



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

August 14, 2006

CERTIFIED MAIL

7006 0100 0002 8367 2521

Donald A. Phillips
Superintendent
Poway Unified School District
13626 Twin Peaks Road
Poway, CA 92064

In reply refer to:

CWU:10-3042741:clemc

10-3042741.027

Dear Mr. Phillips:

COMPLAINT NO. R9-2006-0105 FOR ADMINISTRATIVE CIVIL LIABILITY AGAINST POWAY UNIFIED SCHOOL DISTRICT FOR VIOLATION OF WATER CODE § 13376 AND STATE BOARD ORDER NO. 99-08-DWQ, GARDEN ROAD ELEMENTARY SCHOOL, WDID NO. 9 37C342741

Enclosed find Administrative Civil Liability Complaint No. R9-2006-0105 against the Poway Unified School District (District) for the Garden Road Elementary School construction site located at 14614 Garden Road, WDID No. 9 37C342741. The Complaint in the amount of \$32,800 is for violations of Water Code section 13376 and California State Water Resources Control Board (State Board) Order No. 99-08-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity* (General Permit).

Waiver of Hearing

The District may elect to waive its right to a hearing before the California Regional Water Quality Control Board, San Diego Region (Regional Board). Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$32,800 as set forth in the Complaint. For the Regional Board to accept the waiver of the District's right to a public hearing, the District must submit the following by 5 P.M., Wednesday, September 13, 2006:

1. The enclosed waiver form signed by an authorized agent of the District;
2. A check for the full amount of civil liability of \$32,800 made out to the California State Water Resources Control Board; and
3. Verification that the enclosed public notice has been published in a newspaper circulated in the Poway area.

Please note that any waiver will not be effective until reasonable opportunity for public participation has been provided for pursuant to federal NPDES regulations (40 Code of Federal Regulations [CFR] Parts 122, 123, and 124). Waivers submitted after September 13, 2006 will not be accepted.

Public Hearing

If the District does not elect to waive its right to a public hearing, a hearing is tentatively scheduled to be held at the Regional Board meeting on November 8, 2006. The meeting is scheduled to begin at 9 A.M. If the District intends to present any written exculpatory evidence, or written evidence in mitigation at the hearing in response to Complaint No. R9-2006-0105, it must be received by 5 P.M. November 1, 2006 in order to be considered by the Regional Board at the public hearing.

The *Submittal of Written Information Procedures* further describing the written materials and prescribed submittal dates required by the Regional Board and *Hearing Procedures* for the public hearing will be mailed to you not less than 30 days before the hearing date. An agenda for the hearing will also be mailed to you approximately 10 days before the hearing date.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

The Regional Board has no other comments on the above-mentioned complaint at this time. Please contact Chiara Clemente of my staff at (858) 467-2359 or cclemente@waterboards.ca.gov if you have any questions concerning this matter.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

JHR:mpm:cmc

- Attachments: 1. ACL Complaint No. R9-2006-0105
2. Waiver of Hearing Form
3. Public Notice of Waiver of Hearing
4. Regional Board Inspection Report, July 26, 2006
5. Regional Board Inspection Report, August 9, 2006

Poway Unified School District
Garden Road Elementary School

- 3 -

August 14, 2006

Copy with Enclosures to:

1. Ellen Blake, US EPA Region IX
2. Mike Derouin, Poway Unified School District
3. Danis Bechter, City of Poway
4. Pamela Mark, Soltek Pacific
5. Myrna Taylor, Soltek Pacific

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

POWAY UNIFIED SCHOOL DISTRICT)
GARDEN ROAD ELEMENTARY SCHOOL)
NONCOMPLIANCE WITH WATER CODE)
§ 13376, AND STATE BOARD ORDER)
NO. 99-08-DWQ)

COMPLAINT NO. R9-2006-0105
FOR
ADMINISTRATIVE CIVIL LIABILITY

August 15, 2006

POWAY UNIFIED SCHOOL DISTRICT IS HEREBY GIVEN NOTICE THAT:

1. The Poway Unified School District (hereinafter District) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability under section 13385 of the Water Code.
2. On July 19, 2006, the District commenced construction activities for a 4-acre site located at 14614 Garden Road, Poway, California. Seven days later, the District submitted a Notice of Intent (NOI) to the State Water Resources Control Board (State Board) on July 26, 2006, after receiving notification by the City of Poway. The State Board issued WDID #9 37C342741 on July 27, 2006.
3. On July 26, 2006, the Regional Board inspected the site and observed, documented and photo-documented evidence of inadequate Best Management Practices (BMPs) and a discharge of sediment-laden water to an unnamed tributary to Poway Creek (inspection report attached). At the time of the inspection, the District had neither filed a NOI nor prepared or implemented a Storm Water Pollution Prevention Plan (SWPPP) at the site.
4. On August 9, 2006, the Regional Board conducted a follow-up inspection and confirmed that a SWPPP had been prepared and BMPs were on-site (inspection report attached).
5. Reports submitted by Soltek Pacific on behalf of the District dated July 28, 2006 and July 31, 2006 documented that the SWPPP was delivered on-site July 31, 2006 and confirm that the subject site had unauthorized discharges to the MS4 on July 25 and 26, 2006.

ALLEGATIONS

6. **Failure to Prepare and Implement Storm Water Pollution Prevention Plan**
The District failed to prepare and implement its SWPPP by failing to create or provide a SWPPP on-site and implement adequate BMPs at the site, in violation of

California State Water Resources Control Board (State Board) Order No. 99-08-DWQ section C.2 for at least 12 days (July 19 through July 30, 2006).

