California Regional Water Quality Control Board
San Diego Region

Winston H. Hickox
Secretary for Environmental Protection

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Gray Davis
Governor

December 27, 2000

IN THE MATTER OF	NOTICE OF VIOLATION NO. 2000-288
North Plaza LLC **NPDES General Permit No. CAS000002,** **SWRCB Order 99-08** **Subject Site: North Plaza** 29400 Rancho California Road Temecula, CA 92591	**WDID NO.** **9 33S313938**

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of waste discharge requirements contained in State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance: administrative or judicial proceedings for the assessment of civil liability in amounts of up to $25,000 per day; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

The violations referred to in this Notice of Violation were observed during a staff inspection of the subject site, located in the municipality of Temecula, on December 6, 2000.

Summary of Violations

I. FAILURE TO PROHIBIT ILLICIT/ILLEGAL DISCHARGES

You failed to prohibit discharges of sediment to the municipal separate storm sewer system (MS4) or waters of the United States through the implementation of appropriate BMPs in violation of Discharge Prohibition A.2 of Order No. 99-08-DWQ.

On December 6, 2000, Regional Board staff observed and documented the lack of erosion and sediment control Best Management Practices (BMPs) preventing sediment from leaving the subject site and discharging into Empire Creek. Gully erosion was evident on the site perimeter bordering Empire Creek, and evidence of sediment discharge off-site was noted on the site perimeter bordering I-15 (see attached photos).

File
10-3013938.02

II. FAILURE TO IMPLEMENT BMPs

A. You failed to implement temporary erosion control measures to stabilize exposed areas during the rainy season, including either mechanisms for holding the soil in place or secondary mechanisms for sediment containment near the edge of the final grade (ORDER NO. 99-08, "SWPPP" SECTION A.6).

On December 6, 2000, Regional Board staff observed and documented that the subject site had no temporary erosion controls in place to keep sediment on site. Staff also observed deteriorated and broken sandbags surrounding the entire site perimeter and signs of previous erosion (see attached photos).

B. You failed to provide adequate containment for hazardous substances to prevent exposure of storm water to these materials. (Order No. 99-08-DWQ Section A.3, Section C.13)

On November8, 2000, Regional Board staff observed and documented a 5-gallon drum of petroleum product without any secondary containment near the site perimeter bordering Empire Creek. Staff also observed anti-freeze discharged onto the ground near construction machinery (sees attached photos).

You are hereby notified that you are in violation for failure to prohibit illicit/illegal discharges of pollutants to a storm water conveyance system, or waters of the United States, and failure to implement and maintain BMPs.

Questions pertaining to the issuance of this Notice of Violation should be directed to Christopher Means at 858-637-5581. If you feel you received this Notice in error or need clarification on any of the above violations please contact our office immediately. Written correspondence pertaining to this Notice should be directed to the following address:

Michael P. McCann
Supervising Engineer
Attn: Christopher Means
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Boulevard, Suite A
San Diego, CA 92124-1324

Robert Morris
for Michael P. McCann
Supervising Water Resource Control Engineer

12/27/2000
DATE

CERTIFIED MAIL NO. P 053 272 164 (RETURN RECEIPT REQUESTED)

Enclosure: Copy of Inspection Report and photos
Copy of the General Construction Storm Water Permit

CC: U.S. Environmental Protection Agency, Steve Fuller
City of Temecula, John Pourkazemi

File No. 10-3013938.02

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