temporary desilting basins.

6. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading.

7. All removable protective devices shown shall be in place at the end of each working day when there is a fifty percent chance of rain within a forty-eight hour period. If the developer does not provide the required installation or maintenance of erosion control structures within two hours of notification at the twenty-four hour number on the plans, the city engineer may order city crews to do the work or may issue contracts for such work and charge the cost of this work along with reasonable overhead charges to the cash deposits or other instruments implemented for this work without further notification to the owner. No additional work on the project except erosion control work may be performed until the full amount drawn from the deposit is restored by the developer.

8. At any time of year, an inactive site shall be fully protected from erosion and discharges of sediment. Flat areas with less than five percent grade shall be fully covered unless sediment control is provided through desiltation basins at all project discharge points. A site is considered inactive if construction activities have ceased for a period of ten or more consecutive days.

C. No grading work shall be allowed between October 1st and the following April 30th on any site when the city engineer determines that erosion, mudflow or sediment of silt discharge may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an approved erosion control system has been implemented on the site. If the city determines that it is necessary for the city to cause erosion control measures to be installed or cleanup to be done, the developer shall pay all of the city's direct and indirect costs including extra inspection, supervision, and reasonable overhead charges. (Ord. 371 § 1, 2008)

18.08.180 BMP maintenance.

All BMPs for erosion prevention and sediment control shall be functional at all time. Prior to the rainy season and after each major storm, all source control and structural treatment BMPs shall be inspected to assure the functionality. BMP maintenance shall be conducted throughout the life of the project. (Ord. 371 § 1, 2008)

18.08.560 Responsibility of permittee.

It shall be the responsibility of the permittee to know the conditions and/or restrictions placed on the grading permit and as outlined in applicable sections of this chapter, and as continued on the approved report (s) and to insure that all contractors, subcontractors, employees, agents and consultants are also knowledgeable of the same, and insure that they carry out the proposed work in accordance with the approved plans and specifications and with the requirements of the permit and this chapter. The permittee shall also be responsible to maintain in an obvious and accessible location on the site, a copy of the permit and grading plans bearing the approval of the city engineer. (Ord. 371 § 1, 2008)

Meeting Minutes/Phone Record

CITY OF LEMON GROVE
Engineering Department
3232 Main Street
Lemon Grove, CA 91945
619-825-3811

Date: 12/11/14 5:00 P.M. | Project: Valencia

☐ Meeting ☐ Phone ☒ Site Visit

Attendees: Leon & Gary

Notes: Site inspection to review Recommended "Construction BMP Recommendations" from 12/9/14 inspection (attached).

(1) No erosion control provided.
(2) Insufficient / Improperly installed check dams.
(3) Repair & stabilization of gullies not completed.
(4) Not completed.
(5) Completed.
(6) Not visible.
(7) Mostly complete.
(8) N/A

Page 1 / 1 Initials LE Hours: 1.0

Get Local Forecast For:
Enter location ... GO
Search Help

XML RSS Feeds
Current Hazards
Watches / Warnings
Outlooks
Submit Report
Current Conditions
Observations
Radar
Satellite
Precipitation
Mapped Weather
Other Hazards
Forecasts
Forecast Discussion
Local Area
Activity Planner
Aviation Weather
Fire Weather
Marine Weather
Severe Weather
Hurricane Center
User Defined Area
Fastlinks
Hydrology
Rivers and Lakes
Forecasts / Obs
Climate
Local
National
Drought
More...
Climate portal
Weather Safety
Preparedness
Weather Radio
SkyWarn™
StormReady
TsunamiReady
Additional Info
Items of Interest
Other Useful Links
Education Resources
COOP Observer

Warnings and/or Advisories In Effect for this Point:

Flash Flood Watch

Wind Advisory

For warnings and/or advisories in effect for adjacent areas to this point, see http://www.wrh.noaa.gov/sgx

Change Table Font Size Increase Decrease

Forecast For Lat/Lon: 32.7370/-117.0200 (Elev. 492 ft)
Lemon Grove CA

Forecast Created at: 6pm PST Dec 11, 2014

Custom Weather Forecast Table

	Thu Dec 11				Fri Dec 12				Sat Dec 13				Sun Dec 14				Mon Dec 15				Tue Dec 16				
Weather				Chance Rain	Slight Chance TStorms and Rain	Rain Showers and TStorms	Likely Rain Showers and TStorms	Likely Rain Showers	Chance Rain Showers								Chance Rain				Likely Rain				C
Daily-Temp	High 67 Low 53				High 63 Low 58				High 63 Low 51				High 65 Low 48				High 64 Low 50				High 64 Low 52				
Chance of Precip	0%	0%	5%	45%	100%	90%	65%	75%	30%	15%	5%	5%	5%	5%	5%	5%	5%	5%	40%	40%	55%	55%	60%	60%	40
Precip	0.00"	0.00"	0.00"	0.01"	0.57"	0.29"	0.06"	0.12"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"											
12-hr Snow Total	0"		0"		0"		0"		0"																
FRET	0.06"				0.06"				0.05"				0.06"				0.07"				0.07"				
6-Hour	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4a
Temp	53	62	65	60	58	61	60	54	52	59	59	52	49	59	61	54	51	59	61	55	53	60	61	55	5
Cloudiness	86%	49%	75%	100%	100%	91%	84%	75%	69%	51%	30%	37%	31%	21%	30%	30%	41%	41%	62%	62%	90%	90%	87%	87%	71
Dewpoint	52	53	54	53	52	54	52	50	49	48	46	46	43	44	44	48	44	43	45	49	47	51	49	51	4
Relative Humdity	94%	73%	67%	78%	79%	77%	73%	88%	89%	69%	61%	81%	80%	57%	52%	81%	79%	57%	54%	81%	82%	72%	63%	88%	89
Wind	S 2	S 7	S 8	S 10	SE 15	W 6	SW 6	W 6	E 2	W 2	NW 5	E 3	E 3	N 1	W 5	E 5	E 6	S 7	SW 7	SE 7	SE 8	S 9	S 7	S 6	S\ 1
Snow Level (ft)			9317	9161	7608	6313	5478	5212	5704										6701	5923	5850	5993	5805	5704	56

Forecast Weather Table Interface

Select Weather Format

- ⊙ Custom Weather Table
- ○ XML
- ○ Point Forecast Page
- ○ Point Forecast Matrix
- ○ Hourly Tabular Forecast
- ○ Hourly Weather Graph

Interval in Hours: ○ 1 ○ 3 ⊙ 6

Duration in Days: ○ 1 ○ 2 ○ 3 ○ 4 ○ 5 ○ 6 ⊙ 7

Enter a Location or Click on Map Below

Search by address; city,state; latitude/longitude...

Go

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI / T.Nakatani / 12/11/14 9:00AM

Inspection: ☐ Permit-Required Inspection ☒ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☒ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: Gr-1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☐ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: _____

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Gullies & unstabilized pads still not addressed	No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			some plastic sheets added but not yet sufficient	No
Site Drainage: Outlet Protection/Slope Drain		X			
Inlet/Outlet Protection	X			See inlet protection comment below	No
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Additional fiber rolls not placed on slopes yet	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X			Per discussion w/ contractor, they still need to add gravel bag inlet protection	No

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			NE entrance still not stabilized but not currently in use	No
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			still need to protect all stockpiles	No
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		X		still need to clean sediment on Akins	NO
Other					
Are there any other potential storm water pollution issues/concerns?	X			Roadway stabilization still needed	No
Was there any employee or subcontractor training on stormwater BMPs?			X		

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☒ No violations; however, recommended corrective actions required
  - ☒ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☐ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☐ Stop Work Notice Issued on: _____

RECOMMENDED CORRECTIVE ACTION

FLOW ALONG SOUTHERN EDGE OF SITE HAS BEEN REDIRECTED AWAY FROM THE CORNER. ALL OTHER CORRECTIVE ACTIONS FROM THE 12/9/14 INSPECTION HAVE NOT YET BEEN ADDRESSED. REFER TO THAT INSPECTION FOR FULL DESCRIPTION OF CORRECTIVE ACTIONS.

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI 12/9/14 1:00 pm

Inspection: ☒ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☒ High ☒ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: Gr 1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☐ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☐ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: _____

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Gullies through edges of hydroseeded areas some pads not seeded, within canal easement	Yes No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching		X			
Site Drainage: Outlet Protection/Slope Drain		X			
Inlet/Outlet Protection		X			
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Additional fiber rolls needed on eastern slope	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier		X			

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			NE entrance lacks stabilization	No
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			several unprotected stockpiles	No
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		X		Large amount of sediment on roadway at site	No
Other					
Are there any other potential storm water pollution issues/concerns?	X			Roadways within project are unstabilized and show signs of erosion	No
Was there any employee or subcontractor training on stormwater BMPs?			X		

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☒ No violations; however, recommended corrective actions required
  - ☒ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☐ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☐ Stop Work Notice Issued on: _____

RECOMMENDED CORRECTIVE ACTION

- Add erosion controls to all areas inactive for 14 days, including roadways not currently in use.
- Cover & protect stockpiles
- Repair/protect gullies that have formed on slopes
- Redirect flow near southeast corner so it does not flow toward damaged wall
- Sweep road outside of construction entrance
- Install check dams of stabilization on roadways prior to rain

Construction BMP Recommendations

Site: VALENCIA SUBDIVISION Date: 12/9/14

Recommendations:

(1) • Add erosion control to road segment (eg northern corner) that are not in use. Can be hydroseeded or stabilized with gravel.

(2) • For roads that are in use, add check dams prior to rain. Ensure proper installation to prevent rills from forming underneath BMP if using fiber rolls

(3) • Repair ^ Establish gullies in slopes on edges of pads. May consider using erosion control blankets.

(4) • A couple pads on western side do not appear hydroseeded. Add hydroseed or other erosion control

(5) • Cover & protect stockpiles. Some stockpiles near entrance are only partially covered. others to the west are completely uncovered

(6) • Ensure that enough BMP materials are kept on site. Not enough fiber rolls were on site

(7) • Redirect flow along the southern side of site. It currently is causing erosion along the road and directs flow to a damaged wall. Direct away from wall and break up flow with check dams to prevent erosion

(8) • Sweep road to remove sediment

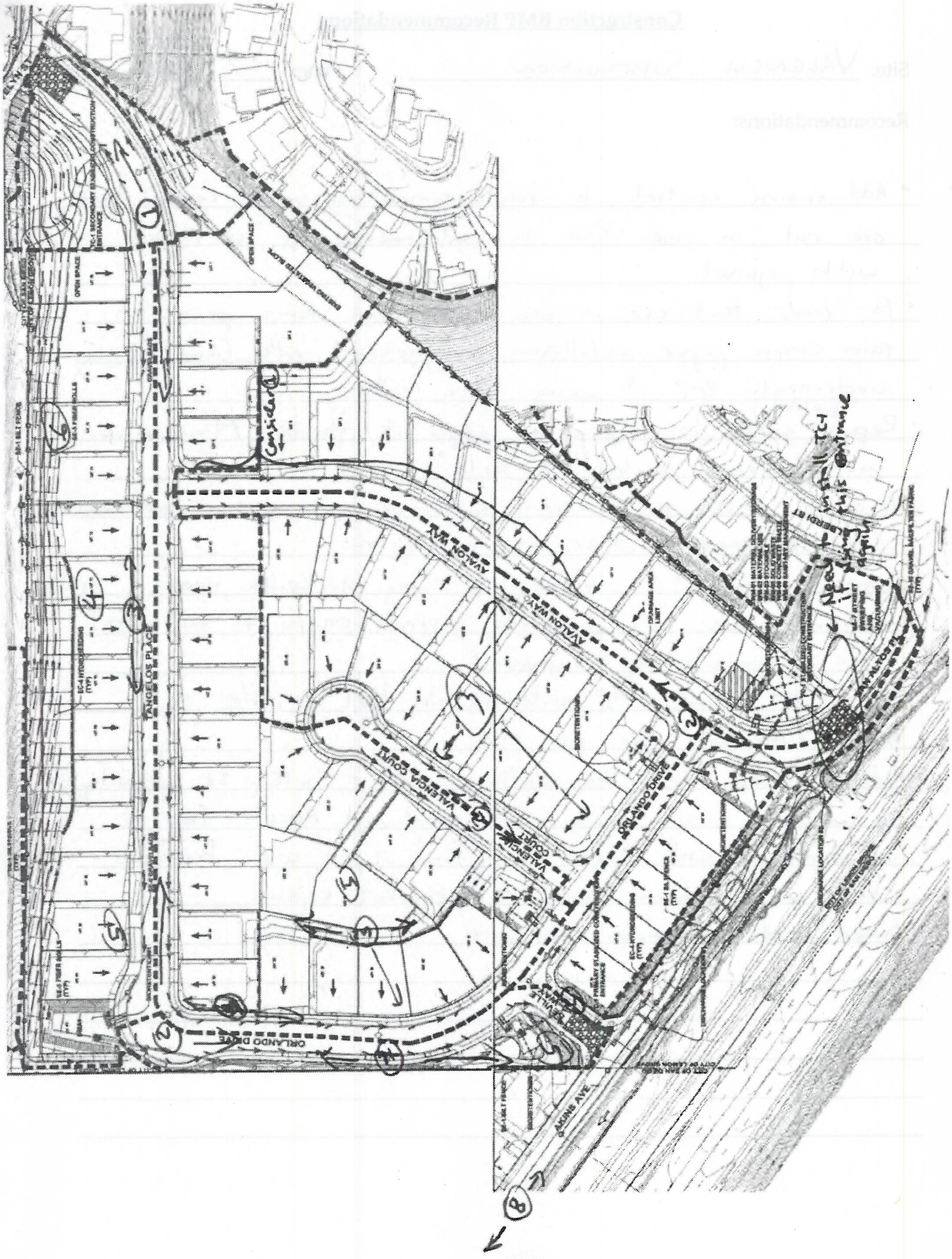

AVALON WAY
VALENCIA COURT
ORLANDO DRIVE
TANGELOS PLACE
OPEN SPACE
JAKINS AVE
Consider
Need to install TC-1 at this entrance again

Exhibit No. 7

CITY OF LEMON GROVE
ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation $1,000

Payment of $ 100 is due no later than 1/12/15 to the City of Lemon Grove.
The City accepts cash, check or credit card.

If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.

B) RESPONSIBLE PARTY INFORMATION

Person Cited: Audenson (Last Name) Tim (First Name)

Circle One: Property Owner | Tenant | Business Owner | Other Project Manager

Mailing Address: 3194-C2 Airport Loop Drive, Costa Mesa, CA 92626

Business Name (if applicable): BLA Development cc: Phil Downey, Code Enforcement File

C) VIOLATION(S) INFORMATION

Date (Violation Observed): 12/12/14 Time (Violation Observed): 8:60 A.M. 11:12 p.m.

Location of Violation: San Ates / Akins (Street Address) (APN)

Violation(s) Observed (Code Section and Description):
B.48.040 A. Discharge of non-stormwater prohibited.

See Attached Memo

D) CORRECTION(S) REQUIRED (with date to complete corrections)

Install BMP's per Recommendations & Permit > [redacted]* ASAP
Maintain adequate samples of BMP's
& continuous installation of BMP's until compliance is Required.
daily ** additional discharges subject to citation.

E) SERVICING CITATION INFORMATION

Enforcing Officer Name: Leon Finchot Phone No.: 619-825-3825 Signature: [signature] Date: 12/15/14

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person | By Mail/Email | Posted on Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

WHITE-ORIGINAL PINK-COPY CITATION CARD-OWNER

8.48.040 Discharge of non-stormwater prohibited.

A. Illegal Discharges. The discharge of pollutants to non-stormwater, directly or indirectly into the stormwater conveyance system or receiving waters, is prohibited, except as exempted in Section 8.48.050 of this chapter. The discharge of pollutants to stormwater, directly or indirectly into the stormwater conveyance system or receiving waters, is prohibited, unless the applicable requirements of this chapter have been met.

B. Illegal Connection. The establishment of illegal connections is prohibited. The use of illegal connections is prohibited, even if the connection was established pursuant to a valid city permit and was legal at the time it was constructed.

C. Litter, Dumps, and Stockpiles. Throwing, depositing, leaving, abandoning, maintaining or keeping materials or wastes on public or private lands in a manner and place where they may result in an illegal discharge is prohibited. (Ord. 369 § 1, 2008)

D-MAX Engineering, Inc.
Consultants in Water & Environmental Sciences

Memo

Date: December 12, 2014

To: Malik Tamimi

Cc: Tad Nakatani

From: John Quenzer JQ

Subject: December 12, 2014 Sampling at Valencia Construction Site

Per the City's request, D-MAX collected samples of runoff from the Valencia construction site. Samples were taken at the Akins Avenue and San Altos Place entrance/exit locations to the site (sites Valencia_Akins and Valencia_SanAltos, respectively). A sample of runoff from a residential portion of Lemon Grove flow south/southwest toward the San Altos entrance exit was also taken to assess background conditions (site Background_SanAltos). Because gravel bags were noted along Akins Avenue from the site discharge point down to the nearest storm drain inlet, a sample was also taken downstream of the last set of gravel bags, just before the water entered the inlet (site Akins_Inlet). Figure 1 and photos 1 through 3 show the sampling locations.

Each sample was collected and analyzed for turbidity using a calibrated field meter. Most of the site runoff appears to be discharging via the Akins Avenue discharge point (Valenica_Akins). Note that two different samples were taken from site Valencia_Akins, about an hour apart, to see if runoff characteristics would vary over time. Only a minimal difference in turbidity was observed between the two samples. The sample taken at the inlet along Akins Avenue (Akins_Inlet) had somewhat lower turbidity, likely due to the use of gravel bags along the curb between the site and the inlet, but the turbidity levels were still not substantially lower. Results are summarized in the table below, and photos of the samples in clear containers are presented as photos 4 through 6.

Table 1. Sampling Results

Site	Sample Date	Sample Time	Turbidity (NTU)
Valencia_Akins	12/12/2014	11:05	505
Background_SanAltos	12/12/2014	11:26	18.73
Valencia_SanAltos	12/12/2014	11:27	427
Valencia_Akins	12/12/2014	11:55	513
Akins_Inlet	12/12/2014	11:58	477

7220 Trade Street ■ Suite 119 ■ San Diego, CA 92121 ■ (858) 586-6600 ■ Fax (858) 586-6644

Figure 1. Sampling Locations

Photo 1. Site Valencia_Akins

Photo 2. Sites Valencia_SanAltos (red arrow) and Background_SanAltos (yellow arrow)

Photo 3. Site Akins_Inlet

Photo 4. First Sample (11:05) from Site Valencia_Akins

Photo 5. Samples from Sites Background_SanAltos (left) and Valencia_SanAltos (right)

Photo 6. Second Sample from Site Valencia_Akins (11:58, left) and Sample from Site Akins_Inlet (right)

Exhibit No. 8

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

FACILITY INSPECTION REPORT

FACILITY: Valencia
WDID/FILE NO.: 937C369143
INSPECTION DATE/TIME: 12/15/2014; 10:00 am

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME:	Wayne Chiu	AFFILIATION:	San Diego Water Board
NAME:	Ben Anderson	AFFILIATION:	BCA Development, Inc.
NAME:	Tim Anderson	AFFILIATION:	BCA Development, Inc.
NAME:	Donald Sturgeon	AFFILIATION:	Whitson CM
NAME:	Leon Firsht	AFFILIATION:	City of Lemon Grove
NAME:	Gary Harper	AFFILIATION:	City of Lemon Grove

San Altos Lemon Grove LLC
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

BCA Development, Inc.
FACILITY OR DEVELOPER NAME (if different from owner)

5780 Fleet Avenue
Carlsbad, CA 92008
OWNER MAILING ADDRESS

1350 San Altos Place
Lemon Grove, CA 91945
FACILITY ADDRESS

Ben Anderson, 714-966-1544
OWNER CONTACT NAME AND PHONE #

Same
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:

- ☐ MS4 URBAN RUNOFF REQUIREMENTS
- ☒ CONSTRUCTION GENERAL PERMIT
- ☐ CALTRANS GENERAL PERMIT
- ☐ INDUSTRIAL GENERAL PERMIT
- ☐ GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES
- ☐ GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- ☐ SECTION 401 WATER QUALITY CERTIFICATION
- ☐ 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.

INSPECTION FINDINGS:

Y WERE VIOLATIONS NOTED DURING THIS INSPECTION? (YES/NO/PENDING SAMPLE RESULTS)

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On December 2, 2014, the City of Lemon Grove (City) issued a Stop Work/Notice of Violation to the Valencia construction site (WDID 9 37C369143) for failing to implement construction storm water best management practices (BMPs) required by local ordinances. The City's inspection report issued with the Stop Work/Notice of Violation noted inadequate implementation of erosion controls, entrance/exit stabilization, and stockpile management and warned the project manager that a "discharge is imminent" without adequate BMPs. The site was required to stop work and implement BMPs to be prepared for a storm event that occurred on December 3 and 4, 2014.

The site failed to implement BMPs before the storm, resulting in unauthorized discharges of sediment and sediment-laden storm water from the site to the City's municipal separate storm sewer system (MS4). The City issued a second Stop Work/Notice of Violation on December 4, 2014 for the illegal discharges to the City's MS4. The City conducted a follow up inspection on December 9, 2014 and noted the same BMP deficiencies identified before the December 3 and 4, 2014 storm event, as well as additional deficiencies in perimeter sediment controls. The inspection report provided recommendations for locations that needed to be addressed and types of BMPs. The site again failed to implement BMPs before a subsequent storm event that occurred on December 11, 2014, again resulting in unauthorized discharges of sediment and sediment-laden storm water from the site to the City's MS4. On December 11, 2014, the City issued an Administrative Citation to the site requiring BMPs to be implemented by December 15, 2014 before monetary penalties would begin. The Stop Work/Notice of Violation issued on December 2 and 4, 2014 and the Administrative Citation issued on December 11, 2014 by the City are attached to the end of this inspection report.

On the morning of December 12, 2014, the City contacted the San Diego Water Board about the unauthorized discharges of sediment and sediment-laden storm water to their MS4 from the Valencia construction site. According to the City's storm water manager, the site owner was claiming the site was in compliance with the requirements of the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP) and therefore should be considered in compliance with the City's ordinances. The City's storm water manager requested an inspection from the San Diego Water Board to determine whether the construction site was in compliance with the requirements of the CGP.

Wayne Chiu of the San Diego Water Board performed an inspection of the Valencia construction site for compliance with the requirements CGP. According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is a Risk Level 2 construction site, disturbing over 18 acres, and owned by San Alto Lemon Grove LLC. The developer of the site is BCA Development, Inc.

The San Diego Water Board inspector met with Mr. Ben Anderson, the contact for the owner and developer of the site, Mr. Tim Anderson, project manager for the developer,

and Mr. Donald Sturgeon, the Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) performing the weekly inspections. Also present to observe during the inspection were Mr. Leon Firsht and Mr. Gary Harper, City Engineer and Construction Storm Water Inspector for the City of Lemon Grove, respectively. The San Diego Water Board inspector did not review the SWPPP or other records during the inspection.

II. FINDINGS

1. Several stockpiles observed without adequate containment (See Photo 1). Evidence of erosion and sediment transport from the stockpile observed during the inspection. All construction sites are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.

2. Construction equipment and vehicles observed without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters (See Photos 2 and 3). All construction sites are required to prevent oil, grease or fuel to leak in to the ground, storm drains, or surface waters, and to place all equipment and vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.

3. Several areas were observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control potential erosion. Several completed building pads and several inactive slopes (See Photos 4 through 7) lacked any effective soil cover for erosion control. The lack of erosion controls in these areas contributed to unauthorized sediment discharges from the site (See Photos 9 through 11). All construction sites are required to provide effective soil cover for inactive areas (i.e. areas that have been disturbed and not scheduled to be re-disturbed for at least 14 days) and all finished slopes, open space, utility backfill, and completed lots.

4. Active areas were observed to lack appropriate erosion control BMPs (runoff control and soil stabilization) to prevent erosion during storm events (See Photo 8). The project manager and QSP could not describe any erosion control measures that were in place or were ready to be deployed before the December 3 and 4, 2014 and December 11, 2014 storm events. Risk Level 2 construction sites are required to implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.

5. Several slopes throughout the site were observed to lack linear sediment controls along the toe and grade breaks of exposed slopes (See Photos 4 through 7). Risk Level 2 construction sites are required to apply linear sediment controls along the toe of the slope, face of the slopes, and at the grade breaks of exposed

slopes to comply with sheet flow lengths given in Table 1 of Attachment D to the CGP.

6. Lack of effective perimeter sediment controls observed which resulted in unauthorized sediment discharges from the site (See Photos 9 through 14). All construction sites are required to establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.

7. Lack of effective run-on and runoff controls observed within and around the site which contributed to sediment discharges from the site (See Photos 4 and 14). All construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site.

III. COMMENTS AND RECOMMENDATIONS

Comments

1. There is evidence that good site management "housekeeping" BMPs were not being adequately implemented (See Findings 1 and 2).

2. There is evidence that erosion controls were not adequately implemented for several inactive areas contributing to discharges of sediment from the site (See Finding 3).

3. There is evidence that erosion controls were not adequately implemented for several active areas prior to storm events contributing to discharges of sediment from the site (See Finding 4).

4. There is evidence that linear sediment controls were not adequately implemented for several exposed slopes contributing to slope erosion and discharges of sediment from the site (See Finding 5).

5. There is evidence that perimeter sediment controls, as well as run-on and runoff controls, were not adequately implemented which contributed to discharges of sediment from the site (See Findings 6 and 7).

6. There was evidence observed during the inspection that the site has not implemented BMPs to meet BCT Technology Based Effluent Limitations (TBELs) under Section V.A.2 of the CGP, as required for all construction sites, which resulted in the unauthorized discharges of sediment and sediment-laden water from the site observed or documented on December 4, 11, and 15, 2014 (See Compliance History discussion and Findings 1 through 7).

7. There is evidence that either the QSP was not adequately identifying and recommending implementation of good site management "housekeeping," erosion control, sediment control, and run-on/runoff control BMPs, or the owner/developer was not directing the implementation of the BMPs as recommended by the QSP.

Recommendations

1. Issue a Notice of Violation for discharges of sediment from the site and failure to implement Risk Level 2 requirements of CGP.

2. Refer the site to the Compliance Assurance Unit to determine whether or not issuing formal enforcement action may be appropriate.

IV. SIGNATURE SECTION

Wayne Chiu		12/15/2014
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C369143
Place ID	SM-828060
Inspection ID	2024185
Violation ID	855345, 855346

Photo 1

Photo 1 shows soil stockpile without adequate containment. Evidence of erosion and sediment transport along that base of the stockpile. Most stockpiles observed during inspection lacked adequate containment.

Photo 2

Photo 3

Photos 2 and 3 show construction equipment and vehicles without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters. Most vehicles observed during inspection lacked appropriate BMPs.

Facility: Valencia
Inspection Date: 12/15/2014

Photo 4

Photo 5

Photo 6

Photo 7

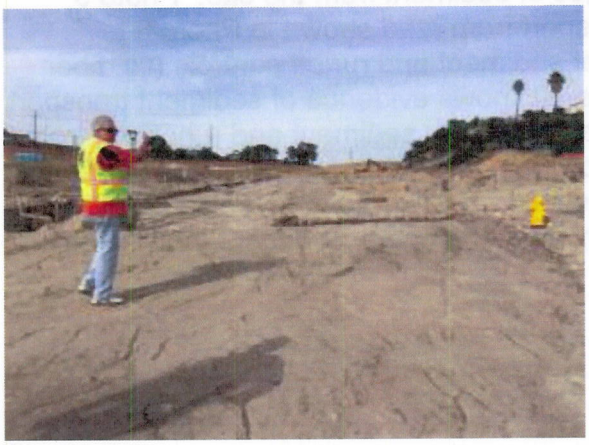


Photo 8

Photos 4 through 7 show completed building pads and adjacent slopes without any erosion controls and evidence of significant erosion and sediment transport. **Photo 8** shows evidence of erosion and sediment tranport in unpaved road sloping to locations shown in Photos 9 through 11. Sediment from completed lots and slopes in Photos 4 through 7 transported to road in Photo 8 lacking any erosion control measures during storm events, and inadequate runoff controls to reduce and prevent transport of sediment through site.

Photo 9

Photo 10

Photo 11

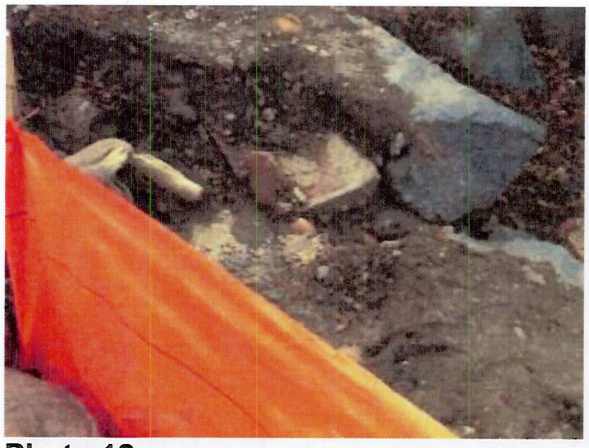


Photo 12

Photos 9 through 12 show inadequate implementation of perimeter sediment controls and run-on/runoff controls to prevent discharges of sediment from the site. Photo 9 shows evidence of erosion and sediment transport from road shown in Photo 8 to perimeter with inadequately installed perimeter sediment and runoff controls (i.e. fiber roll not properly trenched and staked). Photos 10 shows evidence of sediment transport from the site beneath the inadequately installed perimeter sediment and runoff controls. Photo 11 shows evidence of sediment transport from the site to MS4 channel protected by silt fence and gravel bags. Photo 12 shows sediment that has been discharged into the MS4 channel due to inadequate implementation of erosion, sediment, and runoff controls by the site.

Photo 13

Photo 14

Photos 13 and 14 show lack of effective perimeter sediment controls and run-on/runoff controls. Photo 13 shows evidence of erosion and sediment transport due to lack of perimeter run-on controls. Photo 14 shows evidence of sediment discharged from the site to the MS4 drainage system due to erosion caused by run-on that then ran off the site due to inadequate perimeter sediment controls and runoff controls.

NOTICE

DATE: 12/2/14
PROJECT: VALENCIA
PROJECT #: GR-1692
ADDRESS: SAN AITOS PL

☒ STOP WORK/NOTICE OF VIOLATION

Stop all other work until erosion control/NPDES deficiencies noted below are corrected. Issuance of this Stop Work Notice will notify the Regional Water Quality Control Board regarding your BMP deficiencies. This may subject you to fines of up to $10,000/day.

☐ CORRECT WORK

Correct noted deficiencies within the specified time frame to avoid a Stop Work Notice:

☐ 24 Hours ☐ 72 Hours ☐ 5 Days ☐ Prior to October 1st, And/Or ☐ Before Rain Event

---

THIS PROJECT IS IN CONFLICT WITH THE FOLLOWING:

☐ City of Lemon Grove Grading Ordinance* ☒ City of Lemon Grove JURMP
☐ Other: _____

THE AREAS OF CONFLICT ARE:

☐ Erosion control is not on site ☐ Erosion control is not per the approved plan
☒ Erosion control is inadequate ☐ Failure to maintain erosion/sediment control device
☐ Other _____

THE FOLLOWING DEFICIENCIES ARE NOTED:

☒ Stabilized construction entrance ☐ Runoff from the site ☐ Desilting basin
☐ Perimeter protection at toe of slope ☐ Waste/materials storage
☐ Concrete washout inadequate, not maintained ☐ No secondary containment
☒ Cover stockpiles ☐ No storm drain inlet/outlet protection ☐ Trash/debris not managed
☐ Cover on sloped and/or flat areas that are inactive for more than 10 days
☐ Other _____

***STOP/ CORRECT WORK ADEQUATELY ADDRESSED (DATE/SIGNATURE)_____

CC: ☒ City Engineer
☐ Engineering
☐ Management Analyst
☐ Code Compliance
☐ Building
☐ RWQCB

ISSUED TO: TIM ANDERSON (VIA EMAIL)
DATE/TIME: 12/2/14 3pm
BY: GARY HARPER
TITLE: ENG. INSPECTOR
PHONE: (619) 454-1272

IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF LEMON GROVE'S DEVELOPMENT SERVICES DEPARTMENT AT (619) 825-3805.

* Having deficiencies in your erosion control is a violation of the City of Lemon Grove's Grading Ordinance. A violation of the City's Grading Ordinance is a misdemeanor. Each separate day or portion thereof on which a violation exists or is allowed to exist shall constitute a separate offense punishable by the provisions of the Ordinance.

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: Harper / [signature] / 12/2/14 / 1pm

Inspection: ☐ Permit-Required Inspection ☐ Follow-up Inspection ☑ Other (Explain) Weekly

Construction Project Priority: ☐ High ☐ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: Gr- 1692

Project Name & Type: VALENCIA, SUBDIVISION

Project Location & Address: SAN AITOS PL

Contractor's Name & Telephone #: ANDERSON Development (949) 275-6739

Property Owner & Telephone #: SAN AITOS LLC

Is this Project Greater than an Acre? ☑ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C 369143

Does this Project have an NOI/SWPPP Available? ☑ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☑ Yes ☐ No ☐ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☑ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☑ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☑ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☑ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☐ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: MS4

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Is construction site phased/scheduled to address erosion control on a timely basis?	X			CONTRACTOR HYDRO SEEDING AS NEEDED, BUT DID NOT	N
Preservation of existing vegetation?	X			SEED AS PLANNED	Y
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch					
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			NOT ENOUGH PLASTIC COVERS FOR STOCKPILES	NO
Site Drainage: Outlet Protection/Slope Drain	X				Y
Inlet/Outlet Protection	Y				Y
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	Y				Y

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	Y				Y
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	Y			ENTRANCE NEEDS TO BE CLEANED. ALSO NEED STREET SWEPT	NO
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	Y				Y
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	Y			SOME ARE COVERED SOME ARE NOT	NO
Are heavy equipment and vehicles parked in designated areas with permeable surface?	Y				Y
Are appropriate spill response and containment measures kept on the site?	Y				Y
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	Y				Y
Are concrete washouts properly installed, maintained with no evidence of discharges.	Y				Y
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	Y				Y
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	Y				Y
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		N		TC-1 IS DOWNSTREAM OF UPPER SITE'S	NO
Other				NEEDS TO BE CLEANED	
Are there any other potential storm water pollution issues/concerns?	Y			RAIN EVENT TODAY, TC-1 SHOULD BE PROTECTED	NO
Was there any employee or subcontractor training on stormwater BMPs?		N			

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☐ No violations; however, recommended corrective actions required
  - ☐ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☑ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☑ Stop Work Notice Issued on: 12 | 2 | 19

RECOMMENDED CORRECTIVE ACTION

SEE STOP WORK NOTICE - DISCHARGE IS IMMINENT IF NOAA FORECAST CORRECT: 100% HENRY RAIN THIS AFTERNOON.

I CALL TO TIM ANDERSON THIS MORNING AT 9AM. LEFT V. MAIL THAT SITUATION NEEDED ATTENTION [redacted] ASAP - NO RETURN CALL

NOTICE

DATE: 12/4/2014
PROJECT: VALENCIA
PROJECT #: GR-1692
ADDRESS: SAN ALTOS PL

☑ STOP WORK/NOTICE OF VIOLATION

Stop all other work until erosion control/NPDES deficiencies noted below are corrected. Issuance of this Stop Work Notice will notify the Regional Water Quality Control Board regarding your BMP deficiencies. This may subject you to fines of up to $10,000/day.

☐ CORRECT WORK

Correct noted deficiencies within the specified time frame to avoid a Stop Work Notice:

☐ 24 Hours ☐ 72 Hours ☐ 5 Days ☐ Prior to October 1st, And/Or ☐ Before Rain Event

---

THIS PROJECT IS IN CONFLICT WITH THE FOLLOWING:

☐ City of Lemon Grove Grading Ordinance* ☑ City of Lemon Grove JURMP
☐ Other: _____

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☐ Other _____

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☐ Perimeter protection at toe of slope ☐ Waste/materials storage
☐ Concrete washout inadequate, not maintained ☐ No secondary containment
☒ Cover stockpiles ☐ No storm drain inlet/outlet protection ☐ Trash/debris not managed
☐ Cover on sloped and/or flat areas that are inactive for more than 10 days
☒ Other Illegal Discharge

***STOP/ CORRECT WORK ADEQUATELY ADDRESSED (DATE/SIGNATURE)_____

CC: ☑ City Engineer
☒ Engineering
☐ Management Analyst
☐ Code Compliance
☐ Building
☑ RWQCB

ISSUED TO: Tim Anderson (email)
DATE/TIME: 12/4/2014 10 AM
BY: Gary Harper
TITLE: Eng. Inspector
PHONE: (619) 454 1272

IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF LEMON GROVE'S DEVELOPMENT SERVICES DEPARTMENT AT (619) 825-3805.

* Having deficiencies in your erosion control is a violation of the City of Lemon Grove's Grading Ordinance. A violation of the City's Grading Ordinance is a misdemeanor. Each separate day or portion thereof on which a violation exists or is allowed to exist shall constitute a separate offense punishable by the provisions of the Ordinance.

CITY OF LEMON GROVE
ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION

Circle One: (Warning) | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation $1,000

Payment of $ — is due no later than — to the City of Lemon Grove. The City accepts cash, check or credit card.

If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.

B) RESPONSIBLE PARTY INFORMATION

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Site Representative / Project Manager

Mailing Address: 3194-C2 Airport Loop Drive Costa Mesa, CA 92626

Business Name (if applicable): BCA Development

cc: Phil Downey, Code Enforcement File

C) VIOLATION(S) INFORMATION

Date (Violation Observed): 12/11/14 Time (Violation Observed): 4:00-5:00 P.M.

Location of Violation: 1350 San Altos, LG / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):

8.48.060 18.08.560 Inadequate BMP's - see attached inspection reports
18.08.170
18.08.180

D) CORRECTION(S) REQUIRED (with date to complete corrections)

Install BMP's per Recommendation's > 12/15/14 5:00 P.M.
Maintain adequate supplies of BMPs

E) SERVICING CITATION INFORMATION

Enforcing Officer Name: Leon Finstad Phone No.: 619-825-3825 Signature: [signature] Date: 12/11/14

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person (By Mail) / Email Posted on Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

WHITE-ORIGINAL PINK-COPY CITATION CARD-OWNER

8.48.060 Best management practice requirements and general requirements applicable to all dischargers.

A. Applicable Requirements. All dischargers in the city must comply with the generally applicable prohibitions and requirements in Sections 8.48.010 through 8.48.060 of this chapter, and must also comply with any other parts of this chapter (including relevant parts of the Manual) that are applicable to the type of facility or activity owned or operated by that discharger.

B. Minimum Best Management Practices for All Dischargers. All dischargers in the city must install, implement and maintain at least the following minimum BMPs:

1. Eroded Soils. Prior to the rainy season, dischargers must remove or secure any significant accumulations of eroded soils from slopes previously disturbed by clearing or grading, if those eroded soils could otherwise enter the stormwater conveyance system or receiving waters during the rainy season.

2. Pollution Prevention. Dischargers employing ten or more persons on a full-time basis shall implement those stormwater pollution prevention practices that are generally recognized in that discharger's industry or business as being effective and economically advantageous.

3. Prevention of Illegal Discharges. Illicit connections must be eliminated (even if the connection was established pursuant to a valid permit and was legal at the time it was constructed), and illegal discharge practices eliminated.

4. Slopes. Completed slopes that are more than five feet in height, more than two hundred fifty square feet in total area, and steeper than 3:1 (run-to-rise) that have been disturbed at any time by clearing, grading, or landscaping, shall be protected from erosion prior to the first rainy season following completion of the slope, and continuously thereafter.

5. Storage of Materials and Wastes. All materials and wastes with the potential to pollute urban runoff shall be stored in a manner that either prevents contact with rainfall and stormwater, or contains contaminated runoff for treatment and disposal.

6. Use of Materials. All materials with the potential to pollute urban runoff (including, but not limited to, cleaning and maintenance products used outdoors, fertilizers, pesticides and herbicides, etc.) shall be used in accordance with label directions. No such product may be disposed of or rinsed into receiving waters or the stormwater conveyance system.

C. Inspection, Maintenance, Repair and Upgrading of BMPs. BMPs at manned facilities must be inspected by the discharger before and following predicted rain events. BMPs at unmanned facilities must be inspected by the discharger at least once during the rainy season and at least once between each rainy season. These BMPs must be maintained so that they continue to function as designed. BMPs that fail must be repaired as soon as it is safe to do so. If the failure of a BMP indicates that the BMPs in use are inappropriate or inadequate to the circumstances, the BMPs must be modified or upgraded to prevent any further failure in the same or similar circumstances.

D. Stormwater Pollution Prevention Plan. An authorized enforcement official may require a commercial, industrial or land disturbance activity discharger to prepare and submit an SWPPP for approval by that official if: (1) the discharger does not come into compliance with this chapter after one or more warnings (or other enforcement action) that BMPs are inadequate or are not being adequately maintained; or (2) the facility or activity at issue is a significant source of contaminants to receiving waters despite compliance with this

chapter. Any discharger required to submit and to obtain approval of an SWPPP shall install, implement, and maintain the BMPs specified in the approved SWPPP.

The SWPPP shall identify the BMPs that will be used by the discharger to prevent or control pollution of stormwater to the MEP. If the facility is an industrial facility, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general industrial stormwater permit. If the activity at issue is a construction or land disturbance activity, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general construction stormwater permit. If a facility required to submit an SWPPP to the city discharges non-stormwater to groundwater, the facility shall obtain an RWQCB permit as required by the State Water Code, and shall describe the requirements of that permit in the SWPPP.

Whenever submission of an SWPPP is required pursuant to this chapter, an authorized enforcement official may take existing city BMPs into account when determining whether the practices proposed in the SWPPP are BMPs that will prevent or control pollution to the required level of MEP.

E. Notification of Spills, Releases and Illegal Discharges. Spills, releases, and illegal discharges of pollutants to receiving waters or to the stormwater conveyance system shall be reported by the discharger as required by all applicable state and federal laws. In addition, any such spills, releases and illegal discharges with the potential to endanger health, safety or the environment shall be reported to the Directors within twenty-four hours after discovery of the spill, release or discharge. If safe to do so, necessary actions shall be taken to contain and minimize the spill, release or illegal discharge.

F. Sampling, Testing, Monitoring and Reporting. Commercial, industrial or land disturbance activity dischargers shall perform the sampling, testing, monitoring and reporting required by this chapter. In addition, an authorized enforcement official may order a discharger to conduct testing or monitoring and to report the results to the city if: (1) the authorized enforcement official determines that testing or monitoring is needed to determine whether BMPs are effectively preventing or reducing pollution in stormwater to the MEP, or to determine whether the facility is a significant source of contaminants to receiving waters; or (2) the authorized enforcement official determines that testing or monitoring is needed to assess the impacts of an illegal discharge on health, safety or the environment; or (3) an illegal discharge has not been eliminated after written notice by an authorized enforcement official; or (4) repeated violations have been documented by written notices from authorized enforcement officials; or (5) the RWQCB requires the city to provide any information related to the discharger's activities.

Testing and monitoring ordered pursuant to this subsection may include the following:

1. Visual monitoring of dry weather flows, wet weather erosion, and/or BMPs;
2. Visual monitoring of premises for spills or discharges;
3. Laboratory analyses of stormwater or non-stormwater discharges for pollutants;
4. Background or baseline monitoring or analysis; and
5. Monitoring of receiving waters or sediments that may be affected by pollutant discharges by the discharger (or by a group of dischargers including the discharger).

The authorized enforcement official may direct the manner in which the results of required testing and monitoring are reported, and may determine when required sampling, testing or monitoring may be discontinued.

G. Mitigation. All illegal discharges must be mitigated within a reasonable period of time to correct or compensate for all damage to the environment caused by the illegal discharge. The authorized enforcement official shall determine whether mitigation measures proposed or completed by the discharger meet this standard. The authorized enforcement official shall require the discharger to submit a mitigation plan and schedule by a specified date prior to taking action, and to submit a summary of completed mitigation by a specified date. Notwithstanding the granting of any period of time to the discharger to correct the damage, the

discharger shall remain liable for some or all of any fines or penalties imposed pursuant to this chapter, or by the RWQCB. (Ord. 369 § 1, 2008)

18.08.170 Erosion control required.

A. Plans for an erosion control system shall be prepared and submitted for the review and approval of the city engineer as a part of any application for a construction permit. The erosion control system shall comply with the requirements of the latest national pollutant discharge elimination system permit, Chapters 8.48 and this chapter to satisfy the requirements for erosion control and eliminate the discharge of sediment and pollutants. The erosion control plan shall include, but not be limited to, the following information:

1. Name, address, and a twenty-four hour phone number of the owner or responsible party, and the person or contractor responsible for installing and maintaining the erosion control system and performing emergency erosion control work;

2. The name, address and signature of the civil engineer or person who prepared the plan;

3. All desilting basins, debris basins, silt traps, and other desilting, velocity retarding and protection facilities necessary to adequately protect the site and downstream properties from erosion and its effects, preserve natural hydrologic features, and preserve riparian buffers and corridors;

4. The streets, easements, drains, and other improvements;

5. The location and placement of gravel bags, diverters, check dams, slope planting, drains, and other erosion controlling devices and measures;

6. Access routes to all such erosion control facilities and how access shall be maintained during inclement weather.

B. Erosion control system standards shall be as follows:

1. The faces of cut-and-fill slopes and the project site shall be prepared and maintained to control against erosion. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval of the city engineer.

2. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, cribbing, riprap, or other devices or methods as approved by the city engineer, shall be employed to control erosion, prevent discharge of sediment, and provide safety.

3. Temporary desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent of maximum density. A gravel bag or plastic spillway must be installed for overflow, as designed by the engineer of work, to avoid failure of the earthen dam. A soils engineering report prepared by the soils engineer, including the type of field-testing performed, location and results of testing shall be submitted to the city engineer for approval upon completion of the desilting basins.

4. Desilting facilities shall be provided at drainage outlets from the graded site, and shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow reasonable settlement of suspended particles.

5. Desilting basins shall be constructed around the perimeter of projects, whenever feasible, and shall provide improved maintenance access from paved roads during wet weather. Grading cost estimates must include maintenance and ultimate removal costs for temporary desilting basins.

6. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading.

7. All removable protective devices shown shall be in place at the end of each working day when there is a fifty percent chance of rain within a forty-eight hour period. If the developer does not provide the required installation or maintenance of erosion control structures within two hours of notification at the twenty-four hour number on the plans, the city engineer may order city crews to do the work or may issue contracts for such work and charge the cost of this work along with reasonable overhead charges to the cash deposits or other instruments implemented for this work without further notification to the owner. No additional work on the project except erosion control work may be performed until the full amount drawn from the deposit is restored by the developer.

8. At any time of year, an inactive site shall be fully protected from erosion and discharges of sediment. Flat areas with less than five percent grade shall be fully covered unless sediment control is provided through desiltation basins at all project discharge points. A site is considered inactive if construction activities have ceased for a period of ten or more consecutive days.

C. No grading work shall be allowed between October 1st and the following April 30th on any site when the city engineer determines that erosion, mudflow or sediment of silt discharge may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an approved erosion control system has been implemented on the site. If the city determines that it is necessary for the city to cause erosion control measures to be installed or cleanup to be done, the developer shall pay all of the city's direct and indirect costs including extra inspection, supervision, and reasonable overhead charges. (Ord. 371 § 1, 2008)

18.08.180 BMP maintenance.

All BMPs for erosion prevention and sediment control shall be functional at all time. Prior to the rainy season and after each major storm, all source control and structural treatment BMPs shall be inspected to assure the functionality. BMP maintenance shall be conducted throughout the life of the project. (Ord. 371 § 1, 2008)

18.08.560 Responsibility of permittee.

It shall be the responsibility of the permittee to know the conditions and/or restrictions placed on the grading permit and as outlined in applicable sections of this chapter, and as continued on the approved report (s) and to insure that all contractors, subcontractors, employees, agents and consultants are also knowledgeable of the same, and insure that they carry out the proposed work in accordance with the approved plans and specifications and with the requirements of the permit and this chapter. The permittee shall also be responsible to maintain in an obvious and accessible location on the site, a copy of the permit and grading plans bearing the approval of the city engineer. (Ord. 371 § 1, 2008)

Meeting Minutes/Phone Record

CITY OF LEMON GROVE
Engineering Department
3232 Main Street
Lemon Grove, CA 91945
619-825-3811

Date: 12/11/14 5:00 P.M. | Project: Valencia

☐ Meeting ☐ Phone ☒ Site Visit

Attendees: Leon + Gary

Notes: Site inspection to review recommended "Construction BMP Recommendations" from 12/9/14 inspection (attached).

(1) No erosion control provided.
(2) Insufficient / Improperly installed check dams.
(3) Repair + stabilization of gullies not completed.
(4) Not completed.
(5) Completed.
(6) Not visible.
(7) Mostly complete.
(8) N/A

Page 1 / 1 Initials LE Hours: 1.0

National Weather Service Forecast Office
San Diego, CA

www.weather.gov

Get Local Forecast For:
Enter location ... GO
Search Help

XML RSS Feeds
Current Hazards
Watches / Warnings
Outlooks
Submit Report
Current Conditions
Observations
Radar
Satellite
Precipitation
Mapped Weather
Other Hazards
Forecasts
Forecast Discussion
Local Area
Activity Planner
Aviation Weather
Fire Weather
Marine Weather
Severe Weather
Hurricane Center
User Defined Area
Fastlinks
Hydrology
Rivers and Lakes
Forecasts / Obs
Climate
Local
National
Drought
More...
Climate portal
Weather Safety
Preparedness
Weather Radio
SkyWarn™
StormReady
TsunamiReady
Additional Info
Items of Interest
Other Useful Links
Education Resources
COOP Observer

Warnings and/or Advisories In Effect for this Point:
Flash Flood Watch
Wind Advisory
For warnings and/or advisories in effect for adjacent areas to this point, see http://www.wrh.noaa.gov/sgx

Change Table Font Size Increase Decrease

Forecast For Lat/Lon: 32.7370/-117.0200 (Elev. 492 ft)
Lemon Grove CA

Forecast Created at: 6pm PST Dec 11, 2014

Custom Weather Forecast Table

	Thu Dec 11				Fri Dec 12				Sat Dec 13				Sun Dec 14				Mon Dec 15				Tue Dec 16				
Weather				Chance Rain	Slight Chance TStorms and Rain	Rain Showers and TStorms	Likely Rain Showers and TStorms	Likely Rain Showers	Chance Rain Showers										Chance Rain		Likely Rain		C
Daily-Temp	High **67** Low **53**				High **63** Low **58**				High **63** Low **51**				High **65** Low **48**				High **64** Low **50**				High **64** Low **52**				
Chance of Precip	0%	0%	5%	45%	100%	90%	65%	75%	30%	15%	5%	5%	5%	5%	5%	5%	5%	5%	40%	40%	55%	55%	60%	60%	40
Precip	0.00"	0.00"	0.00"	0.01"	0.57"	0.29"	0.06"	0.12"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"											
12-hr Snow Total	0"		0"		0"		0"		0"																
FRET	0.06"				0.06"				0.05"				0.06"				0.07"				0.07"				
6-Hour	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4a
Temp	53	62	65	60	58	61	60	54	52	59	59	52	49	59	61	54	51	59	61	55	53	60	61	55	5
Cloudiness	86%	49%	75%	100%	100%	91%	84%	75%	69%	51%	30%	37%	31%	21%	30%	30%	41%	41%	62%	62%	90%	90%	87%	87%	71
Dewpoint	52	53	54	53	52	54	52	50	49	48	46	46	43	44	44	48	44	43	45	49	47	51	49	51	4
Relative Humdity	94%	73%	67%	78%	79%	77%	73%	88%	89%	69%	61%	81%	80%	57%	52%	81%	79%	57%	54%	81%	82%	72%	63%	88%	89
Wind	S 2	S 7	S 8	S 10	SE 15	W 6	SW 6	W 6	E 2	W 2	NW 5	E 3	E 3	N 1	W 5	E 5	E 6	S 7	SW 7	SE 7	SE 8	S 9	S 7	S 6	S\ 1
Snow Level (ft)			9317	9161	7608	6313	5478	5212	5704										6701	5923	5850	5993	5805	5704	56

Forecast Weather Table Interface

Select Weather Format

- ⊙ Custom Weather Table
- ○ XML
- ○ Point Forecast Page
- ○ Point Forecast Matrix
- ○ Hourly Tabular Forecast
- ○ Hourly Weather Graph

Interval in Hours: ○ 1 ○ 3 ⊙ 6
Duration in Days: ○ 1 ○ 2 ○ 3 ○ 4 ○ 5 ○ 6 ⊙ 7

Enter a Location or Click on Map Below

Search by address; city,state; latitude/longitude...
Go

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI / [signature] / 12/11/14 9:00AM

Inspection: ☐ Permit-Required Inspection ☒ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☒ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: Gr-1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☐ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: _____

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Gullies & unstabilized pads still not addressed	No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			some plastic sheets added but not yet sufficient	No
Site Drainage: Outlet Protection/Slope Drain		X			
Inlet/Outlet Protection	X			see inlet protection comment below	No
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Additional fiber rolls not placed on slopes yet	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X			Per discussion w/ contractor, they still need to add gravel bag inlet protection	No

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			NE entrance still not stabilized but not currently in use	No
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			still need to protect all stockpiles	No
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X				YES
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		X		still need to clean sediment on Akins	NO
Other					
Are there any other potential storm water pollution issues/concerns?	X			Roadway stabilization still needed	No
Was there any employee or subcontractor training on stormwater BMPs?			X		

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☒ No violations; however, recommended corrective actions required
  - ☒ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☐ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☐ Stop Work Notice Issued on: _____

RECOMMENDED CORRECTIVE ACTION

FLOW ALONG SOUTHERN EDGE OF SITE HAS BEEN REDIRECTED AWAY FROM THE CORNER. ALL OTHER CORRECTIVE ACTIONS FROM THE 12/9/14 INSPECTION HAVE NOT YET BEEN ADDRESSED. REFER TO THAT INSPECTION FOR FULL DESCRIPTION OF CORRECTIVE ACTIONS.

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI 12/9/14 1:00 pm

Inspection: ☒ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☒ High ☒ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: Gr 1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☐ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☐ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☑ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: _____

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Gullies through edges of hydroseeding some pads not seeded/northern road eroding	Yes No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching		X			
Site Drainage: Outlet Protection/Slope Drain		X			
Inlet/Outlet Protection		X			
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Additional fiber rolls needed on western slope	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier		X			

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			NE entrance lacks stabilization	No
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			Several ~~of~~ unprotected stockpiles	No
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		X		Large amount of sediment on roadway SE of site	No
Other					
Are there any other potential storm water pollution issues/concerns?	X			Roadways within project are unstabilized and show signs of erosion	No
Was there any employee or subcontractor training on stormwater BMPs?			X		

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☒ No violations; however, recommended corrective actions required
  - ☒ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☐ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☐ Stop Work Notice Issued on: _____

RECOMMENDED CORRECTIVE ACTION

- Add erosion controls to all disturbed areas inactive for 14 days, including roadways not currently in use.
- Cover & protect stockpiles
- Repair/protect gullies that have formed on slopes
- Redirect flow near southeast corner so it does not flow toward damaged wall
- Sweep road outside of construction entrance
- Install check dams of stabilization on roadways prior to rain

Construction BMP Recommendations

Site: VALENCIA SUBDIVISION Date: 12/9/14

Recommendations:

① • Add erosion control to road segment (eg northern corner) that are not in use. Can be hydroseeded or stabilized with gravel.