7. Failure to File Notice of Intent

The District failed to file a NOI for coverage under State Board Order No. 99-08-DWQ, *NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* prior to the commencement of construction activity at the site on July 19, 2006 as required by Water Code section 13376, and Order No. 99-08-DWQ section C.1. The State Board received a NOI for the site on July 27, 2006, for a total of 8 days in violation. The Garden Road Elementary School site will continue to be regulated under State Board Order No. 99-08-DWQ until its expected completion, on August 30, 2006.

8. Sediment Discharge

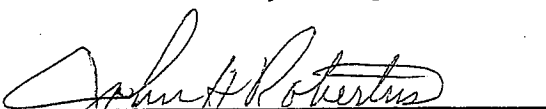
On July 25 and 26, the District discharged sediment laden, chlorinated water into a Municipal Separate Storm Sewer System (MS4) conveyance system to an unnamed tributary to Poway Creek, in violation of Discharge Prohibition A.2 of Order No. 99-08-DWQ for 2 days.

PROPOSED CIVIL LIABILITY

The maximum liability for each violation is \$10,000 per day. Therefore, based on the summary of all alleged violations, the total maximum liability is \$220,000. Based on consideration of the factors listed in section 13385 of the Water Code, the total recommended civil liability for alleged violations is \$32,800. The recommended liability is based on the following:

9. Failure to prepare and implement the SWPPP occurred for a minimum of 12 days; therefore, the maximum liability is \$120,000. Civil liability for failure to prepare and implement the SWPPP should be imposed on the District in the amount of \$1,000 per day, for 12 days, for a liability of \$12,000.
10. The discharger failed to file a NOI for 8 days; therefore the maximum liability is \$80,000. Civil liability for failure to file a NOI should be imposed on the District in the amount of \$100 per day, for 8 days, for a liability of \$800.
11. The discharge of sediment laden, chlorinated water occurred for 2 days; therefore the maximum liability is \$20,000. Civil liability for an unregulated discharge should be imposed on the District in the full amount, for 2 days for a liability of \$20,000.

Dated this 14th day of August, 2006



JOHN H. ROBERTUS
Executive Officer



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region



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**WAIVER
OF RIGHT TO A
PUBLIC HEARING**

Donald A. Phillips
Superintendent
Poway Unified School District
13626 Twin Peaks Road
Poway, CA 92064

Complaint No. R9-2006-0105
For
Administrative Civil Liability
\$32,800

WDID No. 9 37C342741
Garden Road Elementary School

By signing below, I agree to waive the District's right to a public hearing before the California Regional Water Quality Control Board, San Diego Region with regards to the violations alleged in the above referenced Complaint and to remit payment for the civil liability imposed. I understand that I am authorized to give up the District's right to be heard, and to argue against the allegations made by the Executive Officer in the Complaint, and against the imposition of, or the amount of, civil liability proposed. I have enclosed a check or money order made payable to the State Water Resources Control Board for the civil liability imposed.

Signature

Title

Date

Print your name

Send this signed form to:

John H. Robertus, Executive Officer
C/O Compliance Assurance Unit
California Regional Water Quality Control Board – San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

NOTICE OF WAIVER OF PUBLIC HEARING

**California Regional Water Quality Control Board, San Diego Region
Issuance of Administrative Civil Liability (ACL) Order
Against Poway Unified School District**

On August 14, 2006, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Complaint No. R9-2006-0105 to the Poway Unified School District (District) in the amount of \$32,800 for alleged violations of 1) failure to file a Notice of Intent, 2) failure to prepare and implement a Storm Water Pollution Prevention Plan, and 3) an unregulated discharge of sediment-laden water to an unnamed tributary to Poway Creek.

The District has elected to waive its right to a public hearing in this matter. Waiver of the hearing constitutes admission of the validity of the alleged violations in the Complaint and acceptance of the assessment of civil liability as set forth in the Complaint. The District will provide full payment of \$32,800 to the State Water Resources Control Board.

The Regional Board will consider accepting the District's waiver at its November 8, 2006 meeting. Written comments regarding the allegations contained in Complaint No. R9-2006-0105, and/or acceptance of the waiver will be accepted through Wednesday, November 1, 2006.

The Regional Board's November 8, 2006 meeting will be at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak. For more information regarding this matter please call Chiara Clemente at (858) 467- 2359 or visit the Regional Board's web site at <http://www.waterboards.ca.gov/sandiego/>

John H. Robertus
EXECUTIVE OFFICER

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

FACILITY INSPECTION REPORT

INSPECTION DATE: July 26, 2006 TIME: 1:30 PM WDID: none

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: Doug Mann of Poway Unified School District, Myrna Taylor of Soltek Pacific, and Pamela Mark of Soltek Pacific.

Poway Unified School District
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

Doug Mann (858) 679 2522
OWNER CONTACT NAME AND PHONE #

Garden Road School
FACILITY OR DEVELOPER NAME (if different from owner)

Same as above
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

Garden Road in Poway
FACILITY STREET ADDRESS

Poway, CA
FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
 GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION
 GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS
 GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS
 GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
 SECTION 401 WATER QUALITY CERTIFICATION
 CWC SECTION 13264

INSPECTION TYPE (Check One)

- A1 "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
 B1 "B" type compliance--A routine nonsampling inspection. (EPA Type C)
 02 Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
 03 Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
 04 Complaint--Inspection made in response to a complaint.
 05 Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
 06 No Exposure Certification (NEC) - verification that there is no exposure of industrial activities to storm water.
 07 Notice of termination request for industrial facilities or construction sites - verification that the facility or construction site is not subject to permit requirements (Type, NOT I or NOT C - circle one).
 08 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)
N Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

- I. **COMPLIANCE HISTORY:**
No violation found in SWIM

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-SAN DIEGO REGION Page 2 of 2

FACILITY: Garden Road School (WDID) None INSPECTION DATE: 07/26/2006

II. FINDINGS

Inspection was performed in response to complaint.

GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION

1. No NOI
2. No SWPPP
3. Sediment tracking to street.
4. Entrances have no BMPs or insufficient BMPs to prevent sediment tracking to street.
5. No BMPs for erosion and sediment control implemented on site. Two dirt piles are within 20 feet from the creek and have no BMPs for erosion and sediment control. No sign of working on erosion and sediment BMPs.
6. No erosion BMPs for all dirt piles on the construction site.
7. Very little material for erosion and sediment control BMPs observed on site.
8. Sediment discharged to an unnamed tributary to the Poway Creek.
9. Pump is on site.
10. According to Pamela Mark, Safety Manager of Soltek Pacific,; The pipe was broken at 7:00 AM on 7/25/06, and the water shut off at 7:30 AM. There were about 200,000 gallons of water discharged to the site. Some of water spilled to storm drain, majority was contained on site. Mr. Gary Miinch, Superintendent of the construction site, wanted to continue grading, so he ordered a big pump to pump the water retained on site to storm drain inlet. Pump arrived at site about 10:00 AM. Pump was hooked up and pumped water onsite to storm drain inlet without any filtration. Ms. Mark and the City of Poway inspector ordered the pumping to stop at 11:00 AM. However, Mr. Miinch ordered the pumping again at 12:30PM, still with no filtration. Thirty minutes later the pump was stopped again. Water on street and onsite showed visible turbidity exceedances; confirmed by results from contracted lab >1000 NTU. On Wednesday 7/26/06, the water onsite was pumped again to the storm drain inlet after it is filtered through the sediment bag. The City of Poway inspector ordered the pumping to stop and requested the School District to sample of the filtered water. No samples taken.
11. Attached is an email from Danis Bechter of the City of Poway and pictures taken by the City of Poway's inspector.

III. SIGNATURE SECTION

Dat Quach

STAFF INSPECTOR


SIGNATURE


7/26/06
INSPECTION DATE

STAFF INSPECTOR

SIGNATURE

INSPECTION DATE

IV. (For internal use only)

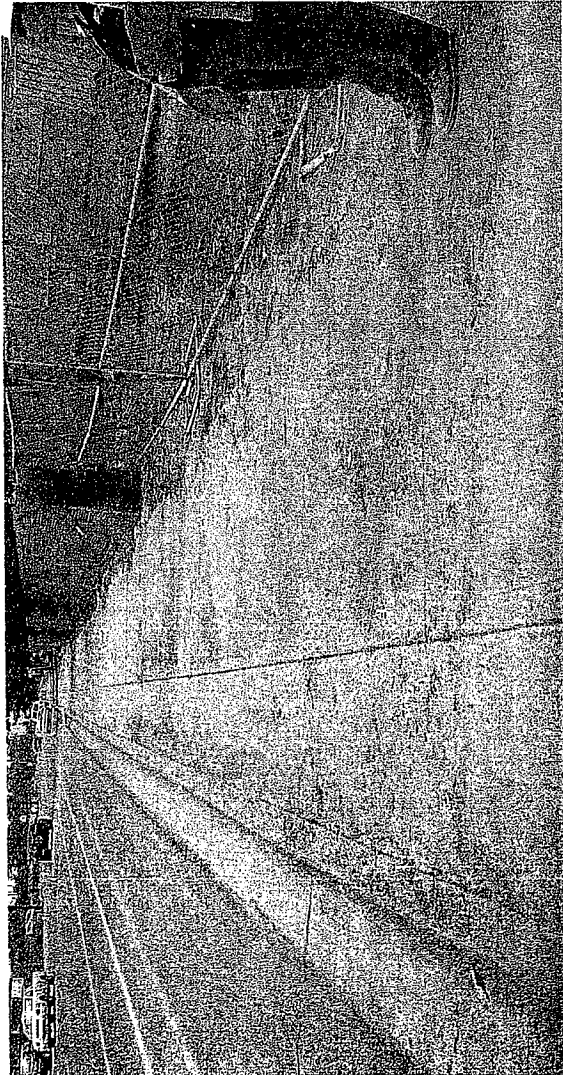
Reviewed by Supervisor: 	Date: <u>8/8/06</u>
cc: Jeremy Johnstone (EPA), John Norton (SWRCB), City	Storm Drain Enforcer
Inter-office Referral: 1) _____ 2) _____ 3) _____	4) _____ 5) _____

Picture No. 1

Evidence on side walk that water with sediment run-off the school site to street. No sediment BMPs seen.

