



# California Regional Water Quality Control Board



Linda S. Adams  
Secretary for  
Environmental Protection

**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 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

March 19, 2007

**Karen King, Executive Officer**  
**North County Transit District**  
**810 Mission Avenue**  
**Oceanside, CA 92054-2825**

**VIA CERTIFIED MAIL**  
7005 1160 0000 4217 6086

In reply refer to:  
**CWU:10-3022900.02:neilb** *RJS*

**RE: NOTICE OF VIOLATION NO. R9-2007-0050 &  
REQUIRED TECHNICAL REPORT**

**Subject Site: Sprinter Rail Construction from Oceanside to Escondido**

Dear Ms. King,

Enclosed is **Notice of Violation (NOV) No. NO. R9-2007-0050** for the subject site in the County of San Diego, and the Cities of Oceanside, Vista, San Marcos and Escondido. The violations specified were identified during a site inspection on February 20, 2007. Corrective measures and Best Management Practices (BMPs) should be implemented immediately to address these violations.

Pursuant to California Water Code (CWC) section 13267 and 13383, the San Diego Regional Water Quality Control Board (SDRWQCB) directs you to submit a **Required Technical Report (RTR)** received at the SDRWQCB no later than **5:00 PM, April 6, 2007**. The RTR is required due to the violations noted in the enclosed NOV. The RTR will be reviewed to determine if appropriate BMPs have been installed and to assess the need for further possible enforcement actions. The RTR shall include the following Sections:

1. An Immediate Actions Section describing the reasons for the discharge of sediment from the site into the Municipal Separate Storm Sewer System or Water of the United States and what immediate steps were taken to stop the illegal discharge.
2. A Site Status Report Section including photo-documentation of implementation of the SWPPP, including proper installation of BMPs addressing, but not limited to, those specific violations indicated in the attached NOV.

The submitted Required Technical Report shall include the following signed certification:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who*

**California Environmental Protection Agency**

Recycled Paper



*manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Note: All documents requiring signature shall be signed per the General Construction Permit, Water Quality Order No. 99-08, Section C.9.a (1&2), as follows:

"For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively."

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385.

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Ben Neill at (858) 467-2983 or email: [bneill@waterboards.ca.gov](mailto:bneill@waterboards.ca.gov). Written correspondence should be directed to the following address:

John H. Robertus  
Executive Officer  
Attn: Ben Neill  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

Respectfully,



John H. Robertus  
Executive Officer

Attachments: Notice of Violation with Facility Inspection Report

CC: U.S. EPA, Ellen Blake

Clay Phillips, City Manager  
City of Escondido  
City Hall, Second Floor  
201 N. Broadway  
Escondido, CA 92025

Rita Geldert  
City Manager  
City of Vista  
600 Eucalyptus Avenue  
Vista, CA 92084

Cheryl Filar  
City of Escondido  
Department of Public Works  
201 N. Broadway  
Escondido, CA 92025

Jayne Strommer  
City of Vista  
Engineering Department  
600 Eucalyptus Avenue  
Vista, CA, 62084

Peter Weiss, City Manager  
City of Oceanside  
300 N. Coast Highway  
Oceanside, CA 92054

Walt Ekard  
Chief Administrative Officer  
County of San Diego  
1600 Pacific Highway, Room 209  
San Diego, CA 92101

Mo Lahasia  
City of Oceanside  
Water Utilities Department  
300 N. Coast Highway  
Oceanside, CA 92057

Cid Tesoro  
County of San Diego  
Department of Public Works  
Watershed Protection Program  
9325 Hazard Way, MS 0326  
San Diego, CA 92123

Rick Gittings  
City Manager  
1 Civic Center Drive  
San Marcos, CA 92069

Steven R. Hoyle  
North County Transit District  
810 Mission Avenue  
Oceanside, CA 92054

Ken St. Claire  
City of San Marcos  
Department of Public Works  
201 Mata Way  
San Marcos, CA 92069

Keith Kranda  
Wilson & Company  
808 Rancheros Drive  
San Marcos, CA 92069

D:\Construction\Sprinter Rail\2-20-07\Private Construction NOV13267.doc

CIWQS: 319452



## Summary of Violations observed on site within the City of Vista:

### I. FAILURE TO PREVENT PROHIBITED DISCHARGES

#### ➤ Pursuant to Water Quality Order No. 99-08, Prohibition A.2:

- Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited...

**Observation:** Your site was documented as having ten unauthorized discharges of sediment and sediment-laden water to the MS4 and waters of the State/Nation. Two of the unauthorized discharges were within the City of Vista at an inlet east of Escondido Avenue and an inlet at the Mar Vista Dr. storage yard.

### II. FAILURE TO IMPLEMENT / MAINTAIN BEST MANAGEMENT PRACTICES

#### ➤ Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.6:

- Erosion Control: At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads.

**Observation:** Your site entirely lacked erosion control for all disturbed areas. Erosion gullies and rills were observed on all constructed slopes.

#### ➤ Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.8:

- Sediment Control: Sediment control BMPs are required at appropriate locations along the site perimeter and at all operational internal inlets to the storm drain system at all times during the rainy season.

**Observation:** Your site lacked effective sediment controls along the site perimeter and at the storm drain inlets. All inlets had insufficient levels of gravel bags. Silt fences around the inlets were overwhelmed with sediment loads and failing.