② • For roads that are in use, add check dams prior to rain. Ensure proper installation to prevent rills from forming underneath BMP if using fiber rolls

③ • Repair & stabilize gullies in slopes on edges of pads. May consider using erosion control blankets*

④ • A couple pads on western side do not appear hydroseeded. Add hydroseed or other erosion control

⑤ • Cover & protect stockpiles. Some stockpiles near entrance are only partially covered. Others to the west are completely uncovered

⑥ • Ensure that enough BMP materials are kept on site. Not enough fiber rolls were on site

⑦ • Redirect flow along the southern side of site. It currently is causing erosion along the road and directs flow to a damaged wall. Direct away from wall and break up flow with check dams to prevent erosion

⑧ • Sweep road to remove sediment

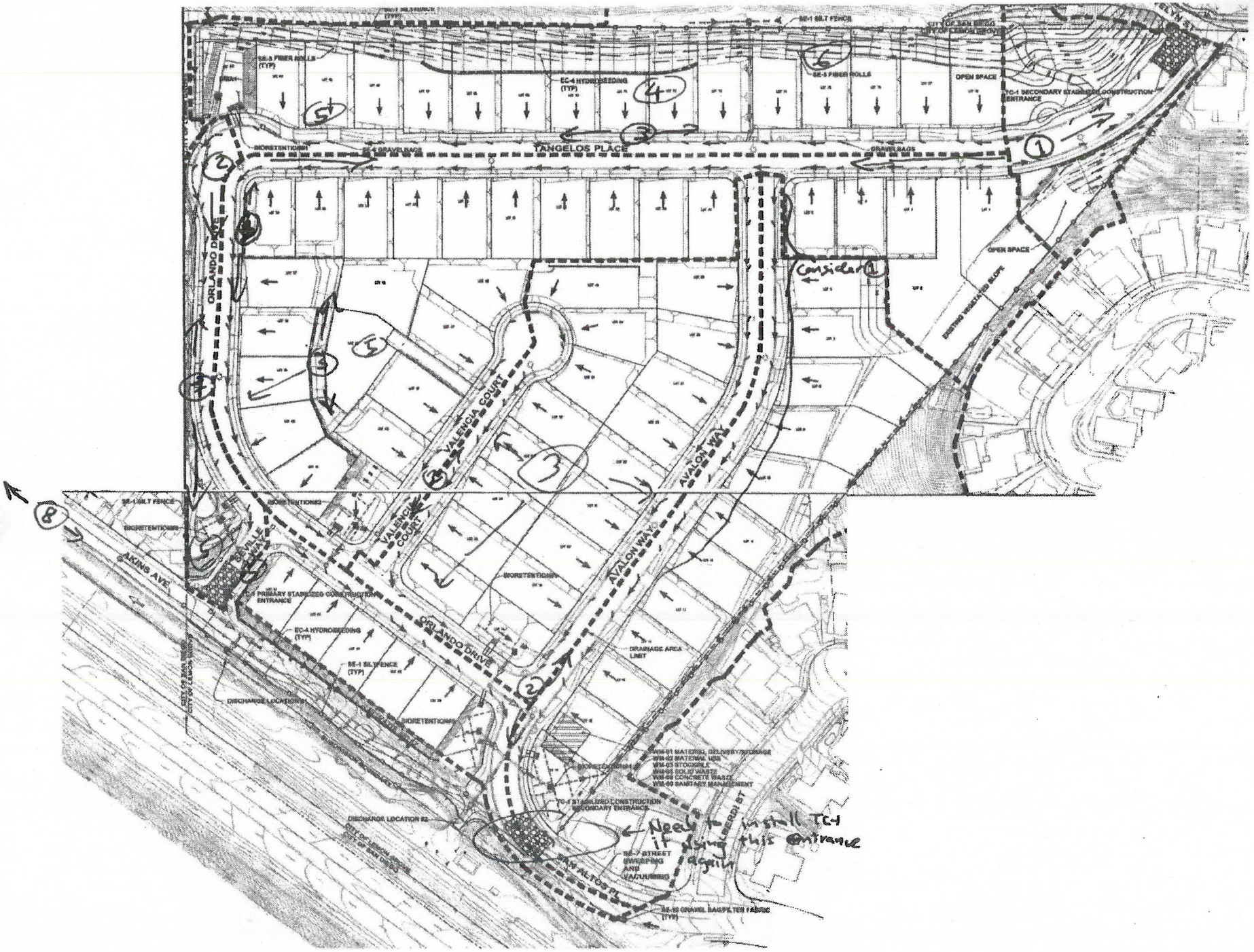

TANGELOS PLACE
ORLANDO DRIVE
VALENCIA COURT
AVALON WAY
AKINS AVE.
SAN ALTOS PL.
OPEN SPACE
BIORETENTION
EC-4 HYDROSEEDING (TYP)
SE-5 FIBER ROLLS
SE-1 SILT FENCE
TC-1 SECONDARY STABILIZED CONSTRUCTION ENTRANCE
TC-1 PRIMARY STABILIZED CONSTRUCTION ENTRANCE
DRAINAGE AREA LIMIT
DISCHARGE LOCATION #1
DISCHARGE LOCATION #2
SE-7 STREET SWEEPING AND VACUUMING
Consider
Need to install TC-1 if using this entrance again

Exhibit No. 9

CITY OF LEMON GROVE

"Best Climate On Earth"

Engineering Services Department

December 16, 2014

Tim Anderson
Project Manager, BCA Development
3194-C2 Airport Loop Drive
Costa Mesa, CA 92626

Subject: Ongoing Stormwater Violations at Valencia Project Site

Dear Tim,

Under the direction of the City of Lemon Grove (City), D-MAX Engineering Inc. conducted a follow-up stormwater compliance inspection early this afternoon at the Valencia project site (site). As you are aware, the site remains under a Stop Work Notice and no work other than implementation of best management practices (BMPs) are allowed. Today's follow-up inspection findings state that the site is still not in compliance. The deficiencies include failure to effectively implement erosion prevention and sediment control BMPs.

The City reiterates that it will not accept any discharges of sediment laden runoff from the site into its storm drain system. Water quality monitoring is being conducted to asses whether or not illegal discharges are occurring from your site during this rain event and future rain events.

Although there are workers continuing to implement BMPs, the City through Municipal Code Section 18.08.170, has the right to contact an erosion control company to implement sufficient BMPs to eliminate sediment discharge from the site. As such, the City is putting you on notice should inadequate BMPS and/or failure of BMPs continue, the City will hire an erosion control company at your cost to prevent illegal discharges from occurring. Alternatively, you may also directly contact and hire an erosion control company to facilitate in bringing your construction site into compliance.

Attached you will find a third citation regarding the failure to install adequate BMPs. A copy of this citation is also being provided to the San Diego Regional Water Quality Control Board.

If you have any questions regarding this matter, please contact me at (619) 825-3825.

Sincerely,

Leon P. Firsht
City Engineer

Copy: Phil Dowley, Bob Rodine, Ben Anderson
File

3232 Main Street Lemon Grove California 91945-1705

619.825.3810 FAX: 619.825.3818 www.ci.lemon-grove.ca.us

CITY OF LEMON GROVE
ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation $1,000

Payment of $ 200 is due no later than 1/12/15 to the City of Lemon Grove.
The City accepts cash, check or credit card.

If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.

B) RESPONSIBLE PARTY INFORMATION

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Project Manager

Mailing Address: 3194-C2 Airport Loop Road, Costa Mesa, CA 92626

Business Name (if applicable): BCA Development CC: Phil Dowley, Code Enforcement File

C) VIOLATION(S) INFORMATION

Date (Violation Observed): 12/16/14 Time (Violation Observed): 12:25 PM

Location of Violation: 1350 San Altos Place / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):
8.48.060, 18.08.170, 18.08.180, 18.08560
Follow up inspection re: 12/11/14 citation
See attached report dated 12/16/14 (Tad Nakatani)

D) CORRECTION(S) REQUIRED (with date to complete corrections)
Install BMP's per Recommedations and Permit

E) SERVICING CITATION INFORMATION

Enforcing Officer Name: Leon Firsht Phone No.: 619-825-3825 Signature: [signature] Date: 12/16/14

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person (By Mail / Email) n Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

~~WHITE-ORIGINAL~~ ~~PINK-COPY~~ ~~CITATION CARD-OWNER~~

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI 12/16/14 12:25

Inspection: ☐ Permit-Required Inspection ☒ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☒ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: GR-1697

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: _____

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Numerous gullies still unprotected some pads & slopes still unstabilized	No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			some plastic covers need to be repositioned/reinstalled	No
Site Drainage: Outlet Protection/Slope Drain		X			
Inlet/Outlet Protection		X			
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Additional perimeter & slope protection still needed esp. on west side	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X				Yes

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			NE ENTRANCE REPEATEDLY WILL NOT BE USED FOR VEHICLES. GATE LOCKED & GRAVEL BAGS PLACED	YES
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				YES
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X				YES
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X			No discharge during inspection but high turbidity during previous storm	YES
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		X		Still significant sediment on AKINS	No
Other					
Are there any other potential storm water pollution issues/concerns?	X			Roadway stabilization/check dams incomplete	No
Was there any employee or subcontractor training on stormwater BMPs?			X	Not discussed	

VIOLATIONS

☐ No violations noted at time of inspection/investigation

TN ☒ No violations; however, recommended corrective actions required

TN ☒ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____

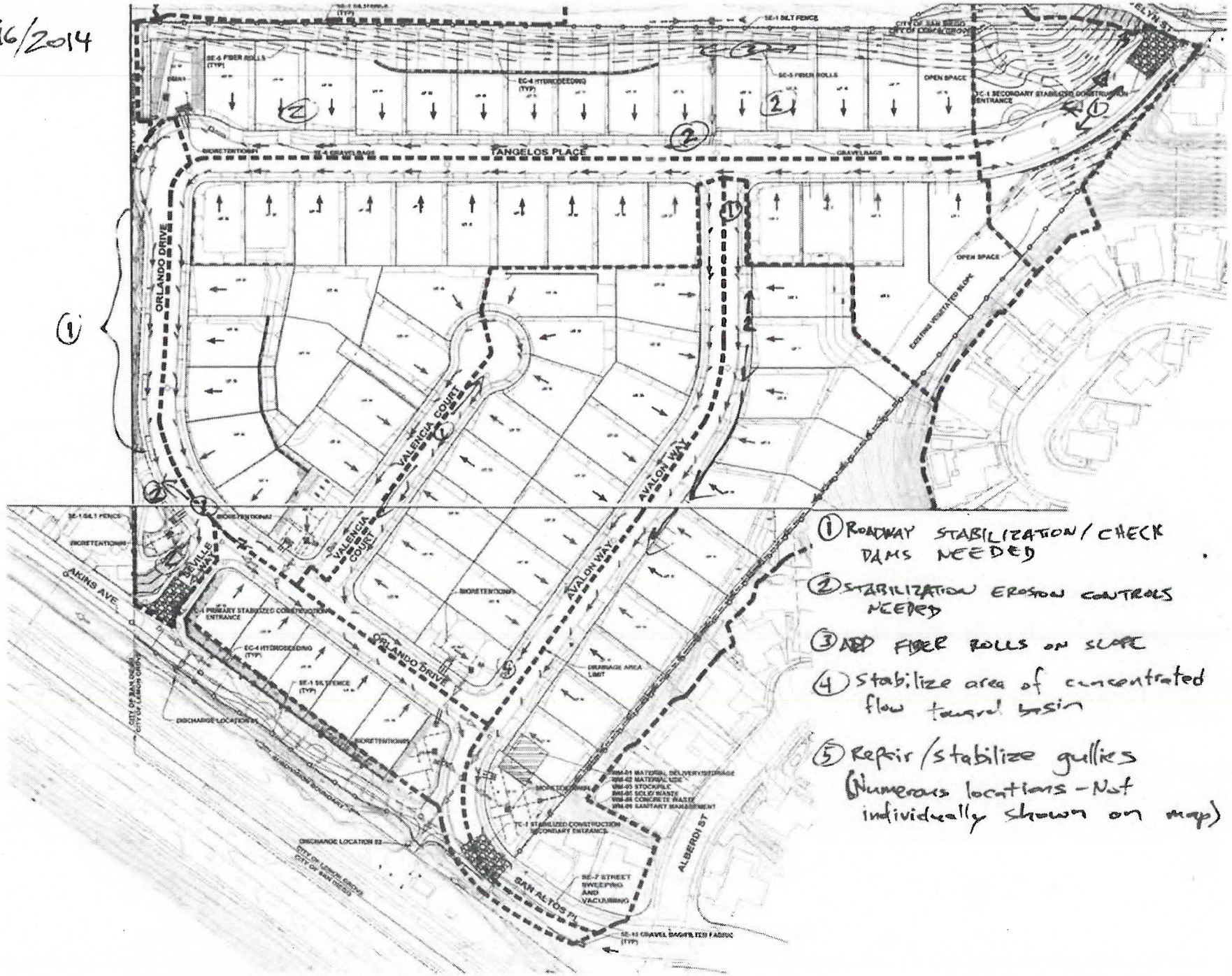
☒ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation

☒ Stop Work Notice Issued on: ONGOING STOP WORK/ADMIN. CITATION

RECOMMENDED CORRECTIVE ACTION

- COMPLETE ROADWAY STABILIZATION & CHECK DAMS. STABILIZE AREA WHERE CONCENTRATED FLOW FROM ROAD IS DIRECTED TO BASIN
- ADD EROSION CONTROLS TO STABILIZE REMAINING PADS, SLOPES AT EDGES OF PADS AND AREA NEAR ENTRANCE ON AKINS
- ADD FIBER ROLLS ON SLOPES ON WESTERN EDGE
- REPAIR & STABILIZE GULLIES THROUGHOUT SITE

12/16/2014



(1) ROADWAY STABILIZATION / CHECK DAMS NEEDED

(2) STABILIZATION EROSION CONTROLS NEEDED

(3) ADD FIBER ROLLS ON SLOPE

(4) Stabilize area of concentrated flow toward basin

(5) Repair / stabilize gullies (Numerous locations - Not individually shown on map)

Exhibit No. 10

D-MAX Engineering, Inc.

Consultants in Water & Environmental Sciences

Memo

Date: December 17, 2014

To: Malik Tamimi

Cc: Tad Nakatani; John Quenzer

BN

From: Brian Nemerow

Subject: December 17, 2014 Field Visit at Valencia Construction Site

Per the City's request, D-MAX visited the Valencia construction site on the morning of December 17, 2014, following a storm earlier in the morning. Rain had ended a few hours prior to the site visit, and no runoff was observed flowing out from the construction site at the Akins or San Altos entrance/exit locations at the time of the site visit.

Evidence of sediment discharge was observed at the Akins entrance/exit location (Photos 1 and 2) and along the curb farther downstream (Photo 3). A crew from Downstream Services was power washing the curb along Akins to remove accumulated sediment (Photos 4, 5, and 6). This indicates that there likely had been a noticeable sediment discharge earlier in the day. Based on talking with the crew, our understanding is that they were working on behalf of the Valencia project, and they also planned to use a vactor truck to remove accumulated sediment from the downstream storm drain on Akins. The crew was taking measures to prevent discharge of water from power washing, including using a vactor truck to reclaim the water, but a small amount of water was observed discharging to the inlet along Akins. The water was seeping through gravel bags around the inlet and discharge to the storm drain. A sample of the power washing discharge water was collected, and turbidity was measured at 52 NTU.

Figure 1. Observation Locations

7220 Trade Street ■ Suite 119 ■ San Diego, CA 92121 ■ (858) 586-6600 ■ Fax (858) 586-6644

Photo 1. Evidence of sediment discharge at Akins entrance/exit

Photo 2. Evidence of sediment discharge at Akins entrance/exit

Photo 3. Sediment accumulation along Akins curb gutter, downstream of Akins entrance/exit

Photo 4. Power washing activity performed by Downstream Services

Photo 5. Power washing activity performed by Downstream Services

Photo 6. Power washing activity performed by Downstream Services

Exhibit No. 11

California Water Boards

Edmund G. Brown Jr., Governor

Matthew Rodriquez, Secretary for Environmental Protection

California Regional Water Quality Control Board, San Diego Region

December 19, 2014

Via email only

Ben Anderson
San Altos Lemon Grove LLC
5780 Fleet Avenue
Carlsbad, California 92008
bencanderson@bcadevelopment.com

In reply refer to / attn:
SM-828060:wchiu

Subject: Notice of Violation No. R9-2014-0153, Valencia Construction Project, Order No. 2009-0009-DWQ, NPDES Permit No. CAS000002, Construction General Permit

Mr. Anderson:

Enclosed is Notice of Violation (NOV) No. R9-2014-0153 issued to San Altos Lemon Grove LLC for violations of Order No. 2009-0009-DWQ, issued by the California State Water Resources Control Board and overseen by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response **by January 2, 2014** that confirms the violations have been corrected, identify a date by which the violations were corrected, and description of the actions taken to ensure future violations of Order No. 2009-0009-DWQ will not occur.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

Please send any written correspondence in response to this letter to SanDiego@waterboards.ca.gov. These electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: **PIN: SM-828060:wchiu**.

For questions pertaining to the subject matter, please contact Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.

Respectfully,

Eric S. Becker, P.E.
Senior Water Resource Control Engineer
Storm Water Management Unit

ESB:wc

Enclosure: Notice of Violation No. R9-2014-0153

cc (via email only): Tim Anderson, BCA Development (tima@bcadevelopment.com)
Donald Sturgeon, Whitson CM (dsturgeon@whitsoncm.com)
Leon Firsht, City of Lemon Grove (lfirsht@lemongrove.ca.gov)
Gary Harper, City of Lemon Grove (gharper@lemongrove.ca.gov)
Malik Tamimi, City of Lemon Grove (mtamimi@lemongrove.ca.gov)

Tech Staff Info & Use	
Order No.	2009-0009-DWQ
NPDES No.	CAS000002
Place ID	SM-828060
WDID	937C369143
Inspection ID	2024185
Violation ID	855345, 855346
Enforcement ID	417155

California Regional Water Quality Control Board, San Diego Region

December 19, 2014

NOTICE OF VIOLATION
No. R9-2014-0153

Ben Anderson
San Altos Lemon Grove LLC
5780 Fleet Avenue
Carlsbad, California 92008

San Altos Lemon Grove LLC Valencia Construction Project PIN No. SM-828060:wchiu	**Violations of** **Order No. 2009-0009-DWQ, Construction General Permit**

SAN ALTOS LEMON GROVE LLC 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 ALTOS LEMON GROVE LLC is in violation of State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, NPDES No. CAS000002, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit).

A. Summary of Violations

Construction General Permit Violations

1. **Failure to Comply with Discharge Prohibitions for Construction Activities:**

   a. **Pursuant to Provision III.B of State Water Board 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.

   b. **Observation:** On December 4, 2014, the San Diego Water Board inspected the Valencia construction site (WDID 937C369143). San Altos Lemon Grove LLC is the

Legally Responsible Person (LRP) enrolled under the Construction General Permit (CGP) for the site. On December 4 and 11, 2014, the City of Lemon Grove documented unauthorized discharges of sediment and sediment-laden storm water from the site due to inadequate implementation of best management practices (BMPs). On December 15, 2014, the San Diego Water Board inspector observed evidence of sediment discharged from the site due to inadequate and ineffective implementation of BMPs, constituting an unauthorized discharge of sediment from the site. See attached December 15, 2014 Facility Inspection Report Photos 9 through 12 and Attachments.

2. **Failure to Comply with Effluent Limitations for Construction Activities:**

   a. **Pursuant to Provision V.A.2 of State Water Board 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.

   b. **Pursuant to Provision IX and Section A.1.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.

   c. **Observation:** During the December 15, 2014 inspection, the San Diego Water Board inspector observed the lack of effective erosion controls, perimeter sediment controls, and run-on and runoff controls required by the CGP, which directly lead to erosion and sedimentation that ultimately resulted in the discharge of sediment from the site observed on December 15, 2014. The discharge was a result of the implementation of controls, structures, and BMPs that do not achieve BCT. See attached December 4, 2014 Facility Inspection Report Photos 1 through 14.

3. **Failure to Implement Good Site Management "Housekeeping" Best Management Practices (BMPs) for Construction Materials and Waste Management:**

   a. **Pursuant to Provision X and Section B.1.a of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers are required to cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).

   b. **Pursuant to Provision X and Section B.2.f of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.

c. **Observation:** During the December 15, 2014 inspection, the San Diego Water Board inspector observed soil stockpiles without adequate cover, berm, containment or protection, resulting in erosion and sediment transport. See attached December 15, 2014 Facility Inspection Report Photo 1.

4. **Failure to Implement Good Site Management "Housekeeping" BMPs for Vehicle Storage and Maintenance:**

   a. **Pursuant to Provision X and Section B.3.a of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers are required to prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.

   b. **Pursuant to Provision X and Section B.3.b of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers are required to place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.

   c. **Observation:** During the December 15, 2014 inspection, the San Diego Water Board inspector observed several construction vehicles stored without appropriate BMPs to prevent oil, grease or fuel to leak in to the ground, storm drains or surface waters. See attached December 4, 2014 Facility Inspection Report Photos 2 and 3.

5. **Failure to Implement Adequate Erosion Controls for Inactive Areas:**

   a. **Pursuant to Provision X and Section D.2 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.

   b. **Observation:** During the December 15, 2014 inspection, the San Diego Water Board inspector observed several completed building pads and slopes on the site that appeared to be inactive, or could be scheduled to be inactive, without effective soil cover or other BMPs that could prevent erosion. Evidence of erosion and sediment transport due to lack or erosion control measures for inactive areas were observed throughout the site during the inspection. See attached December 15, 2014 Facility Inspection Report Photos 4 through 7.

6. **Failure to Implement Adequate Perimeter Sediment Controls:**

   a. **Pursuant to Provision X and Section E.1 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 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.

   b. **Observation:** During the December 15, 2014 inspection, the San Diego Water Board inspector observed several areas of the site where perimeter controls were

not established or maintained to sufficiently control erosion and sediment discharges from the site. See attached December 15, 2014 Facility Inspection Report Photos 9 through 14.

7. **Failure to Implement Adequate Erosion Controls for Active Areas:**

   a. **Pursuant to Provision X and Section E.3 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.

   b. **Observation:** During the December 15, 2014 inspection, the San Diego Water Board inspector observed several active areas of the site that did not have appropriate erosion control BMPs in place or ready to be deployed. See attached December 15, 2014 Facility Inspection Report Finding 4 and Photo 8.

8. **Failure to Implement Adequate Linear Sediment Controls for Exposed Slopes:**

   a. **Pursuant to Provision X and Section E.4 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 dischargers shall apply linear sediment controls along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with sheet flow lengths in accordance with Table 1.

   b. **Observation:** During the December 15, 2014 inspection, the San Diego Water Board inspector observed several slopes throughout the site without linear sediment controls along the toe and grade breaks of exposed slopes. See attached December 15, 2014 Facility Inspection Report Photos 4 through 7.

9. **Failure to Implement Adequate Run-on and Runoff Controls:**

   a. **Pursuant to Provision X and Section F of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 2 shall effectively manage all run-on, all runoff within the site and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in the CGP.

   b. **Observation:** During the December 15, 2014 inspection, the San Diego Water Board inspector observed a lack of effective runoff controls within the site, and at several areas around the site where perimeter controls were not established or maintained to prevent run-on to and runoff from the site, resulting in sediment being allowed to be discharged in runoff from the site. See attached December 15, 2014 Facility Inspection Report Photos 8 through 14.

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.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.

Eric S. Becker, P.E.
Senior Water Resource Control Engineer
Storm Water Management

ESB:wc

Attachments: Facility Inspection Report dated December 15, 2014

Tech Staff Info & Use	
Place ID	SM-828060
WDID	937C369143
Inspection ID	2024185
Violation ID	855345, 855346
Enforcement ID	417155

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

FACILITY INSPECTION REPORT

FACILITY: Valencia **INSPECTION DATE/TIME:** 12/15/2014; 10:00 am
WDID/FILE NO.: 937C369143

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME:	Wayne Chiu	AFFILIATION:	San Diego Water Board
NAME:	Ben Anderson	AFFILIATION:	BCA Development, Inc.
NAME:	Tim Anderson	AFFILIATION:	BCA Development, Inc.
NAME:	Donald Sturgeon	AFFILIATION:	Whitson CM
NAME:	Leon Firsht	AFFILIATION:	City of Lemon Grove
NAME:	Gary Harper	AFFILIATION:	City of Lemon Grove

San Altos Lemon Grove LLC NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE	BCA Development, Inc. FACILITY OR DEVELOPER NAME (if different from owner)
5780 Fleet Avenue Carlsbad, CA 92008 OWNER MAILING ADDRESS	1350 San Altos Place Lemon Grove, CA 91945 FACILITY ADDRESS
Ben Anderson, 714-966-1544 OWNER CONTACT NAME AND PHONE #	Same FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:

- ☐ MS4 URBAN RUNOFF REQUIREMENTS
- ☒ CONSTRUCTION GENERAL PERMIT
- ☐ CALTRANS GENERAL PERMIT
- ☐ INDUSTRIAL GENERAL PERMIT
- ☐ GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES
- ☐ GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- ☐ SECTION 401 WATER QUALITY CERTIFICATION
- ☐ 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.

INSPECTION FINDINGS:

Y WERE VIOLATIONS NOTED DURING THIS INSPECTION? (YES/NO/PENDING SAMPLE RESULTS)

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On December 2, 2014, the City of Lemon Grove (City) issued a Stop Work/Notice of Violation to the Valencia construction site (WDID 9 37C369143) for failing to implement construction storm water best management practices (BMPs) required by local ordinances. The City's inspection report issued with the Stop Work/Notice of Violation noted inadequate implementation of erosion controls, entrance/exit stabilization, and stockpile management and warned the project manager that a "discharge is imminent" without adequate BMPs. The site was required to stop work and implement BMPs to be prepared for a storm event that occurred on December 3 and 4, 2014.

The site failed to implement BMPs before the storm, resulting in unauthorized discharges of sediment and sediment-laden storm water from the site to the City's municipal separate storm sewer system (MS4). The City issued a second Stop Work/Notice of Violation on December 4, 2014 for the illegal discharges to the City's MS4. The City conducted a follow up inspection on December 9, 2014 and noted the same BMP deficiencies identified before the December 3 and 4, 2014 storm event, as well as additional deficiencies in perimeter sediment controls. The inspection report provided recommendations for locations that needed to be addressed and types of BMPs. The site again failed to implement BMPs before a subsequent storm event that occurred on December 11, 2014, again resulting in unauthorized discharges of sediment and sediment-laden storm water from the site to the City's MS4. On December 11, 2014, the City issued an Administrative Citation to the site requiring BMPs to be implemented by December 15, 2014 before monetary penalties would begin. The Stop Work/Notice of Violation issued on December 2 and 4, 2014 and the Administrative Citation issued on December 11, 2014 by the City are attached to the end of this inspection report.

On the morning of December 12, 2014, the City contacted the San Diego Water Board about the unauthorized discharges of sediment and sediment-laden storm water to their MS4 from the Valencia construction site. According to the City's storm water manager, the site owner was claiming the site was in compliance with the requirements of the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP) and therefore should be considered in compliance with the City's ordinances. The City's storm water manager requested an inspection from the San Diego Water Board to determine whether the construction site was in compliance with the requirements of the CGP.

Wayne Chiu of the San Diego Water Board performed an inspection of the Valencia construction site for compliance with the requirements CGP. According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is a Risk Level 2 construction site, disturbing over 18 acres, and owned by San Alto Lemon Grove LLC. The developer of the site is BCA Development, Inc.

The San Diego Water Board inspector met with Mr. Ben Anderson, the contact for the owner and developer of the site, Mr. Tim Anderson, project manager for the developer,

and Mr. Donald Sturgeon, the Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) performing the weekly inspections. Also present to observe during the inspection were Mr. Leon Firsht and Mr. Gary Harper, City Engineer and Construction Storm Water Inspector for the City of Lemon Grove, respectively. The San Diego Water Board inspector did not review the SWPPP or other records during the inspection.

II. FINDINGS

1. Several stockpiles observed without adequate containment (See Photo 1). Evidence of erosion and sediment transport from the stockpile observed during the inspection. All construction sites are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.

2. Construction equipment and vehicles observed without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters (See Photos 2 and 3). All construction sites are required to prevent oil, grease or fuel to leak in to the ground, storm drains, or surface waters, and to place all equipment and vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.

3. Several areas were observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control potential erosion. Several completed building pads and several inactive slopes (See Photos 4 through 7) lacked any effective soil cover for erosion control. The lack of erosion controls in these areas contributed to unauthorized sediment discharges from the site (See Photos 9 through 11). All construction sites are required to provide effective soil cover for inactive areas (i.e. areas that have been disturbed and not scheduled to be re-disturbed for at least 14 days) and all finished slopes, open space, utility backfill, and completed lots.

4. Active areas were observed to lack appropriate erosion control BMPs (runoff control and soil stabilization) to prevent erosion during storm events (See Photo 8). The project manager and QSP could not describe any erosion control measures that were in place or were ready to be deployed before the December 3 and 4, 2014 and December 11, 2014 storm events. Risk Level 2 construction sites are required to implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.

5. Several slopes throughout the site were observed to lack linear sediment controls along the toe and grade breaks of exposed slopes (See Photos 4 through 7). Risk Level 2 construction sites are required to apply linear sediment controls along the toe of the slope, face of the slopes, and at the grade breaks of exposed

slopes to comply with sheet flow lengths given in Table 1 of Attachment D to the CGP.

6. Lack of effective perimeter sediment controls observed which resulted in unauthorized sediment discharges from the site (See Photos 9 through 14). All construction sites are required to establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.

7. Lack of effective run-on and runoff controls observed within and around the site which contributed to sediment discharges from the site (See Photos 4 and 14). All construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site.

III. COMMENTS AND RECOMMENDATIONS

Comments

1. There is evidence that good site management "housekeeping" BMPs were not being adequately implemented (See Findings 1 and 2).

2. There is evidence that erosion controls were not adequately implemented for several inactive areas contributing to discharges of sediment from the site (See Finding 3).

3. There is evidence that erosion controls were not adequately implemented for several active areas prior to storm events contributing to discharges of sediment from the site (See Finding 4).

4. There is evidence that linear sediment controls were not adequately implemented for several exposed slopes contributing to slope erosion and discharges of sediment from the site (See Finding 5).

5. There is evidence that perimeter sediment controls, as well as run-on and runoff controls, were not adequately implemented which contributed to discharges of sediment from the site (See Findings 6 and 7).

6. There was evidence observed during the inspection that the site has not implemented BMPs to meet BCT Technology Based Effluent Limitations (TBELs) under Section V.A.2 of the CGP, as required for all construction sites, which resulted in the unauthorized discharges of sediment and sediment-laden water from the site observed or documented on December 4, 11, and 15, 2014 (See Compliance History discussion and Findings 1 through 7).

7. There is evidence that either the QSP was not adequately identifying and recommending implementation of good site management "housekeeping," erosion control, sediment control, and run-on/runoff control BMPs, or the owner/developer was not directing the implementation of the BMPs as recommended by the QSP.

Recommendations

1. Issue a Notice of Violation for discharges of sediment from the site and failure to implement Risk Level 2 requirements of CGP.
2. Refer the site to the Compliance Assurance Unit to determine whether or not issuing formal enforcement action may be appropriate.

IV. SIGNATURE SECTION

Wayne Chiu		12/15/2014
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		12/16/14
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C369143
Place ID	SM-828060
Inspection ID	2024185
Violation ID	855345, 855346

Photo 1

Photo 1 shows soil stockpile without adequate containment. Evidence of erosion and sediment transport along that base of the stockpile. Most stockpiles observed during inspection lacked adequate containment.

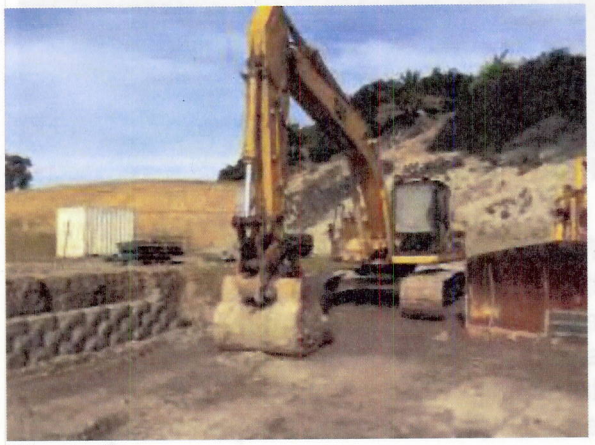


Photo 2

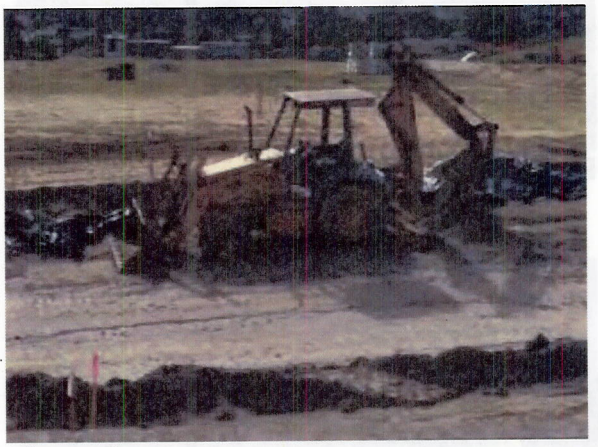


Photo 3

Photos 2 and 3 show construction equipment and vehicles without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters. Most vehicles observed during inspection lacked appropriate BMPs.

Photo 4

Photo 5

Photo 6

Photo 7

Photo 8

Photos 4 through 7 show completed building pads and adjacent slopes without any erosion controls and evidence of significant erosion and sediment transport. **Photo 8** shows evidence of erosion and sediment tranport in unpaved road sloping to locations shown in Photos 9 through 11. Sediment from completed lots and slopes in Photos 4 through 7 transported to road in Photo 8 lacking any erosion control measures during storm events, and inadequate runoff controls to reduce and prevent transport of sediment through site.

Photo 9

Photo 10

Photo 11

Photo 12

Photos 9 through 12 show inadequate implementation of perimeter sediment controls and run-on/runoff controls to prevent discharges of sediment from the site. Photo 9 shows evidence of erosion and sediment transport from road shown in Photo 8 to perimeter with inadequately installed perimeter sediment and runoff controls (i.e. fiber roll not properly trenched and staked). Photos 10 shows evidence of sediment transport from the site beneath the inadequately installed perimeter sediment and runoff controls. Photo 11 shows evidence of sediment transport from the site to MS4 channel protected by silt fence and gravel bags. Photo 12 shows sediment that has been discharged into the MS4 channel due to inadequate implementation of erosion, sediment, and runoff controls by the site.

Photo 13

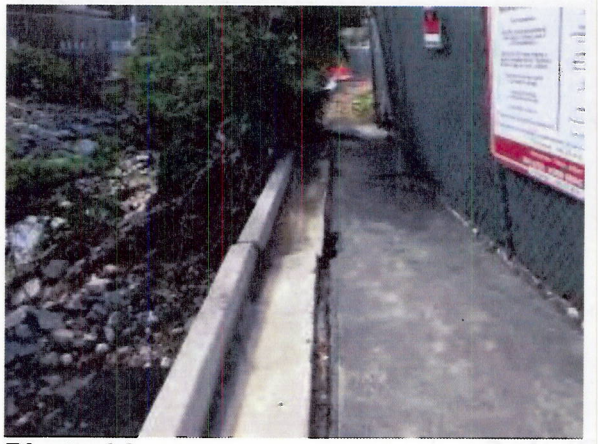


Photo 14

Photos 13 and 14 show lack of effective perimeter sediment controls and run-on/runoff controls. Photo 13 shows evidence of erosion and sediment transport due to lack of perimeter run-on controls. Photo 14 shows evidence of sediment discharged from the site to the MS4 drainage system due to erosion caused by run-on that then ran off the site due to inadequate perimeter sediment controls and runoff controls.

NOTICE

DATE: 12/2/14
PROJECT: VALENCIA
PROJECT #: GR-1692
ADDRESS: SAN AITOS PL

☒ STOP WORK/NOTICE OF VIOLATION

Stop all other work until erosion control/NPDES deficiencies noted below are corrected. Issuance of this Stop Work Notice will notify the Regional Water Quality Control Board regarding your BMP deficiencies. This may subject you to fines of up to $10,000/day.

☐ CORRECT WORK

Correct noted deficiencies within the specified time frame to avoid a Stop Work Notice:

☐ 24 Hours ☐ 72 Hours ☐ 5 Days ☐ Prior to October 1st, And/Or ☐ Before Rain Event

---

THIS PROJECT IS IN CONFLICT WITH THE FOLLOWING:

☐ City of Lemon Grove Grading Ordinance* ☒ City of Lemon Grove JURMP
☐ Other: _____

THE AREAS OF CONFLICT ARE:

☐ Erosion control is not on site ☐ Erosion control is not per the approved plan
☒ Erosion control is inadequate ☐ Failure to maintain erosion/sediment control device
☐ Other _____

THE FOLLOWING DEFICIENCIES ARE NOTED:

☒ Stabilized construction entrance ☐ Runoff from the site ☐ Desilting basin
☐ Perimeter protection at toe of slope ☐ Waste/materials storage
☐ Concrete washout inadequate, not maintained ☐ No secondary containment
☒ Cover stockpiles ☐ No storm drain inlet/outlet protection ☐ Trash/debris not managed
☐ Cover on sloped and/or flat areas that are inactive for more than 10 days
☐ Other _____

***STOP/ CORRECT WORK ADEQUATELY ADDRESSED (DATE/SIGNATURE)_____

ISSUED TO: Tim Anderson (via Email)
DATE/TIME: 12/2/14 3pm
BY: Gary Harper
TITLE: Eng. Inspector
PHONE: (619) 454-1272

CC: ☒ City Engineer
☐ Engineering
☐ Management Analyst
☐ Code Compliance
☐ Building
☐ RWQCB

IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF LEMON GROVE'S DEVELOPMENT SERVICES DEPARTMENT AT (619) 825-3805.

* Having deficiencies in your erosion control is a violation of the City of Lemon Grove's Grading Ordinance. A violation of the City's Grading Ordinance is a misdemeanor. Each separate day or portion thereof on which a violation exists or is allowed to exist shall constitute a separate offense punishable by the provisions of the Ordinance.

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: Harper / [signature] / 12/2/14 / 1pm

Inspection: ☐ Permit-Required Inspection ☐ Follow-up Inspection ☒ Other (Explain) Weekly

Construction Project Priority: ☐ High ☐ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: GC-1692

Project Name & Type: VALENCIA, SUBDIVISION

Project Location & Address: SAN AITOS PL

Contractor's Name & Telephone #: ANDERSON Development (949) 275-6737

Property Owner & Telephone #: SAN AITOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C 369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☒ Yes ☐ No ☐ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☐ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: MS4

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Is construction site phased/scheduled to address erosion control on a timely basis?	X			CONTRACTOR HYDROSEEDING AS NEEDED, BUT DID NOT	N
Preservation of existing vegetation?	X			SEED AS PLANNED	Y
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch					
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			NOT ENOUGH PLASTIC COVERS FOR STOCKPILES	NO
Site Drainage: Outlet Protection/Slope Drain	X				Y
Inlet/Outlet Protection	Y				Y
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	Y				Y

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	Y				Y
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	Y			ENTRANCE NEEDS TO BE CLEANED. ALSO NEED STREET SWEPT	NO
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	Y				Y
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	Y			SOME ARE COVERED SOME ARE NOT	NO
Are heavy equipment and vehicles parked in designated areas with permeable surface?	Y				Y
Are appropriate spill response and containment measures kept on the site?	Y				Y
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	Y				Y
Are concrete washouts properly installed, maintained with no evidence of discharges.	Y				Y
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	Y				Y
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	Y				Y
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		N		TC-1 IS DOWNSTREAM OF UPPER SITE; NEEDS TO BE CLEANED	NO
Other					
Are there any other potential storm water pollution issues/concerns?	Y			RAIN EVENT TODAY, TC-1 SHOULD BE PROTECTED	NO
Was there any employee or subcontractor training on stormwater BMPs?		N			

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☐ No violations; however, recommended corrective actions required
  - ☐ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☒ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☒ Stop Work Notice Issued on: 12/2/14

RECOMMENDED CORRECTIVE ACTION

SEE STOP WORK NOTICE - DISCHARGE IS IMMINENT IF NOAA FORECAST CORRECT: 100% HENRY RAIN THIS AFTERNOON.

I CALL TO TIM ANDERSON THIS MORNING AT 9AM. LEFT V. MAIL THAT SITUATION NEEDED ATTENTION ASAP - NO RETURN CALL

NOTICE

DATE: 12/4/2014
PROJECT: VALENCIA
PROJECT #: GR-1692
ADDRESS: SAN AMBROSE PL

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Stop all other work until erosion control/NPDES deficiencies noted below are corrected. Issuance of this Stop Work Notice will notify the Regional Water Quality Control Board regarding your BMP deficiencies. This may subject you to fines of up to $10,000/day.

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☐ Other: _____

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☒ Erosion control is inadequate ☑ Failure to maintain erosion/sediment control device
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☐ Perimeter protection at toe of slope ☐ Waste/materials storage
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☒ Cover stockpiles ☐ No storm drain inlet/outlet protection ☐ Trash/debris not managed
☐ Cover on sloped and/or flat areas that are inactive for more than 10 days
☒ Other Illegal Discharge

***STOP/ CORRECT WORK ADEQUATELY ADDRESSED (DATE/SIGNATURE)_____

CC: ☑ City Engineer
☒ Engineering
☐ Management Analyst
☐ Code Compliance
☐ Building
☑ RWQCB

ISSUED TO: Tim Anderson (EMAIL)
DATE/TIME: 12/4/2014 10 AM
BY: Gary Harper
TITLE: ENG. INSPECTOR
PHONE: (619) 454 1272

IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF LEMON GROVE'S DEVELOPMENT SERVICES DEPARTMENT AT (619) 825-3805.

* Having deficiencies in your erosion control is a violation of the City of Lemon Grove's Grading Ordinance. A violation of the City's Grading Ordinance is a misdemeanor. Each separate day or portion thereof on which a violation exists or is allowed to exist shall constitute a separate offense punishable by the provisions of the Ordinance.

CITY OF LEMON GROVE
ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION

Circle One: (Warning) 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation $1,000

Payment of $ — is due no later than — to the City of Lemon Grove.
The City accepts cash, check or credit card.

If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.

B) RESPONSIBLE PARTY INFORMATION

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Site Representative / Project Manager

Mailing Address: 3194-C2 Airport Loop Drive Costa Mesa, CA 92626

Business Name (if applicable): BCA Development

cc: Phil Downey, Code Enforcement File

C) VIOLATION(S) INFORMATION

Date (Violation Observed): 12/11/14 Time (Violation Observed): 4:00-5:00 P.M.

Location of Violation: 1350 San Altos, LG / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):

B.48.060 18.08.560 Inadequate BMP's - see attached inspection reports
18.08.170
18.08.180

D) CORRECTION(S) REQUIRED (with date to complete corrections)

Install BMP's per Recommendation's > 12/15/14 5:00 P.M.
Maintain adequate surplus of BMPs

E) SERVICING CITATION INFORMATION

Enforcing Officer Name: Leon Finstad Phone No.: 619-825-3825 Signature: [signature] Date: 12/11/14

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person (By Mail / Email) Posted on Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

WHITE-ORIGINAL PINK-COPY CITATION CARD-OWNER

8.48.060 Best management practice requirements and general requirements applicable to all dischargers.

A. Applicable Requirements. All dischargers in the city must comply with the generally applicable prohibitions and requirements in Sections 8.48.010 through 8.48.060 of this chapter, and must also comply with any other parts of this chapter (including relevant parts of the Manual) that are applicable to the type of facility or activity owned or operated by that discharger.

B. Minimum Best Management Practices for All Dischargers. All dischargers in the city must install, implement and maintain at least the following minimum BMPs:

1. Eroded Soils. Prior to the rainy season, dischargers must remove or secure any significant accumulations of eroded soils from slopes previously disturbed by clearing or grading, if those eroded soils could otherwise enter the stormwater conveyance system or receiving waters during the rainy season.

2. Pollution Prevention. Dischargers employing ten or more persons on a full-time basis shall implement those stormwater pollution prevention practices that are generally recognized in that discharger's industry or business as being effective and economically advantageous.

3. Prevention of Illegal Discharges. Illicit connections must be eliminated (even if the connection was established pursuant to a valid permit and was legal at the time it was constructed), and illegal discharge practices eliminated.

4. Slopes. Completed slopes that are more than five feet in height, more than two hundred fifty square feet in total area, and steeper than 3:1 (run-to-rise) that have been disturbed at any time by clearing, grading, or landscaping, shall be protected from erosion prior to the first rainy season following completion of the slope, and continuously thereafter.

5. Storage of Materials and Wastes. All materials and wastes with the potential to pollute urban runoff shall be stored in a manner that either prevents contact with rainfall and stormwater, or contains contaminated runoff for treatment and disposal.

6. Use of Materials. All materials with the potential to pollute urban runoff (including, but not limited to, cleaning and maintenance products used outdoors, fertilizers, pesticides and herbicides, etc.) shall be used in accordance with label directions. No such product may be disposed of or rinsed into receiving waters or the stormwater conveyance system.

C. Inspection, Maintenance, Repair and Upgrading of BMPs. BMPs at manned facilities must be inspected by the discharger before and following predicted rain events. BMPs at unmanned facilities must be inspected by the discharger at least once during the rainy season and at least once between each rainy season. These BMPs must be maintained so that they continue to function as designed. BMPs that fail must be repaired as soon as it is safe to do so. If the failure of a BMP indicates that the BMPs in use are inappropriate or inadequate to the circumstances, the BMPs must be modified or upgraded to prevent any further failure in the same or similar circumstances.

D. Stormwater Pollution Prevention Plan. An authorized enforcement official may require a commercial, industrial or land disturbance activity discharger to prepare and submit an SWPPP for approval by that official if: (1) the discharger does not come into compliance with this chapter after one or more warnings (or other enforcement action) that BMPs are inadequate or are not being adequately maintained; or (2) the facility or activity at issue is a significant source of contaminants to receiving waters despite compliance with this

chapter. Any discharger required to submit and to obtain approval of an SWPPP shall install, implement, and maintain the BMPs specified in the approved SWPPP.

The SWPPP shall identify the BMPs that will be used by the discharger to prevent or control pollution of stormwater to the MEP. If the facility is an industrial facility, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general industrial stormwater permit. If the activity at issue is a construction or land disturbance activity, the SWPPP submitted to the city shall at a minimum meet the requirements of the state NPDES general construction stormwater permit. If a facility required to submit an SWPPP to the city discharges non-stormwater to groundwater, the facility shall obtain an RWQCB permit as required by the State Water Code, and shall describe the requirements of that permit in the SWPPP.

Whenever submission of an SWPPP is required pursuant to this chapter, an authorized enforcement official may take existing city BMPs into account when determining whether the practices proposed in the SWPPP are BMPs that will prevent or control pollution to the required level of MEP.

E. Notification of Spills, Releases and Illegal Discharges. Spills, releases, and illegal discharges of pollutants to receiving waters or to the stormwater conveyance system shall be reported by the discharger as required by all applicable state and federal laws. In addition, any such spills, releases and illegal discharges with the potential to endanger health, safety or the environment shall be reported to the Directors within twenty-four hours after discovery of the spill, release or discharge. If safe to do so, necessary actions shall be taken to contain and minimize the spill, release or illegal discharge.

F. Sampling, Testing, Monitoring and Reporting. Commercial, industrial or land disturbance activity dischargers shall perform the sampling, testing, monitoring and reporting required by this chapter. In addition, an authorized enforcement official may order a discharger to conduct testing or monitoring and to report the results to the city if: (1) the authorized enforcement official determines that testing or monitoring is needed to determine whether BMPs are effectively preventing or reducing pollution in stormwater to the MEP, or to determine whether the facility is a significant source of contaminants to receiving waters; or (2) the authorized enforcement official determines that testing or monitoring is needed to assess the impacts of an illegal discharge on health, safety or the environment; or (3) an illegal discharge has not been eliminated after written notice by an authorized enforcement official; or (4) repeated violations have been documented by written notices from authorized enforcement officials; or (5) the RWQCB requires the city to provide any information related to the discharger's activities.

Testing and monitoring ordered pursuant to this subsection may include the following:

1. Visual monitoring of dry weather flows, wet weather erosion, and/or BMPs;
2. Visual monitoring of premises for spills or discharges;
3. Laboratory analyses of stormwater or non-stormwater discharges for pollutants;
4. Background or baseline monitoring or analysis; and
5. Monitoring of receiving waters or sediments that may be affected by pollutant discharges by the discharger (or by a group of dischargers including the discharger).

The authorized enforcement official may direct the manner in which the results of required testing and monitoring are reported, and may determine when required sampling, testing or monitoring may be discontinued.

G. Mitigation. All illegal discharges must be mitigated within a reasonable period of time to correct or compensate for all damage to the environment caused by the illegal discharge. The authorized enforcement official shall determine whether mitigation measures proposed or completed by the discharger meet this standard. The authorized enforcement official shall require the discharger to submit a mitigation plan and schedule by a specified date prior to taking action, and to submit a summary of completed mitigation by a specified date. Notwithstanding the granting of any period of time to the discharger to correct the damage, the

discharger shall remain liable for some or all of any fines or penalties imposed pursuant to this chapter, or by the RWQCB. (Ord. 369 § 1, 2008)

18.08.170 Erosion control required.

A. Plans for an erosion control system shall be prepared and submitted for the review and approval of the city engineer as a part of any application for a construction permit. The erosion control system shall comply with the requirements of the latest national pollutant discharge elimination system permit, Chapters 8.48 and this chapter to satisfy the requirements for erosion control and eliminate the discharge of sediment and pollutants. The erosion control plan shall include, but not be limited to, the following information:

1. Name, address, and a twenty-four hour phone number of the owner or responsible party, and the person or contractor responsible for installing and maintaining the erosion control system and performing emergency erosion control work;

2. The name, address and signature of the civil engineer or person who prepared the plan;

3. All desilting basins, debris basins, silt traps, and other desilting, velocity retarding and protection facilities necessary to adequately protect the site and downstream properties from erosion and its effects, preserve natural hydrologic features, and preserve riparian buffers and corridors;

4. The streets, easements, drains, and other improvements;

5. The location and placement of gravel bags, diverters, check dams, slope planting, drains, and other erosion controlling devices and measures;

6. Access routes to all such erosion control facilities and how access shall be maintained during inclement weather.

B. Erosion control system standards shall be as follows:

1. The faces of cut-and-fill slopes and the project site shall be prepared and maintained to control against erosion. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval of the city engineer.

2. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, cribbing, riprap, or other devices or methods as approved by the city engineer, shall be employed to control erosion, prevent discharge of sediment, and provide safety.

3. Temporary desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent of maximum density. A gravel bag or plastic spillway must be installed for overflow, as designed by the engineer of work, to avoid failure of the earthen dam. A soils engineering report prepared by the soils engineer, including the type of field-testing performed, location and results of testing shall be submitted to the city engineer for approval upon completion of the desilting basins.

4. Desilting facilities shall be provided at drainage outlets from the graded site, and shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow reasonable settlement of suspended particles.

5. Desilting basins shall be constructed around the perimeter of projects, whenever feasible, and shall provide improved maintenance access from paved roads during wet weather. Grading cost estimates must include maintenance and ultimate removal costs for temporary desilting basins.

6. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading.

7. All removable protective devices shown shall be in place at the end of each working day when there is a fifty percent chance of rain within a forty-eight hour period. If the developer does not provide the required installation or maintenance of erosion control structures within two hours of notification at the twenty-four hour number on the plans, the city engineer may order city crews to do the work or may issue contracts for such work and charge the cost of this work along with reasonable overhead charges to the cash deposits or other instruments implemented for this work without further notification to the owner. No additional work on the project except erosion control work may be performed until the full amount drawn from the deposit is restored by the developer.

8. At any time of year, an inactive site shall be fully protected from erosion and discharges of sediment. Flat areas with less than five percent grade shall be fully covered unless sediment control is provided through desiltation basins at all project discharge points. A site is considered inactive if construction activities have ceased for a period of ten or more consecutive days.

C. No grading work shall be allowed between October 1st and the following April 30th on any site when the city engineer determines that erosion, mudflow or sediment of silt discharge may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an approved erosion control system has been implemented on the site. If the city determines that it is necessary for the city to cause erosion control measures to be installed or cleanup to be done, the developer shall pay all of the city's direct and indirect costs including extra inspection, supervision, and reasonable overhead charges. (Ord. 371 § 1, 2008)

18.08.180 BMP maintenance.

All BMPs for erosion prevention and sediment control shall be functional at all time. Prior to the rainy season and after each major storm, all source control and structural treatment BMPs shall be inspected to assure the functionality. BMP maintenance shall be conducted throughout the life of the project. (Ord. 371 § 1, 2008)

18.08.560 Responsibility of permittee.

It shall be the responsibility of the permittee to know the conditions and/or restrictions placed on the grading permit and as outlined in applicable sections of this chapter, and as continued on the approved report (s) and to insure that all contractors, subcontractors, employees, agents and consultants are also knowledgeable of the same, and insure that they carry out the proposed work in accordance with the approved plans and specifications and with the requirements of the permit and this chapter. The permittee shall also be responsible to maintain in an obvious and accessible location on the site, a copy of the permit and grading plans bearing the approval of the city engineer. (Ord. 371 § 1, 2008)

Meeting Minutes/Phone Record

CITY OF LEMON GROVE
Engineering Department
3232 Main Street
Lemon Grove, CA 91945
619-825-3811

Date: 12/11/14 5:00 P.M. | Project: Valencia

☐ Meeting ☐ Phone ☒ Site Visit

Attendees: Leon & Gary

Notes: Site inspection to review Recommended "Construction BMP Recommendations" from 12/9/14 inspection (attached).

(1) No erosion control provided.
(2) Insufficient / Improperly installed check dams.
(3) Repair & stabilization of gullies not completed.
(4) Not completed.
(5) Completed.
(6) Not visible.
(7) Mostly complete.
(8) N/A

Page 1 / 1 Initials LE Hours: 1.0

Get Local Forecast For:
Enter location ... GO
Search Help

XML RSS Feeds
Current Hazards
Watches / Warnings
Outlooks
Submit Report
Current Conditions
Observations
Radar
Satellite
Precipitation
Mapped Weather
Other Hazards
Forecasts
Forecast Discussion
Local Area
Activity Planner
Aviation Weather
Fire Weather
Marine Weather
Severe Weather
Hurricane Center
User Defined Area
Fastlinks
Hydrology
Rivers and Lakes
Forecasts / Obs
Climate
Local
National
Drought
More...
Climate portal
Weather Safety
Preparedness
Weather Radio
SkyWarn™
StormReady
TsunamiReady
Additional Info
Items of Interest
Other Useful Links
Education Resources
COOP Observer

Warnings and/or Advisories In Effect for this Point:

Flash Flood Watch

Wind Advisory

For warnings and/or advisories in effect for adjacent areas to this point, see http://www.wrh.noaa.gov/sgx

Change Table Font Size Increase Decrease

Forecast For Lat/Lon: 32.7370/-117.0200 (Elev. 492 ft)
Lemon Grove CA

Forecast Created at: 6pm PST Dec 11, 2014

Custom Weather Forecast Table

	Thu Dec 11				Fri Dec 12				Sat Dec 13				Sun Dec 14				Mon Dec 15				Tue Dec 16				
Weather				Chance Rain	Slight Chance TStorms and Rain	Rain Showers and TStorms	Likely Rain Showers and TStorms	Likely Rain Showers	Chance Rain Showers										Chance Rain		Likely Rain				C
Daily-Temp	High **67** Low **53**				High **63** Low **58**				High **63** Low **51**				High **65** Low **48**				High **64** Low **50**				High **64** Low **52**				
Chance of Precip	0%	0%	5%	45%	100%	90%	65%	75%	30%	15%	5%	5%	5%	5%	5%	5%	5%	5%	40%	40%	55%	55%	60%	60%	40
Precip	0.00"	0.00"	0.00"	0.01"	0.57"	0.29"	0.06"	0.12"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"											
12-hr Snow Total	0"		0"		0"		0"		0"																
FRET	0.06"				0.06"				0.05"				0.06"				0.07"				0.07"				
6-Hour	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4a
Temp	53	62	65	60	58	61	60	54	52	59	59	52	49	59	61	54	51	59	61	55	53	60	61	55	5
Cloudiness	86%	49%	75%	100%	100%	91%	84%	75%	69%	51%	30%	37%	31%	21%	30%	30%	41%	41%	62%	62%	90%	90%	87%	87%	71
Dewpoint	52	53	54	53	52	54	52	50	49	48	46	46	43	44	44	48	44	43	45	49	47	51	49	51	4
Relative Humdity	94%	73%	67%	78%	79%	77%	73%	88%	89%	69%	61%	81%	80%	57%	52%	81%	79%	57%	54%	81%	82%	72%	63%	88%	89
Wind	S 2	S 7	S 8	S 10	SE 15	W 6	SW 6	W 6	E 2	W 2	NW 5	E 3	E 3	N 1	W 5	E 5	E 6	S 7	SW 7	SE 7	SE 8	S 9	S 7	S 6	S\ 1
Snow Level (ft)			9317	9161	7608	6313	5478	5212	5704										6701	5923	5850	5993	5805	5704	56

Forecast Weather Table Interface

Select Weather Format

- ⊙ Custom Weather Table
- ○ XML
- ○ Point Forecast Page
- ○ Point Forecast Matrix
- ○ Hourly Tabular Forecast
- ○ Hourly Weather Graph

Interval in Hours: ○ 1 ○ 3 ⊙ 6

Duration in Days: ○ 1 ○ 2 ○ 3 ○ 4 ○ 5 ○ 6 ⊙ 7

Enter a Location or Click on Map Below

Search by address; city,state; latitude/longitude...