Picture taken by Dat Quach on 7/26/06 at Garden Road School

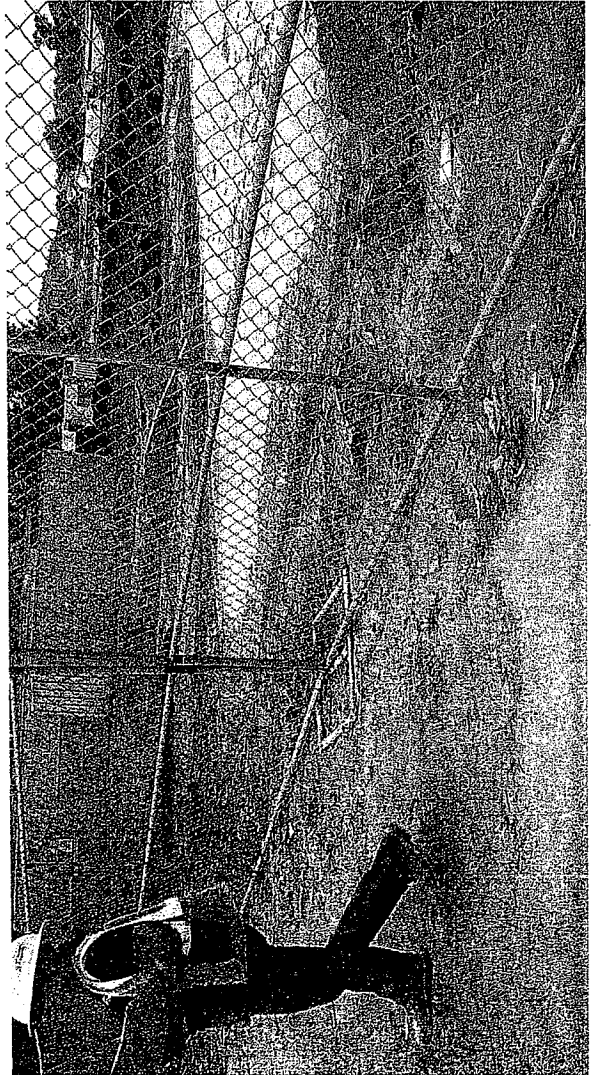
WDID: None

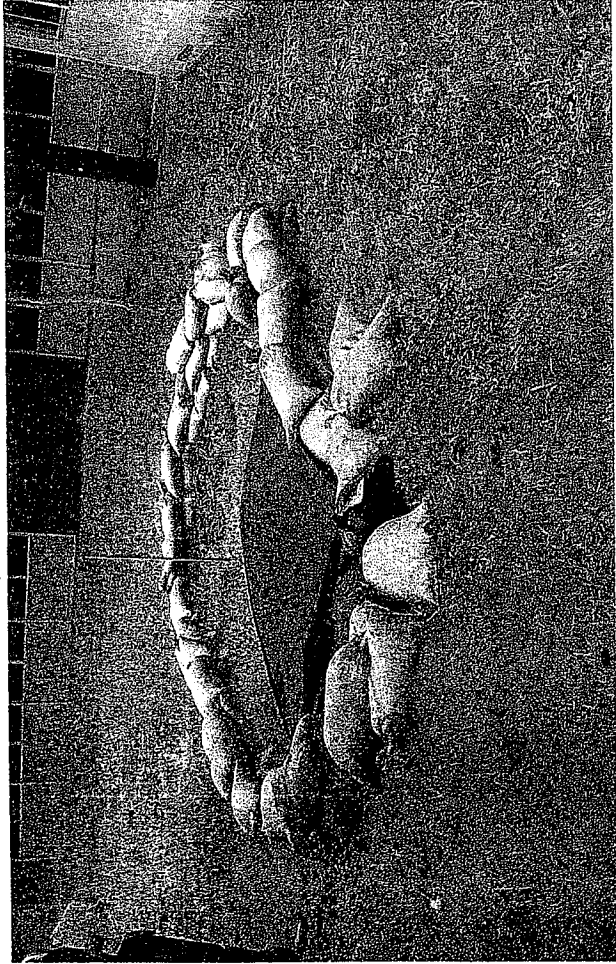


Picture No. 2

Evidence on side walk that water with sediment run-off the school site to street. No sediment BMPs seen.

Picture taken by Dat Quach on 7/26/06 at Garden Road School
WDID: None





Picture No. 3
Filter bag and gravel bag at the storm inlet
Picture taken by Dat Quach on 7/26/06 at Garden Road School
WDID: None



Picture No. 4
Water with high content of sediment discharged to an unnamed tributary to the Poway Creek.
Picture taken by Dat Quach on 7/26/06 at Garden Road School
WDID: None

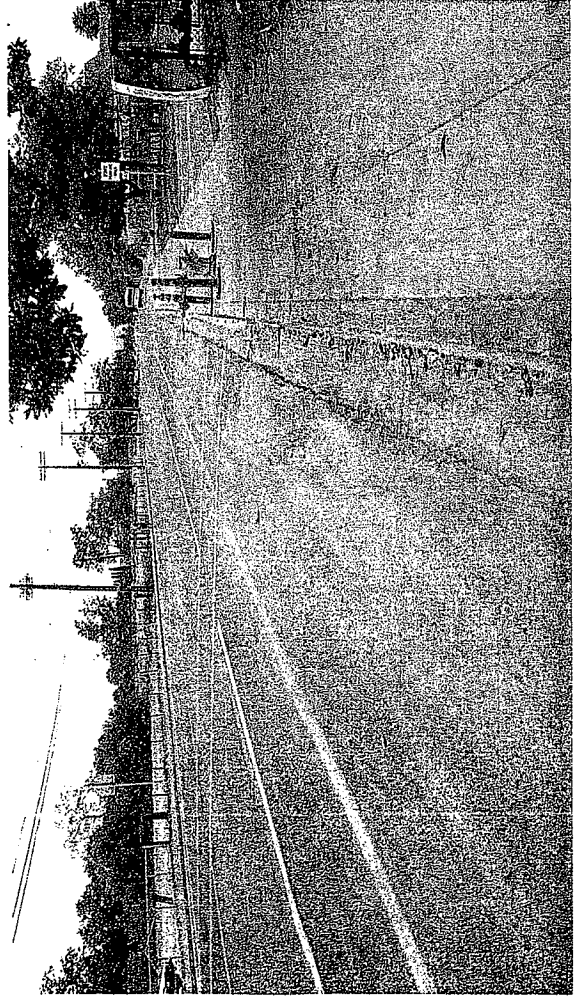


Picture 5

Couples dirt piles placed close to the creek without any erosion and sediment BMPs