#### ➤ Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.8:

- Sediment Control: [implement] BMPs to reduce the tracking of sediment onto public or private roads at all times.

**Observation:** Construction site exits had insufficient BMPs to reduce the tracking of sediment onto paved roads. Significant sediment tracking was observed onto Escondido Avenue and Mar Vista Drive. The rock gravel apron implemented to prevent tracking was inadequate in width and length.

- **Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.5.b.2:**
- ...protect operational storm water inlets or receiving waters from contaminated discharges other than sediment discharges, such as, but not limited to: storm water with elevated pH levels from contact with soil amendments such as lime or gypsum; slurry from sawcutting of concrete or asphalt; washing of exposed aggregate concrete; concrete rinse water; building washing operations; equipment washing operations; minor street washing associated with street delineation; and/or sealing and paving activities occurring during rains.

**Observation:** Concrete rinse water spills were observed on your site west of Escondido Avenue with no BMPs in place to protect against illegal discharge.

- **Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.5.b.4 & b.5:**
- (Provide) ...areas designated for the (a) storage of soil or waste, (b) vehicle storage and service areas, (c) construction material loading, unloading, and access areas, (d) equipment storage, cleaning, and maintenance areas. (Implement) ...BMPs designed to minimize or eliminate the exposure of storm water to construction materials, equipment, vehicles, waste storage areas, or service areas.

**Observation:** Your site had inadequate BMPs to minimize or eliminate the exposure of storm water to construction waste, trash, and materials. Trash containment was nonexistent in most areas of the construction site. The only trash containers at the Escondido Avenue station were uncovered. Material storage of gasoline did not have cover or containment. An asphalt stockpile at the Mar Vista Drive storage yard lacked containment and coverage to minimize contact with storm water runoff.

## **Summary of Violations observed on site within the County of San Diego:**

### **III. FAILURE TO PREVENT PROHIBITED DISCHARGES**

- **Pursuant to Water Quality Order No. 99-08, Prohibition A.2:**
- Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited...

**Observation:** Your site was documented as having ten unauthorized discharges of sediment and sediment-laden water to the MS4 and waters of the State/Nation. One of the unauthorized discharges was within the County of San Diego at Buena Creek.

#### IV. FAILURE TO IMPLEMENT / MAINTAIN BEST MANAGEMENT PRACTICES

➤ Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.6:

- Erosion Control: At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads.

**Observation:** Your site entirely lacked erosion control for all disturbed areas. Erosion gullies and rills were observed on all constructed slopes. The exposed slopes next to the bridge abutments over Buena creek were eroding. No BMPs were implemented to prevent the erosion.

➤ Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.8:

- Sediment Control: [implement] BMPs to reduce the tracking of sediment onto public or private roads at all times.

**Observation:** Construction site exits had insufficient BMPs to reduce the tracking of sediment onto paved roads. Significant sediment tracking was observed onto Buena Creek Road. The rock gravel apron implemented to prevent tracking was inadequate in width and length.

➤ Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.5.b.4 & b.5:

- (Provide) ...areas designated for the (a) storage of soil or waste, (b) vehicle storage and service areas, (c) construction material loading, unloading, and access areas, (d) equipment storage, cleaning, and maintenance areas. (Implement) ...BMPs designed to minimize or eliminate the exposure of storm water to construction materials, equipment, vehicles, waste storage areas, or service areas.

**Observation:** Your site had inadequate BMPs to minimize or eliminate the exposure of storm water to construction waste, trash, and materials. Trash containment was nonexistent at the Buena Creek Road storage yard.

### Summary of Violations observed on site within the City of San Marcos:

#### V. FAILURE TO PREVENT PROHIBITED DISCHARGES

➤ Pursuant to Water Quality Order No. 99-08, Prohibition A.2:

- Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited...

**Observation:** Your site was documented as having ten unauthorized discharges of sediment and sediment-laden water to the MS4 and waters of

the State/Nation. Seven of the unauthorized discharges were within the City of San Marcos storm drain inlets at the construction yard on Armorlite Drive, inlets along Barham drive and along the railroad construction.

**VI. FAILURE TO IMPLEMENT / MAINTAIN BEST MANAGEMENT PRACTICES**

➤ **Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.6:**

- **Erosion Control:** At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads.

**Observation:** Your site entirely lacked erosion control for all disturbed areas. Erosion gullies and rills were observed on all constructed slopes.

➤ **Pursuant to Water Quality Order NO. 99-08, Special Provision C.2, Section A.8:**

- **Sediment Control:** Sediment control BMPs are required at appropriate locations along the site perimeter and at all operational internal inlets to the storm drain system at all times during the rainy season.

**Observation:** Your site lacked effective sediment controls along the site perimeter and at the storm drain inlets. All inlets had insufficient levels of gravel bags. Silt fences around the inlets were overwhelmed with sediment loads and failing. Some inlets entirely lacked in sediment controls. Fiber rolls implemented along concrete ditches were not maintained. Some concrete storm drain channels entirely lacked perimeter controls such as fiber rolls or silt fences.

Questions pertaining to the issuance of this Notice of Violation should be directed to Ben Neill at (858) 467-2983 or email: [bneill@waterboards.ca.gov](mailto:bneill@waterboards.ca.gov). If you feel you received this Notice in error or need clarification on any of the above violations, please contact our office immediately.



Michael P. McCann  
Supervising Water Resource Control Engineer

MARCH 19, 2007

Date