Go

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI / [signature] / 12/11/14 9:00AM

Inspection: ☐ Permit-Required Inspection ☒ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☒ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: Gr- 1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☐ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: _____

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Gullies & unstabilized pads still not addressed	No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			some plastic sheets added but not yet sufficient	No
Site Drainage: Outlet Protection/Slope Drain		X			
Inlet/Outlet Protection	X			See inlet protection comment below	No
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Additional fiber rolls not placed on slopes yet	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X			Per discussion w/ contractor, they still need to add gravel bag inlet protection	No

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			NE entrance still not stabilized but not currently in use	No
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			still need to protect all stockpiles	No
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		X		still need to clean sediment on Akins	No
Other					
Are there any other potential storm water pollution issues/concerns?	X			Roadway stabilization still needed	No
Was there any employee or subcontractor training on stormwater BMPs?			X		

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☒ No violations; however, recommended corrective actions required
  - ☒ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☐ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☐ Stop Work Notice Issued on: _____

RECOMMENDED CORRECTIVE ACTION

FLOW ALONG SOUTHERN EDGE OF SITE HAS BEEN REDIRECTED AWAY FROM THE CORNER. ALL OTHER CORRECTIVE ACTIONS FROM THE 12/9/14 INSPECTION HAVE NOT YET BEEN ADDRESSED. REFER TO THAT INSPECTION FOR FULL DESCRIPTION OF CORRECTIVE ACTIONS.

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI 12/9/19 1:00pm

Inspection: ☒ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☒ High ☒ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: Gr 1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☐ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☐ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: _____

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Gullies through edges of hydroseeding Some pads not seeded, within recent grading	No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching		X			
Site Drainage: Outlet Protection/Slope Drain		X			
Inlet/Outlet Protection		X			
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Additional fiber rolls needed on western slope	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier		X			

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			NE entrance lacks stabilization	No
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			several unprotected stockpiles	No
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		X		Large amount of sediment on roadway SE of site	No
Other					
Are there any other potential storm water pollution issues/concerns?	X			Roadways within project are unstabilized and show signs of erosion	No
Was there any employee or subcontractor training on stormwater BMPs?			X		

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☒ No violations; however, recommended corrective actions required
  - ☒ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☐ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☐ Stop Work Notice Issued on: _____

RECOMMENDED CORRECTIVE ACTION

- Add erosion controls to all areas disturbed inactive for 14 days, including roadways not currently in use.
- Cover & protect stockpiles
- Repair/protect gullies that have formed on slopes
- Redirect flow near southeast corner so it does not flow toward damaged wall
- Sweep road outside of construction entrance
- Install check dams of stabilization on roadways prior to rain

Construction BMP Recommendations

Site: VALENCIA SUBDIVISION Date: 12/9/14

Recommendations:

(1) • Add erosion control to road segment (eg northern corner) that are not in use. Can be hydroseeded or stabilized with gravel.

(2) • For roads that are in use, add check dams prior to rain. Ensure proper installation to prevent rills from forming underneath BMP if using fiber rolls

(3) • Repair (Est. size) gullies in slopes on edges of pads. May consider using erosion control blankets.

(4) • A couple pads on western side do not appear hydroseeded. Add hydroseed or other erosion control

(5) • Cover & protect stockpiles. Some stockpiles near entrance are only partially covered. Others to the west are completely uncovered

(6) • Ensure that enough BMP materials are kept on site. Not enough fiber rolls were on site

(7) • Redirect flow along the southern side of site. It currently is causing erosion along the road and directs flow to a damaged wall. Direct away from wall and break up flow with check dams to prevent erosion

(8) • Sweep road to remove sediment

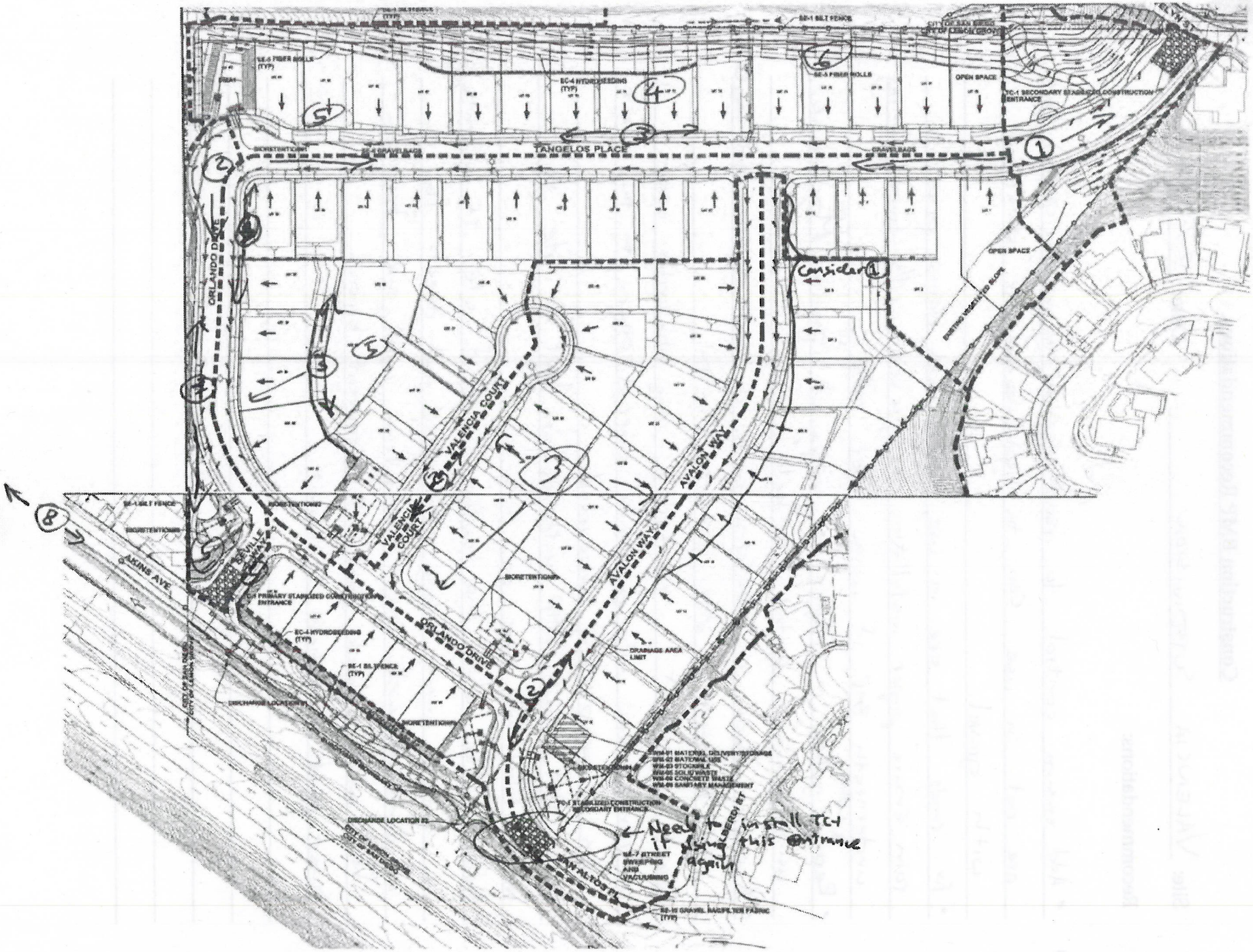

TANGELOS PLACE
ORLANDO DRIVE
VALENCIA COURT
AVALON WAY
AGUNS AVE
SAN ALTO CT
OPEN SPACE
EXISTING VEGETATED SLOPE
Consider 1
Need to install TC-1 if doing this entrance again

Exhibit No. 12

D-MAX Engineering, Inc.

Consultants in Water & Environmental Sciences

Memo

Date: December 31, 2014

To: Leon Firsht, Malik Tamimi

Cc: Tad Nakatani

From: John Quenzer JQ

Subject: December 31, 2014 Field Visit at Valencia Construction Site

D-MAX visited the Valencia construction site on the morning of December 31, 2014, following a storm earlier the previous night. Rain had ended a few hours prior to the site visit, and no runoff was observed flowing out from the construction site at the time of the site visit.

Ponded water was observed at the Akins Avenue entrance/exit location and behind several sets of gravel bags installed along Akins Avenue. Samples were collected from the ponded water at the Akins Avenue entrance/exit (Photo 1) and from ponded water behind the first set of gravel bags downstream of the Akins Avenue exit/entrance (Photos 2 and 3). Turbidity was measure at 250 NTU in the first sample (Akins entrance/exit), and 235 NTU in the second sample (first set of gravel bags along Akins).

Some sediment had settled out at the bottom of the pools of water in both of the locations at which samples were collected, and care was taken not to disturb the settled sediment when samples were taken. Note that because water had been pooled and sediment had settled out over time, the turbidity results as given above are likely lower than the turbidity of the discharge that had occurred earlier when it was raining. To approximate that effect, the settled sediment at the Akins entrance/exit location was disturbed, and a sample was taken a few minutes later. The turbidity of that sample was 998 NTU.

Observations farther downstream along the curb indicated that in some places sediment had been conveyed around gravel bag installations. Photo 4 gives an example of this. Sediment accumulation was also noted along Akins Avenue, close to the storm drain inlet.

7220 Trade Street ■ Suite 119 ■ San Diego, CA 92121 ■ (858) 586-6600 ■ Fax (858) 586-6644

Figure 1. Map of Site and Immediate Vicinity

Photo 1. Ponded Water at Akins Avenue Entrance/Exit

Photos 2 &3. Ponded Water at First Set of Gravel Bags Downstream of Akins Avenue Entrance/Exit (Looking downstream and upstream, respectively)

Photo 4. Evidence of Discharge Carrying Sediment around Gravel Bags along Akins Avenue

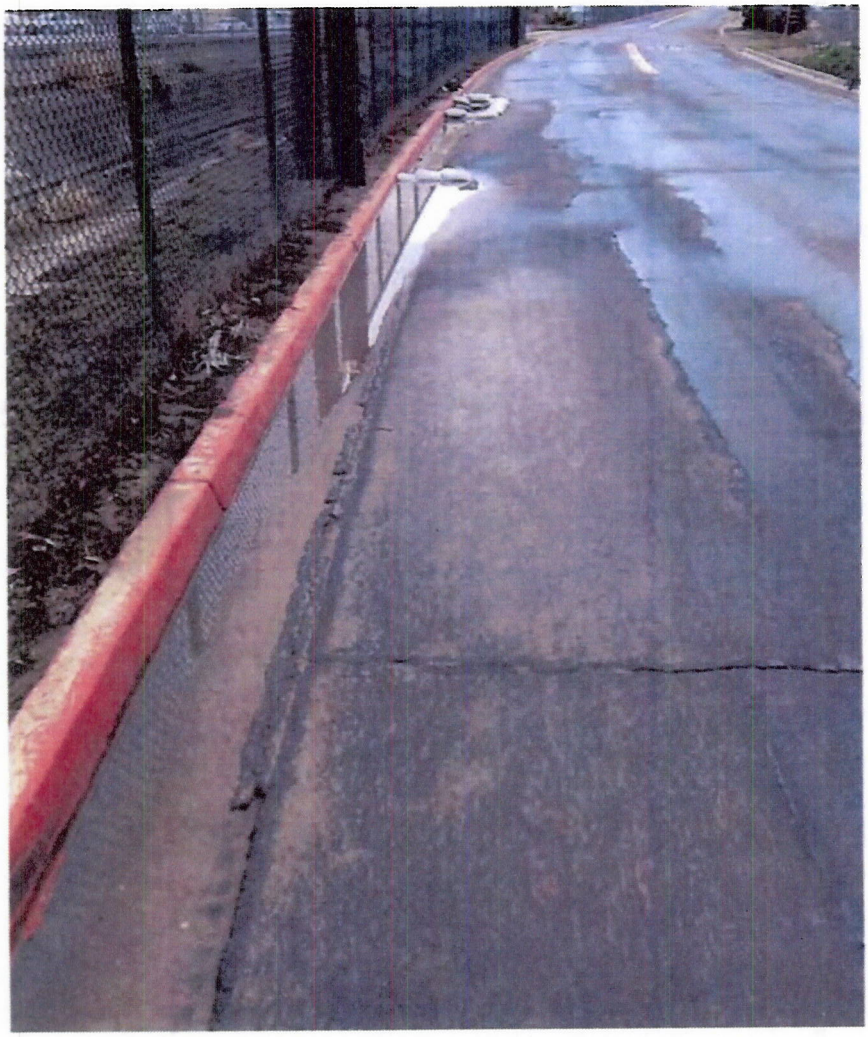


Photo 5. Sediment Accumulation along Akins Avenue, Close to Inlet

Exhibit No. 13

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: JAD NAKATANI 9/18/15 7:30AM

Inspection: ☑ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☑ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: GR-1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PL

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☑ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☑ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☑ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☑ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☑ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☐ Yes ☑ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☑ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☑ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: ENCANTO CHANNEL TO CHOLLAS CREEK

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			several slopes & inactive areas lack erosion control	No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			covers not in place on all sidewalls and at basin inlets	No
Site Drainage: Outlet Protection/Slope Drain		X			
Inlet/Outlet Protection		X			
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Inadequate perimeter controls at NW & SE corners silt fences not installed on western lot	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X			Drain on Avalon lacks protection	No

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			Multiple entrances need replacement/repair at TC-1. Driveways lack adequate tracking controls per plans. Sediment on roadways	No
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X			some liquids stored without secondary containment	No
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			Numerous uncovered stockpiles but no indication that they are inactive	Yes
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X			some vehicles lack drip pans	No
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X			Concrete waste observed on ground outside of washouts	No
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?	X				Yes
Other					
Are there any other potential storm water pollution issues/concerns?		X			
Was there any employee or subcontractor training on stormwater BMPs?		TP	X	Not discussed	

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☒ No violations; however, recommended corrective actions required
  - ☒ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☐ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☐ Stop Work Notice Issued on: _____

RECOMMENDED CORRECTIVE ACTION

SEE NEXT PAGE FOR RECOMMENDATIONS

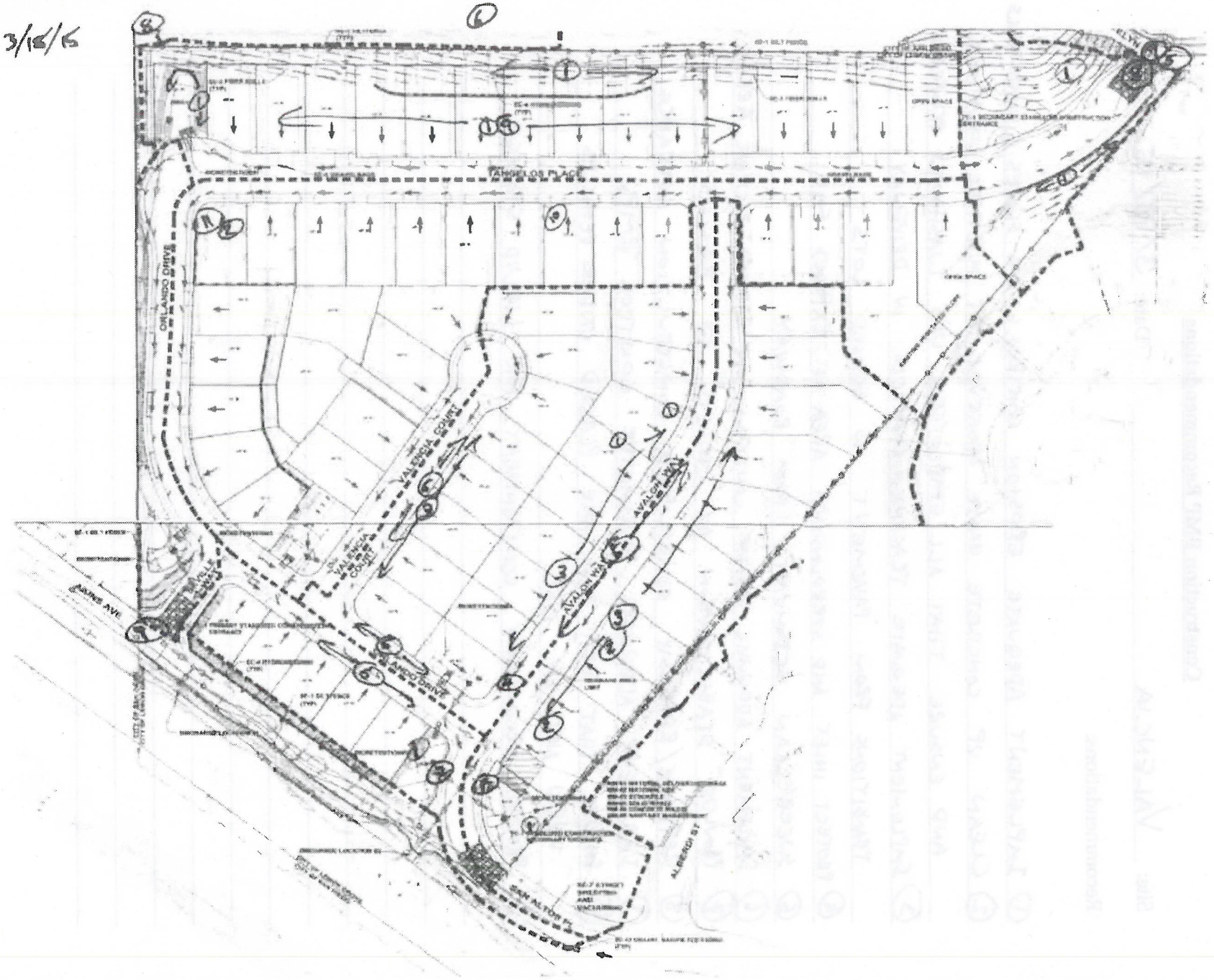
Construction BMP Recommendations

Site: VALENCIA Date: 3/18/15

Recommendations:

1. IMPLEMENT ADEQUATE EROSION CONTROLS ON SLOPES & SIDEWALLS
2. CLEAN UP CONCRETE WASTE OBSERVED AT MULTIPLE LOCATIONS AND ENSURE THAT ALL EMPLOYEES USE WASHOUTS PROPERLY
3. IMPLEMENT ADEQUATE TRACKING CONTROLS IN DRIVEWAY TRANSITIONS FROM PAVEMENT TO EXPOSED LOTS
4. PROTECT INLET AND SURROUNDING AREA OF EXPOSED SOIL
5. SWEEP/CLEAN SEDIMENT FROM ROADWAY
6. IMPLEMENT ADEQUATE EROSION CONTROLS ON EXPOSED INACTIVE AREAS
7. PROVIDE STABILIZATION AT INLETS TO BASINS
8. REPLACE/REFRESH STABILIZED CONSTRUCTION ENTRANCE
9. IMPLEMENT ADEQUATE PERIMETER CONTROL BMPS
10. ENSURE THAT DRIP PANS ARE PLACED UNDER VEHICLES WHEN NOT IN USE
11. PROVIDE SECONDARY CONTAINMENT FOR LIQUID STORAGE

3/18/16


ORLANDO DRIVE
VALENCIA COURT
AVALON WAY
ALBERO ST
ABBIE AVE

03/10/2016 07:22

Failure to cover and provide secondary containment.

Exhibit No. 14

CITY OF LEMON GROVE
ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation (~~$500~~) | 4th Citation $1,000

Payment of $ 500 is due no later than 4/19/15 to the City of Lemon Grove. The City accepts cash, check or credit card.

If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.

B) RESPONSIBLE PARTY INFORMATION

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Project Manager

Mailing Address: 3194-C2 Airport Loop Road, Costa Mesa, CA 92626

Business Name (if applicable): BCA Development CC: Phil Dowley, Code Enforcement File

C) VIOLATION(S) INFORMATION

Date (Violation Observed): 3/18/15 Time (Violation Observed): 7:30 AM

Location of Violation: 1350 San Altos Place / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):
8.48.060, 18.08.170, 18.08.180, 18.08.560 Concrete discharge to ground.
Follow up inspection re: 3/18/15
See attached report dated 3/5/15 (Tad Nakatani)

D) CORRECTION(S) REQUIRED (with date to complete corrections)

Install BMP's per Recommedations and Permit
Correct by 3/23/15 5P.M.

E) SERVICING CITATION INFORMATION

Enforcing Officer Name: Leon Firsht Phone No.: 619-825-3825 Signature: [signature] Date: 3/19/15

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person (By Mail / Email) n Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

~~WHITE ORIGINAL~~ ~~PINK COPY~~ ~~CITATION CARD OWNER~~

03/18/2015 06:35

03/18/2015 06:46

Exhibit No. 15

NOTICE

DATE: 3/24/15
PROJECT: VALENCIA
PROJECT #: GR-1692
ADDRESS: SAN ALTOS

☐ STOP WORK

Stop all other work until erosion control/NPDES deficiencies noted below are corrected. Issuance of this Stop Work Notice will notify the Regional Water Quality Control Board regarding your BMP deficiencies. This may subject you to fines of up to $10,000/day.

☒ CORRECT WORK

Correct noted deficiencies within the specified time frame to avoid a Stop Work Notice:

☐ 24 Hours ☒ 72 Hours ☐ 5 Days ☐ Prior to October 1st, And/Or ☐ Before Rain Event

---

THIS PROJECT IS IN CONFLICT WITH THE FOLLOWING:

☒ City of Lemon Grove Grading Ordinance* ☒ City of Lemon Grove JURMP
☒ Other: PROJECT PLANS, SHEETS 11a, 12, 13,

THE AREAS OF CONFLICT ARE:

☐ Erosion control is not on site ☒ Erosion control is not per the approved plan
☒ Erosion control is inadequate ☐ Failure to maintain erosion/sediment control device
☐ Other

THE FOLLOWING DEFICIENCIES ARE NOTED:

☒ Stabilized construction entrance ☐ Runoff from the site ☐ Desilting basin
☒ Perimeter protection at toe of slope ☒ Waste/materials storage
☐ Concrete washout inadequate, not maintained ☐ No secondary containment
☐ Cover stockpiles ☐ No storm drain inlet/outlet protection ☐ Trash/debris not managed
☐ Cover on sloped and/or flat areas that are inactive for more than 10 days
☐ Other

***STOP/ CORRECT WORK ADEQUATELY ADDRESSED (DATE/SIGNATURE)

ISSUED TO: Tim Aderson VIA Email
DATE/TIME: 3/24/15 3:30 pm
BY: Gary Hawes
TITLE: Eng. Inspector
PHONE: (619) 454-1272

CC: ☒ City Engineer
☒ Engineering
☐ Management Analyst
☐ Code Compliance
☐ Building
☐ RWQCB

IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF LEMON GROVE'S DEVELOPMENT SERVICES DEPARTMENT AT (619) 825-3805.

* Having deficiencies in your erosion control is a violation of the City of Lemon Grove's Grading Ordinance. A violation of the City's Grading Ordinance is a misdemeanor. Each separate day or portion thereof on which a violation exists or is allowed to exist shall constitute a separate offense punishable by the provisions of the Ordinance.

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03/24/2015 08:36 AM

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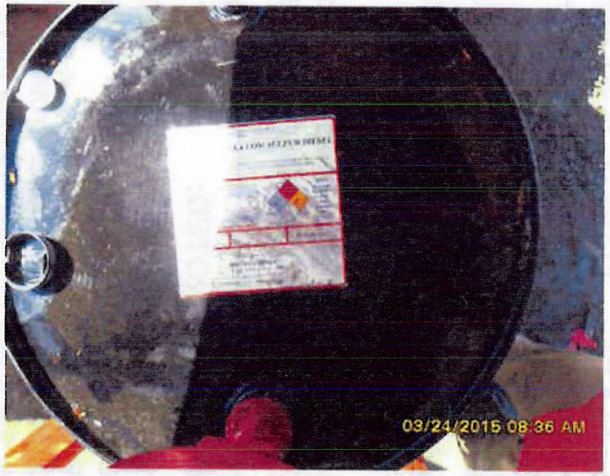
03/24/2015 08:41 AM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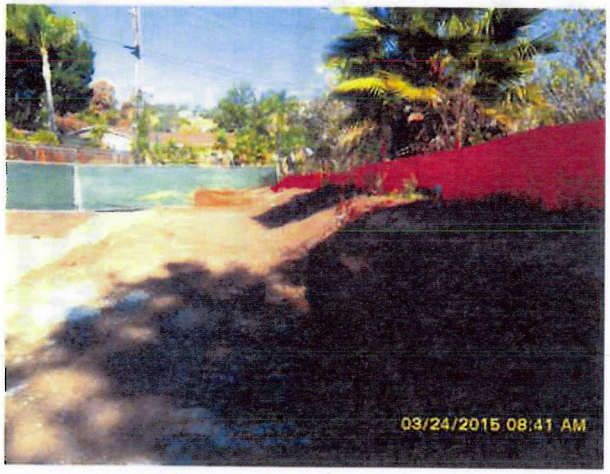
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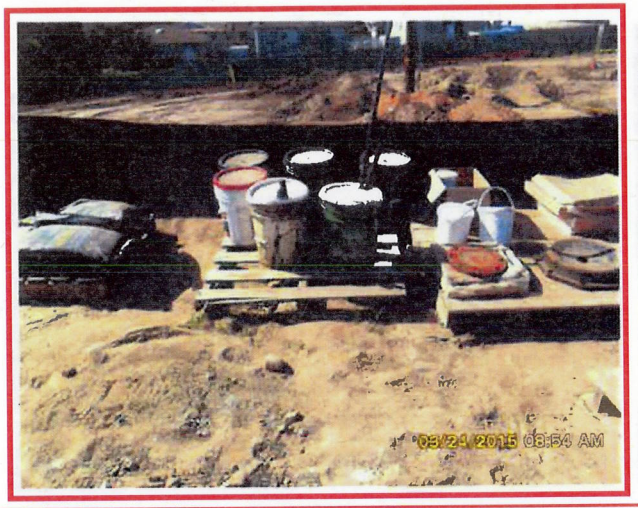
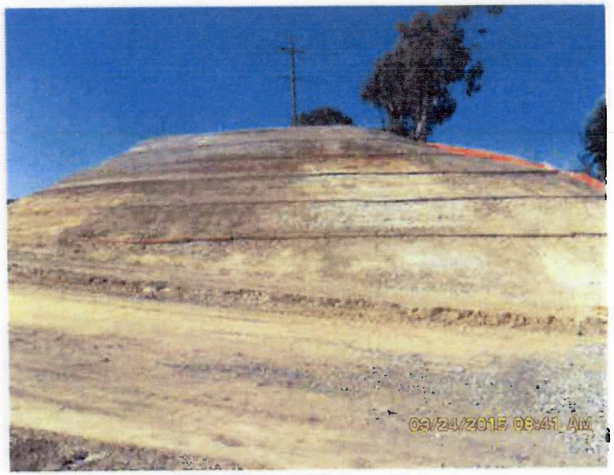
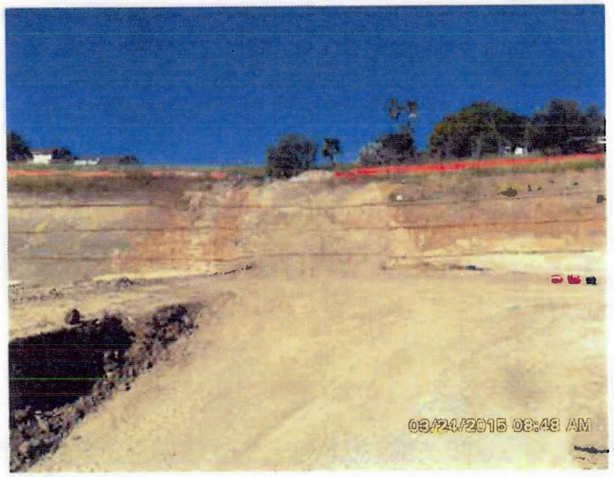




Failure to cover and provide secondary containment.



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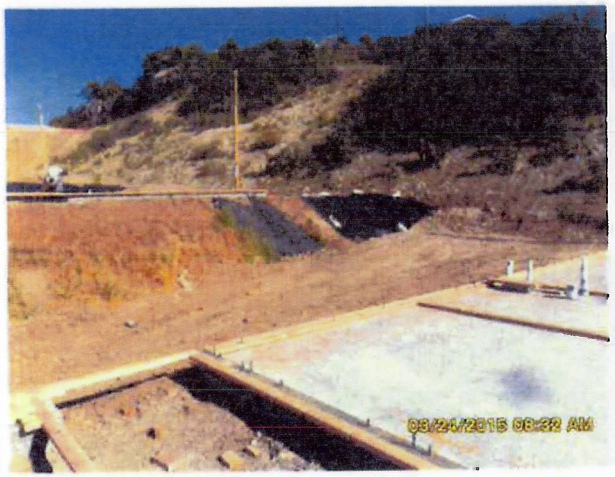
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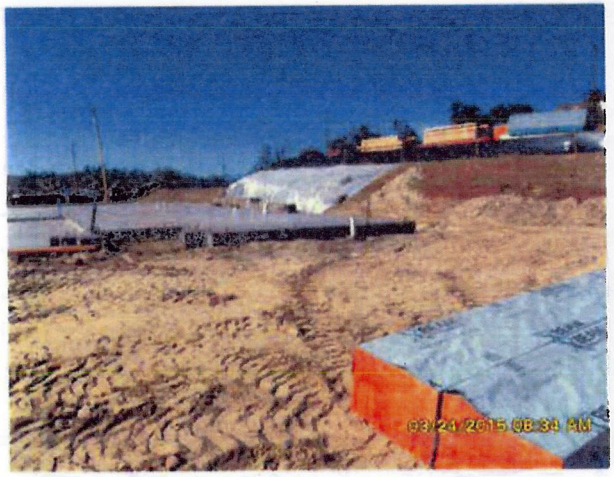
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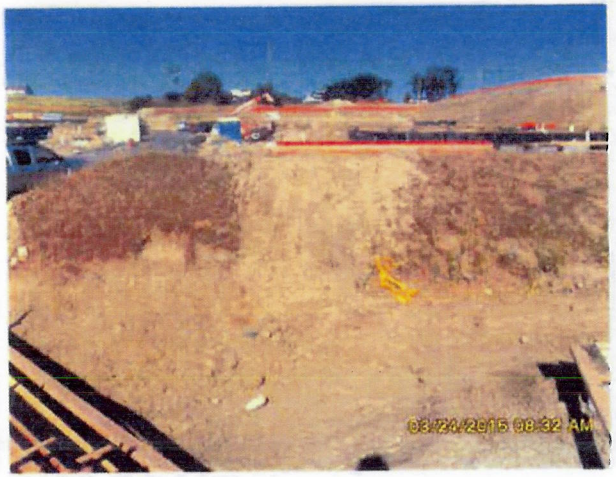
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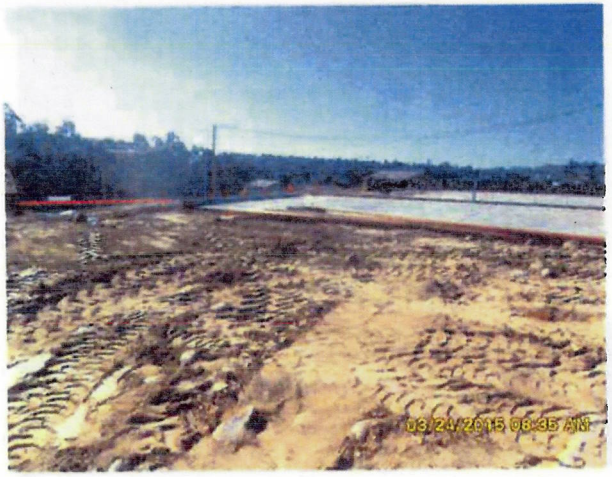
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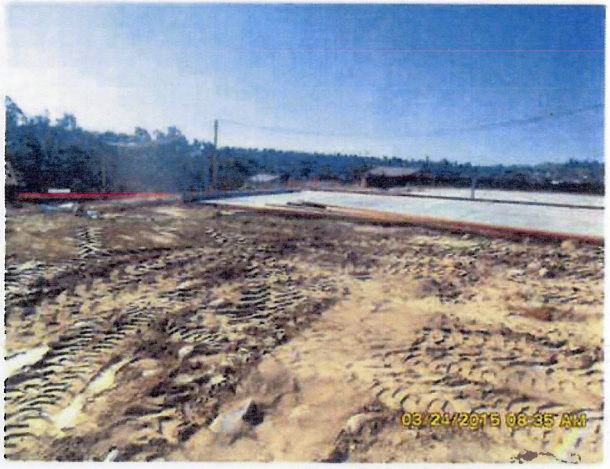
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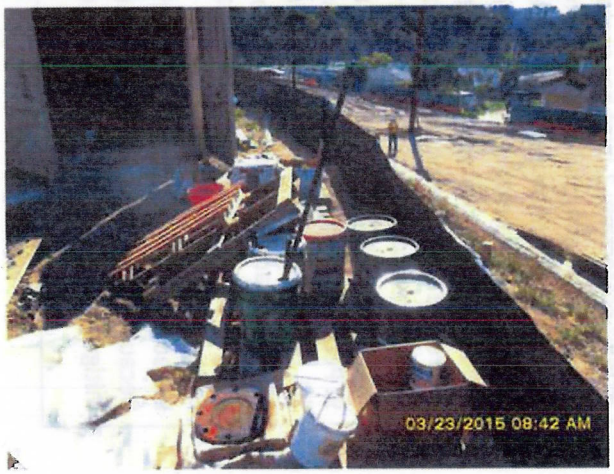
Lack of erosion controls in active areas.



INSPECTOR'S REPORT

CITY OF LEMON GROVE
Engineering Department
3232 Main Street
Lemon Grove, CA 91945
619-825-3810

	Date: 3/24/15	Hours: 2.5
Project: Valencia	Project No.: GR-1692	
Developer: BCA	Inspector: Harper	Contract Day:
Location: San Altos	Weather: Clear/Warm	

MANPOWER AND EQUIPMENT

Grading Contractor:	Underground Contractor:	Other Contractors:
Cal West: Stormwater	Koloa & Ortega	New Point Homes (Kirk), Anderson Development (Tim)
Equipment:	Equipment:	Equipment:

Remarks: Developer's Supervisor Onsite: ☒ Y ☐ N

Follow up to Tad's inspection3/18/15 and citations issued by the City to Anderson Development last week and items to be corrected yesterday by 5pm.
Attached "Construction BMP Recommendations" noted:
1. Erosion control on slopes and sidewalks: although crews are addressing items, some are not complete, such as western slope, northwest shear cut, west sidewalk areas of Orlando and Valencia Ct.
2. Concrete waste: crew did clean concrete waste, although another spill occurred at lot 23 that was not cleaned up.
3. Tracking controls at lot driveways: most have been destroyed by vehicles. Tim and Kirk asked a couple weeks ago if they could substitute shaker plates for the rock detail, sheet 11A. Responded that they needed to submit plan to engineering.
4. Inlet protection: 1 inlet has protection while the inlet at Avalon does not.
5. Street sweeping: streets are fairly clean and Kirk advised that streets are swept every Saturday.
6.Erosion control on exposed inactive areas: as in #1, exposed areas along Orlando and Valencia Ct. needs protection. Some other areas that seemed inactive last week are now active. The site changes almost daily as there is a large number of grading equipment and workers onsite.
7. Provide stabilization at inlets to basins: see #4.
8. Stabilized construction entrance: southwest 69th/Broadway has no TC-1, northwest 69th TC-1 needs to be cleaned of debris, TC-1 at Avalon/Tangelos Pl. looks acceptable.
9. Perimeter control: Crews are repairing/replacing silt fence and fiber rolls, although not complete.
10. Drip pans: most vehicles have drip pans, however one piece of equipment parked at 69th st. TC-1 did not.
11. Secondary containment: stack of 5 gallon drums of asphaltic material is still exposed at southwest area. New placement of two 55 gallon drums of diesel fuel with pump at Avalon/Tangelos Pl. needs to have secondary containment.
Because of concrete spill that wasn't cleaned up at lot 23, citation to be issued.
Because items addressed in 2nd citation were not addressed by due date of last night, but crews are actively mitigating, correct work to be issued.

Exhibit No. 16

CITY OF LEMON GROVE
ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation (~~$1,000~~)

Payment of $ 1,000 is due no later than 4/25/15 to the City of Lemon Grove.
The City accepts cash, check or credit card.

If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.

B) RESPONSIBLE PARTY INFORMATION

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Project Manager

Mailing Address: 3194-C2 Airport Loop Road, Costa Mesa, CA 92626

Business Name (if applicable): BCA Development CC: Phil Dowley, Code Enforcement File

C) VIOLATION(S) INFORMATION

Date (Violation Observed): 3/24/15 Time (Violation Observed): 8:31 AM

Location of Violation: 1350 San Altos Place / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):
8.48.040
Illegal Discharges of cementious material - Lot 23:
See photos.

D) CORRECTION(S) REQUIRED (with date to complete corrections)
Clean up cementious material immediately. Verbal direction given 3/24/15.

E) SERVICING CITATION INFORMATION

Enforcing Officer Name	Phone No	Signature	Date
Tamara O'Neal	619-825-3821		

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person (By Mail / Email) n Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

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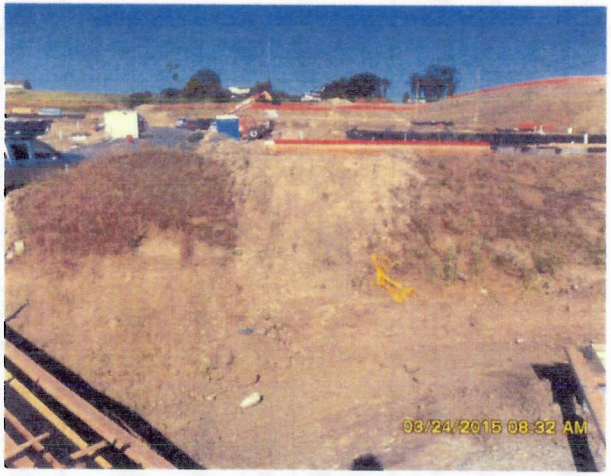
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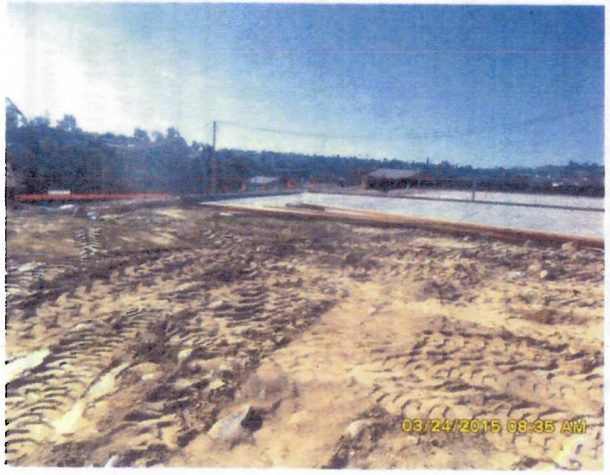
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Exhibit No. 17

CITY OF LEMON GROVE
ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation (~~$1,000~~)

Payment of $ 1,000 is due no later than 5/1/15 to the City of Lemon Grove. The City accepts cash, check or credit card.

If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.

B) RESPONSIBLE PARTY INFORMATION

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner Tenant Business Owner (Other) Project Manager

Mailing Address: 3194-C2 Airport Loop Road, Costa Mesa, CA 92626

Business Name (if applicable) BCA Development CC: Phil Dowley, Code Enforcement File

C) VIOLATION(S) INFORMATION

Date (Violation Observed): 4/1/15 Time (Violation Observed): 12:25 PM

Location of Violation: 1350 San Altos Place / Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):

8.48.040

Illegal Discharges of cementious material - See photos.

D) CORRECTION(S) REQUIRED (with date to complete corrections)

Clean up cementious material immediately. Verbal direction given 4/1/15.

E) SERVICING CITATION INFORMATION

Enforcing Officer Name: Tamara O'Neal | Phone No.: 619-825-3800 | Signature | Date: 4/1/15

Person Cited – Signature Acknowledging Receipt (Date)

Citation Served (circle one): In Person (By Mail / Email) n Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

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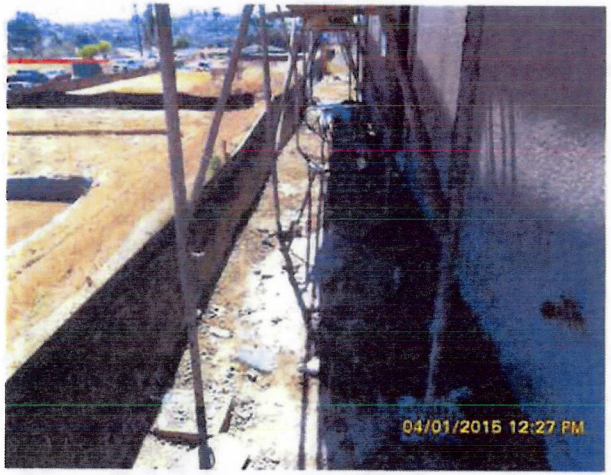
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Exhibit No. 18

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

FACILITY INSPECTION REPORT

FACILITY: Valencia Hills **INSPECTION DATE/TIME:** May 8, 2015; 19:00 **WDID/FILE NO.:** 93 7C369143

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: Frank Melbourn AFFILIATION: San Diego Water Board

NAME: Unnamed Security Guard AFFILIATION: Unknown

San Altos-Lemon Grove, LLC
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

BCA Development, Inc.
FACILITY OR DEVELOPER NAME (if different from owner)

5780 Fleet Avenue
Carlsbad, CA 92008
OWNER MAILING ADDRESS

1350 San Altos Place
Lemon Grove, CA 91945
FACILITY ADDRESS

Ben Anderson, 714-966-1544
OWNER CONTACT NAME AND PHONE #

Same
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:

- ☐ MS4 URBAN RUNOFF REQUIREMENTS
- ☒ CONSTRUCTION GENERAL PERMIT
- ☐ CALTRANS GENERAL PERMIT
- ☐ INDUSTRIAL GENERAL PERMIT
- ☐ GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES
- ☐ GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- ☐ SECTION 401 WATER QUALITY CERTIFICATION
- ☐ 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.

INSPECTION FINDINGS:

Y WERE VIOLATIONS NOTED DURING THIS INSPECTION? (YES/NO/PENDING SAMPLE RESULTS)

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On August 14, 2014, the City of Lemon Grove (City) notified the San Diego Water Board of an unauthorized non-storm water discharge to the City's Municipal Separate Storm Sewer System (MS4) from the Site caused by a contractor hitting a 12-inch water main. On August 15, 2014, the San Diego Water Board issued a Staff Enforcement Letter (SEL) via email to San Altos-Lemon Grove, LLC (Discharger) notifying them that the non-storm water discharge from the Site was an unauthorized discharge, with a request for additional information. The Qualified SWPPP[1] Practitioner (QSP) estimated that approximately 31,000 gallons of potable water discharged through the Site, and was "brown and sediment laden" when it discharged from the Site.

On December 2, 2014, the City issued a Stop Work/Notice of Violation to the Site for failing to implement Best Management Practices (BMPs) required by local storm water ordinances. The City's inspection form issued with the Stop Work/Notice of Violation noted inadequate implementation of erosion controls, entrance/exit stabilization, and stockpile management and warned the project manager that a "discharge is imminent" without adequate BMPs. The Discharger was required to stop work and implement BMPs to be prepared for a storm event that was expected to occur on December 3 and 4, 2014. The Discharger failed to implement BMPs before the storm, resulting in unauthorized discharges of sediment and sediment laden storm water runoff from the Site to an unnamed tributary to Chollas Creek. The City issued a second Stop Work/Notice of Violation to the Discharger on December 4, 2014, for the illegal discharges to the City's MS4.

The City conducted a follow up inspection of the Site on December 9, 2014, and noted the same BMP deficiencies identified before the December 3 and 4, 2014, storm event, as well as additional deficiencies in perimeter sediment controls. The City's inspection form identified areas to be addressed by the Discharger and recommended appropriate BMPs.

The Discharger again failed to implement BMPs before a storm event on December 11, 2014, and again it resulted in unauthorized discharges of sediment and sediment laden storm water from the Site to an unnamed tributary to Chollas Creek. On December 11, 2014, the City issued an Administrative Citation to the Discharger requiring BMPs to be implemented by December 15, 2014, before monetary penalties would begin. On the morning of December 12, 2014, the City contacted the San Diego Water Board about the unauthorized discharges of sediment and sediment-laden storm water to their MS4 from the Site. According to the City, the Discharger claimed the Site was in compliance with the requirements of the Construction Storm Water Permit; therefore the Discharger should be considered in compliance with the City's storm water ordinance. The City requested an inspection from the San Diego Water Board to determine compliance with the Construction Storm Water Permit.

[1] Storm Water Pollution Prevention Plan (SWPPP).

On December 15, 2014, San Diego Water Board inspector, Wayne Chiu inspected the Site for compliance with the Construction Storm Water Permit. During the inspection, the San Diego Water Board inspector found evidence of inadequate implementation of stockpile management, vehicle storage and maintenance, erosion control, sediment control, run-on and runoff control, and inspection, maintenance, and repair requirements. The San Diego Water Board inspector also found evidence of inadequate implementation of additional erosion control and sediment controls required for Risk Level 2 construction sites. On December 19, 2014, the San Diego Water Board issued Notice of Violation No. R9-2014-0153 to the Discharger and requested a written response demonstrating that the violations were corrected. The Discharger provided a written response, dated January 1, 2015.

On January 26, 2015, the City provided written notification to the San Diego Water Board that the Stop Work had been removed for the Site with a summary of inspections and enforcement conducted by the City between December 2, 2014, and January 22, 2015. Between December 16, 2014, and January 19, 2015, a contractor to the City continued to inspect the Site to track BMP implementation progress. Based on an inspection conducted on January 6, 2015, the contractor to the City indicated most of the major BMP deficiencies had been addressed. The contractor to the City indicated removal of the Stop Work is appropriate in a January 16, 2015, memo to the City. The City removed the Stop Work on January 22, 2015.

On March 27, 2015, the San Diego Water Board conducted a follow up inspection to determine if the Site had adequately implemented BMPs that achieve BAT and BCT for a Risk Level 2 construction site. While standing at the intersection of Orlando Drive and Seville Way, San Diego Water Board Inspector, Frank Melbourn, warned Discharger representatives that the then failure to have erosion and sediment control BMPs on Seville Way was a violation of the Construction Storm Water Permit, and would likely result in a sediment discharge if there were to be a rain event. Discharger representatives claimed that if the Site were to have another rain event, they would build a dirt berm at the top of Seville Way to prevent runoff from discharging down Seville Way. Overall, the San Diego Water Board inspector, Wayne Chiu, found that the Discharger implemented corrective actions that largely addressed the violations identified in Notice of Violation No. R9-2015-0153.

II. FINDINGS

1. The Site received approximately 0.5 inches of rain in the last 24 hours. Muddy sediment runoff was observed on Orlando Drive in two places, and also at the intersection of Orlando Drive and Valencia Court. The sediment came off of graded housing pads with ineffective or non-existent erosion and sediment control BMPs.

2. Several areas were observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control erosion. The lack of erosion controls in these areas contributed to unauthorized sediment discharges from the site. All construction sites are required to provide effective soil cover for inactive areas

(i.e. areas that have been disturbed and not scheduled to be re-disturbed for at least 14 days) and all finished slopes, open space, utility backfill, and completed lots.

3. Active areas were observed to lack appropriate erosion control BMPs (runoff control and soil stabilization) to prevent erosion during storm events. Risk Level 2 construction sites are required to implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.

4. Several slopes throughout the site were observed without linear sediment controls along the toe and grade breaks of exposed slopes. Risk Level 2 construction sites are required to apply linear sediment controls along the toe of the slope, face of the slopes, and at the grade breaks of exposed slopes to comply with sheet flow lengths given in Table 1 of Attachment D to the Construction Storm Water Permit.

5. Seville Way is a short steep graded dirt street without erosion or sediment control BMPs. The failure to control the runoff from Seville Way resulted in a direct discharge into an unnamed tributary to Chollas Creek. Lack of effective perimeter sediment controls resulted in an unauthorized sediment discharge from the site. All construction sites are required to establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.

6. Lack of effective run-on and runoff controls observed within and around the site which contributed to sediment discharges from the site. All construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site.

III. COMMENTS AND RECOMMENDATIONS

Comments

1. There were no site storm water or construction personnel present to correct deficient/failed BMPs or to cleanup discharged sediment. There were two security guards on site.

2. There is evidence that erosion controls were not adequately implemented for several inactive areas contributing to discharges of sediment from the site.

3. There is evidence that erosion controls were not adequately implemented for several active areas prior to storm events contributing to discharges of sediment from the site.

4. There is evidence that linear sediment controls were not adequately implemented for several exposed slopes contributing to slope erosion and discharges of sediment from the site.

5. There is evidence that perimeter sediment controls, as well as run-on and runoff controls, were not adequately implemented which contributed to discharges of sediment from the site.

6. There was evidence observed during the inspection that the site has not implemented BMPs to meet BCT Technology Based Effluent Limitations (TBELs) under Section V.A.2 of the CGP, as required for all construction sites, which resulted in the unauthorized discharges of sediment and sediment-laden water from the site.

7. There is evidence that either the QSP was not adequately identifying and recommending implementation of good site management "housekeeping," erosion control, sediment control, and run-on/runoff control BMPs, or the owner/developer was not directing the implementation of the BMPs as recommended by the QSP.

8. Failure to implement Rain Event Action Plan (REAP).

Recommendations

1. Issue a Notice of Violation for discharges of sediment from the site and failure to implement Risk Level 2 requirements of CGP.

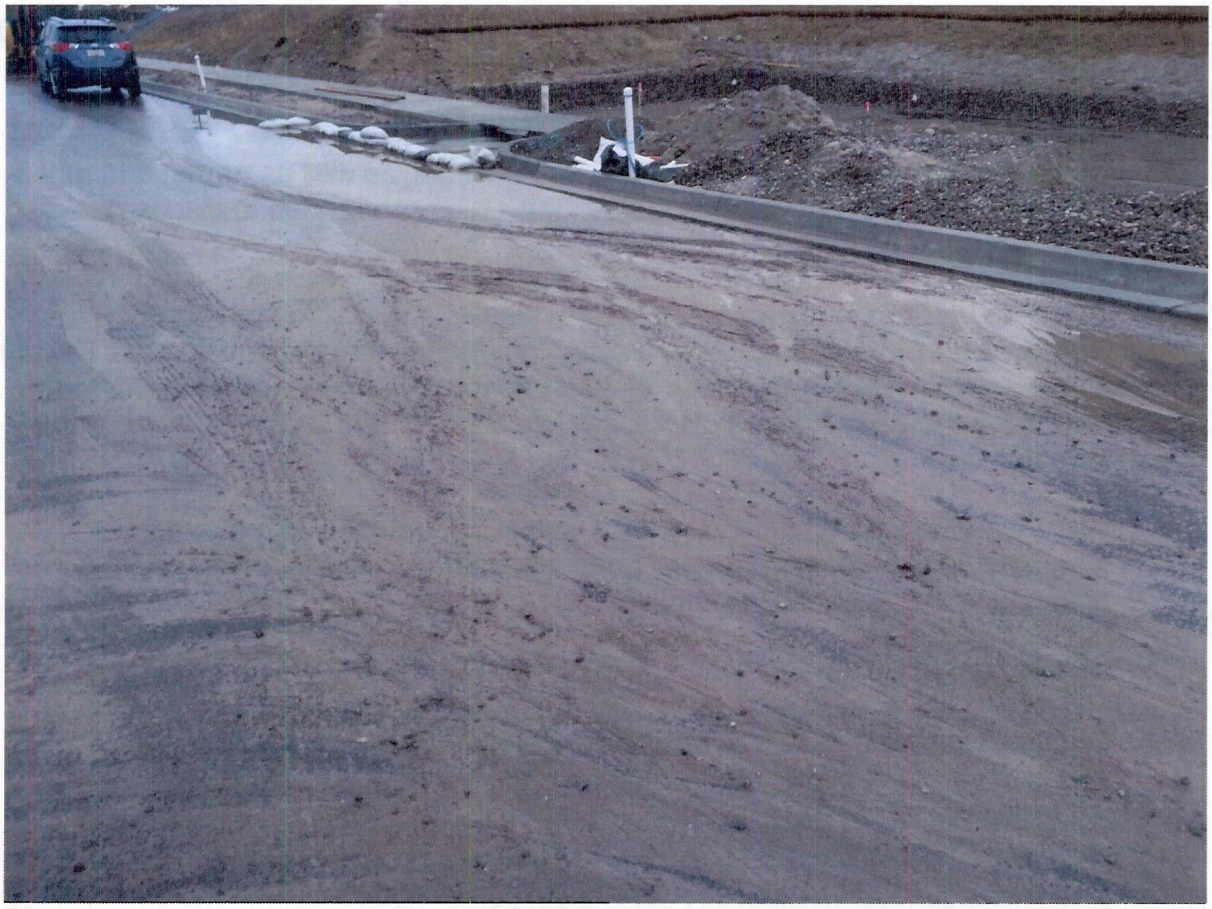
2. Refer the site to the Compliance Assurance Unit to determine whether or not issuing formal enforcement action may be appropriate.

IV. SIGNATURE SECTION

Frank Melbourn	Frank Melbourn	May 8, 2015
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Chiara Clemente		5/12/15
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C369143
Place ID	SM-828060
Inspection ID	2025608
Violation ID	857231 & 857232



Photograph No. 1: 20150508_191716.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 1 looks west at Orlando Drive from San Altos Place. The photograph displays a sediment discharge from disturbed construction areas into the street. The sediment was an inch thick in some areas. Displayed slopes in the photograph show signs of erosion, and were lacking erosion and sediment control BMPs at their base. Parkway strips failed to have sediment control BMPs. There was no site personnel available to cleanup discharged sediment or maintain/reinforce failed BMPs. There was an absence of run-on/run-off control BMPs. For example there were no gravel bag chevrons or check dams along the street to slow down the runoff flow.

Photograph No. 2: 20150508_191734.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 2 looks southwest at Orlando Drive from San Altos Place. The photograph displays a sediment discharge from disturbed construction areas into the street. The photograph also displays unprotected (absent erosion control BMPs) disturbed soil and a lack of sediment controls above street gutters. The gravel bags deployed to protect the storm drain inlet were ineffective as evidenced by the turbid sediment laden storm water on the inside edges of the gravel bags. Again the use of gravel bag chevrons could have been implemented in the street.

Photograph No. 3: 20150508_191955.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 3 looks northeast at the corner of Valencia Court and Orlando Drive from Orlando Drive. The photograph displays a sediment discharge from disturbed construction areas into the street. Except the area with plastic sheeting, displayed slopes in the photograph show signs of erosion, and were lacking erosion and sediment control BMPs at their base.

Photograph No. 4: 20150508_192214.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 4 looks northwest up Seville Way from Akins Avenue. The photograph displays disturbed soil without erosion control BMPs and sediment control BMPs.