Picture taken by Dat Quach on 7/26/06 at Garden Road School

WDID: None

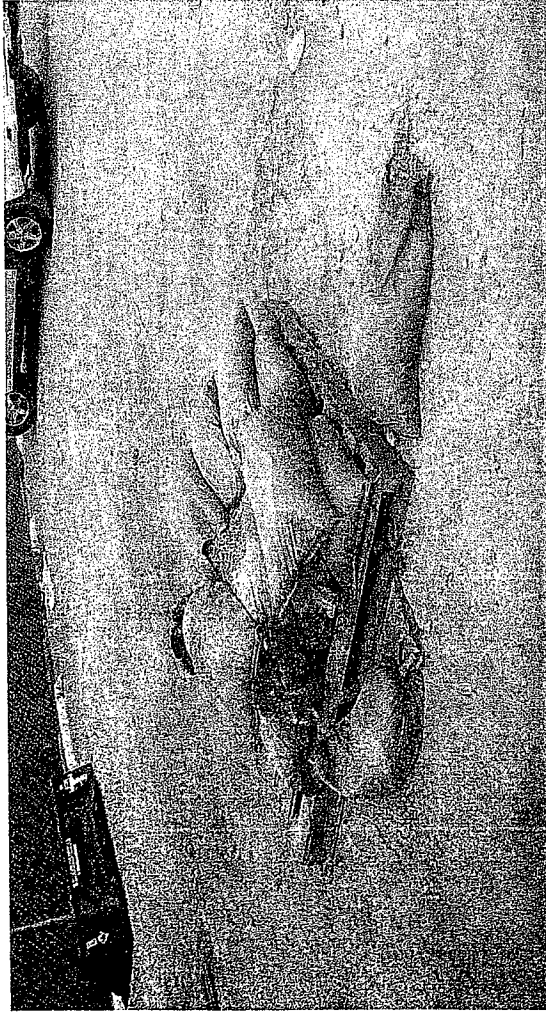


Picture 6

Sediment left on street after the discharge

Picture taken by Dat Quach on 7/26/06 at Garden Road School

WDID: None

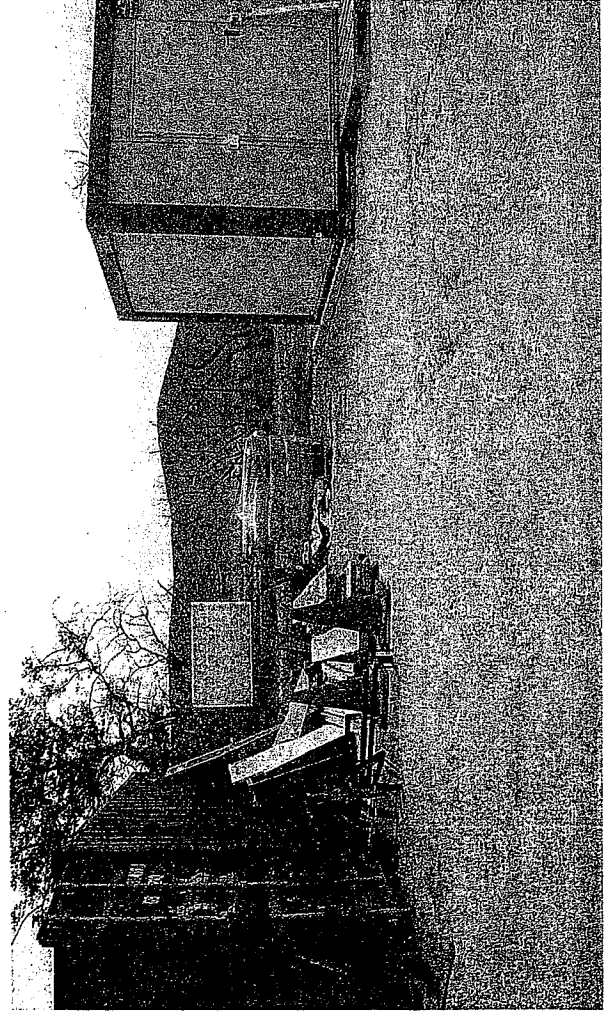


Picture 7

Minimum amount of material for BMPs on site.

Picture taken by Dat Quach on 7/26/06 at Garden Road School

WDID: None



Picture 8

Minimum amount of material for BMPs on site.

Picture taken by Dat Quach on 7/26/06 at Garden Road School

WDID: None

From: "Danis Bechter" <dbechter@ci.poway.ca.us>
To: <clemente@waterboards.ca.gov>
Date: 7/26/2006 12:27:47 PM
Subject: Garden Road School discharge to Poway's MS4

Chiara,

These are some of the photos that were taken on Tuesday (7/25/06) of the Garden Road School discharge to the City of Poway's MS4. As you can see, the water has turbidity and sediment. The discharge occurred due to the contractor breaking an 8" potable water line. Samples of the water were taken. The findings are preliminary since they also sampled for chlorine and TSS but the turbidity was >1,000 NTU.

The City of Poway issued a stop work notice to the School District on Tuesday. In conversation with Myrna Taylor, Project Manager of Soltek Pacific, and the safety/storm water person it was agreed that a sock would be used on the discharge hose and samples would be taken to assure water quality. As of 10:30 this morning, Wednesday 7/26/06, the City inspector Dave Rizzuto visited the site and noticed that the sediment-laden water was once again being discharged into the City of Poway's MS4. As far as I know the water from the discharge hose was never sampled. The City of Poway inspector issued a second stop work notice for the illegal discharge. A copy of this stop work notice and the first were sent to RWQCB.