Photograph No. 5: 20150508_192234.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 5 looks southeast onto the unnamed tributary to Chollas Creek from the intersection of Seville Way and Akins Avenue. The photograph displays the sediment discharge point between the gap (identified by red arrow) in the site perimeter control BMPs into the unnamed tributary. A buildup of eroded sediment from the site can be seen at the base of the gravel bags.

Photograph No. 6: 20150508_192253.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 6 looks northeast onto Akins Avenue from the intersection of Akins Avenue and Seville Way. The photograph displays disturbed soil without erosion control BMPs and sediment control BMPs. The photograph also displays perimeter control BMPs on the right hand side.

Exhibit No. 19

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

FACILITY INSPECTION REPORT

FACILITY: Valencia **INSPECTION DATE/TIME:** 5/13/2015; 11:30 am
WDID/FILE NO.: 937C369143

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: Wayne Chiu AFFILIATION: San Diego Water Board
NAME: Frank Melbourn AFFILIATION: San Diego Water Board
NAME: AFFILIATION:

San Altos Lemon Grove LLC
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

BCA Development, Inc.
FACILITY OR DEVELOPER NAME (if different from owner)

5780 Fleet Avenue
Carlsbad, CA 92008
OWNER MAILING ADDRESS

1350 San Altos Place
Lemon Grove, CA 91945
FACILITY ADDRESS

Ben Anderson, 714-966-1544
OWNER CONTACT NAME AND PHONE #

Same
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:

- ☐ MS4 URBAN RUNOFF REQUIREMENTS
- ☒ CONSTRUCTION GENERAL PERMIT
- ☐ CALTRANS GENERAL PERMIT
- ☐ INDUSTRIAL GENERAL PERMIT
- ☐ GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES
- ☐ GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- ☐ SECTION 401 WATER QUALITY CERTIFICATION
- ☐ 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.

INSPECTION FINDINGS:

Y WERE VIOLATIONS NOTED DURING THIS INSPECTION? (YES/NO/PENDING SAMPLE RESULTS)

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On December 2, 2014, the City of Lemon Grove (City) issued a Stop Work/Notice of Violation to the Valencia construction site (WDID 9 37C369143) for failing to implement construction storm water best management practices (BMPs) required by local ordinances. The City's inspection report issued with the Stop Work/Notice of Violation noted inadequate implementation of erosion controls, entrance/exit stabilization, and stockpile management and warned the project manager that a "discharge is imminent" without adequate BMPs. The site was required to stop work and implement BMPs to be prepared for a storm event that occurred on December 3 and 4, 2014.

The site failed to implement BMPs before the storm, resulting in unauthorized discharges of sediment and sediment-laden storm water from the site to the City's municipal separate storm sewer system (MS4). The City issued a second Stop Work/Notice of Violation on December 4, 2014 for the illegal discharges to the City's MS4. The City conducted a follow up inspection on December 9, 2014 and noted the same BMP deficiencies identified before the December 3 and 4, 2014 storm event, as well as additional deficiencies in perimeter sediment controls. The inspection report provided recommendations for locations that needed to be addressed and types of BMPs. The site again failed to implement BMPs before a subsequent storm event that occurred on December 11, 2014, again resulting in unauthorized discharges of sediment and sediment-laden storm water from the site to the City's MS4. On December 11, 2014, the City issued an Administrative Citation to the site requiring BMPs to be implemented by December 15, 2014 before monetary penalties would begin. The Stop Work/Notice of Violation issued on December 2 and 4, 2014 and the Administrative Citation issued on December 11, 2014 by the City are attached to the end of this inspection report.

On December 15, 2014, Wayne Chiu of the San Diego Water Board inspected the site for compliance with the requirements of the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP). According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is a Risk Level 2 construction site, disturbing over 18 acres, and owned by San Alto Lemon Grove LLC. The developer of the site is BCA Development, Inc. During the inspection, the San Diego Water Board observed evidence of inadequate implementation of stockpile management, vehicle storage and maintenance, erosion control, sediment control, run-on and runoff control, and inspection, maintenance, and repair requirements. In addition, there was evidence of inadequate implementation of additional erosion and sediment controls required for Risk Level 2 construction sites. On December 19, 2014, the San Diego Water Board issued Notice of Violation No. R9-2014-0153 to the Discharger and requested a written response demonstrating that the violations were corrected. The Discharger provided a written response, dated January 1, 2015. On January 26, 2015, the City provided written notification to the San Diego Water Board that the Stop Work had been removed for the site on January 22, 2015.

On March 27, 2015, the San Diego Water Board conducted a follow up inspection to determine if the site had adequately implemented BMPs that achieve BAT and BCT for a Risk Level 2 construction site. While standing at the intersection of Orlando Drive and Seville Way on the site, San Diego Water Board inspector, Frank Melbourn, warned Discharger representatives that the failure to have erosion and sediment control BMPs on Seville Way was a violation of the CGP, and would likely result in a sediment discharge from the site if there were to be a rain event. Discharger representatives claimed that if the site were to have another rain event, they would build a dirt berm at the top of Seville Way to prevent runoff from discharging down Seville Way. San Diego Water Board inspector, Wayne Chiu, found that the Discharger implemented corrective actions that largely addressed the violations identified in Notice of Violation No. R9-2015-0153.

On May 8, 2015, Frank Melbourn of the San Diego Water Board inspected the site following a rain event of approximately 0.5 inches. The inspector observed inadequate implementation of erosion controls in several inactive areas and active areas, perimeter sediment controls, linear sediment controls on several slopes, and run-on and runoff controls within and around the site. Evidence of sediment transport through the site observed on paved streets within the site, and an unauthorized discharge of sediment from the site to the Encanto Channel (a tributary to Chollas Creek) and Akins Road adjacent to the site.

On May 13, 2015, Wayne Chiu and Frank Melbourn of the San Diego Water Board conducted a subsequent inspection to determine if the site was implementing BMPs in preparation for a rain event forecasted for the following day.

II. FINDINGS

1. Several stockpiles observed without adequate containment (See Photos 1 and 2). All construction sites are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.

2. Construction equipment and vehicles observed without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters (See Photo 3). All construction sites are required to prevent oil, grease or fuel to leak in to the ground, storm drains, or surface waters, and to place all equipment and vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.

3. Several areas were observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control potential erosion. Several completed building pads and several inactive slopes (See Photos 4 through 6) lacked any effective soil cover for erosion control. All construction sites are required to provide effective soil cover for inactive areas (i.e. areas that have been disturbed and not scheduled to be re-disturbed for at least 14 days) and all finished slopes, open space, utility backfill, and completed lots.

4. Active areas were observed to lack appropriate erosion control BMPs (runoff control and soil stabilization) to prevent erosion during storm events (See Photos 7 through 12). Risk Level 2 construction sites are required to implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction.

5. Several slopes throughout the site were observed to lack linear sediment controls along the toe and grade breaks of exposed slopes (See Photos 1, 5, 6, 8, 9, 11, and 12). Risk Level 2 construction sites are required to apply linear sediment controls along the toe of the slope, face of the slopes, and at the grade breaks of exposed slopes to comply with sheet flow lengths given in Table 1 of Attachment D to the CGP.

6. Lack of effective perimeter sediment controls observed (See Photos 13 and 14). All construction sites are required to establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.

7. Lack of effective run-on and runoff controls observed within and around the site (See Photos 7 through 14). All construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site.

8. There were no personnel on site that appeared to be implementing BMPs to prepare for the forecasted rain event, such as erosion control measures or controls within the site to reduce sheet flow runoff lengths in active areas, or inspecting the perimeter controls for areas requiring additional attention, repairs, or maintenance.

III. COMMENTS AND RECOMMENDATIONS

Comments

1. There is evidence that good site management "housekeeping" BMPs were not being adequately implemented (See Findings 1 and 2).

2. There is evidence that erosion controls were not adequately implemented for several inactive areas contributing to discharges of sediment from the site (See Finding 3).

3. There is evidence that erosion controls were not adequately implemented for several active areas prior to storm events (See Finding 4).

4. There is evidence that linear sediment controls were not adequately implemented for several exposed slopes (See Finding 5).

5. There is evidence that perimeter sediment controls, as well as run-on and runoff controls, were not adequately implemented (See Findings 6 and 7).

6. There is evidence that either the QSP was not adequately identifying and recommending implementation of good site management "housekeeping," erosion control, sediment control, and run-on/runoff control BMPs, or the owner/developer was not directing the implementation of the BMPs as recommended by the QSP (See Finding 8).

7. There was evidence observed during the inspection that the site has not implemented BMPs to meet BCT Technology Based Effluent Limitations (TBELs) under Section V.A.2 of the CGP, as required for all construction sites, which resulted in the unauthorized discharges of sediment and sediment-laden water from the site observed or documented on December 4, 11, and 15, 2014 (See Compliance History discussion and Findings 1 through 8).

Recommendations

The Discharger has failed to maintain compliance with the requirements of the CGP even after repeated enforcement actions by the City of Lemon Grove and the San Diego Water Board. A formal enforcement action should be issued to the Discharger for this continued and repeated noncompliance with the requirements of the CGP.

IV. SIGNATURE SECTION

Wayne Chiu	Wayne Chiu	5/13/2015
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker	Eric Becker	5/20/15
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C369143
Place ID	SM-828060
Inspection ID	2025695
Violation ID	857243

Photo 1

Photo 2

Photos 1 and 2 shows soil stockpiles covered with black plastic without adequate containment. Slope in Photo 1 covered with white plastic lacks linear sediment controls at the based and at grade break along top of slope.

Photo 3

Photo 3 shows construction vehicle without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters.

Photo 4

Photo 5

Photo 6

Photos 4 through 6 show several inactive areas, or areas that can be made to be inactive, lacking any effective soil cover. Photo 4 shows a completed lot that could have been stabilized with an effective soil cover and protected from activity. Photo 5 shows a slope that appeared to be inactive and potentially finished without effective soil cover. Photo 6 shows a slope in front of a building being constructed that could have been stabilized with an effective soil cover and made to be inactive.

Photo 7

Photo 8

Photo 9

Photo 10

Photo 11

Photo 12

Photos 9 through 12 showed several active areas of the site that lacked any evidence of soil stabilization measures ready to be implemented to reduce erosion potential or other measures to reduce sheet flow lengths. Photos 8, 9, 11, and 12 are slopes toward where runoff would flow toward a low point and perimeter of the site.

Photo 13

Photo 14

Photos 13 and 14 show areas of the perimeter where additional attention, repair, or maintenance is necessary to ensure the site has effective perimeter sediment controls to prevent erosion and sediment discharges from the site.

Exhibit No. 20

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

FACILITY INSPECTION REPORT

FACILITY: Valencia Hills **INSPECTION DATE/TIME:** May 15, 2015; 13:30 **WDID/FILE NO.:** 93 7C369143

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: Frank Melbourn AFFILIATION: San Diego Water Board

NAME: Tim Anderson, Site Superintendent AFFILIATION: New Pointe Communities, Inc.

NAME: Tyler Sandstrom, Project Manager AFFILIATION: New Pointe Communities, Inc.

San Altos-Lemon Grove, LLC
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

BCA Development, Inc.
FACILITY OR DEVELOPER NAME (if different from owner)

5780 Fleet Avenue
Carlsbad, CA 92008
OWNER MAILING ADDRESS

1350 San Altos Place
Lemon Grove, CA 91945
FACILITY ADDRESS

Ben Anderson, 714-966-1544
OWNER CONTACT NAME AND PHONE #

Same
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:

- ☐ MS4 URBAN RUNOFF REQUIREMENTS
- ☒ CONSTRUCTION GENERAL PERMIT
- ☐ CALTRANS GENERAL PERMIT
- ☐ INDUSTRIAL GENERAL PERMIT
- ☐ GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES
- ☐ GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- ☐ SECTION 401 WATER QUALITY CERTIFICATION
- ☐ 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.

INSPECTION FINDINGS:

Y WERE VIOLATIONS NOTED DURING THIS INSPECTION? (YES/NO/PENDING SAMPLE RESULTS)

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

Follow-up to May 13, 2015, San Diego Water Board inspection to determine if Best Management Practices (BMPs) were deployed, and if so were they effective and in compliance with the State Water Resources Control Board's General Construction Storm Water Permit, Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ (Permit), during the storm event of May 14-15, 2015.

II. FINDINGS

1. During the inspection, the sky was mostly cloudy with sporadic sprinkles. There were light winds; and the temperature was in the low 60's (Fahrenheit). The National Oceanic and Atmospheric Administration (NOAA) weather station for La Mesa reported receiving 0.74 inches of precipitation on May 15, 2015; and 0.11 inches on May 14, 2015. The NOAA Lemon Grove station did not collect weather information; therefore the closest NOAA station to Lemon Grove was cited.

2. I met Tim Anderson (949-275-6739), site superintendent for New Pointe Communities, Inc., at the site and I received permission from him to walk the site and to take photographs during the site inspection. Tim informed me that New Pointe Communities, Inc. had taken over for BCA Development, Inc., and that Bob Rowdine of Guardian Capital Realty will be submitting a Change of Information (COI) form. We walked the 19-acre site together and stopped at various points along the way to discuss the effectiveness of installed BMPs, identify areas that were out of compliance, and to discuss options for employing BMPs to come into compliance with the Permit. Tim stated that he had been on site since 6 a.m., and that he and his work crews had been adjusting BMPs throughout the day to improve their effectiveness during the storm event. Around 1:40 p.m., we were joined by Tyler Sandstrom.

3. Many flat graded areas have no erosion or sediment control measures in violation of the Permit (Attachment D §§ D.2 and E.3). Tim assured me during the walk through that next week he will spray the areas with a soil stabilizer. Tim also expressed confidence that the dirt berms on the north end of Tangelos Place and at the north end of Seville Way will hold back accumulated storm water runoff and eroded sediment. Tim additionally said that Tangelos Place will be paved next week.

4. A few gravel bag chevrons were observed on Orlando Drive and Avalon Way. There was evidence of trapped sediment behind the chevrons. I recommended that Tim consider increasing the number of chevrons in order to slow down the runoff and trap more sediment. I also pointed out that sediment in the street indicates the need for erosion control measures on the graded areas of the site. At most there were three chevrons on the north side of Avalon Way. After the inspection, while I was in my office, I reviewed the site's Storm Water Pollution Prevention Plan (SWPPP) that was uploaded to the SMARTS database, and it indicated that there should be 14 chevrons.

5. Parkway planters and front yards along Avalon Way had no erosion control measures and many erosion rills were observed. Gravel bags were employed at the lowest ends of the parkway planters and front yards to contain sediment. I discussed the use of sprayed soil stabilization here with Tim. Tim stated that the parkway planters and front yards will be landscaped within the next few weeks. Again the BMPs noted in the SWPPP were not installed in the field at the site.

6. Additional gravel bags (to increase freeboard) were added at the creek crossing near the San Altos Place site entrance in an attempt to prevent sediment discharges into the creek. I advised Tim to consider spraying the graded areas with soil stabilization.

7. Gravel bags were placed in front of the storm drain inlet located at the east end of Akins Avenue. This was also done for the large storm drain inlet along the south end of Tangelos Place.

8. The ripped white plastic stockpile covers on the south side of Seville Way have been replaced with black plastic.

III. COMMENTS

Comments

1. There is evidence that either the QSP was not adequately identifying and recommending implementation of good site management "housekeeping," erosion control, sediment control, and run-on/runoff control BMPs, or the owner/developer was not directing the implementation of the BMPs as recommended by the QSP.

2. The majority of the BMPs specified in the SWPPP have not been installed in the field.

IV. SIGNATURE SECTION

Frank Melbourn	Frank Melbourn	May 22, 2015
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker	Eric Becker	5/26/15
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C369143
Place ID	SM-828060
Inspection ID	2025772
Violation ID	857267

Photograph No. 1: IMG_0350.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 1 looks north from Tangelos Place onto Evelyn Street (behind green fence). The photograph displays an earthen berm holding back storm water runoff and eroded sediment. The soil on this side of the construction site is highly erosive. Sprayed erosion control can be seen on the slopes, as well as fiber rolls for sediment control. Large gravel and a rocker plate are installed at the site entrance as sediment controls. There was an absence of erosion controls on the graded street. There were no sediment controls but for the earthen berm.

Photograph No. 2: IMG_0354.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 2 looks south down Tangelos Place. The photograph displays a muddy thoroughfare without erosion and sediment control measures. Some, but not all of the stockpiles are covered with black plastic.

Photograph No. 3: IMG_0356.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 3 looks southeast down Avalon Way. The photograph displays sediment buildup behind a gravel back chevron or check dam in the gutter. Gravel bags were also used as sediment controls on this house lot to decrease the sediment discharge to the curb. The downhill storm drain inlet is connected to an on-site sediment basin. Spraying a soil stabilizer on the graded housing pads would reduce the erosive threat and sediment load to the street and basin.

Photograph No. 4: IMG_0359.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 4 looks northeast and upstream of the creek from the creek crossing near the San Altos Place entrance. The photograph displays the addition of a row of gravel bags to reduce the likelihood of a sediment discharge to the creek. Spraying the area with a soil stabilizer would greatly reduce the threat of a sediment discharge to the creek.

Photograph No. 5: IMG_0366.jpg, taken by Frank Melbourn, San Diego Water Board

Photograph No. 5 looks west from the south end of Tangelos Place at a storm drain inlet protected with gravel bags. There are no erosion or sediment control measures on Tangelos Place. Erosion rills and sediment buildup are displayed.

Exhibit No. 21

CITY OF LEMON GROVE
ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | (4th Citation $1,000)

Payment of $ 1,000.00 is due no later than 10/22/2015 to the City of Lemon Grove. The City accepts cash, check or credit card.

If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.

B) RESPONSIBLE PARTY INFORMATION

Person Cited: Anderson (Last Name) Tim (First Name)

Circle One: Property Owner | Tenant | Business Owner | (Other) SITE representative PROJECT MANAGER

Mailing Address: 3194-62 Airport Loop Drive, Costa Mesa, CA 92626

Business Name (if applicable): New Point Homes

CC: Phil Dowley, Code Enforcement File

C) VIOLATION(S) INFORMATION

Date (Violation Observed): 9/15/2015 Time (Violation Observed): 2pm

Location of Violation: 1350 San Aitos PL/Valencia (Street Address) (APN)

Violation(s) Observed (Code Section and Description):

8.48.060 18.08.560 Inadequate Bmp's - See attached inspection
18.08.170 Evidence of discharge reports
18.08.180

D) CORRECTION(S) REQUIRED (with date to complete corrections)

Install Bmp's per recommendations, attached report

E) SERVICING CITATION INFORMATION

Enforcing Officer Name: Gary Harper Phone No.: 619 454-1272 Signature: [signature] Date: 9/22/15

Person Cited – Signature Acknowledging Receipt: [signature] 9/22/15 (Date)

Citation Served (circle one): (In Person) | By Mail | Posted on Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

Developer

WHITE-ORIGINAL PINK-COPY CITATION CARD-OWNER

Exhibit No. 22

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI 9/15/15 2:00 PM

Inspection: ☒ Permit-Required Inspection ☐ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☒ High ☐ Medium ☐ Low

Approximate rainfall since last inspection: ~.8 inches

GENERAL INFORMATION

Grading or Building Permit #: GR-1692

Project Name & Type: Valencia Subdivision

Project Location & Address: San Altos Place

Contractor's Name & Telephone #: Anderson Development (949) 275-6739

Property Owner & Telephone #: San Altos LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☒ N/A TW

Sufficient Standby BMPs Onsite to Protect Site Within 48 Hours of Predicted Storm? ☐ Yes ☒ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Significant areas lack erosion control. Evidence of erosion throughout site	No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			" "	No
Site Drainage: Outlet Protection/Slope Drain			X		
Inlet/Outlet Protection			X		
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Some spots lack perimeter control (silt fence)	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X			No inlet protection on drain near SE corner	No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			Significant sediment on streets within project & in gutter on Akins. Track needed on all driveways where vehicles will be driving	No

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			Some small sediment piles are not protected	No
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)		X		Some litter/waste throughout site	No
Are concrete washouts properly installed, maintained with no evidence of discharges.	X				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?		X		Some sediment in road and gutter near SE corner	No
Other					
Are there any other potential storm water pollution issues/concerns?	X			sediment will need to be cleaned out of basins & erosion around inlets needs repair	No
Was there any employee or subcontractor training on stormwater BMPs?				Not discussed	

RECOMMENDED CORRECTIVE ACTION

SEE NEXT PAGE

Have any corrective actions from the previous inspection NOT been implemented? ☒ Yes ☐ No ☐ NA

If NO, and if it has been more than 30 days since the corrective action was originally required, explain why more than 30 days was necessary to resolve the deficiency: less than 30 days since previous insp.

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☐ No violations; however, recommended corrective actions required
  - ☐ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☒ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☐ Stop Work Notice Issued on: _____
- ☐ Violation

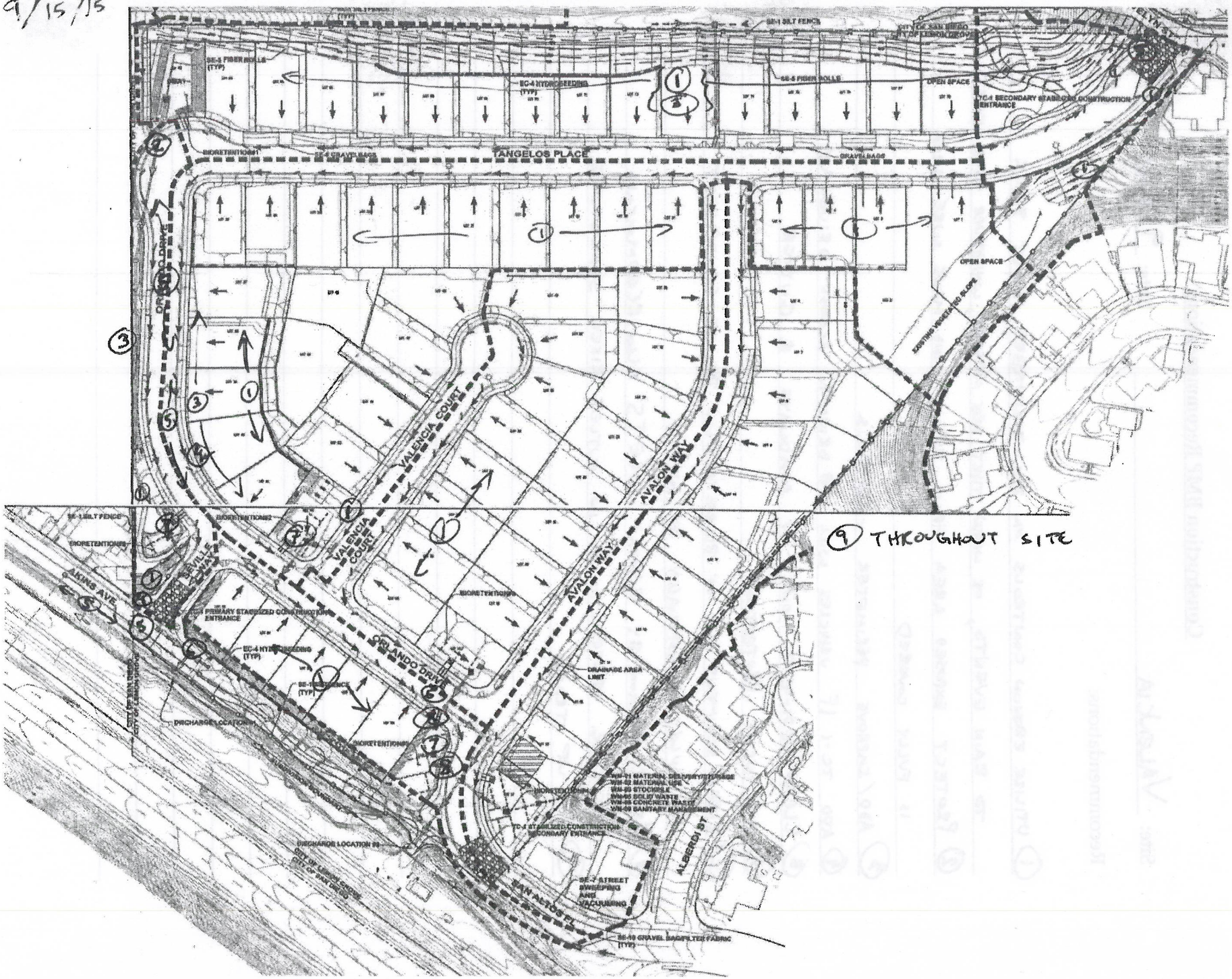
Construction BMP Recommendations

Site: VALENCIA Date: 9/15/15

Recommendations:

1. UTILIZE EROSION CONTROLS ON ALL DISTURBED AREAS PRIOR TO RAIN EVENTS, OR WHEN THEY ARE INACTIVE, WHICHEVER COMES FIRST
2. PROTECT EXPOSED AREA FROM RUN-ON AND MAKE SURE AREA IS FULLY COVERED
3. ADD/IMPROVE PERIMETER CONTROLS
4. ADD TC-1 IF VEHICLES WILL BE DRIVING ACROSS DRIVEWAY
5. CLEAN SEDIMENT OUT OF ROADWAYS & GUTTER
6. ADD INLET PROTECTION
7. CLEAN SEDIMENT OUT OF BIORETENTION BASINS. SIGNIFICANT ACCUMULATION, ESPECIALLY BY INLETS
8. REPAIR EROSION BY BASIN INLETS. ALSO RECOMMEND CLEARING OBSTRUCTIONS IN OUTLET RISER STRUCTURE
9. PICK UP TRASH

9/15/15



(9) THROUGHOUT SITE

Exhibit No. 23

D-MAX Engineering, Inc.

Consultants in Water & Environmental Sciences

Memo

Date: January 16, 2015

To: Leon Firsht, Malik Tamimi

Cc: John Quenzer

From: Tad Nakatani

Subject: Summary of Inspections and Sampling at Valencia Construction Site between December 9, 2014 and January 14, 2015

Per the City's request, D-MAX conducted multiple visits to the Valencia construction site to perform inspections and to collect storm water runoff samples. Table 1 summarizes the dates of all inspection and sampling visits.

Table 1. Inspection and Sampling Attempt Dates

Date	Activity
12/9/2014	Inspection
12/11/2014	Inspection
12/12/2014	Sampling
12/16/2014	Inspection
12/17/2014	Sampling
12/31/2014	Sampling
1/6/2015	Inspection
1/14/2015	Inspection

Summary of Inspections

Several significant BMP deficiencies were observed during the initial inspection on December 9, when the site was already under a Stop Work Notice from the City. Most significantly, there were several areas that lacked adequate erosion control BMPs, and there was also evidence of concentrated flows being directed to unstabilized areas, causing significant erosion. D-MAX documented these deficiencies and provided BMP recommendations as requested by the City. D-MAX re-inspected the site two days later on December 11 and observed that the majority of the deficiencies had not been corrected. On December 12, D-MAX visited the site during a rain event and collected samples of runoff from the site. Turbidity measurements were above 500 NTU for two samples taken near the southeast corner of the site and were above 400 NTU for a sample taken near the northeast corner of the site.

During the next inspection on December 16, some additional BMP deficiencies had been addressed, but the progress was still not sufficient. D-MAX returned to the site the following day to attempt to collect a sample, but the rain had already stopped, and no runoff sample was collected. D-MAX did observe sediment on the roadway outside of the southeast corner of the

site. A power-washing contractor was in the process of cleaning the road when D-MAX visited the site. D-MAX returned to the site on the morning of December 31 to attempt to collect another runoff sample, but once again the rain had stopped several hours before the site visit. D-MAX observed some sediment in the roadway again, but it appeared to be less than during the previous visit. D-MAX sampled water ponded at two locations just outside the southeast corner of the site. Turbidity was measured at 250 NTU and 235 NTU at these locations, but these measurements likely do not accurately reflect the turbidity of runoff since there had been time for sediment to settle out.

During the inspection on January 6, D-MAX observed that most of the major BMP deficiencies had been addressed, but a few still remained unresolved.

D-MAX performed its most recent inspection on January 14. D-MAX's assessment from this inspection is that the developer has made sufficient improvements to the site, and it is appropriate to lift the Stop Work Notice. There were some minor BMP deficiencies during the January 14 inspection, and the developer will still be required to address these promptly. However, the major deficiencies that led to the Stop Work Notice have been addressed, and the overall state of the site has been improved to the point where it no longer poses the severe risk of sediment discharges that it did in December.

Table 2 provides a summary of the different BMP deficiencies observed during inspections as well as the corrective actions that had been implemented as of January 14, 2015.

Table 2. Summary of BMP Deficiencies Observed and Corrective Actions Taken

BMP Deficiency	Corrective Action(s) Taken
Several lots lacked adequate erosion control BMPs.	Additional lots were hydroseeded. Some smaller areas were protected with plastic sheeting
Numerous slopes on the edges of lots were not sufficiently stabilized and protected from concentrated flows, and rills/gullies had formed.	Slopes were repaired where possible. BMPs were added upstream of slopes to prevent concentrated flows. Plastic sheeting was used in select areas to create protected spillways where concentrated flows could not be eliminated. Improved growth of hydroseed on slopes was also observed. All of the larger rills were addressed, but a few small rills still remained on January 14. The developer is required to address these areas still.
Sidewalls at the edges of lots also lacked erosion controls and several showed signs of erosion.	Sidewalls were protected with plastic sheeting.
Portions of the slope on the western edge of the site lacked full stabilization.	Additional fiber rolls were installed. Plastic sheeting was used to create protected spillways in areas where upstream contours were causing flows to concentrate.
Dirt roadways lacked sufficient stabilization and sediment controls.	Roads were compacted and large berms were built on them. A portion of the road that is inactive was hydroseeded.
Runoff from a significant portion of the site was being directed as concentrated flow to an unstabilized area in the site's southeast corner.	The developer built up an embankment to redirect flows away from this area and toward a settling area.
Some stockpiles lacked adequate cover	Covers were put on stockpiles.
The developer did not have sufficient quantities of BMP materials on site.	Additional gravel bags, fiber rolls, and silt fences were delivered to the site.
A significant amount of sediment was observed along the roadway at the southeast corner of the site.	Sweeping did not effectively remove all sediment, so a power-washing contractor was hired and removed the sediment from the road.
Gravel bag inlet protection BMPs were not always in place	Gravel bags were put in place to protect on-site and downstream off-site inlets.
Filter fabric used as part of inlet protection became potentially clogged by hydroseeding materials	Filter fabric was replaced.
Stockpiles were placed close to a drain inlet. The inlet is elevated above the ground height in that area, decreasing the risk of discharge, but stockpiles still need to be relocated away from the drain.	This deficiency was first observed on January 6. On January 14, the stockpiles had been covered, but they had not been moved sufficiently far enough away from the drain inlet. The developer is still required to address this item.
Sediment control BMPs were lacking or damaged in places.	A significant amount of additional silt fences and gravel bags were added to the site perimeter and the perimeters of lots.

Photo 1. Lot lacking erosion control BMPs

Photo 2. Hydroseed added to a lot

Photo 3. Evidence of erosion at edge of a lot

Photo 4. Rills filled in, area re-hydroseeded, silt fence added to perimeter of lot.

Photo 5. Sidewall without adequate erosion control

Photo 6Sidewall protected with plastic sheeting.

Exhibit No. 24

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI 1/6/15 10:30AM

Inspection: ☐ Permit-Required Inspection ☒ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☒ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: GR-1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? Unclear: Have additional silt fences but may need more after installing on more lots ☐ Yes ☐ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: ENCANTO CHANNEL TO CHOLLAS CREEK

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Area near Akins entrance not fully stabilized. Several gullies unprotected	No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			Additional gravel bags needed at base of plastic spillway on south side. Sidewalls lack plastic covering	No
Site Drainage: Outlet Protection/Slope Drain		X			
Inlet/Outlet Protection		X			
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Additional fiber rolls needed on slope on west side	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X			Fabric over drain in basin clogged with hydroseed. Bags along Akins have been removed & not replaced yet	No

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X				Yes
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			Uncovered stockpiles reported as active	Yes
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?	X				Yes
Other					
Are there any other potential storm water pollution issues/concerns?	X			Stockpiles are too close to drain in NE Basin. Need to be moved or removed	No
Was there any employee or subcontractor training on stormwater BMPs?			X	Not Discussed	

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☐ No violations; however, recommended corrective actions required
  - ☐ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☒ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☒ Stop Work Notice Issued on: Ongoing stop work/ Admin. citation

RECOMMENDED CORRECTIVE ACTION

See next page for recommendations

Construction BMP Recommendations

Site: VALENCIA SUBDIVISION Date: 1/6/15

Recommendations: (See MAP ON NEXT PAGE FOR LOCATIONS)

1. FULLY STABILIZE AREA. UTILIZE OTHER EROSION CONTROL BMPs (E.G. VISQUENE OR EROSION CONTROL BLANKETS) IF HYDROSEED GROWTH IS NOT SUFFICIENT
2. CLEAN OR REPLACE FILTER FABRIC
3. MOVE OR REMOVE STOCKPICES THAT ARE ADJACENT TO DRAIN
4. REPAIR GULLIES AND PREVENT CONCENTRATED FLOW TO AREA
5. REPAIR & STABILIZE SLOPE
6. USE EROSIDN CONTROLS TO STABILIZE EXPOSED SIDEWALLS. CONSIDER METHODS OTHER THAN HYDROSEED SINCE THERE IS EVIDENCE OF FAILURE
7. STABILIZE AREA IF INACTIVE OR RAIN IN FORECAST
8. ADD GRAVEL BAGS AT BOTTOM OF SPILLWAY
9. REPLACE GRAVEL BAGS ALONG AKINS

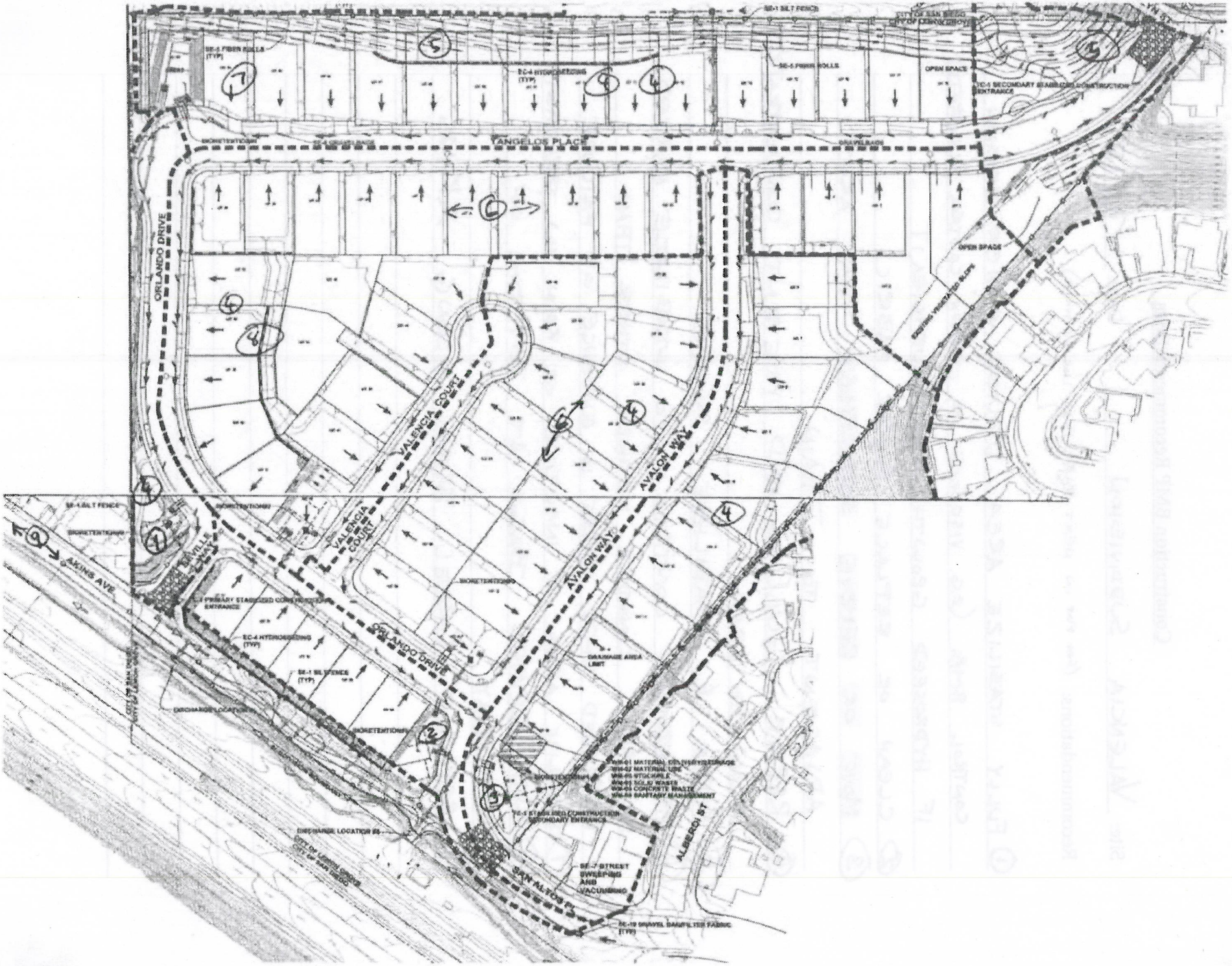

VANGELOS PLACE
ORLANDO DRIVE
VALENCIA COURT
AVALON WAY
OPEN SPACE
EXISTING VEGETATED SLOPE
SAKINS AVE
SAN ALTOS PL
ALBERDI ST
DRAINAGE AREA LIMIT
SE-1 SILT FENCE
SE-5 FIBER ROLLS
SE-7 STREET SWEEPING AND VACUUMING
TE-1 STABILIZED CONSTRUCTION SECONDARY ENTRANCE
TE-2 STABILIZED CONSTRUCTION PRIMARY ENTRANCE
WM-01 MATERIAL DELIVERY/STORAGE
WM-02 MATERIAL USE
WM-03 STOCKPILE MANAGEMENT
WM-05 CONCRETE WASTE
WM-09 SANITARY MANAGEMENT

Exhibit No. 25

CITY OF LEMON GROVE
3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM
CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

Inspector Name /Signature/Date/Time: TAD NAKATANI 1/14/15 7:15AM

Inspection: ☐ Permit-Required Inspection ☒ Follow-up Inspection ☐ Other (Explain)____

Construction Project Priority: ☐ High ☒ Medium ☐ Low

GENERAL INFORMATION

Grading or Building Permit #: GR-1692

Project Name & Type: VALENCIA SUBDIVISION

Project Location & Address: SAN ALTOS PLACE

Contractor's Name & Telephone #: ANDERSON DEVELOPMENT (949) 275-6739

Property Owner & Telephone #: SAN ALTOS LLC

Is this Project Greater than an Acre? ☒ Yes ☐ No ☐ N/A

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143

Does this Project have an NOI/SWPPP Available? ☒ Yes ☐ No ☐ N/A

Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No ☒ N/A

Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No ☒ N/A

Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☒ No ☐ N/A

Is 125% of Materials to Install Standby BMPs Available? ☒ Yes ☐ No ☐ N/A

Are Routine Self-Inspections Being Conducted by Developer/Owner? ☒ Yes ☐ No ☐ N/A

Project Site is in What Sub-Watershed: ☒ Chollas Creek 908.22 ☐ Sweetwater River 909.12

Nearest Conveyances or Water Bodies: ENCANTO CHANNEL TO CHOLLAS CREEK

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Soil Stabilization and Erosion Prevention					
Preservation of existing vegetation?			X		
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			Some areas near Akins where hydroseeding has not grown. Some remaining ~~gullies~~ rills on edges of lots & slope corner	No
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X			Most sidewalks have been covered but a couple in the northern part of site lack protection	No
Site Drainage: Outlet Protection/Slope Drain		X			
Inlet/Outlet Protection		X			
Sediment Control/Containment					
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Broken silt fence near San Altos	No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier					

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X				Yes
Materials and Equipment Management					
Are materials and wastes stored in a manner that minimizes or eliminates the potential to discharge these materials to the storm drain system, is secondary containment used?	X				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?		X		Wood/scrap pile should be removed or protected	NO
Are heavy equipment and vehicles parked in designated areas with permeable surface?	X				Yes
Are appropriate spill response and containment measures kept on the site?	X				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	X				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes
Non-Storm Water Management					
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
Discharge Locations					
Are the discharge locations free of significant erosion or sediment transport?	X				Yes
Other					
Are there any other potential storm water pollution issues/concerns?	X			Stockpiles are located too close to drain in NE Basin. Remove or relocate them outside of basin	No
Was there any employee or subcontractor training on stormwater BMPs?			X	plus discussed	

VIOLATIONS

- ☐ No violations noted at time of inspection/investigation
- ☐ No violations; however, recommended corrective actions required
  - ☐ Inspection Form as Correct Work Notice ☐ Correct Work Notice Issued on: _____
- ☒ Violation: Illegal Discharge/Illegal Connection/Improper BMPs Implementation
  - ☒ Stop Work Notice Issued on: ongoing stop work/Admin. citation

RECOMMENDED CORRECTIVE ACTION

See next page for recommendations

Construction BMP Recommendations

Site: VALENCIA SUBDIVISION Date: 1/14/15

Recommendations:

1. STABILIZE REMAINING SMALL AREAS THAT LACK FULL HYDROSEED OR VISQUEEN COVER
2. INSTALL EROSION CONTROLS ON REMAINING SIDEWALLS
3. REMOVE THE STOCKPILES THAT ARE NEAR THE DRAIN OR RELOCATE THEM OUTSIDE OF THE BASIN
4. REPAIR BROKEN SILT FENCE
5. STABILIZE AREA IF INACTIVE OR RAIN IN FORECAST
6. REMOVE OR PROTECT WOOD/SCRAP PILE
7. REPAIR MINOR RILLS AND PROTECT AGAINST CONCENTRATED FLOWS IN THE AREA

1/14/15

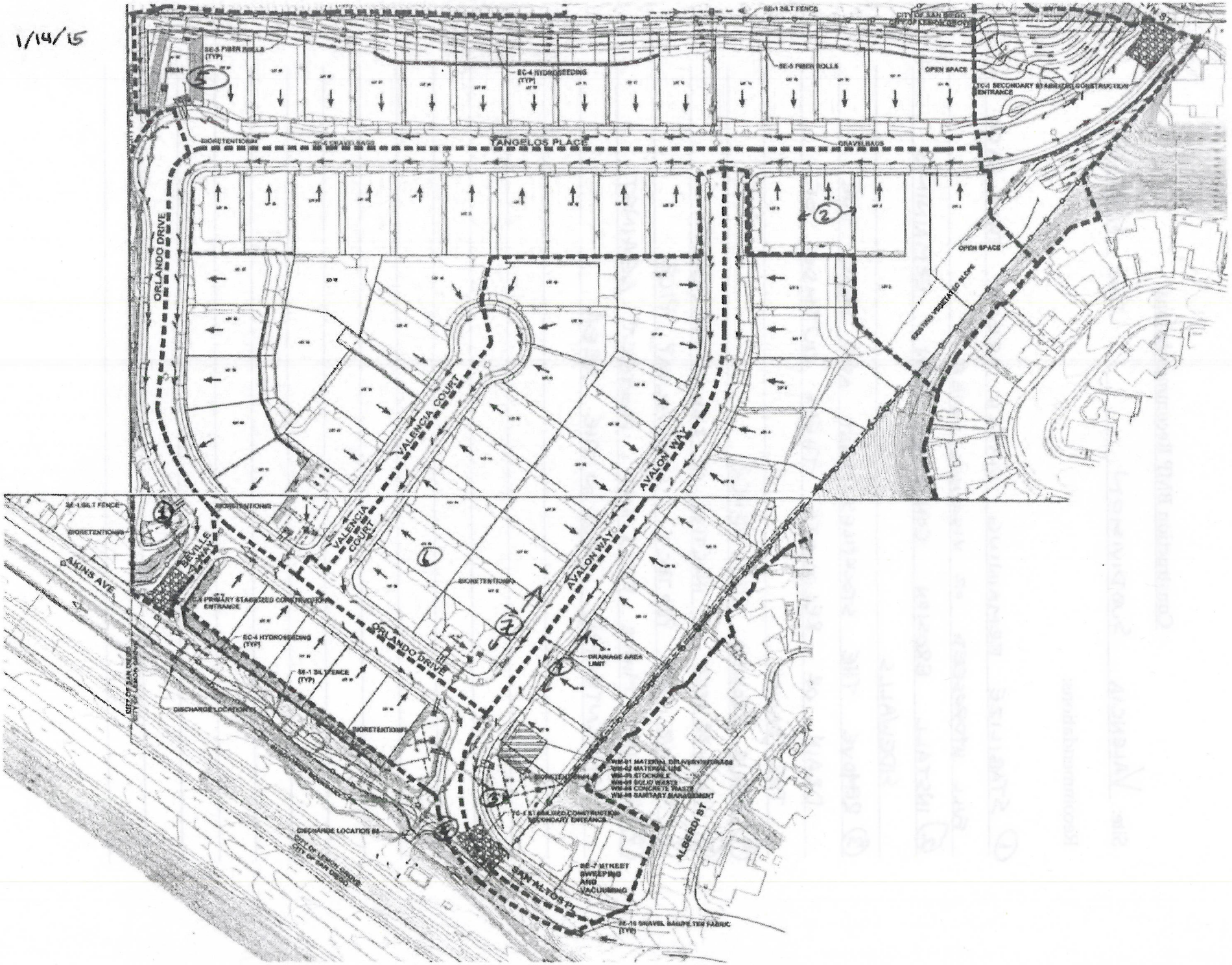

SE-1 SILT FENCE
SE-5 FIBER ROLLS (TYP)
EC-4 HYDROSEEDING (TYP)
SE-5 FIBER ROLLS
OPEN SPACE
TC-1 SECONDARY STABILIZED CONSTRUCTION ENTRANCE
BIORETENTION
GRAVEL BAGS
TANGELOS PLACE
ORLANDO DRIVE
VALENCIA COURT
AVALON WAY
EXISTING VEGETATED SLOPE
BEVILLE AWAY
OAKINS AVE
PRIMARY STABILIZED CONSTRUCTION ENTRANCE
DISCHARGE LOCATION
DRAINAGE AREA LIMIT
WM-01 MATERIAL DELIVERY/STORAGE
WM-02 MATERIAL USE
WM-05 STOCKPILE
WM-06 SOLID WASTE
WM-08 CONCRETE WASTE
WM-09 SANITARY MANAGEMENT
TC-1 STABILIZED CONSTRUCTION SECONDARY ENTRANCE
DISCHARGE LOCATION 88
CITY OF UNION GROVE
CITY OF SAN DIEGO
SAN ALTOS PL
ALBERDI ST
SE-7 STREET SWEEPING AND VACUUMING
SE-10 GRAVEL BAG/FILTER FABRIC (TYP)

Exhibit No. 26

CITY OF LEMON GROVE
ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION

Circle One: Warning | 1st Citation $100 | 2nd Citation $200 | 3rd Citation $500 | 4th Citation $1,000 (6TH)

Payment of $ 1,000- is due no later than NOV 6, 2015 to the City of Lemon Grove. The City accepts cash, check or credit card.

If the violation is not corrected by the date specified therein and/or payment is not received by the date above, the next level of citation may be issued, other enforcement actions may occur, and penalties may be assessed (25% and interest at the rate of 10% per month). Payment of fine does not excuse or discharge the failure to correct violation identified below.

B) RESPONSIBLE PARTY INFORMATION

Person Cited: ANDERSON (Last Name) TIM (First Name)

Circle One: Property Owner Tenant Business Owner Other Developer

Mailing Address: 3194-62 AIRPORT LOOP DR. COSTA MESA CA 92626

Business Name (if applicable): NEW POINT HOMES

C) VIOLATION(S) INFORMATION

Date (Violation Observed): OCT 5, 2015 Time (Violation Observed): 2:30PM

Location of Violation: SAN AITOL (VALENCIA) (Street Address) (APN)

Violation(s) Observed (Code Section and Description):
PER GRADING PLANS, # [redacted] 2671, GRADING PERMIT # 2014-01, SITE IS NOT IN COMPLIANCE WITH SHEET 11A, "EROSION CONTROL NOTES." SEE PHOTOS

D) CORRECTION(S) REQUIRED (with date to complete corrections)

17 DAYS OR BEFORE RAIN EVENT, SITE TO BE IN SUBSTANTIAL COMPLIANCE WITH GRADING PLANS

E) SERVICING CITATION INFORMATION

Enforcing Officer Name: GARY HARPER Phone No.: (619) 454-1272 Signature: [signature] Date: OCT 5, 2015

Person Cited – Signature Acknowledging Receipt _____ (Date)

Citation Served (circle one): In Person | By Mail EMAIL | Posted on Property

This citation may be appealed within thirty (30) days from date of correction identified in Section D. To request an appeal, a Request an Appeal Hearing form (available at City Hall) should be completed and returned to City Hall. In the event a Hardship Waiver is requested, the Request for an Appeal Hearing and Hardship Waiver forms are required within fifteen (15) days from the correction date identified in Section D.

WHITE-ORIGINAL PINK-COPY CITATION CARD-OWNER

EROSION SEDIMENT CONTROL VALENCIA OCT 5, 2015

Erosion / sediment control Valencia Oct 5, 2015

EROSION CONTROL / STOCKPILE VALENCIA OCT 5, 2015

VALENCIA OCT 5, 2018 FAILURE TO MAINTAIN BMP'S, EROSION CONTROL

BMP FAILURE VALENCIA OCT 5, 2011

EROSION CONTROL VALENCIA OCT 5, 2015

Exhibit No. 27
Site: Valencia Hills

Penalty Methodology Decisions
R9-2015-0110

Discharge Violation: Potential for Harm

Violations	Harm/Potential Harm to Benficial Uses [0 -5]	Physical, Chemical, Biological or Thermal Characteristics [0 -4]	Susceptibility to Cleanup or Abatement [0 or 1]	Total Potential for Harm [0 - 10]
Violation 1	3	2	1	6

Discharge Violation

Violations	Total Potential for Harm [0 - 10]	Deviation from Requirement [minor, moderate, major]	Total per Day	Days of Violation	Statutory Max per [WC § 13385]	Culpability [0.5 - 1.5]	Cleanup and Cooperation [0.75 - 1.5]	History of Violations	Liability Amount	Economic Benefit	Liability Minimum	Liability Maximum
Violation 1	6	major	0.22	6	$10,000	1.3	1.1	1.0	**$18,876**	$9,476	$10,424	$60,000

Non-Discharge Violations

Violations	Potential for Harm minor, moderate, major	Deviation from Requirement [minor, moderate, major]	Total per Day	Days of Violation	Statutory Max per [WC § 13385]	Culpability [0.5 - 1.5]	Cleanup and Coopeartion [0.75 - 1.5]	History of Violations	Liability Amount	Economic Benefit	Liability Minimum	Liability Maximum
Violation 2	moderate	moderate	0.35	10	$10,000	1.3	1.1	1.0	**$50,050**	$1,088	$1,197	$100,000
Violation 3	moderate	major	0.55	2	$10,000	1.3	1.1	1.0	**$15,730**	$823	$905	$20,000
Violation 4	moderate	major	0.55	22	$10,000	1.3	1.1	1.0	**$173,030**	$5,966	$6,563	$220,000
Violation 5	moderate	moderate	0.35	14	$10,000	1.3	1.1	1.0	**$70,070**	$2,175	$2,393	$140,000
Violation 6	moderate	major	0.55	22	$10,000	1.3	1.1	1.0	**$173,030**	$5,966	$6,563	$220,000
Violation 7	moderate	major	0.55	9	$10,000	1.3	1.1	1.0	**$70,785**	$700	$770	$90,000
Violation 8	moderate	moderate	0.35	7	$10,000	1.3	1.1	1.0	**$35,035**	$420	$462	$70,000
Violation 9	moderate	moderate	0.35	10	$10,000	1.3	1.1	1.0	**$50,050**	$211	$232	$100,000
Violation 10	moderate	moderate	0.35	3	$10,000	1.3	1.0	1.0	**$13,650**	$420	$462	$30,000
Violation 11	minor	moderate	0.25	9	$10,000	1.3	1.1	1.0	**$32,175**	$315	$347	$90,000
Violation 12	major	moderate	0.55	7	$10,000	1.3	1.1	1.0	**$55,055**	$1,985	$2,184	$70,000
Violation 13	minor	major	0.35	15	$10,000	1.3	1.1	1.0	**$75,075**	$378	$416	$150,000
												$1,360,000

Ability to Pay & Continue in Business	
[Yes, No, Partly, Unknown]	Other
Yes	N/A

Other Factors as Justice May Require	
Costs of Investigation & Enforcement	Other
$15,763	N/A

Total Liabilities
$832,611

Total Liability (All liabilities plus staff costs)
$848,374

Exhibit No. 28

Economic Benefit Calculation and Supporting Documentation

San Altos Lemon Grove, LLC - Valencia Hills (Region 9 - San Diego)

Caution: Use this spreadsheet as an "information only tool". It is not linked to BEN and will do no calculations.
Please check with the ORPP economist Madalene Ransom (916 322-8417) before using this information to run BEN .
And, contact your OE attorney before using the BEN results in preparing an ACLC or other actions that may in any way be controversial.

Compliance Action (List the actions which would have prevented the violation)	One-Time Nondepreciable Expenditure			Annual Cost		Non-Compliance Date	Compliance Date	Penalty Payment Date	Benefit of Noncompliance
	Amount	Date[1]	Delayed?[2]	Amount	Date[1]				
1. Discharges: Spray three acres of bonded fiber matrix ($4,000/acre), install 500 gravel bags ($1/ea.) and install 1,000 feet of Fiber Rolls ($1/ft.).	$13,500	11/1/2009	N	$0		12/1/2014	12/16/2015	12/16/2015	$9,476
2. Stockpiles: Install 500 feet of fiber rolls ($1/ft.) and 15,000 square feet (5x3,000) of plastic ($0.07/square feet).	$1,550	11/1/2009	N	$0		12/2/2014	12/16/2015	12/16/2015	$1,088
3. Vehicles: Install 5 drip pads ($257.14 ea.).	$1,286	1/21/2015	N	$0		12/15/2014	12/16/2015	12/16/2015	$823
4. Erosion Inactive: Spray two acres of bonded fiber matrix ($4,000/acre), and install 500 gravel bags ($1/ea.).	$8,500	11/1/2009	N	$0		12/1/2014	12/16/2015	12/16/2015	$5,966
5. Perimeter Sediment BMPs: Install 500 feet of fiber rolls ($1/ft.), 200 gravel bags ($1/ea.), and a stabilized entrance ($2,400 ea.).	$3,100	11/1/2009	N	$0		12/4/2014	5/15/2015	12/16/2015	$2,175
6. Erosion Active: Spray two acres of bonded fiber matrix ($4,000/acre) and install 500 feet of fiber rolls ($1/ft.).	$8,500	11/1/2009	N	$0		12/1/2014	12/16/2015	12/16/2015	$5,966
7. Linear Sediment: Install 1,000 feet of fiber rolls ($1/ft.)	$1,000	11/1/2009	N	$0		12/15/2014	12/16/2015	12/16/2015	$700
8. Run-On/Runoff: Install 500 feet of fiber rolls ($1/ft.) and 100 gravel bags ($1/bag).	$600	11/1/2009	N	$0		12/15/2014	12/16/2015	12/16/2015	$420
9. Remove Sed Roads: Four hours of street sweeping ($75/hr.).	$300	11/1/2009	N	$0		12/2/2014	12/8/2014	12/16/2015	$211
10. Storm Drain Inlet Protection: Install and maintain inlet protection ($200/ea.).	$600	11/1/2009	N	$0		12/8/2014	12/9/2014	12/16/2015	$420
11. Waste Stockpiles: Install 175 feet fiber rolls ($1/ft.) and 4,000 sq. ft. of plastic ($0.07/square feet).	$455	11/1/2009	N	$0		1/6/2015	1/15/2015	12/16/2015	$315
12. Chemical Storage:	$3,213	9/2/2015	N	$0		3/18/2015	3/25/2015	12/16/2015	$1,985
13. Concrete Waste: Rent one concrete washout bin (delivery $475 plus 8% fuel surcharge, and $7/day).	$618	9/15/2014	N	$0		3/18/2015	3/25/2015	12/16/2015	$378
Totals							**calculated by BEN**		**$29,923**

Cost Index for Inflation:		PCI		PCI	See Table 1 below for Index choices.	Date/Time of Information:

Income Tax Schedule:	C	See Table 2 below for choices.
Discount/Compound Rate:	7.5%	This percentage provided by BEN
Source: USEPA BEN Model:	Version 5.5.0	
Person gathering information:	Frank Melbourn	

[1] Date cost estimate was made.