I wanted to bring you up to speed on the latest developments since our phone conversation yesterday. Please contact me if you need any additional information.

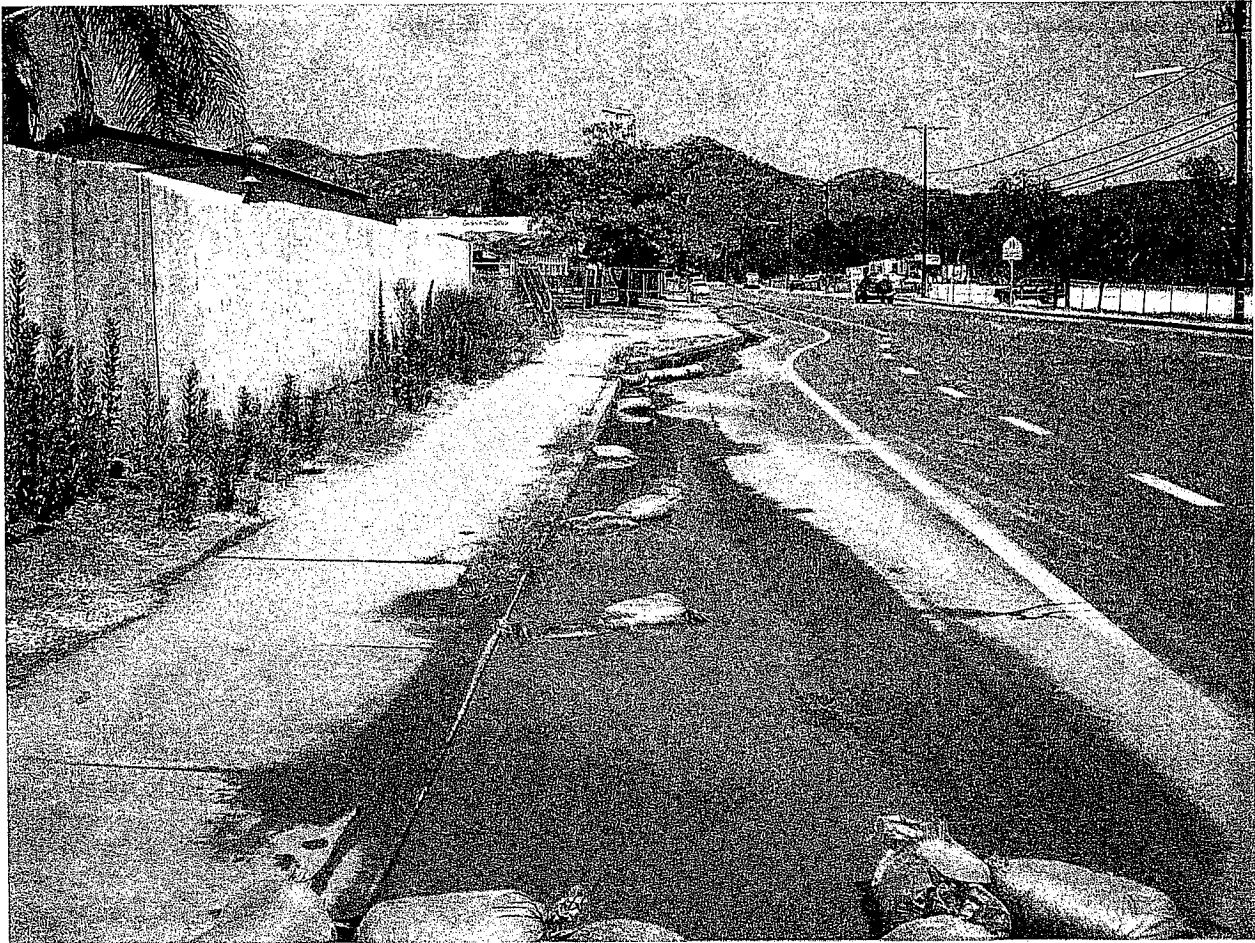
Thanks,

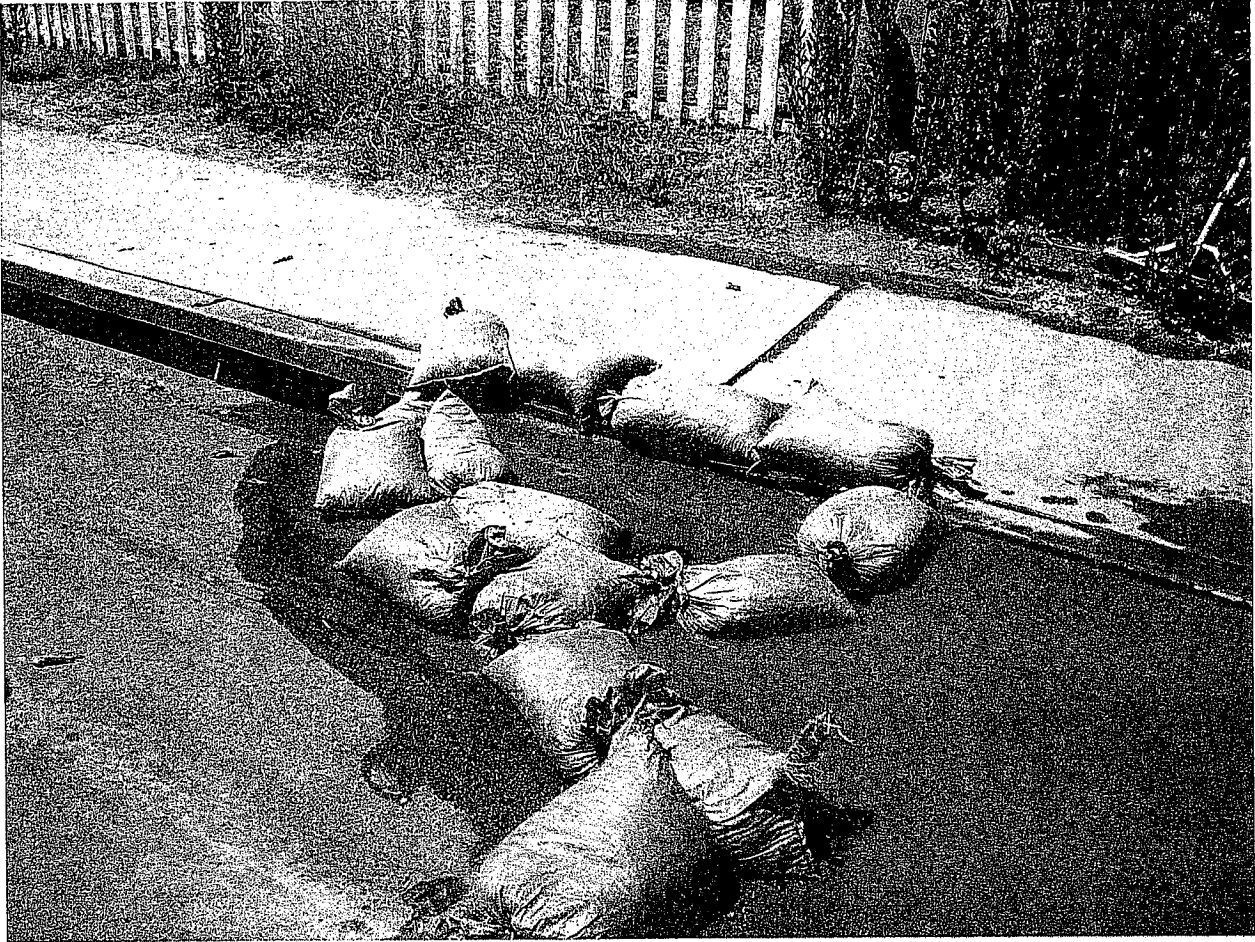
Danis