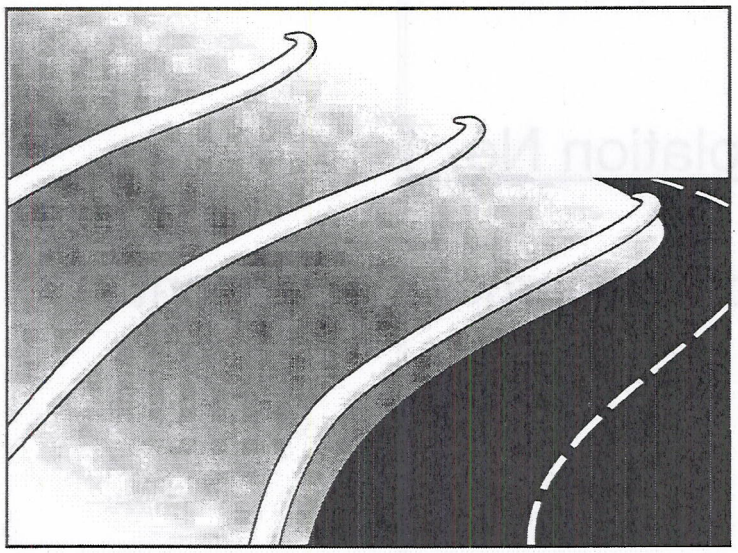
[2] Enter "y" if delayed, and "n" if avoided.

Violation No. 1

Unauthorized Discharge of Sediment
(6 days)

Fiber Rolls

SE-5



Categories		
EC	Erosion Control	☒
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Category**
☒ **Secondary Category**

Description and Purpose

A fiber roll consists of straw, coir, or other biodegradable materials bound into a tight tubular roll wrapped by netting, which can be photodegradable or natural. Additionally, gravel core fiber rolls are available, which contain an imbedded ballast material such as gravel or sand for additional weight when staking the rolls are not feasible (such as use as inlet protection). When fiber rolls are placed at the toe and on the face of slopes along the contours, they intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff (through sedimentation). By interrupting the length of a slope, fiber rolls can also reduce sheet and rill erosion until vegetation is established.

Suitable Applications

Fiber rolls may be suitable:

- Along the toe, top, face, and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow.
- At the end of a downward slope where it transitions to a steeper slope.
- Along the perimeter of a project.
- As check dams in unlined ditches with minimal grade.
- Down-slope of exposed soil areas.
- At operational storm drains as a form of inlet protection.

Targeted Constituents	
Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives
SE-1 Silt Fence
SE-6 Gravel Bag Berm
SE-8 Sandbag Barrier
SE-14 Biofilter Bags

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- Around temporary stockpiles.

Limitations

- Fiber rolls are not effective unless trenched in and staked.
- Not intended for use in high flow situations.
- Difficult to move once saturated.
- If not properly staked and trenched in, fiber rolls could be transported by high flows.
- Fiber rolls have a very limited sediment capture zone.
- Fiber rolls should not be used on slopes subject to creep, slumping, or landslide.
- Rolls typically function for 12-24 months depending upon local conditions.

Implementation

Fiber Roll Materials

- Fiber rolls should be prefabricated.
- Fiber rolls may come manufactured containing polyacrylamide (PAM), a flocculating agent within the roll. Fiber rolls impregnated with PAM provide additional sediment removal capabilities and should be used in areas with fine, clayey or silty soils to provide additional sediment removal capabilities. Monitoring may be required for these installations.
- Fiber rolls are made from weed free rice straw, flax, or a similar agricultural material bound into a tight tubular roll by netting.
- Typical fiber rolls vary in diameter from 9 in. to 20 in. Larger diameter rolls are available as well.

Installation

- Locate fiber rolls on level contours spaced as follows:
  - Slope inclination of 4:1 (H:V) or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
  - Slope inclination between 4:1 and 2:1 (H:V): Fiber Rolls should be placed at a maximum interval of 15 ft. (a closer spacing is more effective).
  - Slope inclination 2:1 (H:V) or greater: Fiber Rolls should be placed at a maximum interval of 10 ft. (a closer spacing is more effective).
- Prepare the slope before beginning installation.
- Dig small trenches across the slope on the contour. The trench depth should be ¼ to 1/3 of the thickness of the roll, and the width should equal the roll diameter, in order to provide area to backfill the trench.

- It is critical that rolls are installed perpendicular to water movement, and parallel to the slope contour.
- Start building trenches and installing rolls from the bottom of the slope and work up.
- It is recommended that pilot holes be driven through the fiber roll. Use a straight bar to drive holes through the roll and into the soil for the wooden stakes.
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into the trench.
  - Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center.
  - Use wood stakes with a nominal classification of 0.75 by 0.75 in. and minimum length of 24 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.
- See typical fiber roll installation details at the end of this fact sheet.

Removal

- Fiber rolls can be left in place or removed depending on the type of fiber roll and application (temporary vs. permanent installation). Typically, fiber rolls encased with plastic netting are used for a temporary application because the netting does not biodegrade. Fiber rolls used in a permanent application are typically encased with a biodegradeable material and are left in place. Removal of a fiber roll used in a permanent application can result in greater disturbance.
- Temporary installations should only be removed when up gradient areas are stabilized per General Permit requirements, and/or pollutant sources no longer present a hazard. But, they should also be removed before vegetation becomes too mature so that the removal process does not disturb more soil and vegetation than is necessary.

Costs

Material costs for regular fiber rolls range from $20 - $30 per 25 ft roll.

Material costs for PAM impregnated fiber rolls range between 7.00-$9.00 per linear foot, based upon vendor research.

Inspection and Maintenance

- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Repair or replace split, torn, unraveling, or slumping fiber rolls.
- If the fiber roll is used as a sediment capture device, or as an erosion control device to maintain sheet flows, sediment that accumulates in the BMP should be periodically removed

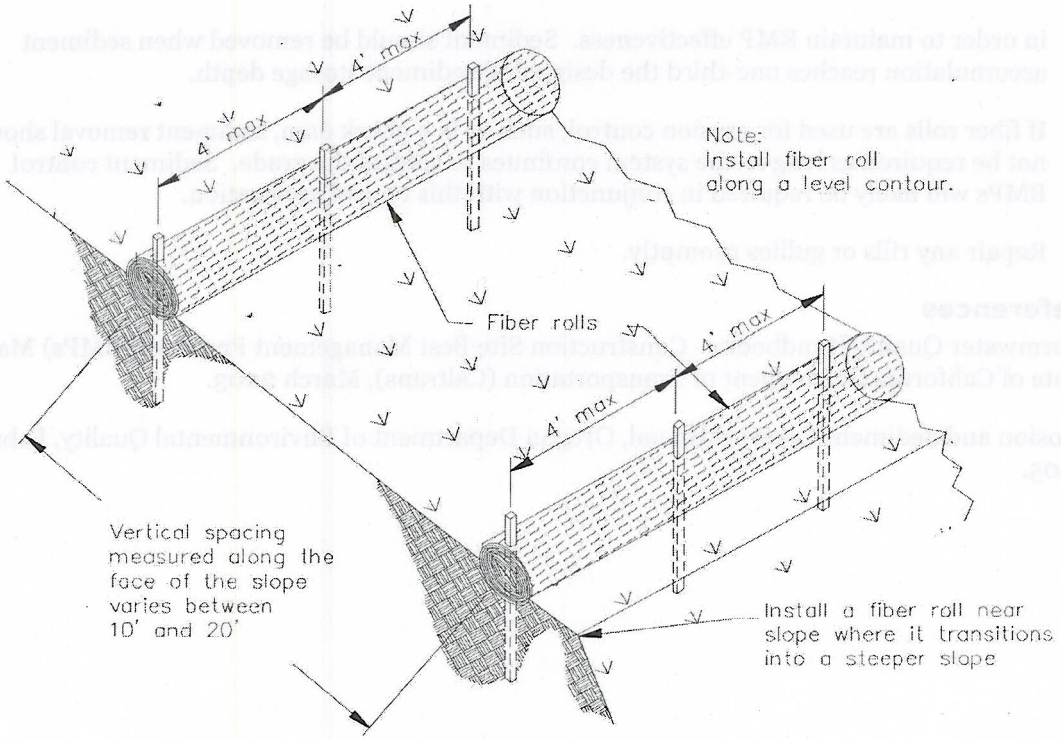
in order to maintain BMP effectiveness. Sediment should be removed when sediment accumulation reaches one-third the designated sediment storage depth.

- If fiber rolls are used for erosion control, such as in a check dam, sediment removal should not be required as long as the system continues to control the grade. Sediment control BMPs will likely be required in conjunction with this type of application.
- Repair any rills or gullies promptly.

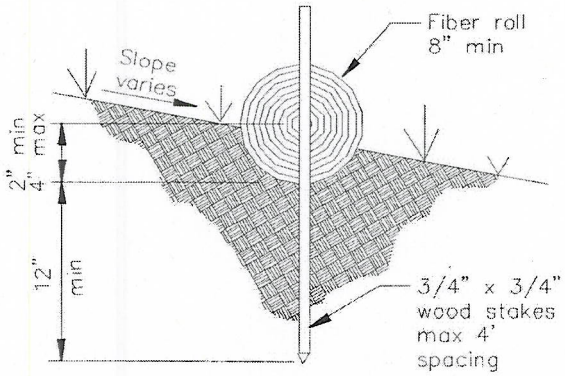
References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

Erosion and Sediment Control Manual, Oregon Department of Environmental Quality, February 2005.

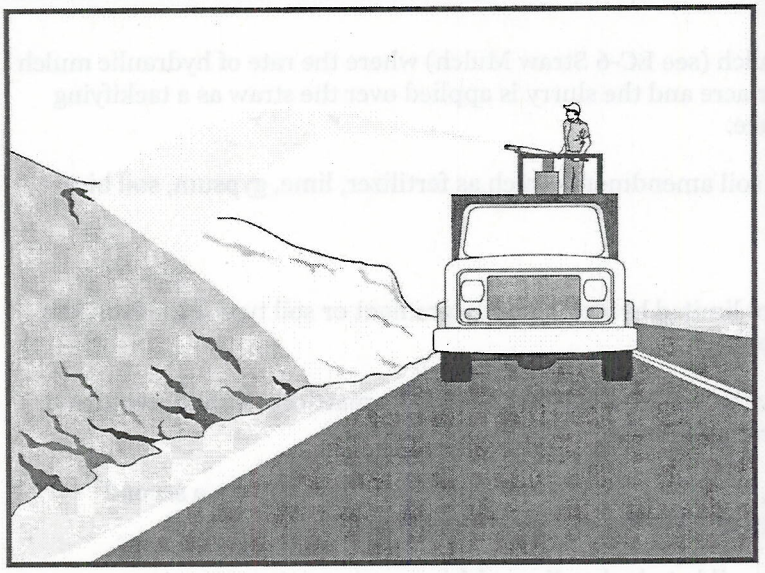


TYPICAL FIBER ROLL INSTALLATION
N.T.S.



ENTRENCHMENT DETAIL
N.T.S.

Hydraulic Mulch EC-3



Categories

EC	Erosion Control	☑
SE	Sediment Control	
TC	Tracking Control	
WE	Wind Erosion Control	☒
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Category**
☒ **Secondary Category**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

EC-4 Hydroseeding
EC-5 Soil Binders
EC-6 Straw Mulch
EC-7 Geotextiles and Mats
EC-8 Wood Mulching
EC-14 Compost Blanket
EC-16 Non-Vegetative Stabilization

Description and Purpose

Hydraulic Mulch consists of various types of fibrous materials mixed with water and sprayed onto the soil surface in slurry form to provide a layer of temporary protection from wind and water erosion.

Suitable Applications

Hydraulic mulch as a temporary, stand alone, erosion control BMP is suitable for disturbed areas that require temporary protection from wind and water erosion until permanent soil stabilization activities commence. Examples include:

- Rough-graded areas that will remain inactive for longer than permit-required thresholds (e.g., 14 days) or otherwise require stabilization to minimize erosion or prevent sediment discharges.
- Soil stockpiles.
- Slopes with exposed soil between existing vegetation such as trees or shrubs.
- Slopes planted with live, container-grown vegetation or plugs.
- Slopes burned by wildfire.

Hydraulic mulch can also be applied to augment other erosion control BMPs such as:

- In conjunction with straw mulch (see EC-6 Straw Mulch) where the rate of hydraulic mulch is reduced to 100-500 lbs per acre and the slurry is applied over the straw as a tackifying agent to hold the straw in place.
- Supplemental application of soil amendments, such as fertilizer, lime, gypsum, soil bio-stimulants or compost.

Limitations

In general, hydraulic mulch is not limited by slope length, gradient or soil type. However, the following limitations typically apply:

- Most hydraulic mulch applications, particularly bonded fiber matrices (BFMs), require at least 24 hours to dry before rainfall occurs.
- Temporary applications (i.e., without a vegetative component) may require a second application in order to remain effective for an entire rainy season.
- Treatment areas must be accessible to hydraulic mulching equipment.
- Availability of water sources in remote areas for mixing and application.
- As a stand-alone temporary BMP, hydraulic mulches may need to be re-applied to maintain their erosion control effectiveness, typically after 6-12 months depending on the type of mulch used.
- Availability of hydraulic mulching equipment may be limited just prior to the rainy season and prior to storms due to high demand.
- Cellulose fiber mulches alone may not perform well on steep slopes or in course soils.

Implementation

- Where feasible, it is preferable to prepare soil surfaces prior to application by roughening embankments and fill areas with a crimping or punching type roller or by track walking.
- The majority of hydraulic mulch applications do not necessarily require surface/soil preparation (See EC-15 Soil Preparation) although in almost every case where re-vegetation is included as part of the practice, soil preparation can be beneficial. One of the advantages of hydraulic mulch over other erosion control methods is that it can be applied in areas where soil preparation is precluded by site conditions, such as steep slopes, rocky soils, or inaccessibility.
- Avoid mulch over spray onto roads, sidewalks, drainage channels, existing vegetation, etc.
- Hydraulic mulching is generally performed utilizing specialized machines that have a large water-holding/mixing tank and some form of mechanical agitation or other recirculation method to keep water, mulch and soil amendments in suspension. The mixed hydraulic slurry can be applied from a tower sprayer on top of the machine or by extending a hose to areas remote from the machine.

- Where possible apply hydraulic mulch from multiple directions to adequately cover the soil. Application from a single direction can result in shadowing, uneven coverage and failure of the BMP.
- Hydraulic mulch can also include a vegetative component, such as seed, rhizomes, or stolons (see EC-4 Hydraulic Seed).
- Typical hydraulic mulch application rates range from 2,000 pounds per acre for standard mulches (SMs) to 3,500 pounds per acre for BFMs. However, the required amount of hydraulic mulch to provide adequate coverage of exposed topsoil may appear to exceed the standard rates when the roughness of the soil surface is changed due to soil preparation methods (see EC-15 Soil Preparation) or by slope gradient.
- Other factors such as existing soil moisture and soil texture can have a profound effect on the amount of hydraulic mulch required (i.e. application rate) applied to achieve an erosion-resistant covering.
- Avoid use of mulch without a tackifier component, especially on slopes.
- Mulches used in the hydraulic mulch slurry can include:
  - Cellulose fiber
  - Thermally-processed wood fibers
  - Cotton
  - Synthetics
  - Compost (see EC-14, Compost Blanket)
- Additional guidance on the comparison and selection of temporary slope stabilization methods is provided in Appendix F of the Handbook.

Categories of Hydraulic Mulches

Standard Hydraulic Mulch (SM)

Standard hydraulic mulches are generally applied at a rate of 2,000 pounds per acre and are manufactured containing around 5% tackifier (i.e. soil binder), usually a plant-derived guar or psyllium type. Most standard mulches are green in color derived from food-color based dyes.

Hydraulic Matrices (HM) and Stabilized Fiber Matrices (SFM)

Hydraulic matrices and stabilized fiber matrices are slurries which contain increased levels of tackifiers/soil binders; usually 10% or more by weight. HMs and SFMs have improved performance compared to a standard hydraulic mulch (SM) because of the additional percentage of tackifier and because of their higher application rates, typically 2,500 – 4,000 pounds per acre. Hydraulic matrices can include a mixture of fibers, for example, a 50/50 blend of paper and wood fiber. In the case of an SFM, the tackifier/soil binder is specified as a polyacrylamide (PAM).

Bonded Fiber Matrix (BFM)

Bonded fiber matrices (BFMs) are hydraulically-applied systems of fibers, adhesives (typically guar based) and chemical cross-links. Upon drying, the slurry forms an erosion-resistant blanket that prevents soil erosion and promotes vegetation establishment. The cross-linked adhesive in the BFM should be biodegradable and should not dissolve or disperse upon re-wetting. BFMs are typically applied at rates from 3,000 to 4,000 lbs/acre based on the manufacturer's recommendation. BFMs should not be applied immediately before, during or immediately after rainfall or if the soil is saturated. Depending on the product, BFMs typically require 12 to 24 hours to dry and become effective.

Mechanically-Bonded Fiber Matrices (MBFM)

Mechanically-bonded fiber matrices (MBFMs) are hydraulically applied systems similar to BFM that use crimped synthetic fibers and PAM and are typically applied to a slope at a higher application rate than a standard BFM.

Hydraulic Compost Matrix (HCM)

Hydraulic compost matrix (HCM) is a field-derived practice whereby finely graded or sifted compost is introduced into the hydraulic mulch slurry. A guar-type tackifier can be added for steeper slope applications as well as any specified seed mixtures. A HCM can help to accelerate seed germination and growth. HCMs are particularly useful as an in-fill for three-dimensional re-vegetation geocomposites, such as turf reinforcement mats (TRM) (see EC-7 Geotextiles and Mats).

Costs

Average installed costs for hydraulic mulch categories are is provided in Table 1, below.

Table 1
HYDRAULIC MULCH BMPs
INSTALLED COSTS

BMP	Installed Cost/Acre
Standard Hydraulic Mulching (SM)	$1,700 - $3,600 per acre
Hydraulic Matrices (HM) and Stabilized Fiber Matrices	
Guar-based	$2,000 - $4,000 per acre
PAM-based	$2,500 - $5,610 per acre
Bonded Fiber Matrix (BFM)	$3,900 - $6,900 per acre
Mechanically Bonded Fiber Matrix (MBFM)	$4,500 - $6,000 per acre
Hydraulic Compost Matrix (HCM)	$3,000 - $3,500 per acre

Source: Caltrans Soil Stabilization BMP Research for Erosion and Sediment Controls, July 2007

Inspection and Maintenance

- Maintain an unbroken, temporary mulched ground cover throughout the period of construction when the soils are not being reworked.
- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected

weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.

- Areas where erosion is evident should be repaired and BMPs re-applied as soon as possible. Care should be exercised to minimize the damage to protected areas while making repairs, as any area damaged will require re-application of BMPs.
- Compare the number of bags or weight of applied mulch to the area treated to determine actual application rates and compliance with specifications.

References

Soil Stabilization BMP Research for Erosion and Sediment Controls: Cost Survey Technical Memorandum, State of California Department of Transportation (Caltrans), July 2007.

Controlling Erosion of Construction Sites, Agricultural Information #347, U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service – SCS).

Guides for Erosion and Sediment Control in California, USDA Soils Conservation Service, January 1991.

Manual of Standards of Erosion and Sediment Control Measures, Association of Bay Area Governments, May 1995.

Sedimentation and Erosion Control, An Inventory of Current Practices Draft, US EPA, April 1990.

Soil Erosion by Water, Agriculture Information Bulletin #513, U.S. Department of Agriculture, Soil Conservation Service.

Stormwater Quality Handbooks Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

Guidance Document: Soil Stabilization for Temporary Slopes, State of California Department of Transportation (Caltrans), November 1999

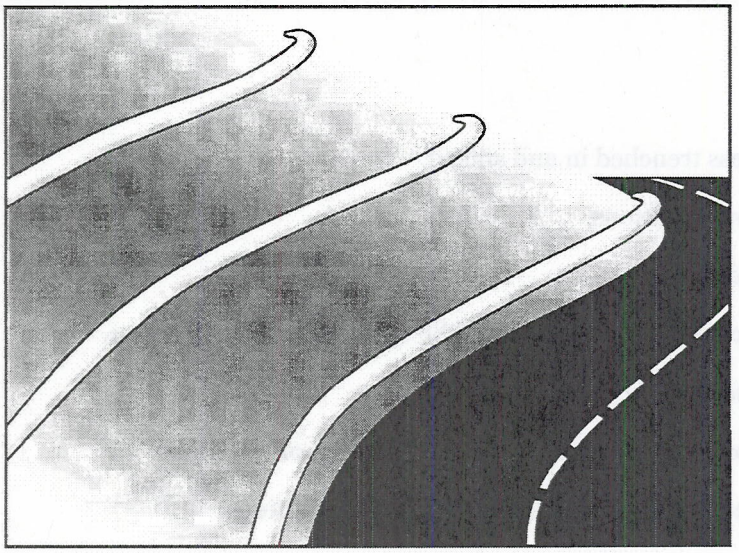
Stormwater Management of the Puget Sound Basin, Technical Manual, Publication #91-75, Washington State Department of Ecology, February 1992.

Water Quality Management Plan for the Lake Tahoe Region, Volume II, Handbook of Management Practices, Tahoe Regional Planning Agency, November 1988.

Violation No. 2

Failure to Implement Material Stockpile BMPs (10 days)

Fiber Rolls SE-5



Description and Purpose

A fiber roll consists of straw, coir, or other biodegradable materials bound into a tight tubular roll wrapped by netting, which can be photodegradable or natural. Additionally, gravel core fiber rolls are available, which contain an imbedded ballast material such as gravel or sand for additional weight when staking the rolls are not feasible (such as use as inlet protection). When fiber rolls are placed at the toe and on the face of slopes along the contours, they intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff (through sedimentation). By interrupting the length of a slope, fiber rolls can also reduce sheet and rill erosion until vegetation is established.

Suitable Applications

Fiber rolls may be suitable:

- Along the toe, top, face, and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow.
- At the end of a downward slope where it transitions to a steeper slope.
- Along the perimeter of a project.
- As check dams in unlined ditches with minimal grade.
- Down-slope of exposed soil areas.
- At operational storm drains as a form of inlet protection.

Categories

EC	Erosion Control	☒
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Category**
☒ **Secondary Category**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

SE-1 Silt Fence
SE-6 Gravel Bag Berm
SE-8 Sandbag Barrier
SE-14 Biofilter Bags

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- Around temporary stockpiles.

Limitations

- Fiber rolls are not effective unless trenched in and staked.
- Not intended for use in high flow situations.
- Difficult to move once saturated.
- If not properly staked and trenched in, fiber rolls could be transported by high flows.
- Fiber rolls have a very limited sediment capture zone.
- Fiber rolls should not be used on slopes subject to creep, slumping, or landslide.
- Rolls typically function for 12-24 months depending upon local conditions.

Implementation

Fiber Roll Materials

- Fiber rolls should be prefabricated.
- Fiber rolls may come manufactured containing polyacrylamide (PAM), a flocculating agent within the roll. Fiber rolls impregnated with PAM provide additional sediment removal capabilities and should be used in areas with fine, clayey or silty soils to provide additional sediment removal capabilities. Monitoring may be required for these installations.
- Fiber rolls are made from weed free rice straw, flax, or a similar agricultural material bound into a tight tubular roll by netting.
- Typical fiber rolls vary in diameter from 9 in. to 20 in. Larger diameter rolls are available as well.

Installation

- Locate fiber rolls on level contours spaced as follows:
  - Slope inclination of 4:1 (H:V) or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
  - Slope inclination between 4:1 and 2:1 (H:V): Fiber Rolls should be placed at a maximum interval of 15 ft. (a closer spacing is more effective).
  - Slope inclination 2:1 (H:V) or greater: Fiber Rolls should be placed at a maximum interval of 10 ft. (a closer spacing is more effective).
- Prepare the slope before beginning installation.
- Dig small trenches across the slope on the contour. The trench depth should be ¼ to 1/3 of the thickness of the roll, and the width should equal the roll diameter, in order to provide area to backfill the trench.

- It is critical that rolls are installed perpendicular to water movement, and parallel to the slope contour.
- Start building trenches and installing rolls from the bottom of the slope and work up.
- It is recommended that pilot holes be driven through the fiber roll. Use a straight bar to drive holes through the roll and into the soil for the wooden stakes.
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into the trench.
  - Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center.
  - Use wood stakes with a nominal classification of 0.75 by 0.75 in. and minimum length of 24 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.
- See typical fiber roll installation details at the end of this fact sheet.

Removal

- Fiber rolls can be left in place or removed depending on the type of fiber roll and application (temporary vs. permanent installation). Typically, fiber rolls encased with plastic netting are used for a temporary application because the netting does not biodegrade. Fiber rolls used in a permanent application are typically encased with a biodegradeable material and are left in place. Removal of a fiber roll used in a permanent application can result in greater disturbance.
- Temporary installations should only be removed when up gradient areas are stabilized per General Permit requirements, and/or pollutant sources no longer present a hazard. But, they should also be removed before vegetation becomes too mature so that the removal process does not disturb more soil and vegetation than is necessary.

Costs

Material costs for regular fiber rolls range from $20 - $30 per 25 ft roll.

Material costs for PAM impregnated fiber rolls range between 7.00-$9.00 per linear foot, based upon vendor research.

Inspection and Maintenance

- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Repair or replace split, torn, unraveling, or slumping fiber rolls.
- If the fiber roll is used as a sediment capture device, or as an erosion control device to maintain sheet flows, sediment that accumulates in the BMP should be periodically removed

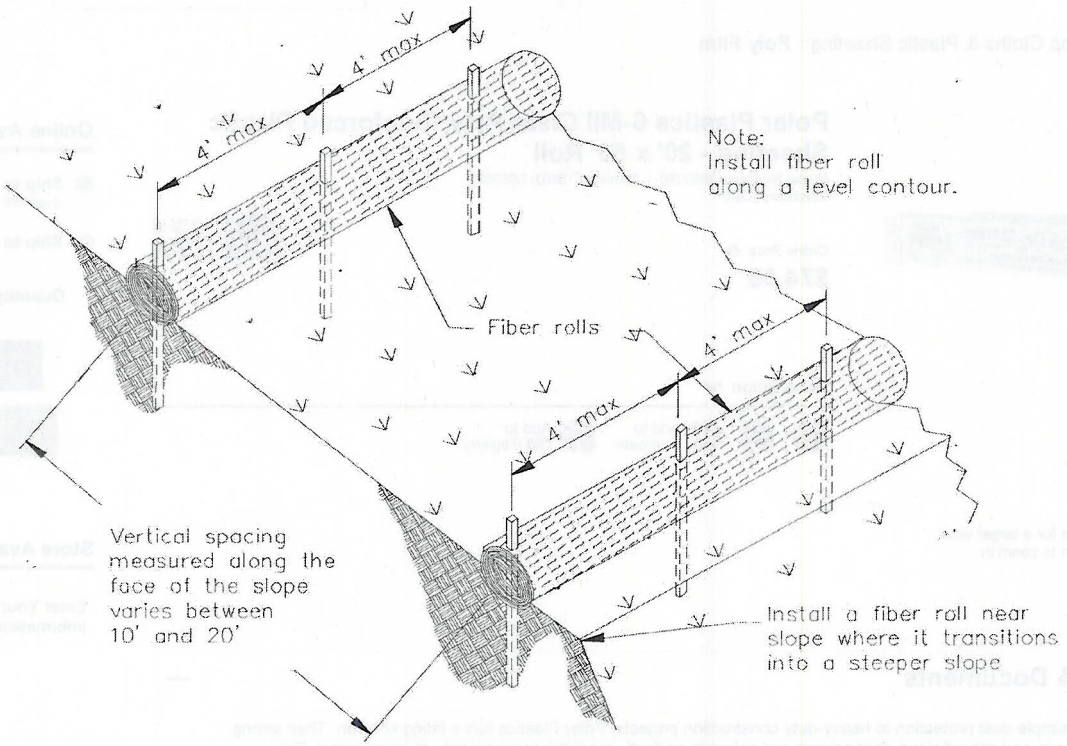
in order to maintain BMP effectiveness. Sediment should be removed when sediment accumulation reaches one-third the designated sediment storage depth.

- If fiber rolls are used for erosion control, such as in a check dam, sediment removal should not be required as long as the system continues to control the grade. Sediment control BMPs will likely be required in conjunction with this type of application.
- Repair any rills or gullies promptly.

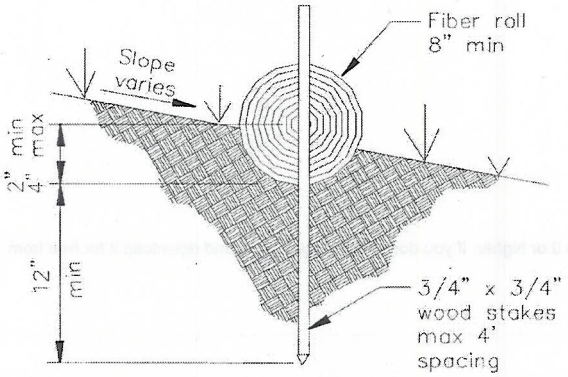
References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

Erosion and Sediment Control Manual, Oregon Department of Environmental Quality, February 2005.



TYPICAL FIBER ROLL INSTALLATION
N.T.S.



ENTRENCHMENT DETAIL
N.T.S.

Click image for a larger view.
Hover to zoom in.

Polar Plastics 6-Mil Clear Poly Reinforced Plastic Sheeting - 20' x 50' Roll

Model Number: 5680090 | Menards® SKU: 5680090
Variation: Clear

MADE IN U.S.A.

Online Price
$74.98

Description

Add to Compare | Add to Gift Registry

Online Availability

- Ship to Home
  Available for immediate shipment
- Ship to Store - Free!

Quantity 1

Add to Cart

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Store Availability

Enter Your ZIP Code for Store Information

Description & Documents

For everything from simple dust protection to heavy-duty construction projects, Polar Plastics has a fitting solution. Their strong, durable plastics come in a variety of sizes, thicknesses and colors to perfectly meet the requirements of your project. This reinforced sheeting is the epitome of strength when it comes to plastic sheeting. With two layers of low-density polyethylene and hundreds of nylon strings forming a diamond scrim pattern, this sheeting makes a great long-term cover for heavy-duty equipment or the perfect dust and debris shield. Use as much or as little as you need!

- Two layers of low-density polyethylene with nylon strings running through and between
- Reinforced diamond scrim pattern is ideal for heavy-duty applications
- Commonly used for building enclosures, crawl spaces and as a long-lasting equipment cover
- Reinforced design stops tears and punctures
- Perfect for weather, water and dust protection
- Made in USA
- 6-mil thickness is the nominal size

Dimensions: 20' x 50'

MSDS Document: 101025_001.pdf 106044_001.pdf

To read PDF files, you need the Adobe Acrobat Reader 6.0 or higher. If you don't have it, click here and download it for free from Adobe's site.

Please Note: Prices, promotions, styles and availability may vary by store and online. While we do our best to provide accurate item availability information, we cannot guarantee in-stock status and availability as inventory is sold and received continuously throughout the day. Inventory last updated 8/17/2015 at 5:00am EST. Online orders and products purchased in-store qualify for rebate redemption. Rebates are provided in the form of a merchandise credit check which can only be used in a Menards® store.

Guests Who Viewed This Item Also Viewed These Products

Polar Plastics 6-Mil Clear Poly All-Purpose Plastic Sheeting - 20' x 100' Roll

$72.98

Polar Plastics 6-Mil Clear Poly Reinforced Plastic Sheeting - 12' x 100' Roll

$84.98

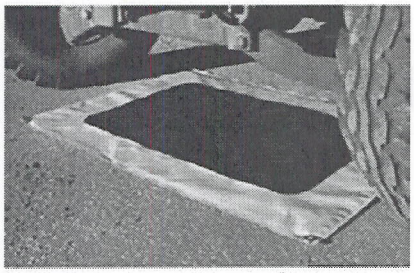
Violation No. 3

Failure to Implement Vehicle Fluid Leak BMPs (2 days)

YOUR PARTNER FOR ABSORBENTS, SPILL CONTROL, & FLOOR SAFETY

Drip Pillow Berm™

Capture small leaks and drips easily



Have a small leak, drip or spill? Our Drip Pillow Berm comes in four sizes to capture small leaks and drips and with its stable weighted base, it will not tip or splash in windy conditions if used outdoors. Grommets in the corners provide attachment points. Eliminates nuisance drips under vehicles, hydraulic lines or equipment.

- Weighted unit can withstand up to 40 mph winds
- Folds easy for storage or transport
- Measures 38"L x 42"W x 3'H
- Absorbs 4 gallons
- Weighs 7 lbs

View Larger

Select Product

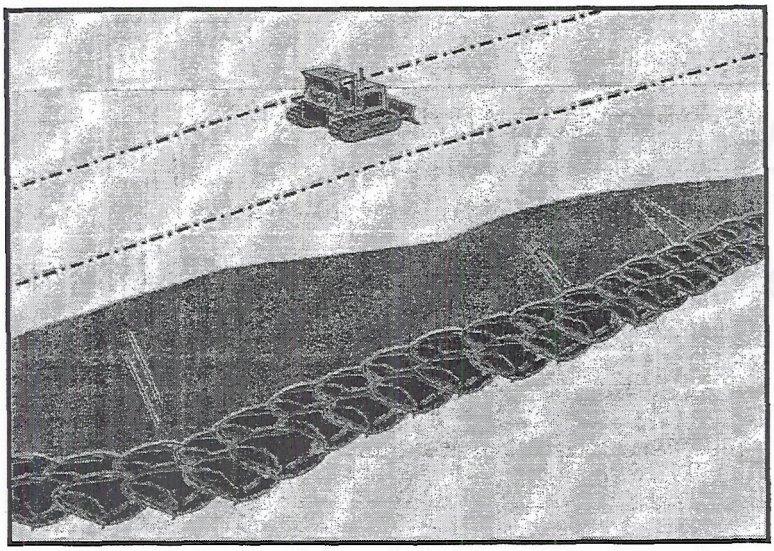
Drip Pillow Berm™

Preview	Item Number	Description	Units	Price Per Unit		QTY
	BERM404	Drip Pillow Berm	Each	1+ $300.00	4+ $257.14	In Stock

Violation No. 4

Failure to Implement Erosion Control BMPs in Inactive Areas (22 days)

Sandbag Barrier SE-8



Categories

EC	Erosion Control	☒
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Category**
☒ **Secondary Category**

Description and Purpose

A sandbag barrier is a series of sand-filled bags placed on a level contour to intercept or to divert sheet flows. Sandbag barriers placed on a level contour pond sheet flow runoff, allowing sediment to settle out.

Suitable Applications

Sandbag barriers may be suitable:

- As a linear sediment control measure:
  - Below the toe of slopes and erodible slopes.
  - As sediment traps at culvert/pipe outlets.
  - Below other small cleared areas.
  - Along the perimeter of a site.
  - Down slope of exposed soil areas.
  - Around temporary stockpiles and spoil areas.
  - Parallel to a roadway to keep sediment off paved areas.
  - Along streams and channels.
- As linear erosion control measure:
  - Along the face and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow.

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

SE-1 Silt Fence

SE-5 Fiber Rolls

SE-6 Gravel Bag Berm

SE-14 Biofilter Bags

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- At the top of slopes to divert runoff away from disturbed slopes.
- As check dams across mildly sloped construction roads.

Limitations

- It is necessary to limit the drainage area upstream of the barrier to 5 acres.
- Sandbags are not intended to be used as filtration devices.
- Easily damaged by construction equipment.
- Degraded sandbags may rupture when removed, spilling sand.
- Sand is easily transported by runoff if bag is damaged or ruptured.
- Installation can be labor intensive.
- Durability of sandbags is somewhat limited and bags may need to be replaced when installation is required for longer than 6 months. When used to detain concentrated flows, maintenance requirements increase.
- Burlap should not be used for sandbags.

Implementation

General

A sandbag barrier consists of a row of sand-filled bags placed on a level contour. When appropriately placed, a sandbag barrier intercepts and slows sheet flow runoff, causing temporary ponding. The temporary ponding allows sediment to settle. Sand-filled bags have limited porosity, which is further limited as the fine sand tends to quickly plug with sediment, limiting or completely blocking the rate of flow through the barrier. If a porous barrier is desired, consider SE-1, Silt Fence, SE-5, Fiber Rolls, SE-6, Gravel Bag Berms or SE-14, Biofilter Bags. Sandbag barriers also interrupt the slope length and thereby reduce erosion by reducing the tendency of sheet flows to concentrate into rivulets which erode rills, and ultimately gullies, into disturbed, sloped soils. Sandbag barriers are similar to gravel bag berms, but less porous. Generally, sandbag barriers should be used in conjunction with temporary soil stabilization controls up slope to provide effective erosion and sediment control.

Design and Layout

- Locate sandbag barriers on a level contour.
- When used for slope interruption, the following slope/sheet flow length combinations apply:
  - Slope inclination of 4:1 (H:V) or flatter: Sandbags should be placed at a maximum interval of 20 ft, with the first row near the slope toe.
  - Slope inclination between 4:1 and 2:1 (H:V): Sandbags should be placed at a maximum interval of 15 ft. (a closer spacing is more effective), with the first row near the slope toe.

    Slope inclination 2:1 (H:V) or greater: Sandbags should be placed at a maximum interval of 10 ft. (a closer spacing is more effective), with the first row near the slope toe.

- Turn the ends of the sandbag barrier up slope to prevent runoff from going around the barrier.
- Allow sufficient space up slope from the barrier to allow ponding, and to provide room for sediment storage.
- For installation near the toe of the slope, sand bag barriers should be set back from the slope toe to facilitate cleaning. Where specific site conditions do not allow for a set-back, the sand bag barrier may be constructed on the toe of the slope. To prevent flows behind the barrier, bags can be placed perpendicular to a berm to serve as cross barriers.
- Drainage area should not exceed 5 acres.
- Stack sandbags at least three bags high.
- Butt ends of bags tightly.
- Overlap butt joints of row beneath with each successive row.
- Use a pyramid approach when stacking bags.
- In non-traffic areas
  - Height = 18 in. maximum
  - Top width = 24 in. minimum for three or more layer construction
  - Side slope = 2:1 (H:V) or flatter
- In construction traffic areas
  - Height = 12 in. maximum
  - Top width = 24 in. minimum for three or more layer construction.
  - Side slopes = 2:1 (H:V) or flatter.
- See typical sandbag barrier installation details at the end of this fact sheet.

Materials

- ***Sandbag Material:*** Sandbag should be woven polypropylene, polyethylene or polyamide fabric, minimum unit weight of 4 ounces/yd^2, Mullen burst strength exceeding 300 lb/in^2 in conformance with the requirements in ASTM designation D3786, and ultraviolet stability exceeding 70% in conformance with the requirements in ASTM designation D4355. Use of burlap is not an acceptable substitute, as sand can more easily mobilize out of burlap.
- ***Sandbag Size:*** Each sand-filled bag should have a length of 18 in., width of 12 in., thickness of 3 in., and mass of approximately 33 lbs. Bag dimensions are nominal, and may vary based on locally available materials.

- ***Fill Material:*** All sandbag fill material should be non-cohesive, Class 3 (Caltrans Standard Specification, Section 25) permeable material free from clay and deleterious material, such as recycled concrete or asphalt..

Costs

Empty sandbags cost $0.25 - $0.75. Average cost of fill material is $8 per yd^3. Additional labor is required to fill the bags. Pre-filled sandbags are more expensive at $1.50 - $2.00 per bag. These costs are based upon vendor research.

Inspection and Maintenance

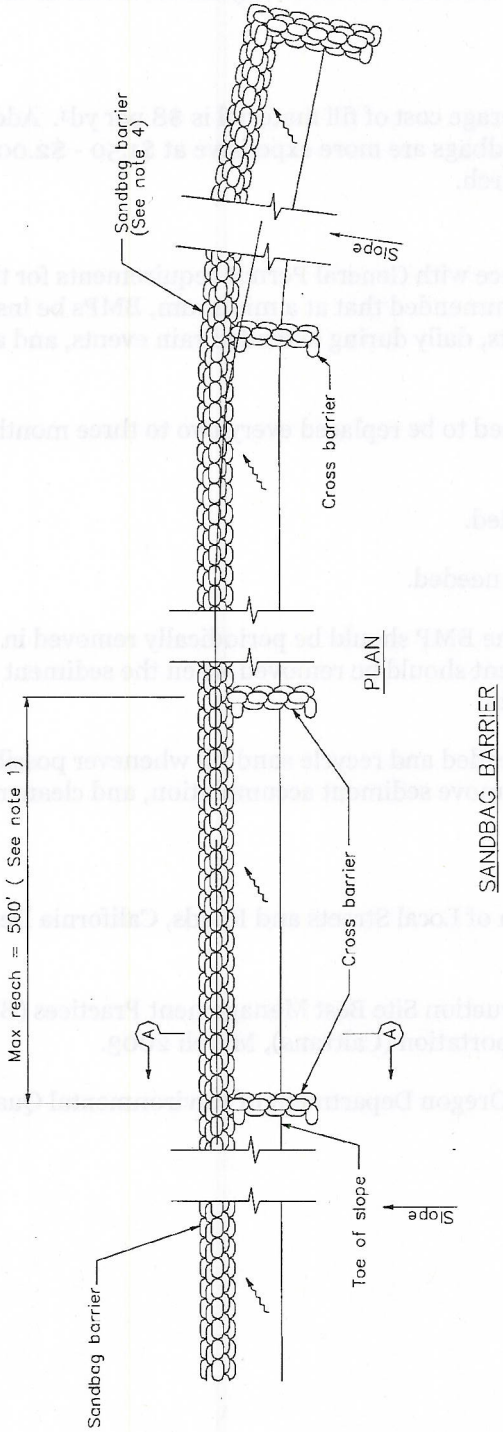
- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Sandbags exposed to sunlight will need to be replaced every two to three months due to degradation of the bags.
- Reshape or replace sandbags as needed.
- Repair washouts or other damage as needed.
- Sediment that accumulates behind the BMP should be periodically removed in order to maintain BMP effectiveness. Sediment should be removed when the sediment accumulation reaches one-third of the barrier height.
- Remove sandbags when no longer needed and recycle sand fill whenever possible and properly dispose of bag material. Remove sediment accumulation, and clean, re-grade, and stabilize the area.

References

Standard Specifications for Construction of Local Streets and Roads, California Department of Transportation (Caltrans), July 2002.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

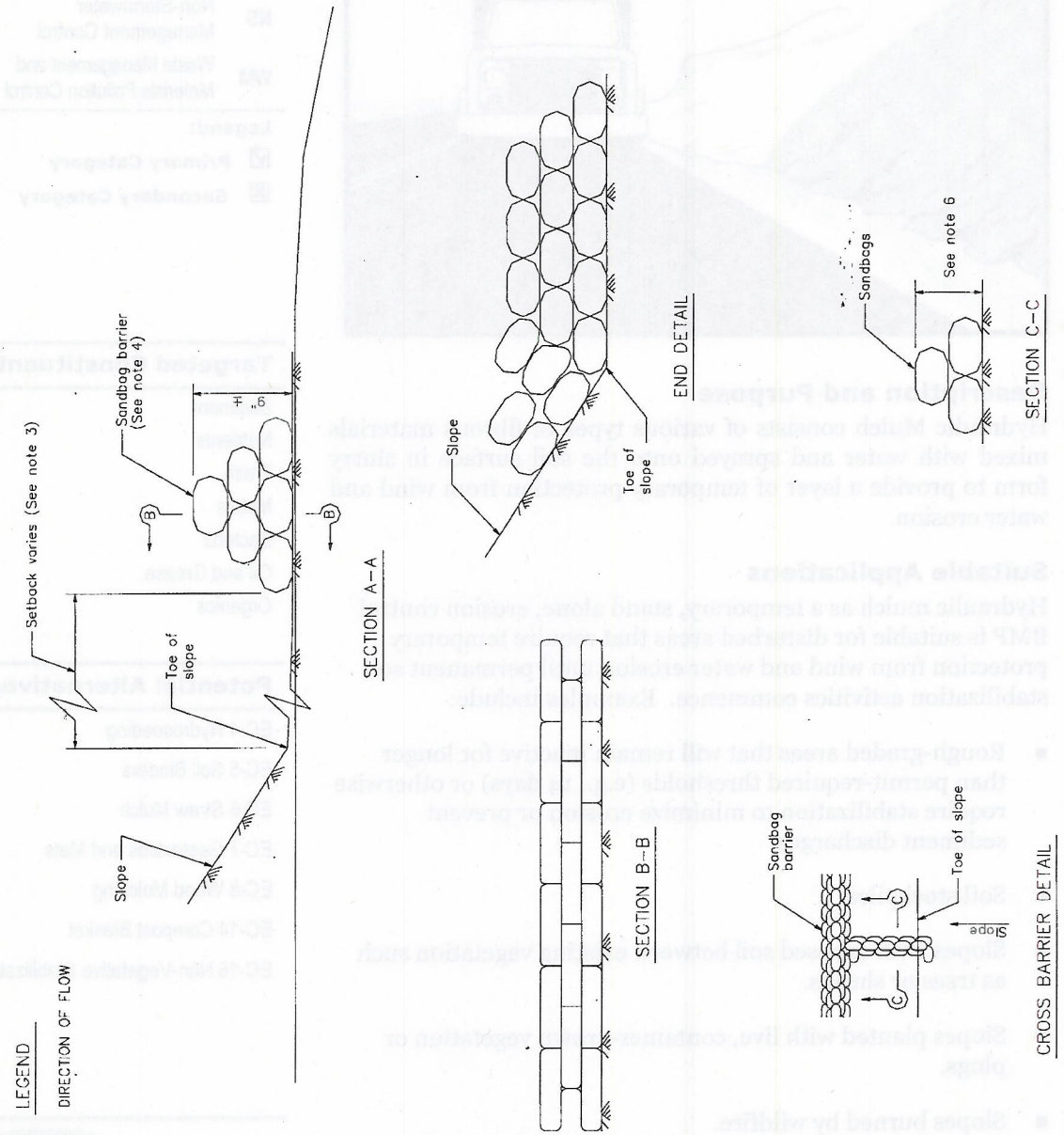
Erosion and Sediment Control Manual, Oregon Department of Environmental Quality, February 2005.



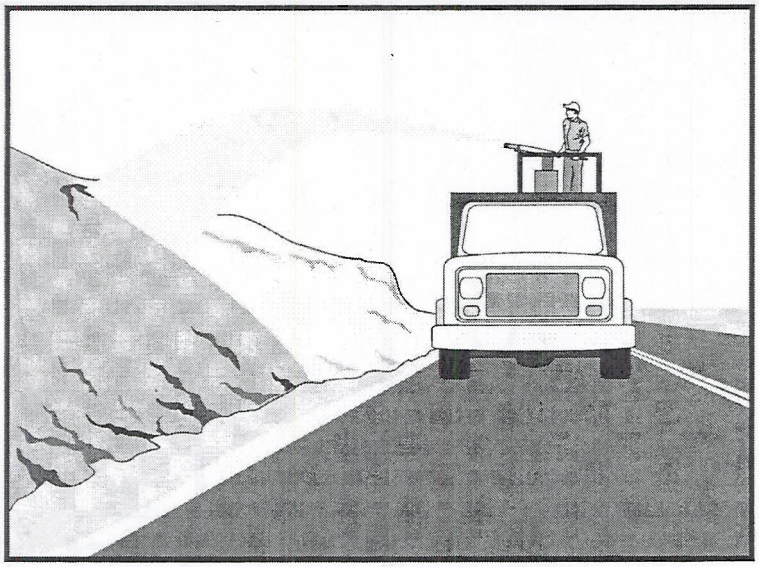
SANDBAG BARRIER

NOTES

1. Construct the length of each reach so that the change in base elevation along the reach does not exceed 1/2 the height of the linear barrier. In no case shall the reach length exceed 500'.
2. Place sandbags tightly.
3. Dimension may vary to fit field condition.
4. Sandbag barrier shall be a minimum of 3 bags high.
5. The end of the barrier shall be turned up slope.
6. Cross barriers shall be a min of 1/2 and a max of 2/3 the height of the linear barrier.
7. Sandbag rows and layers shall be staggered to eliminate gaps.


LEGEND
DIRECTION OF FLOW
Setback varies (See note 3)
Sandbag barrier (See note 4)
Toe of slope
Slope
SECTION A–A
Slope
Toe of slope
END DETAIL
SECTION B–B
Sandbags
See note 6
SECTION C–C
Sandbag barrier
Toe of slope
Slope
CROSS BARRIER DETAIL

Hydraulic Mulch EC-3



Categories

EC	Erosion Control	☑
SE	Sediment Control	
TC	Tracking Control	
WE	Wind Erosion Control	☒
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Category**

☒ **Secondary Category**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

EC-4 Hydroseeding

EC-5 Soil Binders

EC-6 Straw Mulch

EC-7 Geotextiles and Mats

EC-8 Wood Mulching

EC-14 Compost Blanket

EC-16 Non-Vegetative Stabilization

Description and Purpose

Hydraulic Mulch consists of various types of fibrous materials mixed with water and sprayed onto the soil surface in slurry form to provide a layer of temporary protection from wind and water erosion.

Suitable Applications

Hydraulic mulch as a temporary, stand alone, erosion control BMP is suitable for disturbed areas that require temporary protection from wind and water erosion until permanent soil stabilization activities commence. Examples include:

- Rough-graded areas that will remain inactive for longer than permit-required thresholds (e.g., 14 days) or otherwise require stabilization to minimize erosion or prevent sediment discharges.
- Soil stockpiles.
- Slopes with exposed soil between existing vegetation such as trees or shrubs.
- Slopes planted with live, container-grown vegetation or plugs.
- Slopes burned by wildfire.

Hydraulic mulch can also be applied to augment other erosion control BMPs such as:

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- In conjunction with straw mulch (see EC-6 Straw Mulch) where the rate of hydraulic mulch is reduced to 100-500 lbs per acre and the slurry is applied over the straw as a tackifying agent to hold the straw in place.
- Supplemental application of soil amendments, such as fertilizer, lime, gypsum, soil bio-stimulants or compost.

Limitations

In general, hydraulic mulch is not limited by slope length, gradient or soil type. However, the following limitations typically apply:

- Most hydraulic mulch applications, particularly bonded fiber matrices (BFMs), require at least 24 hours to dry before rainfall occurs.
- Temporary applications (i.e., without a vegetative component) may require a second application in order to remain effective for an entire rainy season.
- Treatment areas must be accessible to hydraulic mulching equipment.
- Availability of water sources in remote areas for mixing and application.
- As a stand-alone temporary BMP, hydraulic mulches may need to be re-applied to maintain their erosion control effectiveness, typically after 6-12 months depending on the type of mulch used.
- Availability of hydraulic mulching equipment may be limited just prior to the rainy season and prior to storms due to high demand.
- Cellulose fiber mulches alone may not perform well on steep slopes or in course soils.

Implementation

- Where feasible, it is preferable to prepare soil surfaces prior to application by roughening embankments and fill areas with a crimping or punching type roller or by track walking.
- The majority of hydraulic mulch applications do not necessarily require surface/soil preparation (See EC-15 Soil Preparation) although in almost every case where re-vegetation is included as part of the practice, soil preparation can be beneficial. One of the advantages of hydraulic mulch over other erosion control methods is that it can be applied in areas where soil preparation is precluded by site conditions, such as steep slopes, rocky soils, or inaccessibility.
- Avoid mulch over spray onto roads, sidewalks, drainage channels, existing vegetation, etc.
- Hydraulic mulching is generally performed utilizing specialized machines that have a large water-holding/mixing tank and some form of mechanical agitation or other recirculation method to keep water, mulch and soil amendments in suspension. The mixed hydraulic slurry can be applied from a tower sprayer on top of the machine or by extending a hose to areas remote from the machine.

- Where possible apply hydraulic mulch from multiple directions to adequately cover the soil. Application from a single direction can result in shadowing, uneven coverage and failure of the BMP.
- Hydraulic mulch can also include a vegetative component, such as seed, rhizomes, or stolons (see EC-4 Hydraulic Seed).
- Typical hydraulic mulch application rates range from 2,000 pounds per acre for standard mulches (SMs) to 3,500 pounds per acre for BFMs. However, the required amount of hydraulic mulch to provide adequate coverage of exposed topsoil may appear to exceed the standard rates when the roughness of the soil surface is changed due to soil preparation methods (see EC-15 Soil Preparation) or by slope gradient.
- Other factors such as existing soil moisture and soil texture can have a profound effect on the amount of hydraulic mulch required (i.e. application rate) applied to achieve an erosion-resistant covering.
- Avoid use of mulch without a tackifier component, especially on slopes.
- Mulches used in the hydraulic mulch slurry can include:
  - Cellulose fiber
  - Thermally-processed wood fibers
  - Cotton
  - Synthetics
  - Compost (see EC-14, Compost Blanket)
- Additional guidance on the comparison and selection of temporary slope stabilization methods is provided in Appendix F of the Handbook.

Categories of Hydraulic Mulches

Standard Hydraulic Mulch (SM)

Standard hydraulic mulches are generally applied at a rate of 2,000 pounds per acre and are manufactured containing around 5% tackifier (i.e. soil binder), usually a plant-derived guar or psyllium type. Most standard mulches are green in color derived from food-color based dyes.

Hydraulic Matrices (HM) and Stabilized Fiber Matrices (SFM)

Hydraulic matrices and stabilized fiber matrices are slurries which contain increased levels of tackifiers/soil binders; usually 10% or more by weight. HMs and SFMs have improved performance compared to a standard hydraulic mulch (SM) because of the additional percentage of tackifier and because of their higher application rates, typically 2,500 – 4,000 pounds per acre. Hydraulic matrices can include a mixture of fibers, for example, a 50/50 blend of paper and wood fiber. In the case of an SFM, the tackifier/soil binder is specified as a polyacrylamide (PAM).

Bonded Fiber Matrix (BFM)

Bonded fiber matrices (BFMs) are hydraulically-applied systems of fibers, adhesives (typically guar based) and chemical cross-links. Upon drying, the slurry forms an erosion-resistant blanket that prevents soil erosion and promotes vegetation establishment. The cross-linked adhesive in the BFM should be biodegradable and should not dissolve or disperse upon re-wetting. BFMs are typically applied at rates from 3,000 to 4,000 lbs/acre based on the manufacturer's recommendation. BFMs should not be applied immediately before, during or immediately after rainfall or if the soil is saturated. Depending on the product, BFMs typically require 12 to 24 hours to dry and become effective.

Mechanically-Bonded Fiber Matrices (MBFM)

Mechanically-bonded fiber matrices (MBFMs) are hydraulically applied systems similar to BFM that use crimped synthetic fibers and PAM and are typically applied to a slope at a higher application rate than a standard BFM.

Hydraulic Compost Matrix (HCM)

Hydraulic compost matrix (HCM) is a field-derived practice whereby finely graded or sifted compost is introduced into the hydraulic mulch slurry. A guar-type tackifier can be added for steeper slope applications as well as any specified seed mixtures. A HCM can help to accelerate seed germination and growth. HCMs are particularly useful as an in-fill for three-dimensional re-vegetation geocomposites, such as turf reinforcement mats (TRM) (see EC-7 Geotextiles and Mats).

Costs

Average installed costs for hydraulic mulch categories are is provided in Table 1, below.

Table 1
HYDRAULIC MULCH BMPs
INSTALLED COSTS

BMP	Installed Cost/Acre
Standard Hydraulic Mulching (SM)	$1,700 - $3,600 per acre
Hydraulic Matrices (HM) and Stabilized Fiber Matrices	
Guar-based	$2,000 - $4,000 per acre
PAM-based	$2,500 - $5,610 per acre
Bonded Fiber Matrix (BFM)	$3,900 - $6,900 per acre
Mechanically Bonded Fiber Matrix (MBFM)	$4,500 - $6,000 per acre
Hydraulic Compost Matrix (HCM)	$3,000 - $3,500 per acre

Source: Caltrans Soil Stabilization BMP Research for Erosion and Sediment Controls, July 2007

Inspection and Maintenance

- Maintain an unbroken, temporary mulched ground cover throughout the period of construction when the soils are not being reworked.
- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected

weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.

- Areas where erosion is evident should be repaired and BMPs re-applied as soon as possible. Care should be exercised to minimize the damage to protected areas while making repairs, as any area damaged will require re-application of BMPs.
- Compare the number of bags or weight of applied mulch to the area treated to determine actual application rates and compliance with specifications.

References

Soil Stabilization BMP Research for Erosion and Sediment Controls: Cost Survey Technical Memorandum, State of California Department of Transportation (Caltrans), July 2007.

Controlling Erosion of Construction Sites, Agricultural Information #347, U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service – SCS).

Guides for Erosion and Sediment Control in California, USDA Soils Conservation Service, January 1991.

Manual of Standards of Erosion and Sediment Control Measures, Association of Bay Area Governments, May 1995.

Sedimentation and Erosion Control, An Inventory of Current Practices Draft, US EPA, April 1990.

Soil Erosion by Water, Agriculture Information Bulletin #513, U.S. Department of Agriculture, Soil Conservation Service.

Stormwater Quality Handbooks Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

Guidance Document: Soil Stabilization for Temporary Slopes, State of California Department of Transportation (Caltrans), November 1999

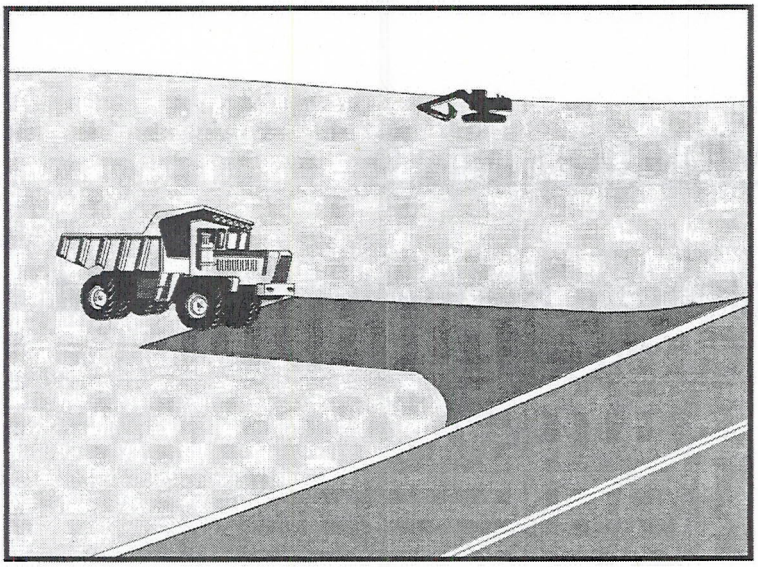
Stormwater Management of the Puget Sound Basin, Technical Manual, Publication #91-75, Washington State Department of Ecology, February 1992.

Water Quality Management Plan for the Lake Tahoe Region, Volume II, Handbook of Management Practices, Tahoe Regional Planning Agency, November 1988.

Violation No. 5

Failure to Implement Perimeter Sediment Control BMPs (14 days)

Stabilized Construction Entrance/Exit TC-1



Categories		
EC	Erosion Control	☒
SE	Sediment Control	☒
TC	Tracking Control	☑
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Objective**
☒ **Secondary Objective**

Targeted Constituents	
Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

None

Description and Purpose

A stabilized construction access is defined by a point of entrance/exit to a construction site that is stabilized to reduce the tracking of mud and dirt onto public roads by construction vehicles.

Suitable Applications

Use at construction sites:

- Where dirt or mud can be tracked onto public roads.
- Adjacent to water bodies.
- Where poor soils are encountered.
- Where dust is a problem during dry weather conditions.

Limitations

- Entrances and exits require periodic top dressing with additional stones.
- This BMP should be used in conjunction with street sweeping on adjacent public right of way.
- Entrances and exits should be constructed on level ground only.
- Stabilized construction entrances are rather expensive to construct and when a wash rack is included, a sediment trap of some kind must also be provided to collect wash water runoff.

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Stabilized Construction Entrance/Exit TC-1

Implementation

General

A stabilized construction entrance is a pad of aggregate underlain with filter cloth located at any point where traffic will be entering or leaving a construction site to or from a public right of way, street, alley, sidewalk, or parking area. The purpose of a stabilized construction entrance is to reduce or eliminate the tracking of sediment onto public rights of way or streets. Reducing tracking of sediments and other pollutants onto paved roads helps prevent deposition of sediments into local storm drains and production of airborne dust.

Where traffic will be entering or leaving the construction site, a stabilized construction entrance should be used. NPDES permits require that appropriate measures be implemented to prevent tracking of sediments onto paved roadways, where a significant source of sediments is derived from mud and dirt carried out from unpaved roads and construction sites.

Stabilized construction entrances are moderately effective in removing sediment from equipment leaving a construction site. The entrance should be built on level ground. Advantages of the Stabilized Construction Entrance/Exit is that it does remove some sediment from equipment and serves to channel construction traffic in and out of the site at specified locations. Efficiency is greatly increased when a washing rack is included as part of a stabilized construction entrance/exit.

Design and Layout

- Construct on level ground where possible.
- Select 3 to 6 in. diameter stones.
- Use minimum depth of stones of 12 in. or as recommended by soils engineer.
- Construct length of 50 ft or maximum site will allow, and 10 ft minimum width or to accommodate traffic.
- Rumble racks constructed of steel panels with ridges and installed in the stabilized entrance/exit will help remove additional sediment and to keep adjacent streets clean.
- Provide ample turning radii as part of the entrance.
- Limit the points of entrance/exit to the construction site.
- Limit speed of vehicles to control dust.
- Properly grade each construction entrance/exit to prevent runoff from leaving the construction site.
- Route runoff from stabilized entrances/exits through a sediment trapping device before discharge.
- Design stabilized entrance/exit to support heaviest vehicles and equipment that will use it.

Stabilized Construction Entrance/Exit TC-1

- Select construction access stabilization (aggregate, asphaltic concrete, concrete) based on longevity, required performance, and site conditions. Do not use asphalt concrete (AC) grindings for stabilized construction access/roadway.
- If aggregate is selected, place crushed aggregate over geotextile fabric to at least 12 in. depth, or place aggregate to a depth recommended by a geotechnical engineer. A crushed aggregate greater than 3 in. but smaller than 6 in. should be used.
- Designate combination or single purpose entrances and exits to the construction site.
- Require that all employees, subcontractors, and suppliers utilize the stabilized construction access.
- Implement SE-7, Street Sweeping and Vacuuming, as needed.
- All exit locations intended to be used for more than a two-week period should have stabilized construction entrance/exit BMPs.

Inspection and Maintenance

- Inspect and verify that activity–based BMPs are in place prior to the commencement of associated activities. While activities associated with the BMPs are under way, inspect BMPs in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Inspect local roads adjacent to the site daily. Sweep or vacuum to remove visible accumulated sediment.
- Remove aggregate, separate and dispose of sediment if construction entrance/exit is clogged with sediment.
- Keep all temporary roadway ditches clear.
- Check for damage and repair as needed.
- Replace gravel material when surface voids are visible.
- Remove all sediment deposited on paved roadways within 24 hours.
- Remove gravel and filter fabric at completion of construction

Costs

Average annual cost for installation and maintenance may vary from $1,200 to $4,800 each, averaging $2,400 per entrance. Costs will increase with addition of washing rack, and sediment trap. With wash rack, costs range from $1,200 - $6,000 each, averaging $3,600 per entrance.

References

Manual of Standards of Erosion and Sediment Control Measures, Association of Bay Area Governments, May 1995.

National Management Measures to Control Nonpoint Source Pollution from Urban Areas, USEPA Agency, 2002.

Proposed Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, Work Group Working Paper, USEPA, April 1992.

Stormwater Quality Handbooks Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

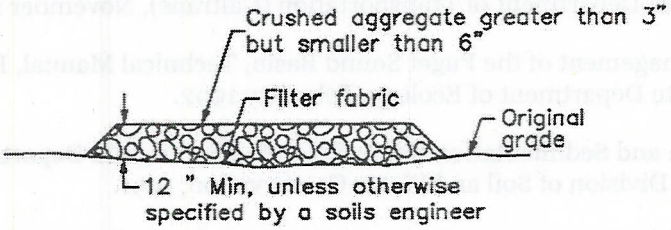
Stormwater Management of the Puget Sound Basin, Technical Manual, Publication #91-75, Washington State Department of Ecology, February 1992.

Virginia Erosion and Sedimentation Control Handbook, Virginia Department of Conservation and Recreation, Division of Soil and Water Conservation, 1991.

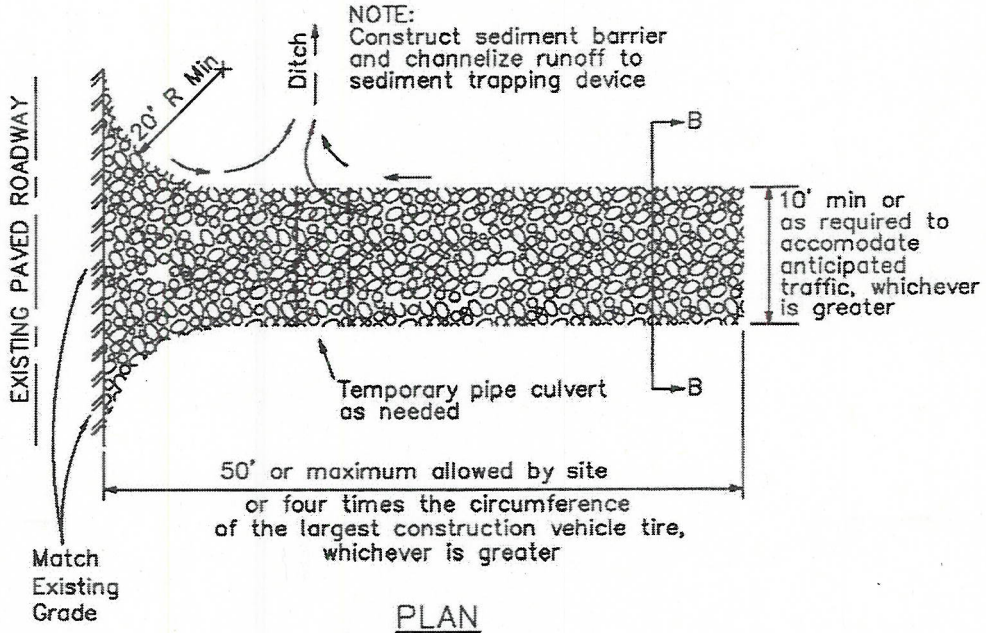
Guidance Specifying Management Measures for Nonpoint Pollution in Coastal Waters, EPA 840-B-9-002, USEPA, Office of Water, Washington, DC, 1993.

Water Quality Management Plan for the Lake Tahoe Region, Volume II, Handbook of Management Practices, Tahoe Regional Planning Agency, November 1988.

Stabilized Construction Entrance/Exit TC-1

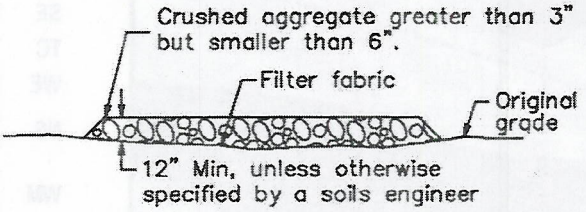


SECTION B–B
NTS



PLAN
NTS

Stabilized Construction Entrance/Exit TC-1



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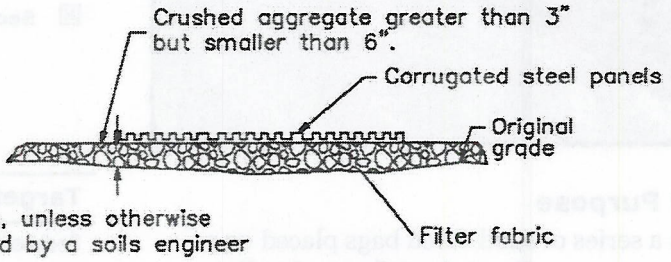
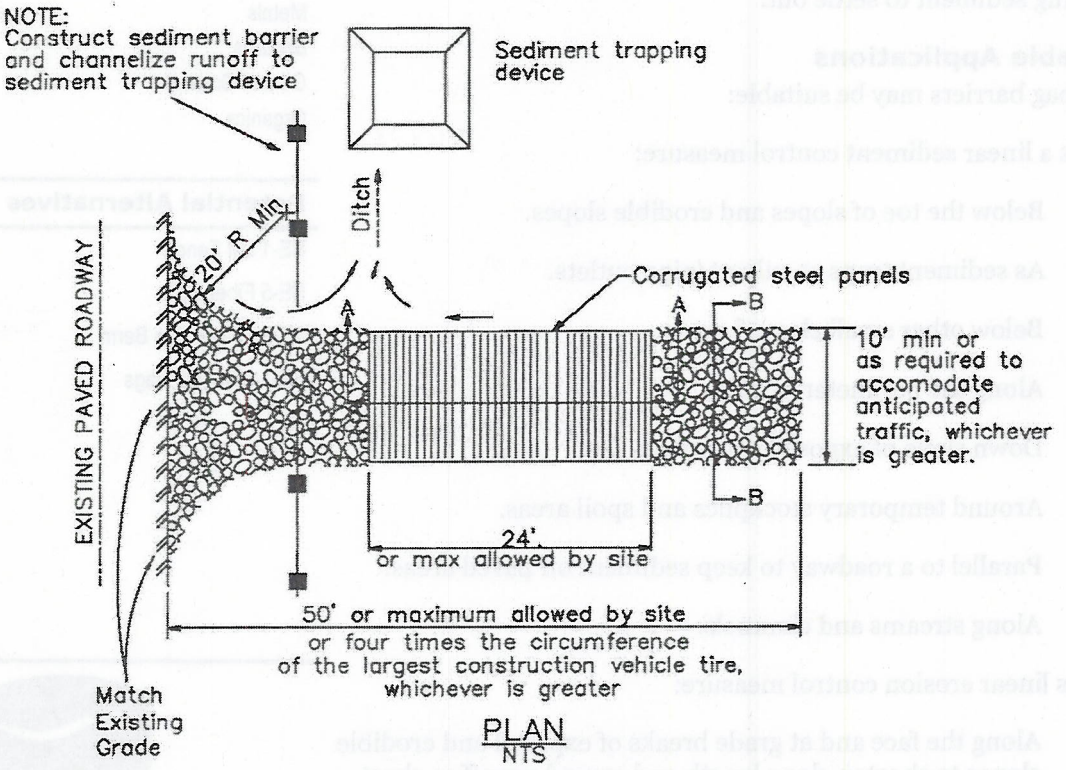
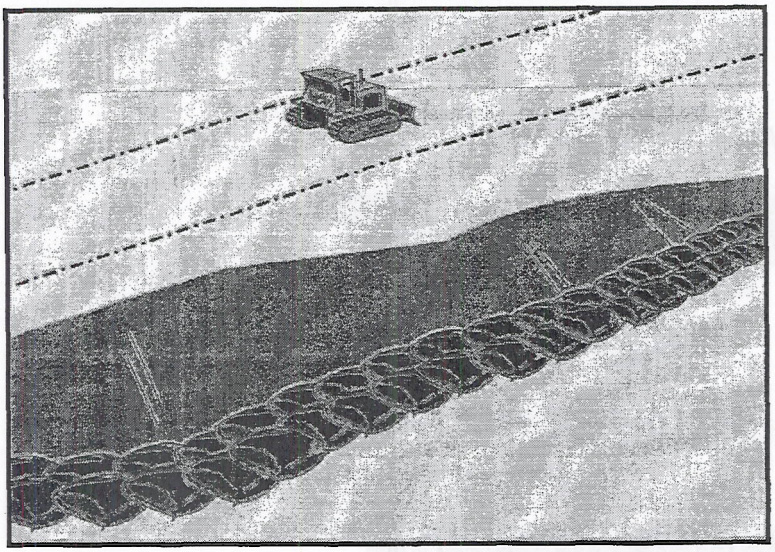


SECTION A–A
NOT TO SCALE



PLAN
NTS

Sandbag Barrier SE-8



Categories		
EC	Erosion Control	☒
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Category**
☒ **Secondary Category**

Description and Purpose

A sandbag barrier is a series of sand-filled bags placed on a level contour to intercept or to divert sheet flows. Sandbag barriers placed on a level contour pond sheet flow runoff, allowing sediment to settle out.

Suitable Applications

Sandbag barriers may be suitable:

- As a linear sediment control measure:
  - Below the toe of slopes and erodible slopes.
  - As sediment traps at culvert/pipe outlets.
  - Below other small cleared areas.
  - Along the perimeter of a site.
  - Down slope of exposed soil areas.
  - Around temporary stockpiles and spoil areas.
  - Parallel to a roadway to keep sediment off paved areas.
  - Along streams and channels.
- As linear erosion control measure:
  - Along the face and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow.

Targeted Constituents	
Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

SE-1 Silt Fence
SE-5 Fiber Rolls
SE-6 Gravel Bag Berm
SE-14 Biofilter Bags

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- At the top of slopes to divert runoff away from disturbed slopes.
- As check dams across mildly sloped construction roads.

Limitations

- It is necessary to limit the drainage area upstream of the barrier to 5 acres.
- Sandbags are not intended to be used as filtration devices.
- Easily damaged by construction equipment.
- Degraded sandbags may rupture when removed, spilling sand.
- Sand is easily transported by runoff if bag is damaged or ruptured.
- Installation can be labor intensive.
- Durability of sandbags is somewhat limited and bags may need to be replaced when installation is required for longer than 6 months. When used to detain concentrated flows, maintenance requirements increase.
- Burlap should not be used for sandbags.

Implementation

General

A sandbag barrier consists of a row of sand-filled bags placed on a level contour. When appropriately placed, a sandbag barrier intercepts and slows sheet flow runoff, causing temporary ponding. The temporary ponding allows sediment to settle. Sand-filled bags have limited porosity, which is further limited as the fine sand tends to quickly plug with sediment, limiting or completely blocking the rate of flow through the barrier. If a porous barrier is desired, consider SE-1, Silt Fence, SE-5, Fiber Rolls, SE-6, Gravel Bag Berms or SE-14, Biofilter Bags. Sandbag barriers also interrupt the slope length and thereby reduce erosion by reducing the tendency of sheet flows to concentrate into rivulets which erode rills, and ultimately gullies, into disturbed, sloped soils. Sandbag barriers are similar to gravel bag berms, but less porous. Generally, sandbag barriers should be used in conjunction with temporary soil stabilization controls up slope to provide effective erosion and sediment control.

Design and Layout

- Locate sandbag barriers on a level contour.
- When used for slope interruption, the following slope/sheet flow length combinations apply:
  - Slope inclination of 4:1 (H:V) or flatter: Sandbags should be placed at a maximum interval of 20 ft, with the first row near the slope toe.
  - Slope inclination between 4:1 and 2:1 (H:V): Sandbags should be placed at a maximum interval of 15 ft. (a closer spacing is more effective), with the first row near the slope toe.

    Slope inclination 2:1 (H:V) or greater: Sandbags should be placed at a maximum interval of 10 ft. (a closer spacing is more effective), with the first row near the slope toe.

- Turn the ends of the sandbag barrier up slope to prevent runoff from going around the barrier.
- Allow sufficient space up slope from the barrier to allow ponding, and to provide room for sediment storage.
- For installation near the toe of the slope, sand bag barriers should be set back from the slope toe to facilitate cleaning. Where specific site conditions do not allow for a set-back, the sand bag barrier may be constructed on the toe of the slope. To prevent flows behind the barrier, bags can be placed perpendicular to a berm to serve as cross barriers.
- Drainage area should not exceed 5 acres.
- Stack sandbags at least three bags high.
- Butt ends of bags tightly.
- Overlap butt joints of row beneath with each successive row.
- Use a pyramid approach when stacking bags.
- In non-traffic areas
  - Height = 18 in. maximum
  - Top width = 24 in. minimum for three or more layer construction
  - Side slope = 2:1 (H:V) or flatter
- In construction traffic areas
  - Height = 12 in. maximum
  - Top width = 24 in. minimum for three or more layer construction.
  - Side slopes = 2:1 (H:V) or flatter.
- See typical sandbag barrier installation details at the end of this fact sheet.

Materials

- ***Sandbag Material:*** Sandbag should be woven polypropylene, polyethylene or polyamide fabric, minimum unit weight of 4 ounces/yd^2, Mullen burst strength exceeding 300 lb/in^2 in conformance with the requirements in ASTM designation D3786, and ultraviolet stability exceeding 70% in conformance with the requirements in ASTM designation D4355. Use of burlap is not an acceptable substitute, as sand can more easily mobilize out of burlap.
- ***Sandbag Size:*** Each sand-filled bag should have a length of 18 in., width of 12 in., thickness of 3 in., and mass of approximately 33 lbs. Bag dimensions are nominal, and may vary based on locally available materials.

- ***Fill Material:*** All sandbag fill material should be non-cohesive, Class 3 (Caltrans Standard Specification, Section 25) permeable material free from clay and deleterious material, such as recycled concrete or asphalt..

Costs

Empty sandbags cost $0.25 - $0.75. Average cost of fill material is $8 per yd^3. Additional labor is required to fill the bags. Pre-filled sandbags are more expensive at $1.50 - $2.00 per bag. These costs are based upon vendor research.

Inspection and Maintenance

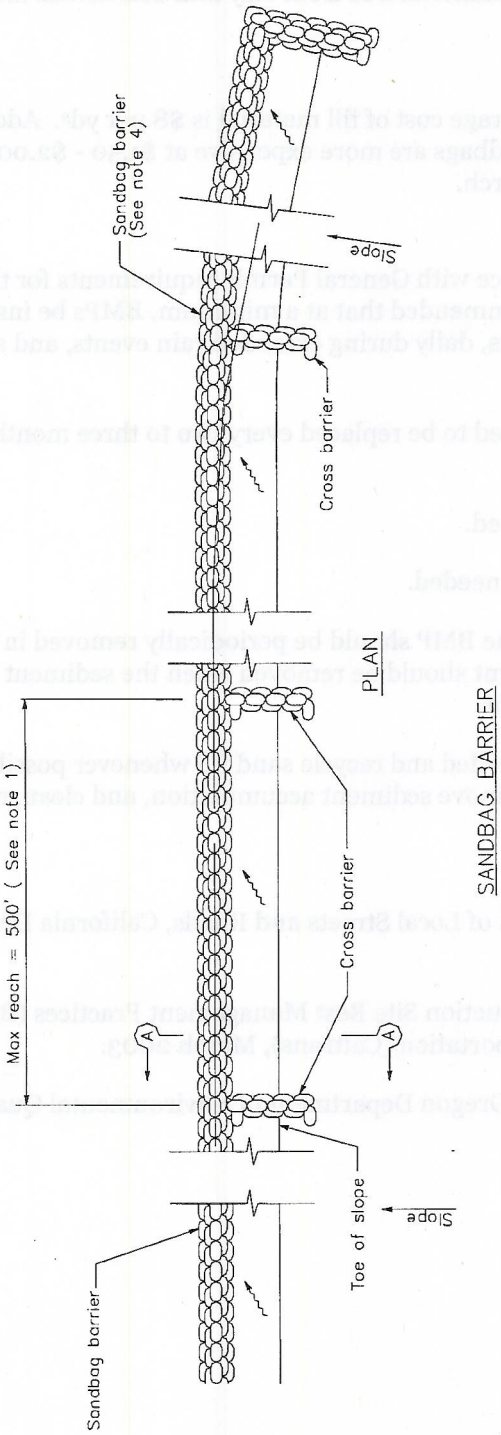
- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Sandbags exposed to sunlight will need to be replaced every two to three months due to degradation of the bags.
- Reshape or replace sandbags as needed.
- Repair washouts or other damage as needed.
- Sediment that accumulates behind the BMP should be periodically removed in order to maintain BMP effectiveness. Sediment should be removed when the sediment accumulation reaches one-third of the barrier height.
- Remove sandbags when no longer needed and recycle sand fill whenever possible and properly dispose of bag material. Remove sediment accumulation, and clean, re-grade, and stabilize the area.

References

Standard Specifications for Construction of Local Streets and Roads, California Department of Transportation (Caltrans), July 2002.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

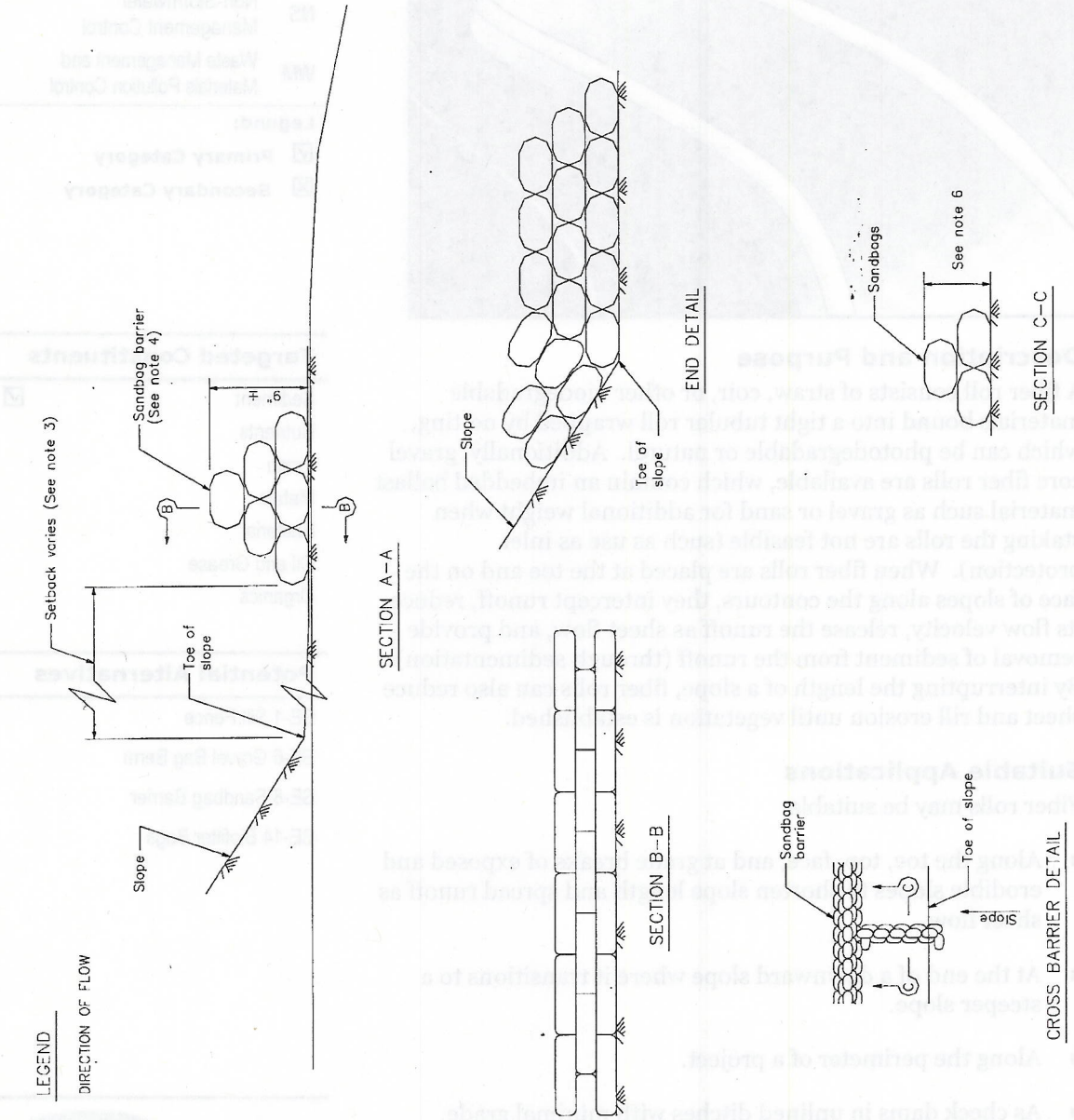
Erosion and Sediment Control Manual, Oregon Department of Environmental Quality, February 2005.



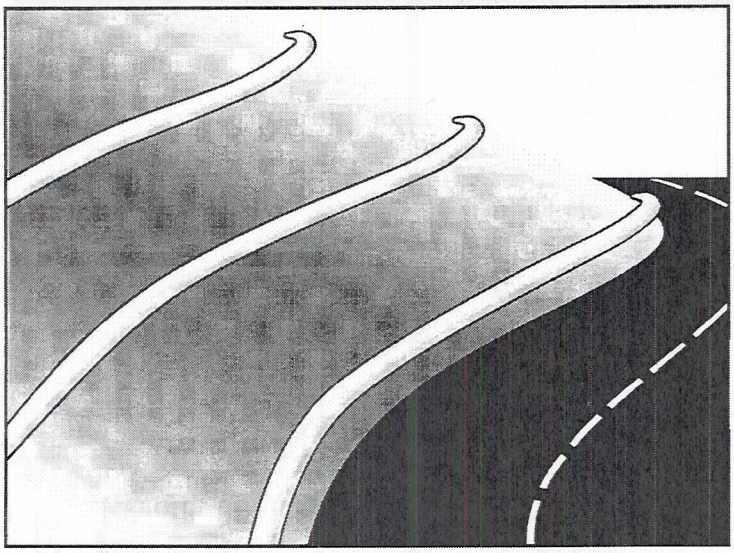
SANDBAG BARRIER

NOTES

1. Construct the length of each reach so that the change in base elevation along the reach does not exceed 1/2 the height of the linear barrier. In no case shall the reach length exceed 500'.
2. Place sandbags tightly.
3. Dimension may vary to fit field condition.
4. Sandbag barrier shall be a minimum of 3 bags high.
5. The end of the barrier shall be turned up slope.
6. Cross barriers shall be a min of 1/2 and a max of 2/3 the height of the linear barrier.
7. Sandbag rows and layers shall be staggered to eliminate gaps.


LEGEND
DIRECTION OF FLOW
Setback varies (See note 3)
Sandbag barrier (See note 4)
H
a"
B
B
Toe of slope
Slope
SECTION A–A
Slope
Toe of slope
END DETAIL
SECTION B–B
Sandbags
See note 6
SECTION C–C
Sandbag barrier
Toe of slope
Slope
C
C
CROSS BARRIER DETAIL

Fiber Rolls SE-5



Categories

EC	Erosion Control	☒
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Category**
☒ **Secondary Category**

Description and Purpose

A fiber roll consists of straw, coir, or other biodegradable materials bound into a tight tubular roll wrapped by netting, which can be photodegradable or natural. Additionally, gravel core fiber rolls are available, which contain an imbedded ballast material such as gravel or sand for additional weight when staking the rolls are not feasible (such as use as inlet protection). When fiber rolls are placed at the toe and on the face of slopes along the contours, they intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff (through sedimentation). By interrupting the length of a slope, fiber rolls can also reduce sheet and rill erosion until vegetation is established.

Suitable Applications

Fiber rolls may be suitable:

- Along the toe, top, face, and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow.
- At the end of a downward slope where it transitions to a steeper slope.
- Along the perimeter of a project.
- As check dams in unlined ditches with minimal grade.
- Down-slope of exposed soil areas.
- At operational storm drains as a form of inlet protection.

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

SE-1 Silt Fence

SE-6 Gravel Bag Berm

SE-8 Sandbag Barrier

SE-14 Biofilter Bags

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- Around temporary stockpiles.

Limitations

- Fiber rolls are not effective unless trenched in and staked.
- Not intended for use in high flow situations.
- Difficult to move once saturated.
- If not properly staked and trenched in, fiber rolls could be transported by high flows.
- Fiber rolls have a very limited sediment capture zone.
- Fiber rolls should not be used on slopes subject to creep, slumping, or landslide.
- Rolls typically function for 12-24 months depending upon local conditions.

Implementation

Fiber Roll Materials

- Fiber rolls should be prefabricated.
- Fiber rolls may come manufactured containing polyacrylamide (PAM), a flocculating agent within the roll. Fiber rolls impregnated with PAM provide additional sediment removal capabilities and should be used in areas with fine, clayey or silty soils to provide additional sediment removal capabilities. Monitoring may be required for these installations.
- Fiber rolls are made from weed free rice straw, flax, or a similar agricultural material bound into a tight tubular roll by netting.
- Typical fiber rolls vary in diameter from 9 in. to 20 in. Larger diameter rolls are available as well.

Installation

- Locate fiber rolls on level contours spaced as follows:
  - Slope inclination of 4:1 (H:V) or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
  - Slope inclination between 4:1 and 2:1 (H:V): Fiber Rolls should be placed at a maximum interval of 15 ft. (a closer spacing is more effective).
  - Slope inclination 2:1 (H:V) or greater: Fiber Rolls should be placed at a maximum interval of 10 ft. (a closer spacing is more effective).
- Prepare the slope before beginning installation.
- Dig small trenches across the slope on the contour. The trench depth should be ¼ to 1/3 of the thickness of the roll, and the width should equal the roll diameter, in order to provide area to backfill the trench.

- It is critical that rolls are installed perpendicular to water movement, and parallel to the slope contour.
- Start building trenches and installing rolls from the bottom of the slope and work up.
- It is recommended that pilot holes be driven through the fiber roll. Use a straight bar to drive holes through the roll and into the soil for the wooden stakes.
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into the trench.
  - Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center.
  - Use wood stakes with a nominal classification of 0.75 by 0.75 in. and minimum length of 24 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.
- See typical fiber roll installation details at the end of this fact sheet.

Removal

- Fiber rolls can be left in place or removed depending on the type of fiber roll and application (temporary vs. permanent installation). Typically, fiber rolls encased with plastic netting are used for a temporary application because the netting does not biodegrade. Fiber rolls used in a permanent application are typically encased with a biodegradeable material and are left in place. Removal of a fiber roll used in a permanent application can result in greater disturbance.
- Temporary installations should only be removed when up gradient areas are stabilized per General Permit requirements, and/or pollutant sources no longer present a hazard. But, they should also be removed before vegetation becomes too mature so that the removal process does not disturb more soil and vegetation than is necessary.

Costs

Material costs for regular fiber rolls range from $20 - $30 per 25 ft roll.

Material costs for PAM impregnated fiber rolls range between 7.00-$9.00 per linear foot, based upon vendor research.

Inspection and Maintenance

- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Repair or replace split, torn, unraveling, or slumping fiber rolls.
- If the fiber roll is used as a sediment capture device, or as an erosion control device to maintain sheet flows, sediment that accumulates in the BMP should be periodically removed

in order to maintain BMP effectiveness. Sediment should be removed when sediment accumulation reaches one-third the designated sediment storage depth.

- If fiber rolls are used for erosion control, such as in a check dam, sediment removal should not be required as long as the system continues to control the grade. Sediment control BMPs will likely be required in conjunction with this type of application.
- Repair any rills or gullies promptly.

References

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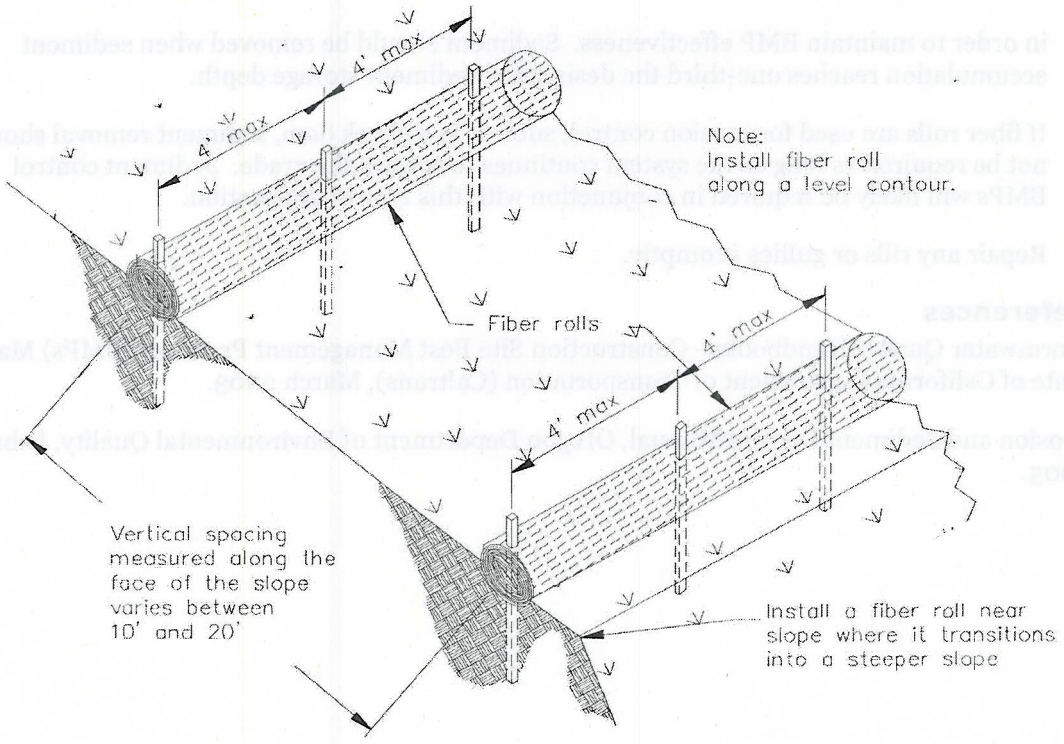
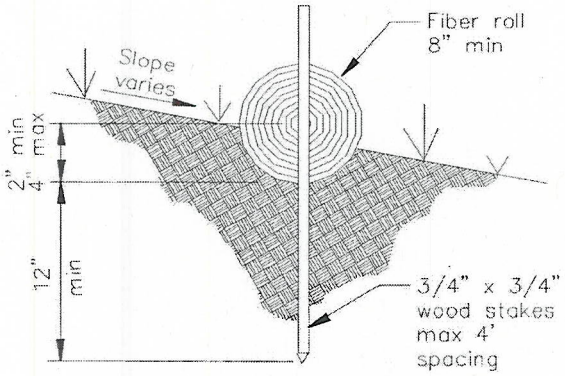
Erosion and Sediment Control Manual, Oregon Department of Environmental Quality, February 2005.



TYPICAL FIBER ROLL INSTALLATION
N.T.S.

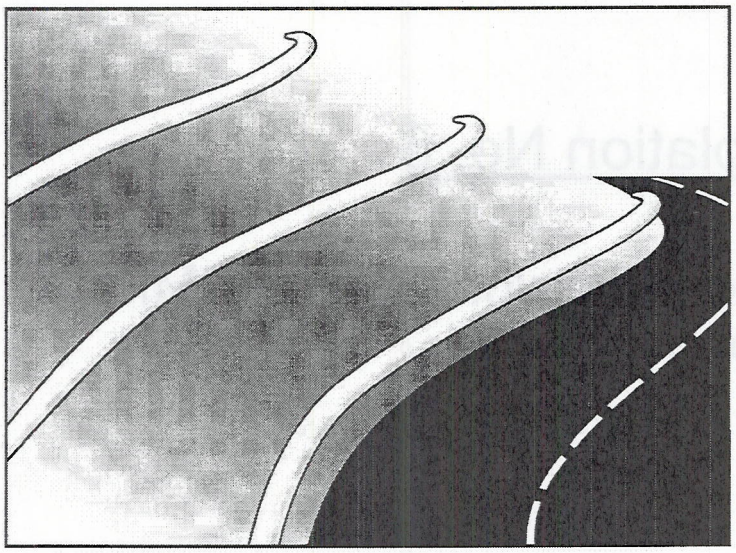


ENTRENCHMENT DETAIL
N.T.S.

Violation No. 6

Failure to Implement Erosion Control BMPs in Active Areas (22 days)

Fiber Rolls SE-5



Categories		
EC	Erosion Control	☒
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Category**
☒ **Secondary Category**

Description and Purpose

A fiber roll consists of straw, coir, or other biodegradable materials bound into a tight tubular roll wrapped by netting, which can be photodegradable or natural. Additionally, gravel core fiber rolls are available, which contain an imbedded ballast material such as gravel or sand for additional weight when staking the rolls are not feasible (such as use as inlet protection). When fiber rolls are placed at the toe and on the face of slopes along the contours, they intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff (through sedimentation). By interrupting the length of a slope, fiber rolls can also reduce sheet and rill erosion until vegetation is established.

Targeted Constituents	
Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Suitable Applications

Fiber rolls may be suitable:

- Along the toe, top, face, and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow.
- At the end of a downward slope where it transitions to a steeper slope.
- Along the perimeter of a project.
- As check dams in unlined ditches with minimal grade.
- Down-slope of exposed soil areas.
- At operational storm drains as a form of inlet protection.

Potential Alternatives
SE-1 Silt Fence
SE-6 Gravel Bag Berm
SE-8 Sandbag Barrier
SE-14 Biofilter Bags

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- Around temporary stockpiles.

Limitations

- Fiber rolls are not effective unless trenched in and staked.
- Not intended for use in high flow situations.
- Difficult to move once saturated.
- If not properly staked and trenched in, fiber rolls could be transported by high flows.
- Fiber rolls have a very limited sediment capture zone.
- Fiber rolls should not be used on slopes subject to creep, slumping, or landslide.
- Rolls typically function for 12-24 months depending upon local conditions.

Implementation

Fiber Roll Materials

- Fiber rolls should be prefabricated.
- Fiber rolls may come manufactured containing polyacrylamide (PAM), a flocculating agent within the roll. Fiber rolls impregnated with PAM provide additional sediment removal capabilities and should be used in areas with fine, clayey or silty soils to provide additional sediment removal capabilities. Monitoring may be required for these installations.
- Fiber rolls are made from weed free rice straw, flax, or a similar agricultural material bound into a tight tubular roll by netting.
- Typical fiber rolls vary in diameter from 9 in. to 20 in. Larger diameter rolls are available as well.

Installation

- Locate fiber rolls on level contours spaced as follows:
  - Slope inclination of 4:1 (H:V) or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
  - Slope inclination between 4:1 and 2:1 (H:V): Fiber Rolls should be placed at a maximum interval of 15 ft. (a closer spacing is more effective).
  - Slope inclination 2:1 (H:V) or greater: Fiber Rolls should be placed at a maximum interval of 10 ft. (a closer spacing is more effective).
- Prepare the slope before beginning installation.
- Dig small trenches across the slope on the contour. The trench depth should be ¼ to 1/3 of the thickness of the roll, and the width should equal the roll diameter, in order to provide area to backfill the trench.

- It is critical that rolls are installed perpendicular to water movement, and parallel to the slope contour.
- Start building trenches and installing rolls from the bottom of the slope and work up.
- It is recommended that pilot holes be driven through the fiber roll. Use a straight bar to drive holes through the roll and into the soil for the wooden stakes.
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into the trench.
  - Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center.
  - Use wood stakes with a nominal classification of 0.75 by 0.75 in. and minimum length of 24 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.
- See typical fiber roll installation details at the end of this fact sheet.

Removal

- Fiber rolls can be left in place or removed depending on the type of fiber roll and application (temporary vs. permanent installation). Typically, fiber rolls encased with plastic netting are used for a temporary application because the netting does not biodegrade. Fiber rolls used in a permanent application are typically encased with a biodegradeable material and are left in place. Removal of a fiber roll used in a permanent application can result in greater disturbance.
- Temporary installations should only be removed when up gradient areas are stabilized per General Permit requirements, and/or pollutant sources no longer present a hazard. But, they should also be removed before vegetation becomes too mature so that the removal process does not disturb more soil and vegetation than is necessary.

Costs

Material costs for regular fiber rolls range from $20 - $30 per 25 ft roll.

Material costs for PAM impregnated fiber rolls range between 7.00-$9.00 per linear foot, based upon vendor research.

Inspection and Maintenance

- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Repair or replace split, torn, unraveling, or slumping fiber rolls.
- If the fiber roll is used as a sediment capture device, or as an erosion control device to maintain sheet flows, sediment that accumulates in the BMP should be periodically removed

in order to maintain BMP effectiveness. Sediment should be removed when sediment accumulation reaches one-third the designated sediment storage depth.

- If fiber rolls are used for erosion control, such as in a check dam, sediment removal should not be required as long as the system continues to control the grade. Sediment control BMPs will likely be required in conjunction with this type of application.
- Repair any rills or gullies promptly.

References

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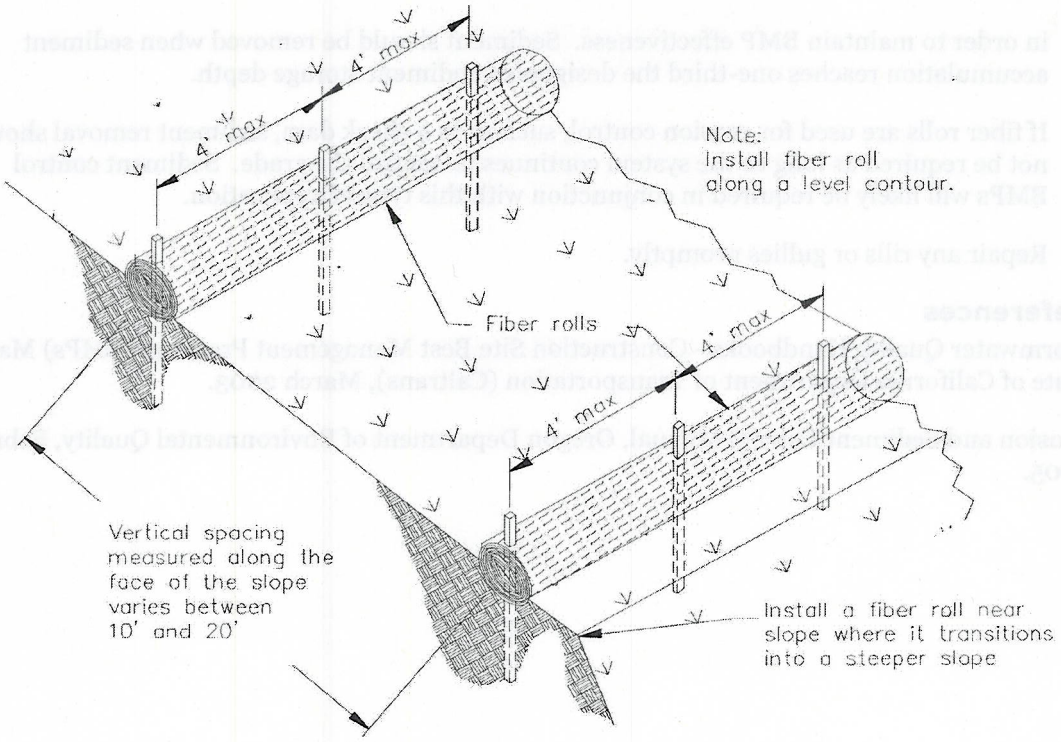
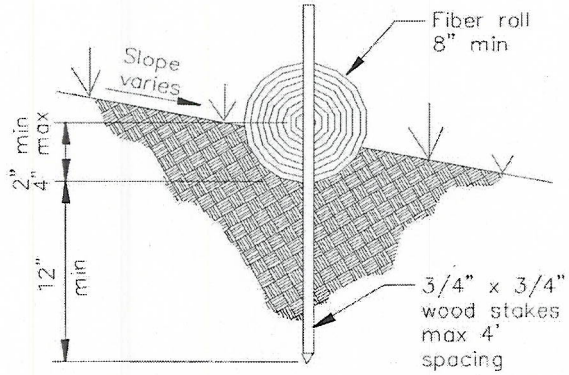
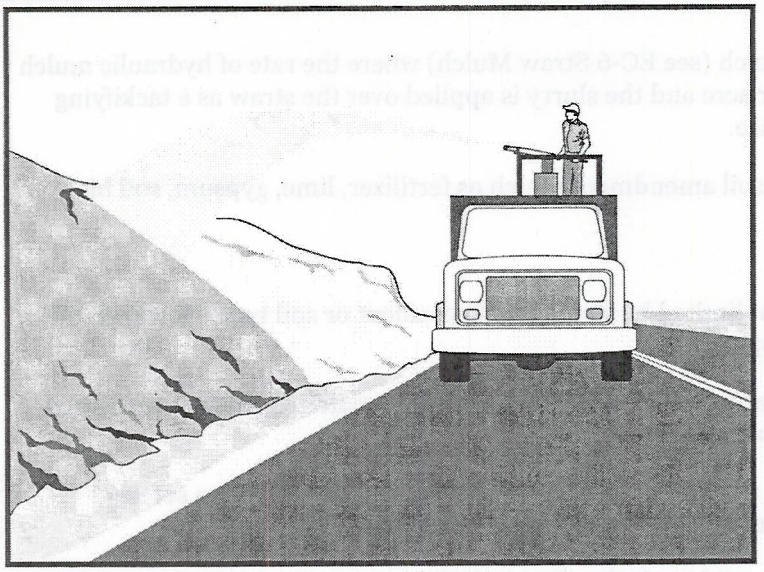


TYPICAL FIBER ROLL INSTALLATION
N.T.S.



ENTRENCHMENT DETAIL
N.T.S.

Hydraulic Mulch EC-3



Categories

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Legend:
☑ **Primary Category**
☒ **Secondary Category**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

EC-4 Hydroseeding
EC-5 Soil Binders
EC-6 Straw Mulch
EC-7 Geotextiles and Mats
EC-8 Wood Mulching
EC-14 Compost Blanket
EC-16 Non-Vegetative Stabilization

Description and Purpose

Hydraulic Mulch consists of various types of fibrous materials mixed with water and sprayed onto the soil surface in slurry form to provide a layer of temporary protection from wind and water erosion.

Suitable Applications

Hydraulic mulch as a temporary, stand alone, erosion control BMP is suitable for disturbed areas that require temporary protection from wind and water erosion until permanent soil stabilization activities commence. Examples include:

- Rough-graded areas that will remain inactive for longer than permit-required thresholds (e.g., 14 days) or otherwise require stabilization to minimize erosion or prevent sediment discharges.
- Soil stockpiles.
- Slopes with exposed soil between existing vegetation such as trees or shrubs.
- Slopes planted with live, container-grown vegetation or plugs.
- Slopes burned by wildfire.

Hydraulic mulch can also be applied to augment other erosion control BMPs such as:

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- In conjunction with straw mulch (see EC-6 Straw Mulch) where the rate of hydraulic mulch is reduced to 100-500 lbs per acre and the slurry is applied over the straw as a tackifying agent to hold the straw in place.
- Supplemental application of soil amendments, such as fertilizer, lime, gypsum, soil bio-stimulants or compost.

Limitations

In general, hydraulic mulch is not limited by slope length, gradient or soil type. However, the following limitations typically apply:

- Most hydraulic mulch applications, particularly bonded fiber matrices (BFMs), require at least 24 hours to dry before rainfall occurs.
- Temporary applications (i.e., without a vegetative component) may require a second application in order to remain effective for an entire rainy season.
- Treatment areas must be accessible to hydraulic mulching equipment.
- Availability of water sources in remote areas for mixing and application.
- As a stand-alone temporary BMP, hydraulic mulches may need to be re-applied to maintain their erosion control effectiveness, typically after 6-12 months depending on the type of mulch used.
- Availability of hydraulic mulching equipment may be limited just prior to the rainy season and prior to storms due to high demand.
- Cellulose fiber mulches alone may not perform well on steep slopes or in course soils.

Implementation

- Where feasible, it is preferable to prepare soil surfaces prior to application by roughening embankments and fill areas with a crimping or punching type roller or by track walking.
- The majority of hydraulic mulch applications do not necessarily require surface/soil preparation (See EC-15 Soil Preparation) although in almost every case where re-vegetation is included as part of the practice, soil preparation can be beneficial. One of the advantages of hydraulic mulch over other erosion control methods is that it can be applied in areas where soil preparation is precluded by site conditions, such as steep slopes, rocky soils, or inaccessibility.
- Avoid mulch over spray onto roads, sidewalks, drainage channels, existing vegetation, etc.
- Hydraulic mulching is generally performed utilizing specialized machines that have a large water-holding/mixing tank and some form of mechanical agitation or other recirculation method to keep water, mulch and soil amendments in suspension. The mixed hydraulic slurry can be applied from a tower sprayer on top of the machine or by extending a hose to areas remote from the machine.

- Where possible apply hydraulic mulch from multiple directions to adequately cover the soil. Application from a single direction can result in shadowing, uneven coverage and failure of the BMP.
- Hydraulic mulch can also include a vegetative component, such as seed, rhizomes, or stolons (see EC-4 Hydraulic Seed).
- Typical hydraulic mulch application rates range from 2,000 pounds per acre for standard mulches (SMs) to 3,500 pounds per acre for BFMs. However, the required amount of hydraulic mulch to provide adequate coverage of exposed topsoil may appear to exceed the standard rates when the roughness of the soil surface is changed due to soil preparation methods (see EC-15 Soil Preparation) or by slope gradient.
- Other factors such as existing soil moisture and soil texture can have a profound effect on the amount of hydraulic mulch required (i.e. application rate) applied to achieve an erosion-resistant covering.
- Avoid use of mulch without a tackifier component, especially on slopes.
- Mulches used in the hydraulic mulch slurry can include:
  - Cellulose fiber
  - Thermally-processed wood fibers
  - Cotton
  - Synthetics
  - Compost (see EC-14, Compost Blanket)
- Additional guidance on the comparison and selection of temporary slope stabilization methods is provided in Appendix F of the Handbook.

Categories of Hydraulic Mulches

Standard Hydraulic Mulch (SM)

Standard hydraulic mulches are generally applied at a rate of 2,000 pounds per acre and are manufactured containing around 5% tackifier (i.e. soil binder), usually a plant-derived guar or psyllium type. Most standard mulches are green in color derived from food-color based dyes.

Hydraulic Matrices (HM) and Stabilized Fiber Matrices (SFM)

Hydraulic matrices and stabilized fiber matrices are slurries which contain increased levels of tackifiers/soil binders; usually 10% or more by weight. HMs and SFMs have improved performance compared to a standard hydraulic mulch (SM) because of the additional percentage of tackifier and because of their higher application rates, typically 2,500 – 4,000 pounds per acre. Hydraulic matrices can include a mixture of fibers, for example, a 50/50 blend of paper and wood fiber. In the case of an SFM, the tackifier/soil binder is specified as a polyacrylamide (PAM).

Bonded Fiber Matrix (BFM)

Bonded fiber matrices (BFMs) are hydraulically-applied systems of fibers, adhesives (typically guar based) and chemical cross-links. Upon drying, the slurry forms an erosion-resistant blanket that prevents soil erosion and promotes vegetation establishment. The cross-linked adhesive in the BFM should be biodegradable and should not dissolve or disperse upon re-wetting. BFMs are typically applied at rates from 3,000 to 4,000 lbs/acre based on the manufacturer's recommendation. BFMs should not be applied immediately before, during or immediately after rainfall or if the soil is saturated. Depending on the product, BFMs typically require 12 to 24 hours to dry and become effective.

Mechanically-Bonded Fiber Matrices (MBFM)

Mechanically-bonded fiber matrices (MBFMs) are hydraulically applied systems similar to BFM that use crimped synthetic fibers and PAM and are typically applied to a slope at a higher application rate than a standard BFM.

Hydraulic Compost Matrix (HCM)

Hydraulic compost matrix (HCM) is a field-derived practice whereby finely graded or sifted compost is introduced into the hydraulic mulch slurry. A guar-type tackifier can be added for steeper slope applications as well as any specified seed mixtures. A HCM can help to accelerate seed germination and growth. HCMs are particularly useful as an in-fill for three-dimensional re-vegetation geocomposites, such as turf reinforcement mats (TRM) (see EC-7 Geotextiles and Mats).

Costs

Average installed costs for hydraulic mulch categories are is provided in Table 1, below.