"Official City Correspondence"
Danis Bechter
Engineering Inspection Supervisor/
NPDES Coordinator
858-472-0250 (cell)
858-668-4630 (office)

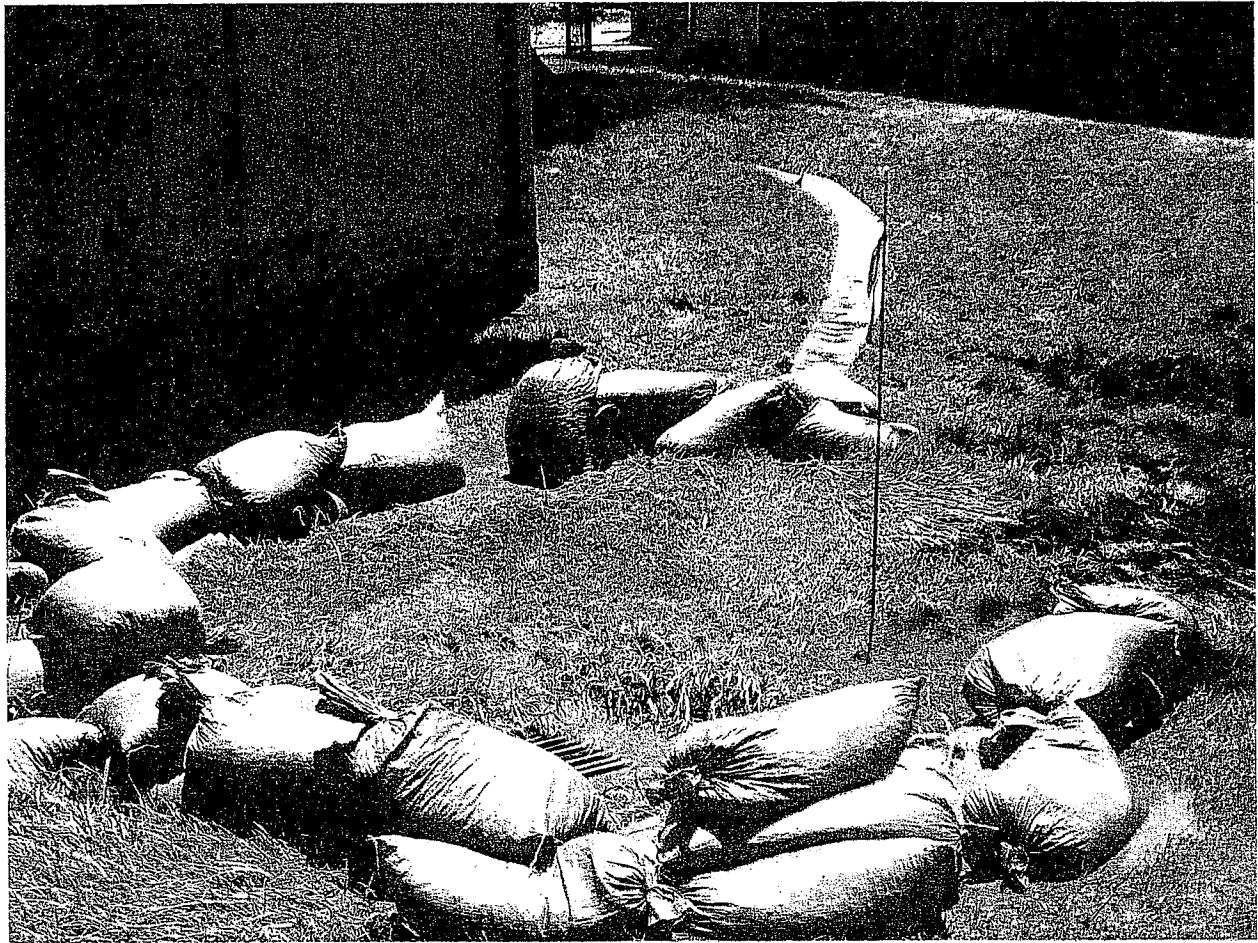
City of Poway - Incorporated December 1, 1980 - Celebrating 25 Years of Service