Table 1
HYDRAULIC MULCH BMPs
INSTALLED COSTS

BMP	Installed Cost/Acre
Standard Hydraulic Mulching (SM)	$1,700 - $3,600 per acre
Hydraulic Matrices (HM) and Stabilized Fiber Matrices	
Guar-based	$2,000 - $4,000 per acre
PAM-based	$2,500 - $5,610 per acre
Bonded Fiber Matrix (BFM)	$3,900 - $6,900 per acre
Mechanically Bonded Fiber Matrix (MBFM)	$4,500 - $6,000 per acre
Hydraulic Compost Matrix (HCM)	$3,000 - $3,500 per acre

Source: Caltrans Soil Stabilization BMP Research for Erosion and Sediment Controls, July 2007

Inspection and Maintenance

- Maintain an unbroken, temporary mulched ground cover throughout the period of construction when the soils are not being reworked.
- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected

weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.

- Areas where erosion is evident should be repaired and BMPs re-applied as soon as possible. Care should be exercised to minimize the damage to protected areas while making repairs, as any area damaged will require re-application of BMPs.
- Compare the number of bags or weight of applied mulch to the area treated to determine actual application rates and compliance with specifications.

References

Soil Stabilization BMP Research for Erosion and Sediment Controls: Cost Survey Technical Memorandum, State of California Department of Transportation (Caltrans), July 2007.

Controlling Erosion of Construction Sites, Agricultural Information #347, U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service – SCS).

Guides for Erosion and Sediment Control in California, USDA Soils Conservation Service, January 1991.

Manual of Standards of Erosion and Sediment Control Measures, Association of Bay Area Governments, May 1995.

Sedimentation and Erosion Control, An Inventory of Current Practices Draft, US EPA, April 1990.

Soil Erosion by Water, Agriculture Information Bulletin #513, U.S. Department of Agriculture, Soil Conservation Service.

Stormwater Quality Handbooks Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

Guidance Document: Soil Stabilization for Temporary Slopes, State of California Department of Transportation (Caltrans), November 1999

Stormwater Management of the Puget Sound Basin, Technical Manual, Publication #91-75, Washington State Department of Ecology, February 1992.

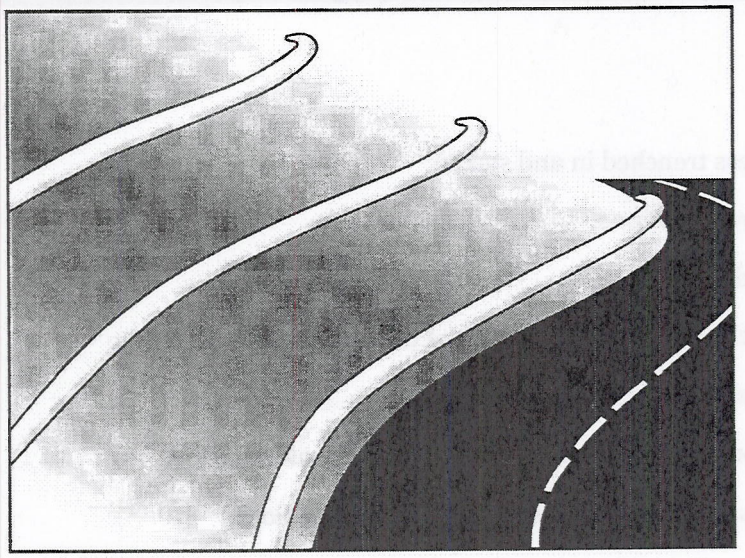
Water Quality Management Plan for the Lake Tahoe Region, Volume II, Handbook of Management Practices, Tahoe Regional Planning Agency, November 1988.

Violation No. 7

Failure to Apply Linear Sediment Controls (9 days)

Fiber Rolls

SE-5



Description and Purpose

A fiber roll consists of straw, coir, or other biodegradable materials bound into a tight tubular roll wrapped by netting, which can be photodegradable or natural. Additionally, gravel core fiber rolls are available, which contain an imbedded ballast material such as gravel or sand for additional weight when staking the rolls are not feasible (such as use as inlet protection). When fiber rolls are placed at the toe and on the face of slopes along the contours, they intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff (through sedimentation). By interrupting the length of a slope, fiber rolls can also reduce sheet and rill erosion until vegetation is established.

Suitable Applications

Fiber rolls may be suitable:

- Along the toe, top, face, and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow.
- At the end of a downward slope where it transitions to a steeper slope.
- Along the perimeter of a project.
- As check dams in unlined ditches with minimal grade.
- Down-slope of exposed soil areas.
- At operational storm drains as a form of inlet protection.

Categories

EC	Erosion Control	☒
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Category**

☒ **Secondary Category**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

SE-1 Silt Fence

SE-6 Gravel Bag Berm

SE-8 Sandbag Barrier

SE-14 Biofilter Bags

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- Around temporary stockpiles.

Limitations

- Fiber rolls are not effective unless trenched in and staked.
- Not intended for use in high flow situations.
- Difficult to move once saturated.
- If not properly staked and trenched in, fiber rolls could be transported by high flows.
- Fiber rolls have a very limited sediment capture zone.
- Fiber rolls should not be used on slopes subject to creep, slumping, or landslide.
- Rolls typically function for 12-24 months depending upon local conditions.

Implementation

Fiber Roll Materials

- Fiber rolls should be prefabricated.
- Fiber rolls may come manufactured containing polyacrylamide (PAM), a flocculating agent within the roll. Fiber rolls impregnated with PAM provide additional sediment removal capabilities and should be used in areas with fine, clayey or silty soils to provide additional sediment removal capabilities. Monitoring may be required for these installations.
- Fiber rolls are made from weed free rice straw, flax, or a similar agricultural material bound into a tight tubular roll by netting.
- Typical fiber rolls vary in diameter from 9 in. to 20 in. Larger diameter rolls are available as well.

Installation

- Locate fiber rolls on level contours spaced as follows:
  - Slope inclination of 4:1 (H:V) or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
  - Slope inclination between 4:1 and 2:1 (H:V): Fiber Rolls should be placed at a maximum interval of 15 ft. (a closer spacing is more effective).
  - Slope inclination 2:1 (H:V) or greater: Fiber Rolls should be placed at a maximum interval of 10 ft. (a closer spacing is more effective).
- Prepare the slope before beginning installation.
- Dig small trenches across the slope on the contour. The trench depth should be ¼ to 1/3 of the thickness of the roll, and the width should equal the roll diameter, in order to provide area to backfill the trench.

- It is critical that rolls are installed perpendicular to water movement, and parallel to the slope contour.
- Start building trenches and installing rolls from the bottom of the slope and work up.
- It is recommended that pilot holes be driven through the fiber roll. Use a straight bar to drive holes through the roll and into the soil for the wooden stakes.
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into the trench.
  - Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center.
  - Use wood stakes with a nominal classification of 0.75 by 0.75 in. and minimum length of 24 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.
- See typical fiber roll installation details at the end of this fact sheet.

Removal

- Fiber rolls can be left in place or removed depending on the type of fiber roll and application (temporary vs. permanent installation). Typically, fiber rolls encased with plastic netting are used for a temporary application because the netting does not biodegrade. Fiber rolls used in a permanent application are typically encased with a biodegradeable material and are left in place. Removal of a fiber roll used in a permanent application can result in greater disturbance.
- Temporary installations should only be removed when up gradient areas are stabilized per General Permit requirements, and/or pollutant sources no longer present a hazard. But, they should also be removed before vegetation becomes too mature so that the removal process does not disturb more soil and vegetation than is necessary.

Costs

Material costs for regular fiber rolls range from $20 - $30 per 25 ft roll.

Material costs for PAM impregnated fiber rolls range between 7.00-$9.00 per linear foot, based upon vendor research.

Inspection and Maintenance

- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Repair or replace split, torn, unraveling, or slumping fiber rolls.
- If the fiber roll is used as a sediment capture device, or as an erosion control device to maintain sheet flows, sediment that accumulates in the BMP should be periodically removed

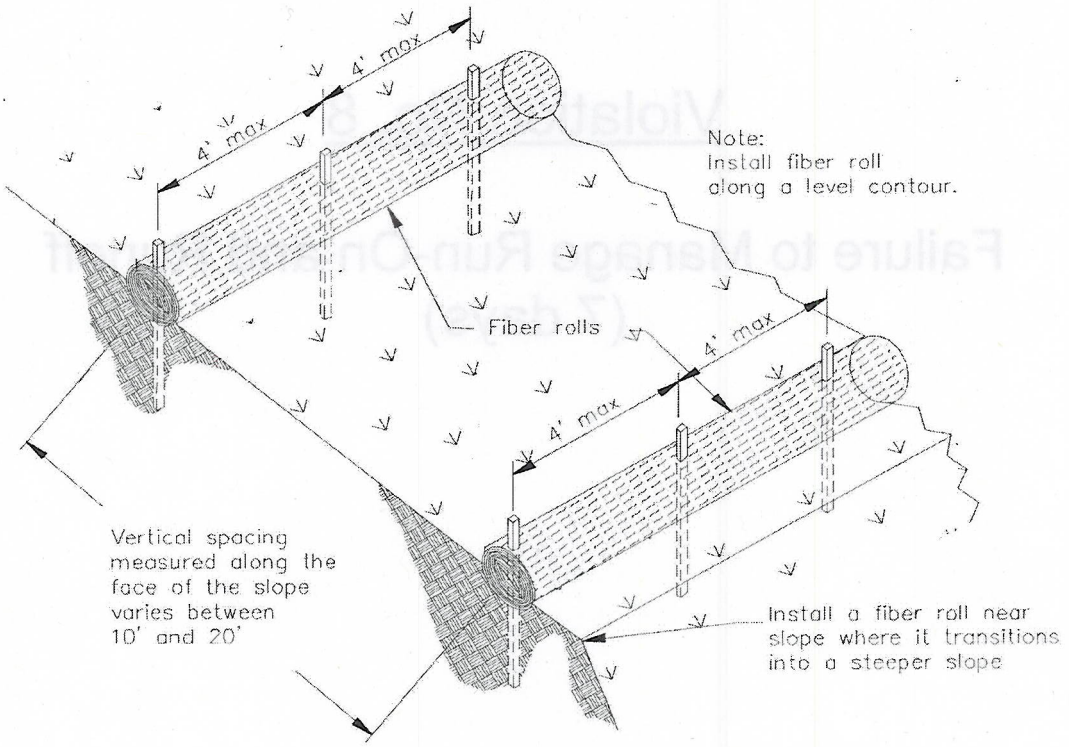
in order to maintain BMP effectiveness. Sediment should be removed when sediment accumulation reaches one-third the designated sediment storage depth.

- If fiber rolls are used for erosion control, such as in a check dam, sediment removal should not be required as long as the system continues to control the grade. Sediment control BMPs will likely be required in conjunction with this type of application.
- Repair any rills or gullies promptly.

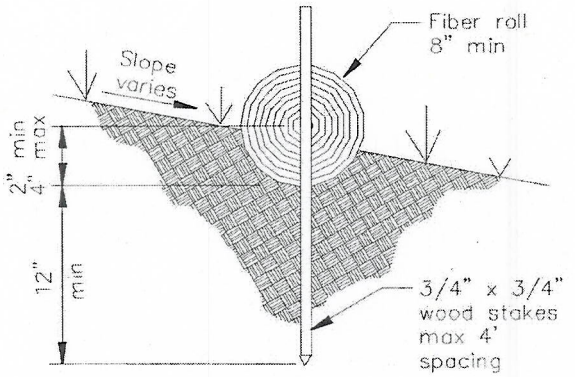
References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

Erosion and Sediment Control Manual, Oregon Department of Environmental Quality, February 2005.



TYPICAL FIBER ROLL INSTALLATION
N.T.S.

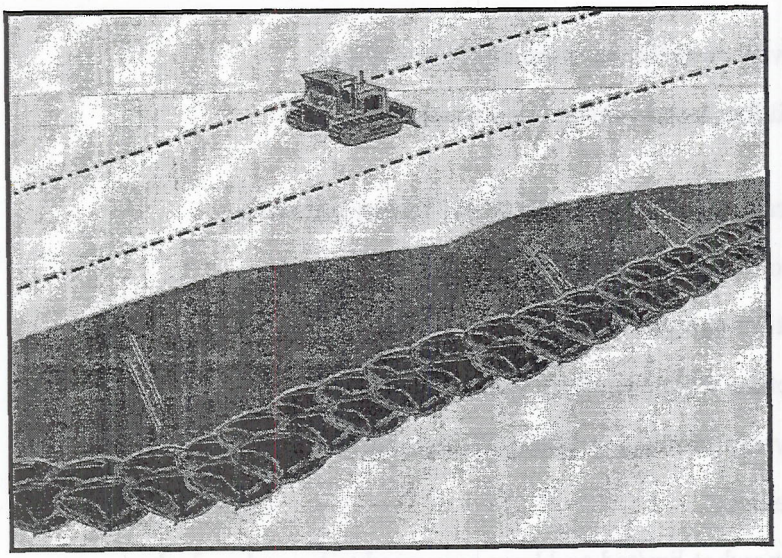


ENTRENCHMENT DETAIL
N.T.S.

Violation No. 8

Failure to Manage Run-On and Runoff (7 days)

Sandbag Barrier SE-8



Categories		
EC	Erosion Control	☒
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Category**
☒ **Secondary Category**

Description and Purpose

A sandbag barrier is a series of sand-filled bags placed on a level contour to intercept or to divert sheet flows. Sandbag barriers placed on a level contour pond sheet flow runoff, allowing sediment to settle out.

Suitable Applications

Sandbag barriers may be suitable:

- As a linear sediment control measure:
  - Below the toe of slopes and erodible slopes.
  - As sediment traps at culvert/pipe outlets.
  - Below other small cleared areas.
  - Along the perimeter of a site.
  - Down slope of exposed soil areas.
  - Around temporary stockpiles and spoil areas.
  - Parallel to a roadway to keep sediment off paved areas.
  - Along streams and channels.
- As linear erosion control measure:
  - Along the face and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow.

Targeted Constituents	
Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives
SE-1 Silt Fence
SE-5 Fiber Rolls
SE-6 Gravel Bag Berm
SE-14 Biofilter Bags

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- At the top of slopes to divert runoff away from disturbed slopes.
- As check dams across mildly sloped construction roads.

Limitations

- It is necessary to limit the drainage area upstream of the barrier to 5 acres.
- Sandbags are not intended to be used as filtration devices.
- Easily damaged by construction equipment.
- Degraded sandbags may rupture when removed, spilling sand.
- Sand is easily transported by runoff if bag is damaged or ruptured.
- Installation can be labor intensive.
- Durability of sandbags is somewhat limited and bags may need to be replaced when installation is required for longer than 6 months. When used to detain concentrated flows, maintenance requirements increase.
- Burlap should not be used for sandbags.

Implementation

General

A sandbag barrier consists of a row of sand-filled bags placed on a level contour. When appropriately placed, a sandbag barrier intercepts and slows sheet flow runoff, causing temporary ponding. The temporary ponding allows sediment to settle. Sand-filled bags have limited porosity, which is further limited as the fine sand tends to quickly plug with sediment, limiting or completely blocking the rate of flow through the barrier. If a porous barrier is desired, consider SE-1, Silt Fence, SE-5, Fiber Rolls, SE-6, Gravel Bag Berms or SE-14, Biofilter Bags. Sandbag barriers also interrupt the slope length and thereby reduce erosion by reducing the tendency of sheet flows to concentrate into rivulets which erode rills, and ultimately gullies, into disturbed, sloped soils. Sandbag barriers are similar to gravel bag berms, but less porous. Generally, sandbag barriers should be used in conjunction with temporary soil stabilization controls up slope to provide effective erosion and sediment control.

Design and Layout

- Locate sandbag barriers on a level contour.
- When used for slope interruption, the following slope/sheet flow length combinations apply:
  - Slope inclination of 4:1 (H:V) or flatter: Sandbags should be placed at a maximum interval of 20 ft, with the first row near the slope toe.
  - Slope inclination between 4:1 and 2:1 (H:V): Sandbags should be placed at a maximum interval of 15 ft. (a closer spacing is more effective), with the first row near the slope toe.

    Slope inclination 2:1 (H:V) or greater: Sandbags should be placed at a maximum interval of 10 ft. (a closer spacing is more effective), with the first row near the slope toe.

- Turn the ends of the sandbag barrier up slope to prevent runoff from going around the barrier.
- Allow sufficient space up slope from the barrier to allow ponding, and to provide room for sediment storage.
- For installation near the toe of the slope, sand bag barriers should be set back from the slope toe to facilitate cleaning. Where specific site conditions do not allow for a set-back, the sand bag barrier may be constructed on the toe of the slope. To prevent flows behind the barrier, bags can be placed perpendicular to a berm to serve as cross barriers.
- Drainage area should not exceed 5 acres.
- Stack sandbags at least three bags high.
- Butt ends of bags tightly.
- Overlap butt joints of row beneath with each successive row.
- Use a pyramid approach when stacking bags.
- In non-traffic areas
  - Height = 18 in. maximum
  - Top width = 24 in. minimum for three or more layer construction
  - Side slope = 2:1 (H:V) or flatter
- In construction traffic areas
  - Height = 12 in. maximum
  - Top width = 24 in. minimum for three or more layer construction.
  - Side slopes = 2:1 (H:V) or flatter.
- See typical sandbag barrier installation details at the end of this fact sheet.

Materials

- ***Sandbag Material:*** Sandbag should be woven polypropylene, polyethylene or polyamide fabric, minimum unit weight of 4 ounces/yd^2, Mullen burst strength exceeding 300 lb/in^2 in conformance with the requirements in ASTM designation D3786, and ultraviolet stability exceeding 70% in conformance with the requirements in ASTM designation D4355. Use of burlap is not an acceptable substitute, as sand can more easily mobilize out of burlap.
- ***Sandbag Size:*** Each sand-filled bag should have a length of 18 in., width of 12 in., thickness of 3 in., and mass of approximately 33 lbs. Bag dimensions are nominal, and may vary based on locally available materials.

- ***Fill Material:*** All sandbag fill material should be non-cohesive, Class 3 (Caltrans Standard Specification, Section 25) permeable material free from clay and deleterious material, such as recycled concrete or asphalt..

Costs

Empty sandbags cost $0.25 - $0.75. Average cost of fill material is $8 per yd^3. Additional labor is required to fill the bags. Pre-filled sandbags are more expensive at $1.50 - $2.00 per bag. These costs are based upon vendor research.

Inspection and Maintenance

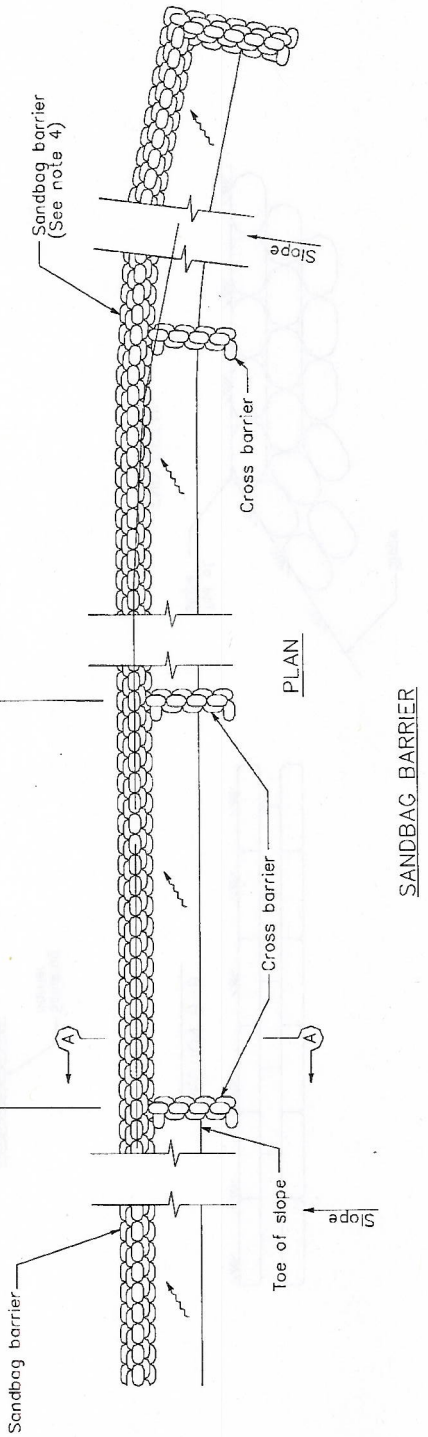
- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Sandbags exposed to sunlight will need to be replaced every two to three months due to degradation of the bags.
- Reshape or replace sandbags as needed.
- Repair washouts or other damage as needed.
- Sediment that accumulates behind the BMP should be periodically removed in order to maintain BMP effectiveness. Sediment should be removed when the sediment accumulation reaches one-third of the barrier height.
- Remove sandbags when no longer needed and recycle sand fill whenever possible and properly dispose of bag material. Remove sediment accumulation, and clean, re-grade, and stabilize the area.

References

Standard Specifications for Construction of Local Streets and Roads, California Department of Transportation (Caltrans), July 2002.

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

Erosion and Sediment Control Manual, Oregon Department of Environmental Quality, February 2005.

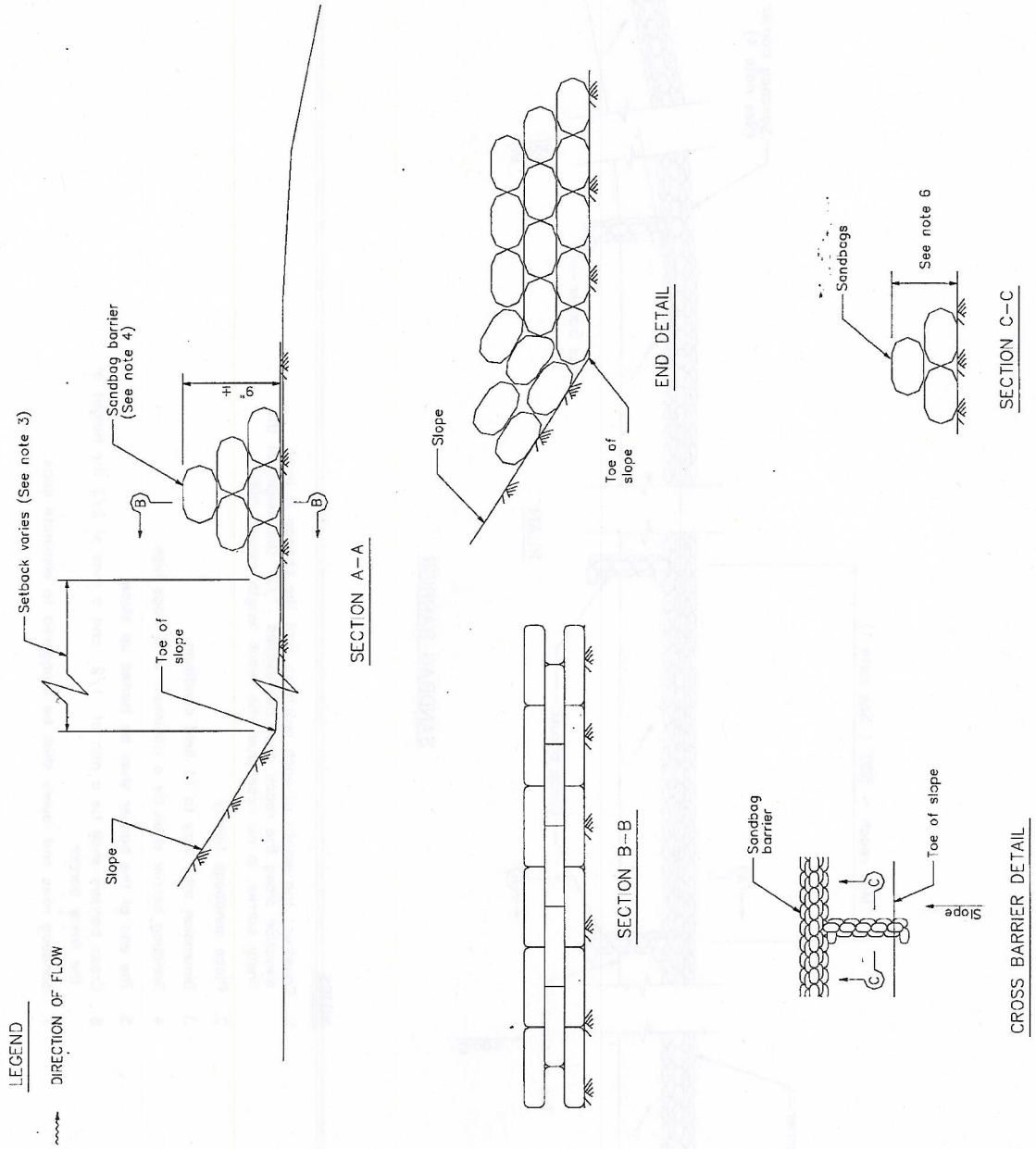


SANDBAG BARRIER

NOTES

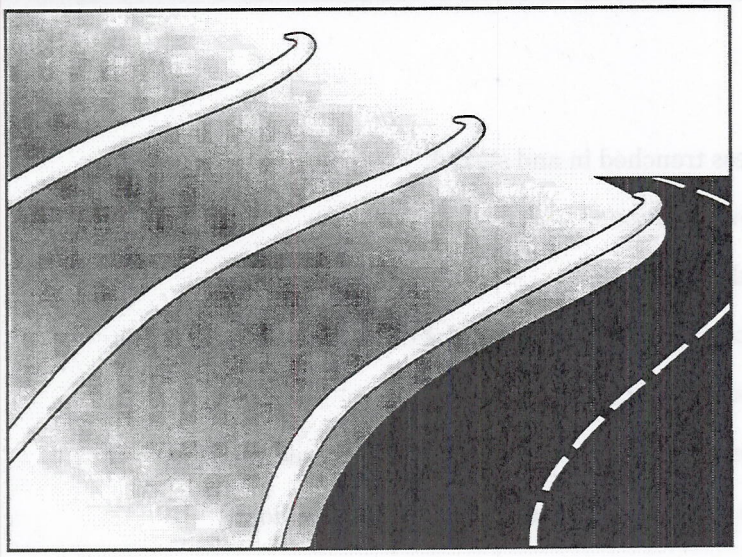
1. Construct the length of each reach so that the change in base elevation along the reach does not exceed 1/2 the height of the linear barrier. In no case shall the reach length exceed 500'.
2. Place sandbags tightly.
3. Dimension may vary to fit field condition.
4. Sandbag barrier shall be a minimum of 3 bags high.
5. The end of the barrier shall be turned up slope.
6. Cross barriers shall be a min of 1/2 and a max of 2/3 the height of the linear barrier.
7. Sandbag rows and layers shall be staggered to eliminate gaps.

Sandbag Barrier SE-8



Fiber Rolls

SE-5



Categories

EC	Erosion Control	☒
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Category**

☒ **Secondary Category**

Description and Purpose

A fiber roll consists of straw, coir, or other biodegradable materials bound into a tight tubular roll wrapped by netting, which can be photodegradable or natural. Additionally, gravel core fiber rolls are available, which contain an imbedded ballast material such as gravel or sand for additional weight when staking the rolls are not feasible (such as use as inlet protection). When fiber rolls are placed at the toe and on the face of slopes along the contours, they intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff (through sedimentation). By interrupting the length of a slope, fiber rolls can also reduce sheet and rill erosion until vegetation is established.

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

SE-1 Silt Fence

SE-6 Gravel Bag Berm

SE-8 Sandbag Barrier

SE-14 Biofilter Bags

Suitable Applications

Fiber rolls may be suitable:

- Along the toe, top, face, and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow.
- At the end of a downward slope where it transitions to a steeper slope.
- Along the perimeter of a project.
- As check dams in unlined ditches with minimal grade.
- Down-slope of exposed soil areas.
- At operational storm drains as a form of inlet protection.

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- Around temporary stockpiles.

Limitations

- Fiber rolls are not effective unless trenched in and staked.
- Not intended for use in high flow situations.
- Difficult to move once saturated.
- If not properly staked and trenched in, fiber rolls could be transported by high flows.
- Fiber rolls have a very limited sediment capture zone.
- Fiber rolls should not be used on slopes subject to creep, slumping, or landslide.
- Rolls typically function for 12-24 months depending upon local conditions.

Implementation

Fiber Roll Materials

- Fiber rolls should be prefabricated.
- Fiber rolls may come manufactured containing polyacrylamide (PAM), a flocculating agent within the roll. Fiber rolls impregnated with PAM provide additional sediment removal capabilities and should be used in areas with fine, clayey or silty soils to provide additional sediment removal capabilities. Monitoring may be required for these installations.
- Fiber rolls are made from weed free rice straw, flax, or a similar agricultural material bound into a tight tubular roll by netting.
- Typical fiber rolls vary in diameter from 9 in. to 20 in. Larger diameter rolls are available as well.

Installation

- Locate fiber rolls on level contours spaced as follows:
  - Slope inclination of 4:1 (H:V) or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
  - Slope inclination between 4:1 and 2:1 (H:V): Fiber Rolls should be placed at a maximum interval of 15 ft. (a closer spacing is more effective).
  - Slope inclination 2:1 (H:V) or greater: Fiber Rolls should be placed at a maximum interval of 10 ft. (a closer spacing is more effective).
- Prepare the slope before beginning installation.
- Dig small trenches across the slope on the contour. The trench depth should be ¼ to 1/3 of the thickness of the roll, and the width should equal the roll diameter, in order to provide area to backfill the trench.

- It is critical that rolls are installed perpendicular to water movement, and parallel to the slope contour.
- Start building trenches and installing rolls from the bottom of the slope and work up.
- It is recommended that pilot holes be driven through the fiber roll. Use a straight bar to drive holes through the roll and into the soil for the wooden stakes.
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into the trench.
  - Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center.
  - Use wood stakes with a nominal classification of 0.75 by 0.75 in. and minimum length of 24 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.
- See typical fiber roll installation details at the end of this fact sheet.

Removal

- Fiber rolls can be left in place or removed depending on the type of fiber roll and application (temporary vs. permanent installation). Typically, fiber rolls encased with plastic netting are used for a temporary application because the netting does not biodegrade. Fiber rolls used in a permanent application are typically encased with a biodegradeable material and are left in place. Removal of a fiber roll used in a permanent application can result in greater disturbance.
- Temporary installations should only be removed when up gradient areas are stabilized per General Permit requirements, and/or pollutant sources no longer present a hazard. But, they should also be removed before vegetation becomes too mature so that the removal process does not disturb more soil and vegetation than is necessary.

Costs

Material costs for regular fiber rolls range from $20 - $30 per 25 ft roll.

Material costs for PAM impregnated fiber rolls range between 7.00-$9.00 per linear foot, based upon vendor research.

Inspection and Maintenance

- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Repair or replace split, torn, unraveling, or slumping fiber rolls.
- If the fiber roll is used as a sediment capture device, or as an erosion control device to maintain sheet flows, sediment that accumulates in the BMP should be periodically removed

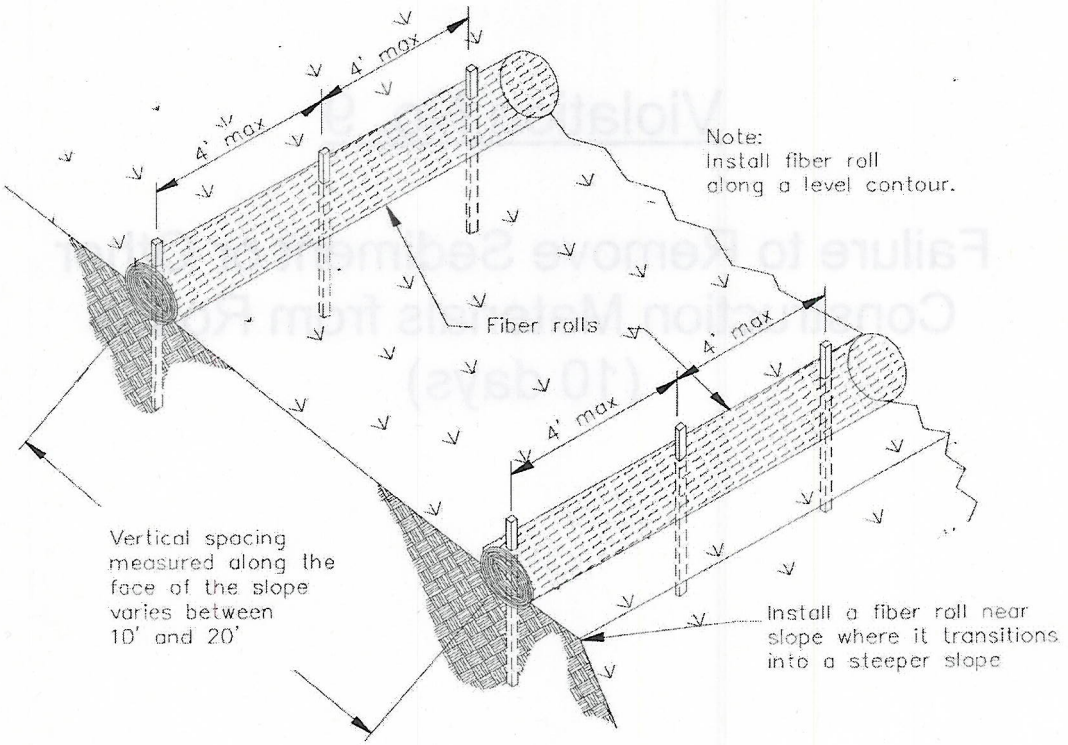
in order to maintain BMP effectiveness. Sediment should be removed when sediment accumulation reaches one-third the designated sediment storage depth.

- If fiber rolls are used for erosion control, such as in a check dam, sediment removal should not be required as long as the system continues to control the grade. Sediment control BMPs will likely be required in conjunction with this type of application.
- Repair any rills or gullies promptly.

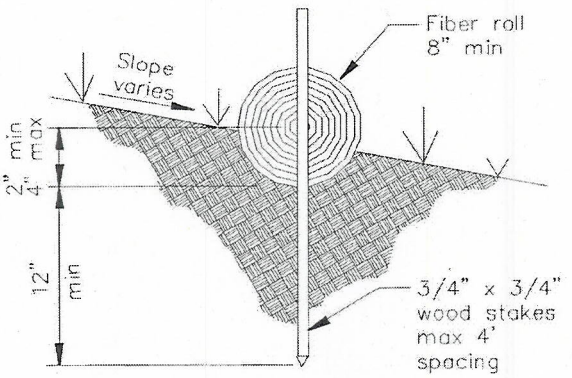
References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

Erosion and Sediment Control Manual, Oregon Department of Environmental Quality, February 2005.



TYPICAL FIBER ROLL INSTALLATION
N.T.S.

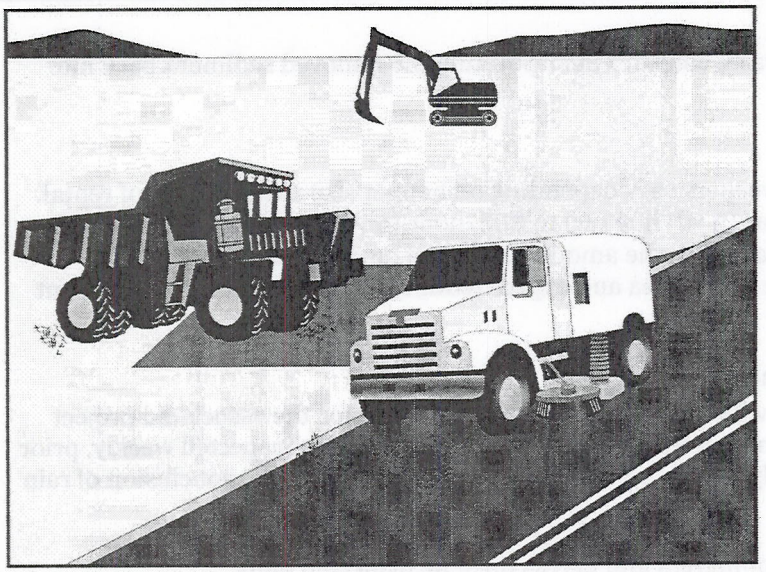


ENTRENCHMENT DETAIL
N.T.S.

Violation No. 9

Failure to Remove Sediment or Other Construction Materials from Roads (10 days)

Street Sweeping and Vacuuming SE-7



Categories

EC	Erosion Control	
SE	Sediment Control	☒
TC	Tracking Control	☑
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Objective**
☒ **Secondary Objective**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	☑
Metals	
Bacteria	
Oil and Grease	☑
Organics	

Potential Alternatives

None

Description and Purpose

Street sweeping and vacuuming includes use of self-propelled and walk-behind equipment to remove sediment from streets and roadways, and to clean paved surfaces in preparation for final paving. Sweeping and vacuuming prevents sediment from the project site from entering storm drains or receiving waters.

Suitable Applications

Sweeping and vacuuming are suitable anywhere sediment is tracked from the project site onto public or private paved streets and roads, typically at points of egress. Sweeping and vacuuming are also applicable during preparation of paved surfaces for final paving.

Limitations

Sweeping and vacuuming may not be effective when sediment is wet or when tracked soil is caked (caked soil may need to be scraped loose).

Implementation

- Controlling the number of points where vehicles can leave the site will allow sweeping and vacuuming efforts to be focused, and perhaps save money.
- Inspect potential sediment tracking locations daily.
- Visible sediment tracking should be swept or vacuumed on a daily basis.
- Do not use kick brooms or sweeper attachments. These tend to spread the dirt rather than remove it.

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- If not mixed with debris or trash, consider incorporating the removed sediment back into the project

Costs

Rental rates for self-propelled sweepers vary depending on hopper size and duration of rental. Expect rental rates from $58/hour (3 yd^3 hopper) to $88/hour (9 yd^3 hopper), plus operator costs. Hourly production rates vary with the amount of area to be swept and amount of sediment. Match the hopper size to the area and expect sediment load to minimize time spent dumping.

Inspection and Maintenance

- Inspect BMPs in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- When actively in use, points of ingress and egress must be inspected daily.
- When tracked or spilled sediment is observed outside the construction limits, it must be removed at least daily. More frequent removal, even continuous removal, may be required in some jurisdictions.
- Be careful not to sweep up any unknown substance or any object that may be potentially hazardous.
- Adjust brooms frequently; maximize efficiency of sweeping operations.
- After sweeping is finished, properly dispose of sweeper wastes at an approved dumpsite.

References

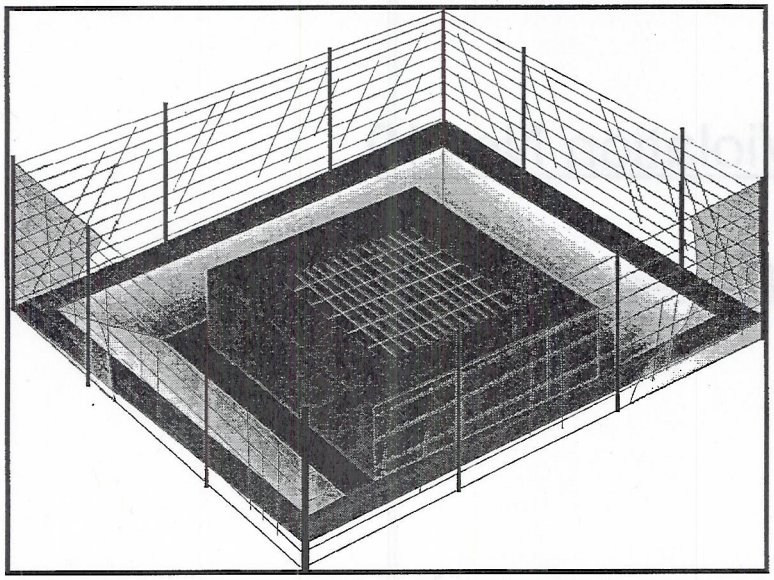
Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000.

Labor Surcharge and Equipment Rental Rates, State of California Department of Transportation (Caltrans), April 1, 2002 – March 31, 2003.

Violation No. 10

Failure to Protect Storm Drain Inlets
(3 days)

Storm Drain Inlet Protection SE-10



Categories

EC	Erosion Control	
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:
☑ **Primary Category**
☒ **Secondary Category**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	☒
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

SE-1 Silt Fence
SE-5 Fiber Rolls
SE-6 Gravel Bag Berm
SE-8 Sandbag Barrier
SE-14 Biofilter Bags

Description and Purpose

Storm drain inlet protection consists of a sediment filter or an impounding area in, around or upstream of a storm drain, drop inlet, or curb inlet. Storm drain inlet protection measures temporarily pond runoff before it enters the storm drain, allowing sediment to settle. Some filter configurations also remove sediment by filtering, but usually the ponding action results in the greatest sediment reduction. Temporary geotextile storm drain inserts attach underneath storm drain grates to capture and filter storm water.

Suitable Applications

Every storm drain inlet receiving runoff from unstabilized or otherwise active work areas should be protected. Inlet protection should be used in conjunction with other erosion and sediment controls to prevent sediment-laden stormwater and non-stormwater discharges from entering the storm drain system.

Limitations

- Drainage area should not exceed 1 acre.
- In general straw bales should not be used as inlet protection.
- Requires an adequate area for water to pond without encroaching into portions of the roadway subject to traffic.

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- Sediment removal may be inadequate to prevent sediment discharges in high flow conditions or if runoff is heavily sediment laden. If high flow conditions are expected, use other onsite sediment trapping techniques in conjunction with inlet protection.
- Frequent maintenance is required.
- Limit drainage area to 1 acre maximum. For drainage areas larger than 1 acre, runoff should be routed to a sediment-trapping device designed for larger flows. See BMPs SE-2, Sediment Basin, and SE-3, Sediment Traps.
- Excavated drop inlet sediment traps are appropriate where relatively heavy flows are expected, and overflow capability is needed.

Implementation

General

Inlet control measures presented in this handbook should not be used for inlets draining more than one acre. Runoff from larger disturbed areas should be first routed through SE-2, Sediment Basin or SE-3, Sediment Trap and/or used in conjunction with other drainage control, erosion control, and sediment control BMPs to protect the site. Different types of inlet protection are appropriate for different applications depending on site conditions and the type of inlet. Alternative methods are available in addition to the methods described/shown herein such as prefabricated inlet insert devices, or gutter protection devices.

Design and Layout

Identify existing and planned storm drain inlets that have the potential to receive sediment-laden surface runoff. Determine if storm drain inlet protection is needed and which method to use.

- The key to successful and safe use of storm drain inlet protection devices is to know where runoff that is directed toward the inlet to be protected will pond or be diverted as a result of installing the protection device.
  - Determine the acceptable location and extent of ponding in the vicinity of the drain inlet. The acceptable location and extent of ponding will influence the type and design of the storm drain inlet protection device.
  - Determine the extent of potential runoff diversion caused by the storm drain inlet protection device. Runoff ponded by inlet protection devices may flow around the device and towards the next downstream inlet. In some cases, this is acceptable; in other cases, serious erosion or downstream property damage can be caused by these diversions. The possibility of runoff diversions will influence whether or not storm drain inlet protection is suitable; and, if suitable, the type and design of the device.
- The location and extent of ponding, and the extent of diversion, can usually be controlled through appropriate placement of the inlet protection device. In some cases, moving the inlet protection device a short distance upstream of the actual inlet can provide more efficient sediment control, limit ponding to desired areas, and prevent or control diversions.

Storm Drain Inlet Protection SE-10

- Six types of inlet protection are presented below. However, it is recognized that other effective methods and proprietary devices exist and may be selected.
  - Silt Fence: Appropriate for drainage basins with less than a 5% slope, sheet flows, and flows under 0.5 cfs.
  - Excavated Drop Inlet Sediment Trap: An excavated area around the inlet to trap sediment (SE-3).
  - Gravel bag barrier: Used to create a small sediment trap upstream of inlets on sloped, paved streets. Appropriate for sheet flow or when concentrated flow may exceed 0.5 cfs, and where overtopping is required to prevent flooding.
  - Block and Gravel Filter: Appropriate for flows greater than 0.5 cfs.
  - Temporary Geotextile Storm drain Inserts: Different products provide different features. Refer to manufacturer details for targeted pollutants and additional features.
  - Biofilter Bag Barrier: Used to create a small retention area upstream of inlets and can be located on pavement or soil. Biofilter bags slowly filter runoff allowing sediment to settle out. Appropriate for flows under 0.5 cfs.
- Select the appropriate type of inlet protection and design as referred to or as described in this fact sheet.
- Provide area around the inlet for water to pond without flooding structures and property.
- Grates and spaces around all inlets should be sealed to prevent seepage of sediment-laden water.
- Excavate sediment sumps (where needed) 1 to 2 ft with 2:1 side slopes around the inlet.

Installation

- ***DI Protection Type 1 - Silt Fence*** - Similar to constructing a silt fence; see BMP SE-1, Silt Fence. Do not place fabric underneath the inlet grate since the collected sediment may fall into the drain inlet when the fabric is removed or replaced and water flow through the grate will be blocked resulting in flooding. See typical Type 1 installation details at the end of this fact sheet.

1. Excavate a trench approximately 6 in. wide and 6 in. deep along the line of the silt fence inlet protection device.
2. Place 2 in. by 2 in. wooden stakes around the perimeter of the inlet a maximum of 3 ft apart and drive them at least 18 in. into the ground or 12 in. below the bottom of the trench. The stakes should be at least 48 in.
3. Lay fabric along bottom of trench, up side of trench, and then up stakes. See SE-1, Silt Fence, for details. The maximum silt fence height around the inlet is 24 in.
4. Staple the filter fabric (for materials and specifications, see SE-1, Silt Fence) to wooden stakes. Use heavy-duty wire staples at least 1 in. in length.

5. Backfill the trench with gravel or compacted earth all the way around.

- ***DI Protection Type 2 - Excavated Drop Inlet Sediment Trap*** - Install filter fabric fence in accordance with DI Protection Type 1. Size excavated trap to provide a minimum storage capacity calculated at the rate 67 yd^3/acre of drainage area. See typical Type 2 installation details at the end of this fact sheet.

- ***DI Protection Type 3 - Gravel bag*** - Flow from a severe storm should not overtop the curb. In areas of high clay and silts, use filter fabric and gravel as additional filter media. Construct gravel bags in accordance with SE-6, Gravel Bag Berm. Gravel bags should be used due to their high permeability. See typical Type 3 installation details at the end of this fact sheet.

  1. Construct on gently sloping street.
  2. Leave room upstream of barrier for water to pond and sediment to settle.
  3. Place several layers of gravel bags – overlapping the bags and packing them tightly together.
  4. Leave gap of one bag on the top row to serve as a spillway. Flow from a severe storm (e.g., 10 year storm) should not overtop the curb.

- ***DI Protection Type 4 – Block and Gravel Filter*** - Block and gravel filters are suitable for curb inlets commonly used in residential, commercial, and industrial construction. See typical Type 4 installation details at the end of this fact sheet.

  1. Place hardware cloth or comparable wire mesh with 0.5 in. openings over the drop inlet so that the wire extends a minimum of 1 ft beyond each side of the inlet structure. If more than one strip is necessary, overlap the strips. Place woven geotextile over the wire mesh.
  2. Place concrete blocks lengthwise on their sides in a single row around the perimeter of the inlet, so that the open ends face outward, not upward. The ends of adjacent blocks should abut. The height of the barrier can be varied, depending on design needs, by stacking combinations of blocks that are 4 in., 8 in., and 12 in. wide. The row of blocks should be at least 12 in. but no greater than 24 in. high.
  3. Place wire mesh over the outside vertical face (open end) of the concrete blocks to prevent stone from being washed through the blocks. Use hardware cloth or comparable wire mesh with 0.5 in. opening.
  4. Pile washed stone against the wire mesh to the top of the blocks. Use 0.75 to 3 in.

- ***DI Protection Type 5 – Temporary Geotextile Insert (proprietary)*** – Many types of temporary inserts are available. Most inserts fit underneath the grate of a drop inlet or inside of a curb inlet and are fastened to the outside of the grate or curb. These inserts are removable and many can be cleaned and reused. Installation of these inserts differs between manufacturers. Please refer to manufacturer instruction for installation of proprietary devices.

- ***DI Protection Type 6 - Biofilter bags*** – Biofilter bags may be used as a substitute for gravel bags in low-flow situations. Biofilter bags should conform to specifications detailed in SE-14, Biofilter bags.
    1. Construct in a gently sloping area.
    2. Biofilter bags should be placed around inlets to intercept runoff flows.
    3. All bag joints should overlap by 6 in.
    4. Leave room upstream for water to pond and for sediment to settle out.
    5. Stake bags to the ground as described in the following detail. Stakes may be omitted if bags are placed on a paved surface.

Costs

- Average annual cost for installation and maintenance of DI Type 1-4 and 6 (one year useful life) is $200 per inlet.
- Temporary geotextile inserts are proprietary and cost varies by region. These inserts can often be reused and may have greater than 1 year of use if maintained and kept undamaged. Average cost per insert ranges from $50-75 plus installation, but costs can exceed $100. This cost does not include maintenance.

Inspection and Maintenance

- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Silt Fences. If the fabric becomes clogged, torn, or degrades, it should be replaced. Make sure the stakes are securely driven in the ground and are in good shape (i.e., not bent, cracked, or splintered, and are reasonably perpendicular to the ground). Replace damaged stakes. At a minimum, remove the sediment behind the fabric fence when accumulation reaches one-third the height of the fence or barrier height.
- Gravel Filters. If the gravel becomes clogged with sediment, it should be carefully removed from the inlet and either cleaned or replaced. Since cleaning gravel at a construction site may be difficult, consider using the sediment-laden stone as fill material and put fresh stone around the inlet. Inspect bags for holes, gashes, and snags, and replace bags as needed. Check gravel bags for proper arrangement and displacement.
- Sediment that accumulates in the BMP should be periodically removed in order to maintain BMP effectiveness. Sediment should be removed when the sediment accumulation reaches one-third of the barrier height.
- Inspect and maintain temporary geotextile insert devices according to manufacturer's specifications.
- Remove storm drain inlet protection once the drainage area is stabilized.

- Clean and regrade area around the inlet and clean the inside of the storm drain inlet, as it should be free of sediment and debris at the time of final inspection.

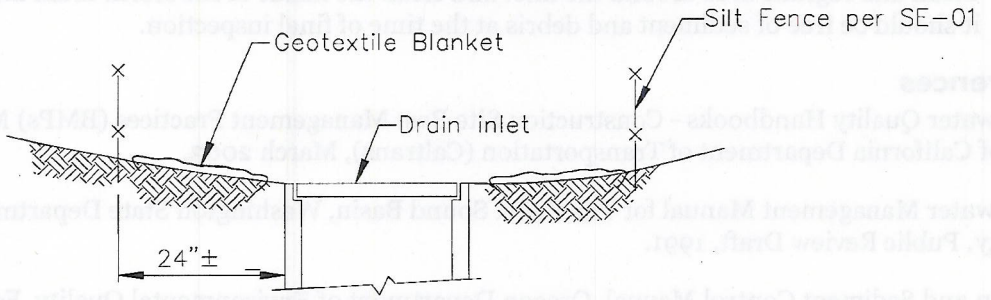
References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

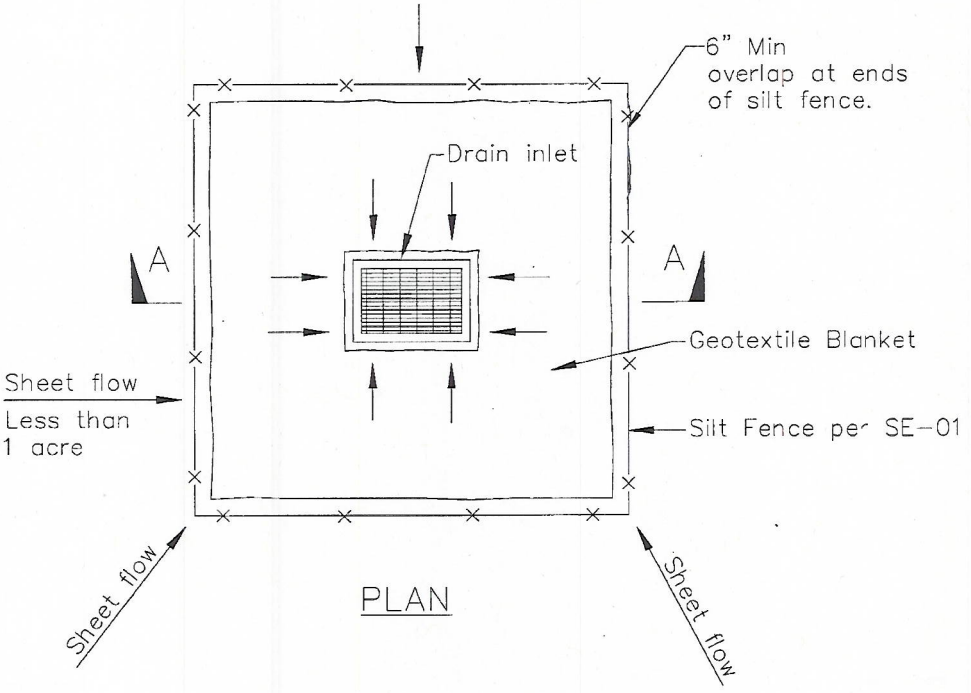
Stormwater Management Manual for The Puget Sound Basin, Washington State Department of Ecology, Public Review Draft, 1991.

Erosion and Sediment Control Manual, Oregon Department of Environmental Quality, February 2005.

Storm Drain Inlet Protection SE-10



SECTION A--A



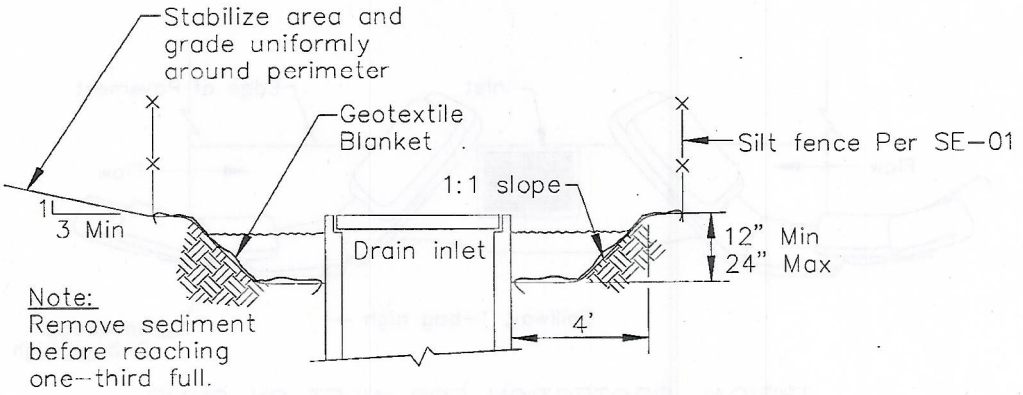
PLAN

DI PROTECTION TYPE 1
NOT TO SCALE

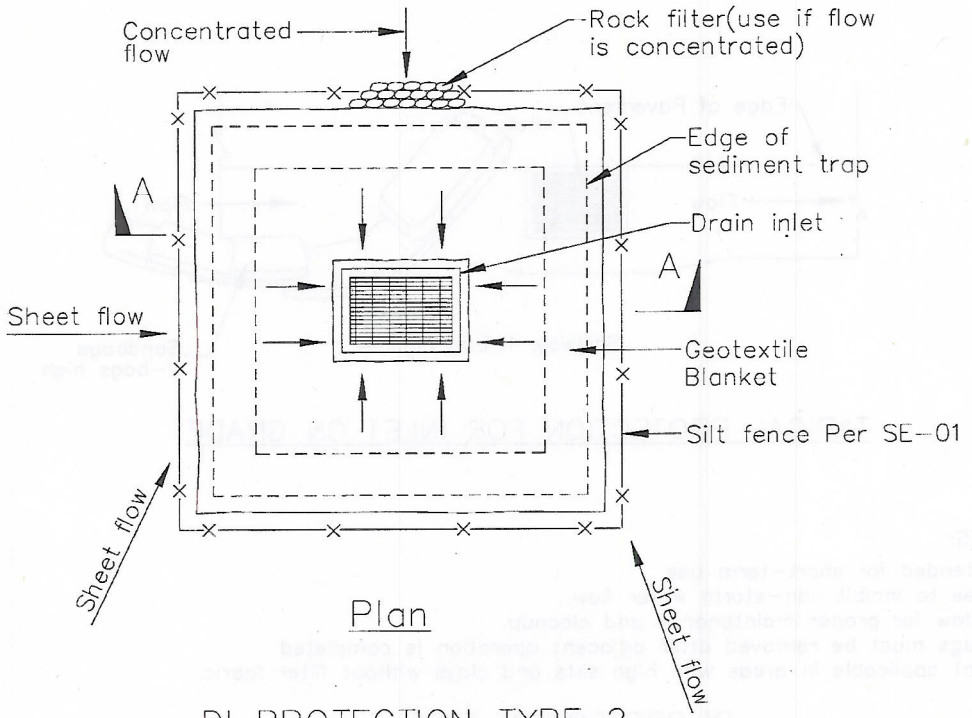
NOTES:

1. For use in areas where grading has been completed and final soil stabilization and seeding are pending.
2. Not applicable in paved areas.
3. Not applicable with concentrated flows.

Storm Drain Inlet Protection SE-10



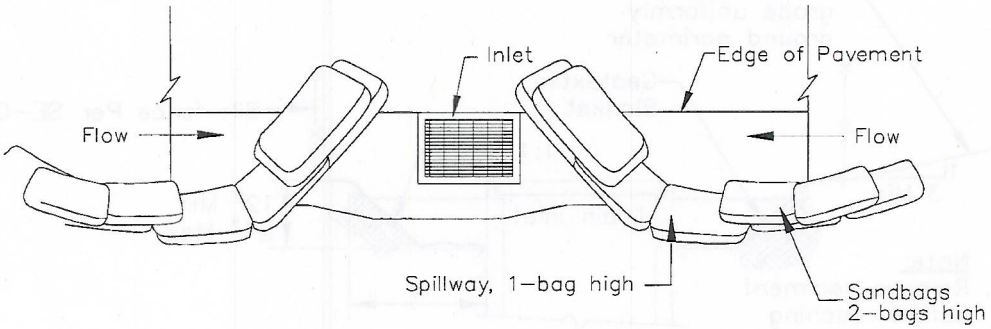
Section A-A



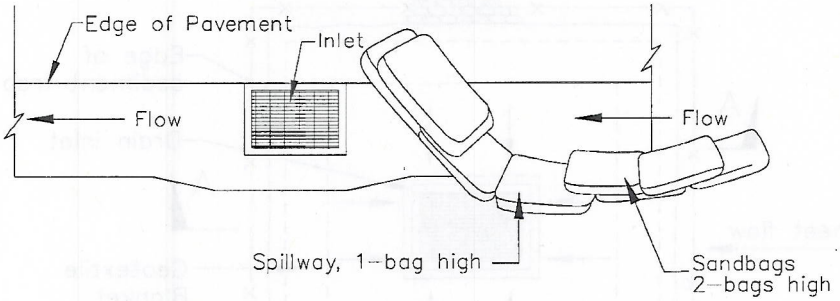
Plan

DI PROTECTION TYPE 2
NOT TO SCALE

Notes
1. For use in cleared and grubbed and in graded areas.
2. Shape basin so that longest inflow area faces longest length of trap.
3. For concentrated flows, shape basin in 2:1 ratio with length oriented towards direction of flow.



TYPICAL PROTECTION FOR INLET ON SUMP



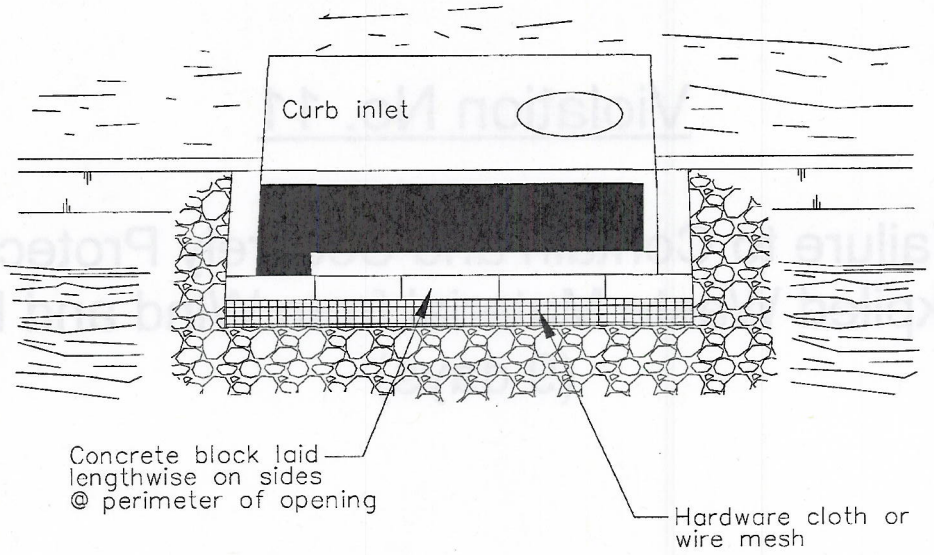
TYPICAL PROTECTION FOR INLET ON GRADE

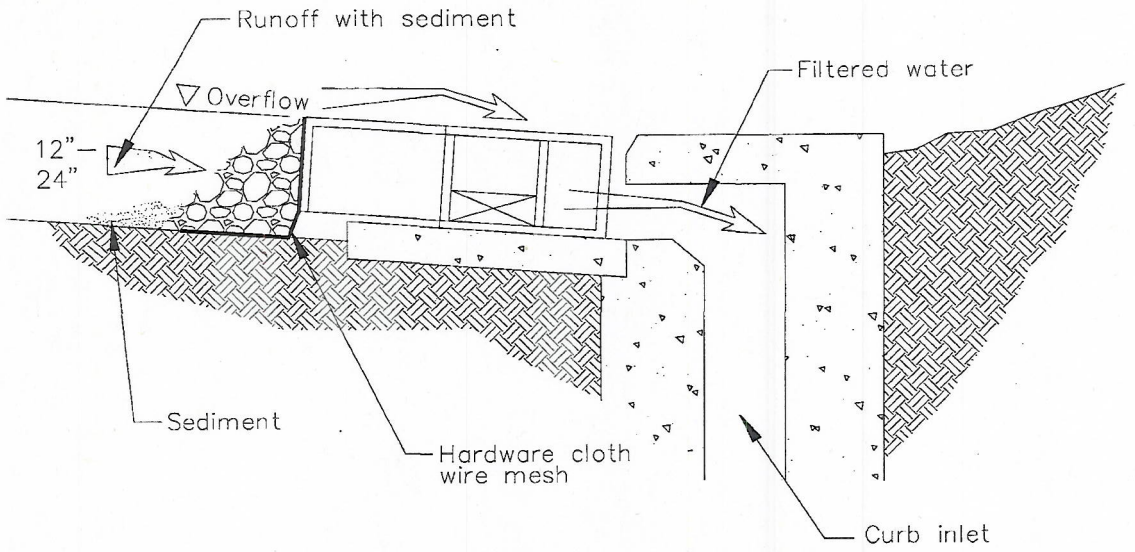
NOTES:

1. Intended for short-term use.
2. Use to inhibit non-storm water flow.
3. Allow for proper maintenance and cleanup.
4. Bags must be removed after adjacent operation is completed
5. Not applicable in areas with high silts and clays without filter fabric.

DI PROTECTION TYPE 3
NOT TO SCALE

Storm Drain Inlet Protection SE-10





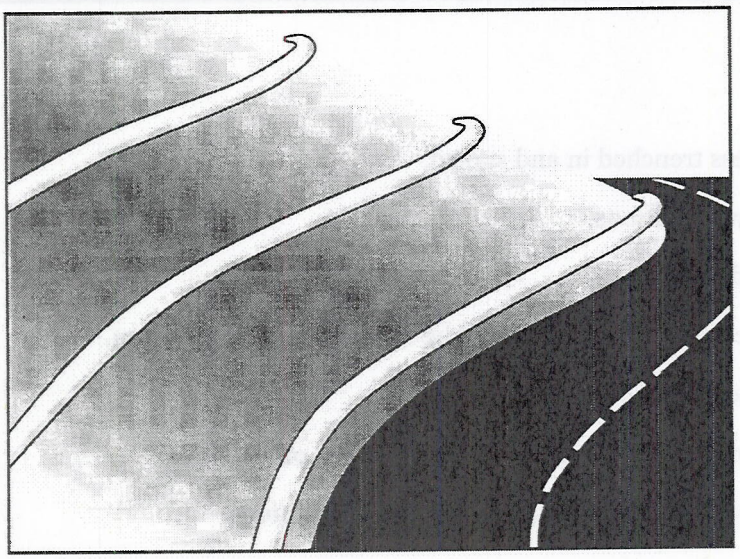
DI PROTECTION – TYPE 4
NOT TO SCALE

Violation No. 11

Failure to Contain and Securely Protect Stockpiled Waste Material from Wind and Rain (9 days)

Fiber Rolls

SE-5



Description and Purpose

A fiber roll consists of straw, coir, or other biodegradable materials bound into a tight tubular roll wrapped by netting, which can be photodegradable or natural. Additionally, gravel core fiber rolls are available, which contain an imbedded ballast material such as gravel or sand for additional weight when staking the rolls are not feasible (such as use as inlet protection). When fiber rolls are placed at the toe and on the face of slopes along the contours, they intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff (through sedimentation). By interrupting the length of a slope, fiber rolls can also reduce sheet and rill erosion until vegetation is established.

Suitable Applications

Fiber rolls may be suitable:

- Along the toe, top, face, and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow.
- At the end of a downward slope where it transitions to a steeper slope.
- Along the perimeter of a project.
- As check dams in unlined ditches with minimal grade.
- Down-slope of exposed soil areas.
- At operational storm drains as a form of inlet protection.

Categories

EC	Erosion Control	☒
SE	Sediment Control	☑
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	
WM	Waste Management and Materials Pollution Control	

Legend:

☑ **Primary Category**

☒ **Secondary Category**

Targeted Constituents

Sediment	☑
Nutrients	
Trash	
Metals	
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

SE-1 Silt Fence

SE-6 Gravel Bag Berm

SE-8 Sandbag Barrier

SE-14 Biofilter Bags

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- Around temporary stockpiles.

Limitations

- Fiber rolls are not effective unless trenched in and staked.
- Not intended for use in high flow situations.
- Difficult to move once saturated.
- If not properly staked and trenched in, fiber rolls could be transported by high flows.
- Fiber rolls have a very limited sediment capture zone.
- Fiber rolls should not be used on slopes subject to creep, slumping, or landslide.
- Rolls typically function for 12-24 months depending upon local conditions.

Implementation

Fiber Roll Materials

- Fiber rolls should be prefabricated.
- Fiber rolls may come manufactured containing polyacrylamide (PAM), a flocculating agent within the roll. Fiber rolls impregnated with PAM provide additional sediment removal capabilities and should be used in areas with fine, clayey or silty soils to provide additional sediment removal capabilities. Monitoring may be required for these installations.
- Fiber rolls are made from weed free rice straw, flax, or a similar agricultural material bound into a tight tubular roll by netting.
- Typical fiber rolls vary in diameter from 9 in. to 20 in. Larger diameter rolls are available as well.

Installation

- Locate fiber rolls on level contours spaced as follows:
  - Slope inclination of 4:1 (H:V) or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
  - Slope inclination between 4:1 and 2:1 (H:V): Fiber Rolls should be placed at a maximum interval of 15 ft. (a closer spacing is more effective).
  - Slope inclination 2:1 (H:V) or greater: Fiber Rolls should be placed at a maximum interval of 10 ft. (a closer spacing is more effective).
- Prepare the slope before beginning installation.
- Dig small trenches across the slope on the contour. The trench depth should be ¼ to 1/3 of the thickness of the roll, and the width should equal the roll diameter, in order to provide area to backfill the trench.

- It is critical that rolls are installed perpendicular to water movement, and parallel to the slope contour.
- Start building trenches and installing rolls from the bottom of the slope and work up.
- It is recommended that pilot holes be driven through the fiber roll. Use a straight bar to drive holes through the roll and into the soil for the wooden stakes.
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into the trench.
  - Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center.
  - Use wood stakes with a nominal classification of 0.75 by 0.75 in. and minimum length of 24 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.
- See typical fiber roll installation details at the end of this fact sheet.

Removal

- Fiber rolls can be left in place or removed depending on the type of fiber roll and application (temporary vs. permanent installation). Typically, fiber rolls encased with plastic netting are used for a temporary application because the netting does not biodegrade. Fiber rolls used in a permanent application are typically encased with a biodegradeable material and are left in place. Removal of a fiber roll used in a permanent application can result in greater disturbance.
- Temporary installations should only be removed when up gradient areas are stabilized per General Permit requirements, and/or pollutant sources no longer present a hazard. But, they should also be removed before vegetation becomes too mature so that the removal process does not disturb more soil and vegetation than is necessary.

Costs

Material costs for regular fiber rolls range from $20 - $30 per 25 ft roll.

Material costs for PAM impregnated fiber rolls range between 7.00-$9.00 per linear foot, based upon vendor research.

Inspection and Maintenance

- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Repair or replace split, torn, unraveling, or slumping fiber rolls.
- If the fiber roll is used as a sediment capture device, or as an erosion control device to maintain sheet flows, sediment that accumulates in the BMP should be periodically removed

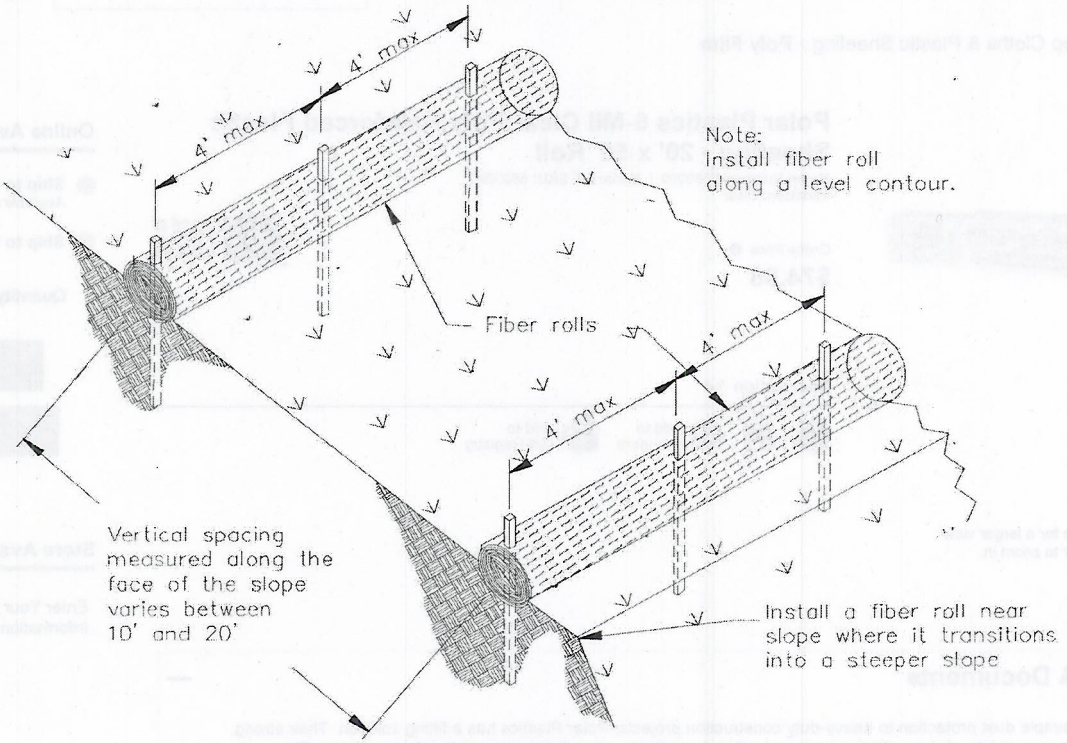
in order to maintain BMP effectiveness. Sediment should be removed when sediment accumulation reaches one-third the designated sediment storage depth.

- If fiber rolls are used for erosion control, such as in a check dam, sediment removal should not be required as long as the system continues to control the grade. Sediment control BMPs will likely be required in conjunction with this type of application.
- Repair any rills or gullies promptly.

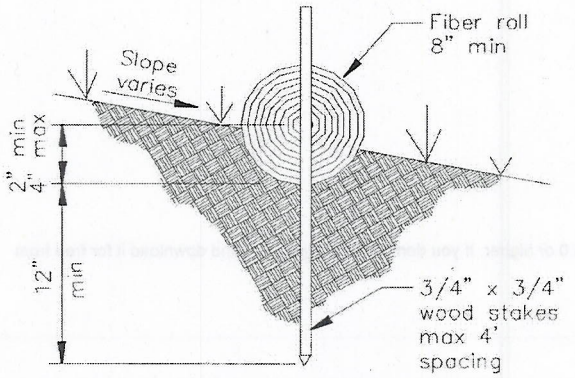
References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

Erosion and Sediment Control Manual, Oregon Department of Environmental Quality, February 2005.



TYPICAL FIBER ROLL INSTALLATION
N.T.S.



ENTRENCHMENT DETAIL
N.T.S.

Click image for a larger view.
Hover to zoom in.

Polar Plastics 6-Mil Clear Poly Reinforced Plastic Sheeting - 20' x 50' Roll

Model Number: 5680090 | Menards® SKU: 5680090
Variation: Clear

Online Price
$74.98

MADE IN U.S.A.

Description

Add to Compare | Add to Gift Registry

Online Availability

Ship to Home
Available for immediate shipment

Ship to Store - Free!

Quantity 1

Add to Cart

Add to My List

Store Availability

Enter Your ZIP Code for Store Information

Description & Documents

For everything from simple dust protection to heavy-duty construction projects, Polar Plastics has a fitting solution. Their strong, durable plastics come in a variety of sizes, thicknesses and colors to perfectly meet the requirements of your project. This reinforced sheeting is the epitome of strength when it comes to plastic sheeting. With two layers of low-density polyethylene and hundreds of nylon strings forming a diamond scrim pattern, this sheeting makes a great long-term cover for heavy-duty equipment or the perfect dust and debris shield. Use as much or as little as you need!

- Two layers of low-density polyethylene with nylon strings running through and between
- Reinforced diamond scrim pattern is ideal for heavy-duty applications
- Commonly used for building enclosures, crawl spaces and as a long-lasting equipment cover
- Reinforced design stops tears and punctures
- Perfect for weather, water and dust protection
- Made in USA
- 6-mil thickness is the nominal size

Dimensions: 20' x 50'

MSDS Document: 101025_001.pdf 106044_001.pdf

To read PDF files, you need the Adobe Acrobat Reader 6.0 or higher. If you don't have it, click here and download it for free from Adobe's site.

Please Note: Prices, promotions, styles and availability may vary by store and online. While we do our best to provide accurate item availability information, we cannot guarantee in-stock status and availability as inventory is sold and received continuously throughout the day. Inventory last updated 8/17/2015 at 5:00am EST. Online orders and products purchased in-store qualify for rebate redemption. Rebates are provided in the form of a merchandise credit check which can only be used in a Menards® store.

Guests Who Viewed This Item Also Viewed These Products

Polar Plastics 6-Mil Clear Poly All-Purpose Plastic Sheeting - 20' x 100' Roll

$72.98

Polar Plastics 6-Mil Clear Poly Reinforced Plastic Sheeting - 12' x 100' Roll

$84.98

Violation No. 12

Failure to Properly Store Chemicals
(7 days)

PIG® Poly Storage Shed

#PAK754 - Containment Shed • Use With Steel Drums Only • 75 gal. Sump Capacity

Stack two pallets of four drums each inside this storage shed to free up some floor space at your facility.

- Provides 75 gallons of containment and protected storage for up to eight 55-gallon drums (two stacked pallets)
- Low-density polyethylene (LDPE) construction with UV inhibitors resists UV rays, rust, corrosion and most chemicals
- Molded door vents help reduce fumes and interior condensation
- Removable grates provide easy access to the sump
- Forklift access from all sides makes the empty shed easy to move
- Lockable to help keep contents secure (lock included)

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PIG and the PIG logo are trademarks in the U.S. and other countries.

PAK754 Product Option Information

Item #	Description	Dimensions	Weight	Pricing Qty: 1+
PAK754-BWG	Black with Gray	62.5" W x 90" D x 93" H	500 lbs.	$3,213.00

Metric Equivalent

Item #	Description	Dimensions	Weight	Pricing Qty: 1+
PAK754-BWG	Black with Gray	158.8cm W x 2.3m D x 2.4m H	226.8 kg	$3,213.00

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PAK754 Specifications

Load Capacity UDL:	8000 lbs.
Sump Capacity:	75 gal.
Access:	2 Hinged Doors
Containment Type:	Containment Shed
Fork Truck Access:	Four-way Fork Truck Access
Groundable for Flammables:	No
Interior Dimensions:	57" W x 78" H x 70" D
Number of Containers:	8 Drums
Type of Container:	Steel Drums Only
Sold as:	1 each
# per Pallet:	1
Composition:	Polyethylene
UNSPSC:	24101905

PAK754 Metric Equivalent

Load Capacity UDL:	3628.8 kg
Sump Capacity:	283.9 L

Technical Information

Warnings & Restrictions:
Flammables Notice
If using this product with flammable liquids, please consider the regulations that apply to storage and handling of flammable liquids and the safety of this application, specifically flammable vapors, static discharge and heat sources. For further assistance, please call Technical Services.

Regulations and Compliance:
40 CFR 264.175 - Hazardous waste containment systems must be free of structural cracks or gaps, be designed to keep spilled liquids from remaining in contact with the container, prevent run-on and "have sufficient capacity to contain 10% of the volume of the containers, or the volume of the largest container, whichever is greater."

40 CFR 122.26 - When applying for a National Pollutant Discharge Elimination System (NPDES) permit, facilities must have a plan in place that describes actions, procedures, control techniques, management practices and equipment available to prevent illegal discharge of pollutants into waterways.

40 CFR 112.7 - SPCC planning requirements state that facilities subject to these regulations must have written plans in place discussing the products, countermeasures and procedures that are in place, or will be taken by the facility to prevent discharge of oil into waters of the United States.

Technical Documents:
(Available at newpig.com)
Product Data Sheet (PDS)
Chemical Compatibility (CCG)

EXCLUSIVE!

PAK754 Accessories

You might like...	Item Number
Ramp for PIG® Poly Storage Shed	PAK755

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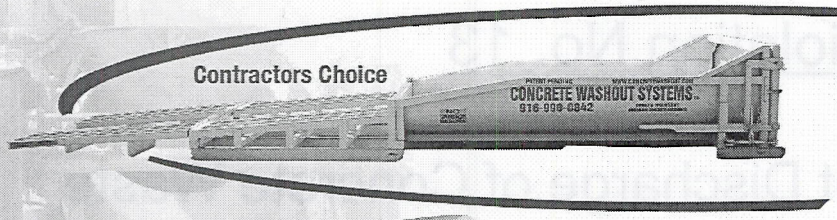
Violation No. 13

Failure to Prevent Discharge of Concrete Waste to the Ground (15 days)

American CONCRETE WASHOUTS

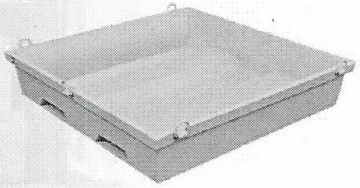
1 (800) 788-0355

CONCRETE, PAINT & DRYWALL WASHOUT SERVICE PROVIDER



Concrete Washout (Ramped)
20' L X 8' W Ramps Folded
26' L X 8' W Ramps Extended
Capacity - 900 Gallons
Estimate 1 Washout for 350 Poured Yards of Concrete.
Used for Pump and Mixer Truck Washout.

Concrete Washout (Ramp less)
12' L X 8' W X 2' H
Capacity - 1300 Gallons
Limited Availability - Call for Info
Estimate 1 Washout for 400 Poured yards of concrete.



Washout Pan (Pump Truck Washout)
72" L x 72" W x 14"H
Capacity - 242 Gallons
Five Rigging "D" Rings
Angled Floor I Load Tested 25,000 LBS
Engineering Calculations Available
Currently Available in CA Only

Paint & Drywall Washouts
5' L X 4' W x 3'D
Capacity - 448 Gallons
Currently Not Available in Texas

American Concrete Washouts is a licensed, registered California public works #1000021973 Service Provider and Micro Small Business. We are an industry leading, permitted service provider for concrete, paint, drywall, tile, morter, grout and stucco washout water.

Unlike any other washout service provider, we offer both the ramp & ramp less style EPA compliant, portable, watertight, patented Concrete Washout System (CWS).

Our six yard CWS on average will accommodate a 350 cubic yard pour, approximately 36 mixer trucks and 2 pump trucks. Ramps, allow both the pump & mixer trucks to utilize the same washout.

We also offer crane rated pump pans - see the WashoutPan price list for service and rental pricing.

Established in 2004, we are the industries first and trusted service provider for infrastructure, military, commercial & residential projects.

Our customers include: Kiewit, Sundt, Hensel Phelps, McCarthy, Flatiron, Granite, Balfour Beatty, Coffman, Shea, Skanska and Austin Commercial to name a few.

Compliance with LEED and diversion programs are easy with our digital receipts emailed upon request.

As the preferred service provider, we not only properly handle and recycle the concrete washout material, we properly handle and recycle the caustic, high PH water collected.

Our roll off trucks have a built in vacuum system, allowing us to usually service a washout with a single truck.

www.AmericanConcreteWashouts.com email: Reef@AmericanConcreteWashouts.com

American CONCRETE WASHOUTS

1 (800) 788-0355

2015 CONCRETE WASHOUT SERVICE COST

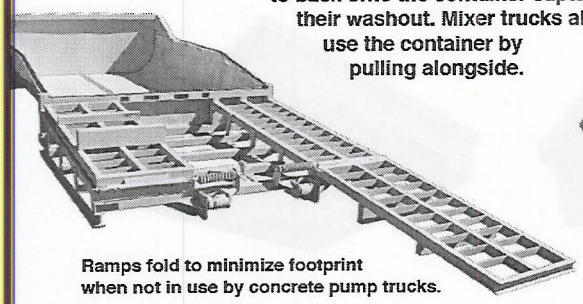
SAN DIEGO, CA

Please provide three (3) working days notice for service requests.

Washout cost are listed by distance and include delivery, a Washout Water Vacuum up to 300 gallons at removal or swap and recycling of the solids. We never charge for mileage, removal, tonnage fees, environmental fees or recycle documentation. Additional Water Vacuums and Same Site Relocates are available. Never line our containers with plastic as they are watertight and will result in landfill charges. We accept concrete washout and clean broken concrete only. We *DO NOT* accept saw cutting or grindings.

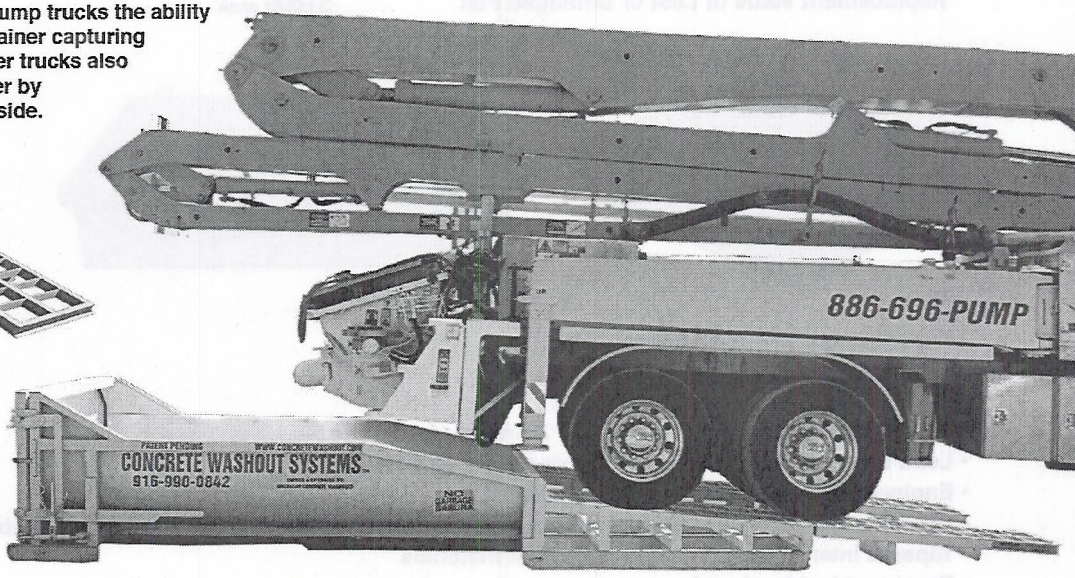
Cost by Radius from Mission Valley / San Diego	Within 20 miles	20 to 40 Miles	40 to 60 Miles
Concrete Washout (Ramp or Rampless)	$475	$525	$575
300 Gallon Vacuum at Removal or Swap	$0	$0	$0
Removal / Pull	$0	$0	$0
Daily Rental	$7	$7	$7
Fuel Surcharge (Variable)	8% +/-	8% +/-	8% +/-
Environmental / Mileage / Diversion	$0	$0	$0
Same Day Service Fee	$175	$175	$175
Additional Water Vacuums / Relocates / Canceled Service	$275	$325	$375
RAPIDGate Requirement Surcharge	$25 Per Service	$25 Per Service	$25 Per Service
Trash / Plastic / Saw Cuttings / Dirt / Rebar / Wire Mesh Anything but Concrete (Placed in Bin)	$75 Per Ton Fine	$75 Per Ton Fine	$75 Per Ton Fine

Ramps allow concrete pump trucks the ability to back onto the container capturing their washout. Mixer trucks also use the container by pulling alongside.



Ramps fold to minimize footprint when not in use by concrete pump trucks.

Rampless models also available.



Ramped concrete washout for both concrete mixer, pump trucks and more.

www.SanDiegoConcreteWashouts.com email: Reef@AmericanConcreteWashouts.com

American CONCRETE WASHOUTS

1 (800) 788-0355

72"x72"x14" WASHOUTPAN ONE YARD PAN

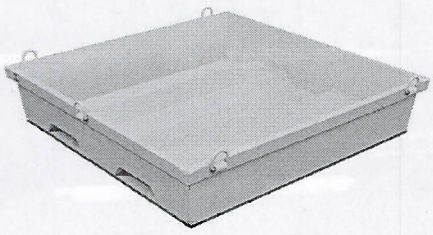
SERVICE COST

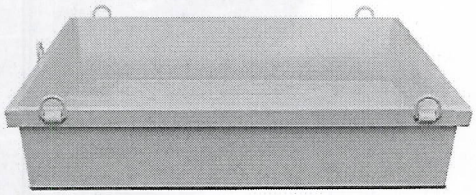
SAN DIEGO, CA

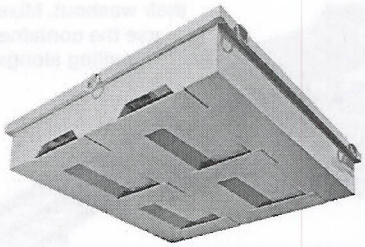
Please provide three (3) working days notice for service requests.

Washout cost are listed by distance and include delivery, a Washout Water Vacuum up to 300 gallons at removal or swap and recycling of the solids. We never charge for mileage, removal, tonnage fees, environmental fees or recycle documentation. Additional Water Vacuums and Same Site Relocates are available. Never line our containers with plastic as they are watertight and will result in landfill charges. We accept concrete washout and clean broken concrete only. We *DO NOT* accept saw cutting or grindings.

Cost by Radius from Mission Valley / San Diego	Within 20 miles	20 to 40 Miles	40 to 60 Miles
Delivery 72"x72"x14" - Up to three pans for one price	$275	$325	$375
300 Gallon Vacuum at Removal or Swap	$0	$0	$0
Removal or Swap - Up to three pans for one price	$275	$325	$375
Daily Rental Per Pan	$3	$3	$3
Fuel Surcharge	10% +/-	10% +/-	10% +/-
Environmental / Mileage / Diversion	$0	$0	$0
Same Day Service Fee	$175	$175	$175
Additional Water Vacuums / Relocates / Canceled Service	$275	$325	$375
RAPIDGate Requirement Surcharge	$25 Per Service	$25 Per Service	$25 Per Service
Trash / Plastic / Saw Cuttings / Dirt / Rebar / Wire Mesh Anything but Concrete (Placed in Bin)	$75 Per Ton Fine	$75 Per Ton Fine	$75 Per Ton fine
Replacement Value of Lost or Damaged Pan	$1899 each		







- High strength 1/4" steel floors
- High strength 7 gauge steel walls
- Hand welded with continuous seams
- Five 18,500 lbs. rated lifting/rigging "D" rings
- Load tested at 25,000 lbs. – Maximum weight 12,500 lbs.
- Engineer rated – calculation packets available
- 11" Wide angled enclosed fork pockets, spaced 40" OD to OD and will fit most adjustable lifts
- Tapered interior walls for easy release of materials
- Pans nest inside of each

www.SanDiegoConcreteWashouts.com email: Reef@AmericanConcreteWashouts.com

American CONCRETE WASHOUTS

CONCRETE, PAINT AND DRYWALL WASHOUT SERVICES

1 (800) 788-0355

Please provide three (3) working days notice for service requests.

448 GALLON PAINT / DRYWALL WASHOUT STATION w/ WORK GRATE SERVICE COST

SAN DIEGO, CA

Our 448 gallon Paint Washout Station is designed for the paint, drywall, tile, and stucco trades. Made from steel construction with two-way forklift channels and work grate for tool washout, our washout system has proven to be the best available technology for construction sites.

Cost by Radius from Mission Valley / San Diego	Within 20 miles	20 to 40 Miles	40 to 60 Miles
448 Gallon Paint / Drywall Washout - Per Trip	$275	$325	$375
Removal / Pull - Per Container	$275	$325	$375
Daily Rental	$5	$5	$5
Fuel Surcharge	10% +/-	10% +/-	10% +/-
Environmental / Mileage / Diversion	$0	$0	$0
Same Day Service Fee	$175	$175	$175
Additional Water Vacuums / Relocates / Canceled Trip	$275	$325	$375
RAPIDGate Requirement Surcharge	$25 Per Service	$25 Per Service	$25 Per Service
Anything but Latex Paint or Drywall Washout (Placed in Bin)	$75 Per Ton Fine	$75 Per Ton Fine	$75 Per Ton Fine

Exhibit No. 29
Staff Cost Summary
March 2015 through September 2015

Staff hours as of September 30, 2015.

STAFF	HOURS	MONTHLY SALARY	Hourly	Hourly total	Benefits	Total
CCLEMENTE	1.75	$9,899	$57.11	$99.94	$43.19	$143.13
EBECKER	1.25	$10,501	$60.58	$75.73	$32.72	$108.45
FMELBOURN	196.50	$8,915	$51.43	$10,106.72	$4,367.11	$14,473.83
JSMITH	1.75	$12,620	$72.81	$127.42	$55.06	$182.47
WCHIU	10.00	$8,915	$51.43	$514.34	$222.24	$736.58
JHAAS	1.25	$11,447	$66.04	$82.55	$35.67	$118.22
	212.50		**TOTAL COSTS**			**$15,762.69**

Administrative Civil Liability Complaint

Fact Sheet

The California State Water Resources Control Board (State Water Board) and the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) are authorized to issue complaints for civil liabilities under California Water Code (Water Code) section 13323 for violations of the Water Code. This document describes generally the process that follows the issuance of a complaint.

The issuance of a complaint is the first step in the possible imposition of an order requiring payment of penalties. The complaint details the alleged violations including the appropriate Water Code citations, and it summarizes the evidence that supports the allegations. **If you receive a complaint, you must respond timely as directed. If you fail to respond, a default order may be issued against you.** The complaint is accompanied by a transmittal letter, a waiver options form, and a Hearing Procedure. Each document contains important information and deadlines. You should read each document carefully. A person issued a complaint is allowed to represent him or herself. However, legal advice may be desirable to assist in responding to the complaint.

Parties

The parties to a complaint proceeding are the San Diego Water Board Prosecution Team and the person(s) named in the complaint, referred to as the "Discharger(s)." The Prosecution Team is comprised of San Diego Water Board staff and management. Other interested persons may become involved and may become "designated parties." Only designated parties are allowed to submit evidence and participate fully in the proceeding. Other interested persons may play a more limited role in the proceeding and are allowed to submit comments. If the matter proceeds to a hearing, the hearing will be held before the San Diego Water Board (either the seven Governor appointed board members or the Executive Officer). Those who hear the evidence and rule on the matter act as judges. The San Diego Water Board is assisted by an Advisory Team, who provide advice on technical and legal issues. Both the Prosecution Team and the Advisory Team have their own attorney. Neither the Prosecution Team nor the Discharger or his/her representatives are permitted to communicate with the San Diego Water Board, or the Advisory Team about the complaint without the presence or knowledge of the other. This is explained in more detail in the Hearing Notice.

Complaint Resolution Options

Once issued, a complaint can lead to (1) withdrawal of the complaint; (2) withdrawal and reissuance; (3) payment and waiver; (4) settlement; or (5) hearing.

Withdrawal may result if the Discharger provides information to the Prosecution Team that clearly and unmistakably demonstrates that a fundamental error exists in the information set forth in the complaint.

Withdrawal and Reissuance may result if the Prosecution Team becomes aware of information contained in the complaint that can be corrected.

Payment and waiver may result when the Discharger elects to pay the amount of the complaint rather than to contest it. The Discharger makes a payment for the full amount and the matter is ended, subject to public comment.

Settlement results when the Parties negotiate a resolution of the complaint. The settlement can be payment of an amount less than the proposed penalty or partial payment and suspension of the remainder pending implementation by the Discharger(s) of identified activities, such as making improvements that will reduce the likelihood of a further violation or the implementation or funding of a Supplemental Environmental Project (SEP) or a Compliance Project (CP). Qualifying criteria for CPs and SEPs are contained in the State Water Board's Enforcement Policy, which is available at the State Water Board's enforcement website at:
http://www.waterboards.ca.gov/water_issues/programs/enforcement/policy.shtml

Hearing: If the matter proceeds to hearing, the Parties will be allowed time to present evidence and testimony in support of their respective positions. The hearing must be held within ninety (90) days of the issuance of the Complaint, unless the Discharger waives that requirement by signing and submitting the Waiver Form included in this package. The hearing will be conducted under rules set forth in the Hearing Notice. The Prosecution Team has the burden of proving the allegations and must present competent evidence to the Board regarding the allegations. Following the Prosecution Team's presentation, the Discharger and other parties are given an opportunity to present evidence, testimony and argument challenging the allegations. The parties may cross-examine each others' witnesses. Interested persons may provide comments, but may generally not submit evidence or testimony. At the end of the presentations by the Designated Parties, the San Diego Water Board will deliberate to decide the outcome. The San Diego Water Board may issue an order requiring payment of the full amount recommended in the complaint; it may issue an order requiring payment of a reduced amount; it may order the payment of a higher amount; decide not to impose an assessment; or it may refer the matter to the Attorney General's Office.

Factors That Must Be Considered By the Board

Except for Mandatory Minimum Penalties under Water Code Section 13385 (i) and (h), the San Diego Water Board is required to consider several factors specified in the Water Code, including nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any resulting from the violations, and other matters as justice may require (Water Code sections 13327, 13385(e), and 13399). During the period provided to submit evidence (set forth in the Hearing Notice) and at the hearing, the Discharger may submit information that it believes supports its position regarding the complaint.

If the Discharger intends to present arguments about its ability to pay it must provide reliable documentation to establish that ability or inability. The kinds of information that may be used for this purpose include:

For an individual:

1. Last three (3) years of signed federal Internal Revenue Service (IRS) income tax returns (IRS Form 1040) including schedules;
2. Members of household, including relationship, age, employment, and income;
3. Current living expenses;
4. Bank account statements;
5. Investment statements;
6. Retirement account statements;
7. Life insurance policies;
8. Vehicle ownership documentation;
9. Real property ownership documentation;
10. Credit card and line of credit statements;
11. Mortgage loan statements; and
12. Other debt documentation.

For a business:

1. Copies of last three (3) years of company IRS tax returns, signed and dated;
2. Copies of last three (3) years of company financial audits;
3. Copies of last three (3) years of IRS tax returns of business principals, signed and dated; and
4. Any documentation that explains special circumstances regarding past, current, or future financial conditions.

For larger firms:

1. Federal income tax returns for the last three (3) years, specifically:
   a. IRS Form 1120-C for C Corporations;
   b. IRS Form 1120-S for S Corporations; or
   c. IRS Form 1065 for partnerships.
2. A completed and signed IRS Form 8821. This allows the IRS to provide the State Water Board with a summary of the firm's tax returns that will be compared to the submitted income tax returns. This prevents the submission of fraudulent tax returns;
3. The following information can be substituted if income tax returns cannot be made available:
   a. Audited Financial Statements for last three (3) years;
   b. A list of major accounts receivable with names and amounts;
   c. A list of major accounts payable with names and amounts;
   d. A list of equipment acquisition cost and year purchased;
   e. Ownership in other companies and percent of ownership for the last three (3) years; and
   f. Income from other companies and amounts for the last three (3) years.

For a municipality, county, or district:

1. Type of entity:
   a. City/Town/Village;
   b. County;
   c. Municipality with enterprise fund; or
   d. Independent or publicly owned utility.
2. The following 1990 and 2000 United States Census data:
   a. Population;
   b. Number of persons age eighteen (18) years and above;
   c. Number of persons age sixty-five (65) years and above;
   d. Number of Individuals below one hundred and twenty-five percent (125%) of poverty level;
   e. Median home value; and
   f. Median household income.
3. Current or most recent estimates of:
   a. Population;
   b. Median home value;
   c. Median household income;
   d. Market value of taxable property; and
   e. Property tax collection rate.
4. Unreserved general fund ending balance;
5. Total principal and interest payments for all governmental funds;
6. Total revenues for all governmental funds;
7. Direct net debt;
8. Overall net debt;
9. General obligation debt rating;
10. General obligation debt level; and
11. Next year's budgeted/anticipated general fund expenditures plus net transfers out.

This list is provided for information only. The Discharger remains responsible for providing all relevant and reliable information regarding its financial situation, which may include items in the above lists, but could include other documents not listed. Please note that all evidence regarding this case, including financial information, will be made public.

Petitions

If the San Diego Water Board issues an order requiring payment, the Discharger may challenge that order by filing a petition for review with the State Water Board pursuant to Water Code section 13320. More information on the petition process is available at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml. An order of the State Water Board, including its ruling on a petition from a San Diego Water Board order, can be challenged by filing a petition for writ of mandate in Superior Court pursuant to Water Code section 13330.

Once an order for payment of penalties becomes final, the San Diego Water Board or State Water Board may seek an order of the Superior Court under Water Code section 13328, if necessary, in order to collect payment of the penalty amount.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

PROPOSED DRAFT

HEARING PROCEDURE FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
NO. R9-2015-0110
ISSUED TO

SAN ALTOS-LEMON GROVE, LLC
VALENCIA HILLS CONSTRUCTION SITE

SCHEDULED FOR **DECEMBER 16, 2015**

PLEASE READ THIS HEARING PROCEDURE CAREFULLY. FAILURE TO COMPLY WITH THE DEADLINES AND OTHER REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF YOUR DOCUMENTS AND/OR TESTIMONY.

Background

The Assistant Executive Officer of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has issued an Administrative Civil Liability (ACL) Complaint pursuant to California Water Code (Water Code) sections 13323 and 13385 against San Altos-Lemon Grove, LLC (Discharger) alleging it has violated California State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, as amended; Water Code section 13376; the Water Quality Control Plan for the San Diego Basin; and Clean Water Act section 301. The ACL Complaint proposes that administrative civil liability in the amount of **$848,374** be imposed as authorized by Water Code section 13385. Unless the Discharger waives its right to a hearing and pays the proposed liability, a hearing will be held before the San Diego Water Board on **December 16, 2015**, in San Diego.

Purpose of Hearing

The purpose of the hearing is to receive relevant evidence and testimony regarding the proposed ACL Complaint. At the hearing, the San Diego Water Board will consider whether to adopt, modify, or reject the proposed assessment. The hearing will be held at the San Diego Water Board office at 2375 Northside Drive, Suite 100, in San Diego. An agenda for the hearing will be issued at least ten (10) days before the hearing and will be posted on the San Diego Water Board's web page at: www.waterboards.ca.gov/sandiego.

Hearing Procedure

The hearing will be conducted in accordance with this hearing procedure. This proposed draft version of the hearing procedure has been prepared by the Prosecution Team, and is subject to revision and approval by the San Diego Water Board's Advisory Team. A copy of the procedures governing an adjudicatory hearing before the San Diego Water Board may be found at Title 23 of the California Code of Regulations, section 648 et seq., and is available at http://www.waterboards.ca.gov or upon request. In accordance with section 648(d), any procedure not provided by this Hearing Procedure is deemed waived. Except as provided in Title 23 of the California Code of Regulations (CCR), section 648(b), Chapter 5 of the Administrative Procedures Act (commencing with section 11500 of the Government Code) does not apply to adjudicatory hearings before the San Diego Water Board. This Notice provides additional requirements and deadlines related to the proceeding.

THE PROCEDURE AND DEADLINES HEREIN MAY BE AMENDED BY THE ADVISORY TEAM IN ITS DISCRETION. **ANY OBJECTIONS TO THE PROPOSED PROCEDURE MUST BE RECEIVED BY CATHERINE HAGAN, SENIOR STAFF COUNSEL, NO LATER THAN OCTOBER 26, 2015, OR THEY WILL BE WAIVED.** FAILURE TO COMPLY WITH THE DEADLINES AND REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF DOCUMENTS AND/OR TESTIMONY.

Hearing Participation

Participants in this proceeding are either "designated parties" or "interested persons." Designated parties to the hearing may present evidence and cross-examine witnesses and are subject to cross-examination. Interested persons may present non-evidentiary policy statements, but may not cross-examine witnesses and are not subject to cross-examination. Interested persons generally may not present evidence (e.g., photographs, eye-witness testimony, monitoring data). Both designated parties and interested persons may be asked to respond to clarifying questions from the San Diego Water Board, staff, or others, at the discretion of the San Diego Water Board.

The following participants are hereby designated parties in this proceeding:

1. San Diego Water Board Prosecution Team; and
2. San Altos-Lemon Grove, LLC.

Requesting Designated Party Status

Persons who wish to participate in the hearing as a designated party, and are not already listed above, shall request party status by submitting a request in writing (with copies to the existing designated parties) no later than 5:00 p.m. on **October 26, 2015**, to Catherine Hagan, Senior Staff Counsel, at the address set forth below. The request shall include an explanation of the basis for status as a designated party (e.g., how the issues to be addressed in the hearing and the potential actions by the San Diego Water Board affect the person), the information required of designated parties as provided below, and a statement explaining why the party or parties designated above do not adequately represent the person's interest. Any opposition to the request must be submitted by 5:00 p.m. on **October 30, 2015**. The parties will be notified by 5:00 p.m. on **November 6, 2015**, as to whether the request has been granted or denied.

Contacts

Advisory Team:[1]

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Prosecution Team:

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State Water Resources Control Board
Office of Enforcement
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[1] Additional staff may be designated as advisory staff with the Final Hearing Procedures.

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Discharger:

Ben C. Anderson, Legally Responsible Person
San Altos-Lemon Grove, LLC
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5780 Fleet Avenue
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kimberlyv@bcadevelopment.com
(714) 966-1544

Separation of Functions

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the San Diego Water Board (Prosecution Team) have been separated from those who will provide advice to the San Diego Water Board (Advisory Team). Members of the Advisory Team[1] include Catherine Hagan, Senior Staff Counsel, and Deborah Jayne, Senior Environmental Scientist. Members of the Prosecution Team are: Laura Drabandt, Senior Staff Counsel; James Smith, Assistant Executive Officer; Jeremy Haas, Environmental Program Manager; Chiara Clemente, Senior Environmental Scientist; Laurie Walsh, Senior Water Resource Control Engineer; Wayne Chiu, Water Resource Control Engineer; and Frank Melbourn, Water Resource Control Engineer.

Ex Parte Communications

The designated parties and interested persons are forbidden from engaging in *ex parte* communications regarding this matter with members of the Advisory Team or members of the San Diego Water Board. An *ex parte* contact is any written or verbal communication pertaining to the investigation, preparation, or prosecution of the ACL Complaint between a member of a designated party or interested party on the one hand, and a San Diego Water Board member or an Advisory Team member on the other hand, unless the communication is copied to all other designated and interested parties (if written) or made at a proceeding open to all other parties and interested persons (if verbal). Communications regarding non-controversial procedural matters are not *ex parte* contacts and are not restricted. Communications among the designated and interested parties themselves are not ex parte contacts.

Hearing Time Limits

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: each designated party shall have a combined twenty (20) minutes to present evidence, cross-examine witnesses (if warranted), and provide a closing statement; and each interested person shall have three (3) minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Participants who would like additional time must submit their request to the Advisory Team no later than **November 24, 2015**. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the San Diego Water Board (at the hearing) upon a showing that additional time is necessary.

Submission of Evidence and Policy Statements

The following information must be submitted in advance of the hearing:

1. All evidence (other than witness testimony to be presented orally at the hearing) that the Designated Party would like the San Diego Water Board to consider. Evidence and exhibits already in the public files of the San Diego Water Board may be submitted by reference as long as the exhibits and their location are clearly identified in accordance with Title 23, California Code of Regulations, section 648.3.
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the designated party intends to call at the hearing, the subject of each witness' proposed testimony, and the estimated time required by each witness to present direct testimony.
4. The qualifications of each expert witness, if any.
5. (Discharger only) If the Discharger intends to argue an inability to pay the civil liability proposed in the Complaint (or an increased or decreased amount as may be imposed by the San Diego Water Board), the Discharger should submit supporting evidence as set forth in the "ACL Fact Sheet" under "Factors that must be considered by the Board."
6. (Discharger only) If the Discharger would like to propose a Supplemental Environmental Project (SEP) or Enhanced Compliance Action (ECA) in lieu of paying some or all of the civil liability in accordance with the State Water Board's Water Quality Enforcement Policy, the Discharger shall submit a detailed SEP or ECA proposal including a specific implementation timetable.

The Prosecution Team shall submit two (2) hard copies and one (1) electronic copy of the information to Catherine Hagan, Senior Staff Counsel, so that it is received no later than 5:00 p.m. on **November 6, 2015**.

The remaining designated parties shall submit two (2) hard copies and one (1) electronic copy of the information to Catherine Hagan, Senior Staff Counsel, so that they are received no later than 5:00 p.m. on **November 13, 2015**.

In addition to the foregoing, each designated party shall send one (1) copy of the above information to each of the other designated parties by 5:00 p.m. on the deadline specified above.

Interested persons who would like to submit written non-evidentiary policy statements are encouraged to submit them to Catherine Hagan, Senior Staff Counsel, as early as possible, but they must be received by **November 24, 2015**. Interested persons do not need to submit written comments in order to speak at the hearing.

In accordance with Title 23, California Code of Regulations, section 648.4, the San Diego Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the San Diego Water Board may exclude evidence and testimony that is not submitted in accordance with this hearing procedure. Excluded evidence and testimony will not be considered by the San Diego Water Board and will not be included in the administrative record for this proceeding. PowerPoint and other visual presentations may be used at the hearing, but their content may not exceed the scope of other submitted written material. A copy of such material intended to be presented at the hearing must be submitted to the Advisory Team at or before the hearing for inclusion in the administrative record. Additionally, any witness who has submitted written testimony for the hearing shall appear at the hearing and affirm that the written testimony is true and correct, and shall be available for cross-examination.

Request for Pre-hearing Conference

A designated party may request that a pre-hearing conference be held before the hearing in accordance with Water Code section 13228.15. A pre-hearing conference may address any of the matters described in subdivision (b) of Government Code section 11511.5. Requests must contain a description of the issues proposed to be discussed during that conference, and must be submitted to the Advisory Team, with a copy to all other designated parties, no later than 5:00 p.m. on **November 18, 2015**.

Evidentiary Objections

Any designated party objecting to written evidence or exhibits submitted by another designated party must submit a written objection so that it is received by 5:00 p.m. on **November 24, 2015**, to the Advisory Team with a copy to all other designated parties. The Advisory Team will notify the parties about further action to be taken on such objections and when that action will be taken.

Evidentiary Documents and File

The Complaint and related evidentiary documents are on file and may be inspected or copied at the San Diego Water Board office at 2375 Northside Drive, Suite 100, San Diego, California 92108. This file shall be considered part of the official administrative record for this hearing. Other submittals received for this proceeding will be added to this file and will become a part of the administrative record absent a contrary ruling by the San Diego Water Board. Many of these documents are also posted online at www.waterboards.ca.gov/sandiego. Although the web page is updated regularly, to ensure access to the latest information, you may contact Catherine Hagan, Senior Staff Counsel.

Questions

Questions concerning this proceeding may be addressed to Catherine Hagan, Senior Staff Counsel.

IMPORTANT DEADLINES

October 19, 2015	Prosecution Team issues Amended ACL Complaint to Discharger and Advisory Team, sends proposed Hearing Procedure to Discharger and Advisory Team, and publishes Public Notice.
October 26, 2015	Objections due on proposed Hearing Procedure.
October 26, 2015	Deadline for submission of request for designated party status.
October 30, 2015	Deadline for opposition to request for designated party status.
October 30, 2015	Dischargers' deadline for waiving right to hearing.
November 6, 2015	Prosecution Team's deadline for submission of all information required under "Evidence and Policy Statements," above.
November 6, 2015	Advisory Team issues Hearing Procedure, and issues decision on requests for designated party status, if any.
November 13, 2015	Remaining Designated Parties' Deadline for submission of all information required under "Evidence and Policy Statements," above.
November 18, 2015	All Designated Parties' deadline for submission of request for pre-hearing conference.
November 24, 2015	All Designated Parties' deadline for submission of rebuttal evidence (if any) and evidentiary objections.
November 24, 2015	Interested Parties' deadline for submission of non-evidentiary policy statements.
December 16, 2015	Hearing.

PROPOSED

CATHERINE G. HAGAN
Senior Staff Counsel

Date

WAIVER FORM
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent **San Altos-Lemon Grove, LLC** (Discharger) in connection with Administrative Civil Liability Complaint No. **R9-2015-0110** (Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within ninety (90) days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

☐ ***OPTION 1: Check here if the Discharger waives the hearing requirement and will pay the liability.***

a. I hereby waive any right the Discharger may have to a hearing before the San Diego Water Board.

b. I certify that upon approval of this settlement by the San Diego Water Board the Discharger will remit payment for the administrative civil liability imposed in the amount of **eight hundred forty-eight thousand three hundred seventy-four dollars ($848,374)** by check that references "**ACL Complaint No. R9-2015-0110**" made payable to the ***"State Water Pollution Cleanup and Abatement Account."*** Payment must be received within thirty (30) days of approval by the San Diego Water Board at the following address: State Water Resources Control Board, Accounting Office, Attn: ACL Payment, P.O. Box 1888, Sacramento, CA 95812-1888. A copy of the check must also be received by the San Diego Water Board at 2375 Northside Drive, Suite 100, San Diego, CA 92108 within thirty (30) days of approval via U.S. Postal Service or e-mail to SanDiego@waterboards.ca.gov, attention SM-828060:FMelbourn.

c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the thirty (30) day public notice and comment period. Should the San Diego Water Board receive significant new information or comments from any source (excluding the San Diego Water Board's Prosecution Team) during this comment period, the San Diego Water Board's Assistant Executive Officer may withdraw the complaint and issue a new complaint. I understand that this proposed settlement may be subject to approval by the Executive Officer of the San Diego Water Board, and that the San Diego Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.

d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

☐ ***OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.*** I hereby waive any right the Discharger may have to a hearing before the San Diego Water Board within ninety (90) days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the San Diego Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the San Diego Water Board delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the San Diego Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

☐ ***OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.*** I hereby waive any right the Discharger may have to a hearing before the San Diego Water Board within ninety (90) days after service of the complaint. By checking this box, the Discharger requests that the San Diego Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the San Diego Water Board to approve the extension.

_____
(Print Name and Title)

_____ _____
(Signature) (Date)