CC: "Dave Rizzuto" <drizzuto@ci.poway.ca.us>, "Frank Casteleneto" <FCasteleneto@ci.poway.ca.us>, "Niall Fritz" <nfritz@ci.poway.ca.us>, <phammer@waterboards.ca.gov>











CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION

FACILITY INSPECTION DATA ENTRY FORM

DATE: Aug. 9, 2006 TIME: 4 PM WDID: 9 37C342741 ORDER NO. 99-08-DWQ FILE NO. 10-3042741.02

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: Bill, Foreman for Soltek Pacific

Poway Unified School District
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

Mike Derouin (858) 679-2597
OWNER CONTACT NAME AND PHONE #

Soltek Pacific
FACILITY OR DEVELOPER NAME (if different from owner)

Pamela Mark (619) 296-6247
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

Garden Road Elementary School, 14614 Garden Road
FACILITY STREET ADDRESS

Poway, CA
FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS (CHECK ALL THAT APPLY)

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION
GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS
GENERAL PERMIT ORDER NO. 97-03-DWQ, NPDES NO. CAS000001 - INDUSTRIAL
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)

- A1 "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
B1 "B" type compliance--A routine nonsampling inspection. (EPA Type C)
02 X Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
03 Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
04 Complaint--Inspection made in response to a complaint.
05 Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
06 Miscellaneous -- inspection type is not included on this list, may include NOT, NEC, NONA or other types
07 Pretreatment Audit (every five years)
08 Pretreatment Compliance (yearly except audit year)

INSPECTION FINDINGS

Y Were violations noted during this inspection? (Yes/No/Pending Sample Results)
N Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

I. COMPLIANCE HISTORY:

A previous inspection during the week of July 24-28, 2006 noted NO NOI, NO SWPPP, discharges of sediment-laden water and inadequate BMPs.

FACILITY: Garden Road Elementary School (WDID) 9 37C342741 INSPECTION DATE: Aug. 9, 2006

II. FINDINGS

SWPPP is onsite. The owner's certification is unsigned. Onsite personnel did not know the exact date when the SWPPP arrived onsite.

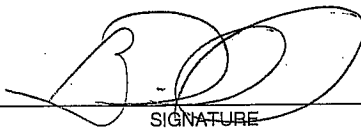
Adequate BMP materials are stockpiled and implemented.

The street is dirty.

The concrete washout had inadequate capacity and construction to contain the wash water. Wash water was observed spilling onto the ground.

IV. SIGNATURE SECTION


Ben Neill
STAFF INSPECTOR



SIGNATURE

Aug. 9, 2006
INSPECTION DATE

IV. (For internal use only)

Reviewed by Supervisor: 	Date <u>8/10/06</u>
cc: City _____	Contact _____
Program: NPDES STORM NON15-WDR 401 NPS TITLE 27 AGT DoD LNDISP PTPRG RCRA SLIC REC	
Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____	



All photos taken by Ben Neill, Water Resource Control Engineer.

1. BMP stockpile.



2. Dirty street and gutter at the curb outlet from the school's storm drain system.

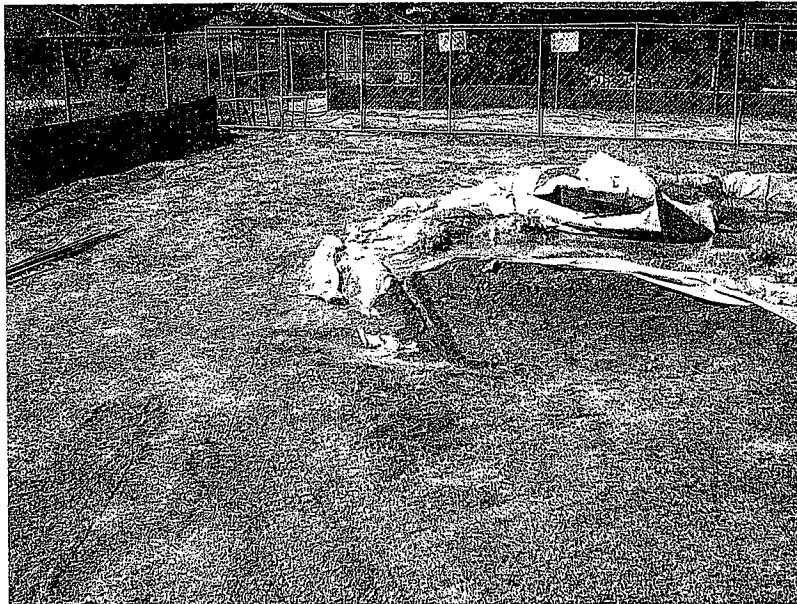


3. Looking down the street.

Garden Road
Elementary School,
WDID 9 37C342741
Aug. 9, 2006



4. Dirty street before the storm drain inlet.



5. Concrete washout area has inadequate construction and capacity to contain washwater. Washwater is spilling onto the ground.



6. Concrete washout was continuing to be used although inadequate.

Garden Road
Elementary School,
WDID 9 37C342741
Aug. 9, 2006