

ATTN: Kimberly

This MEMO WAS SENT TO THE ARCHITECT'S FIRM THE CIVIL ENGINEER

PERHAPS LPA WILL SEND A LETTER ENCOMPASSING THIS MEMO TO THE  
BOARD

THANKS FOR EVERYTHING

Wayne Edgell



April 14, 2004

Mr. Carrick Boshart  
LPA Inc.  
1548 Eureka Road  
Roseville, CA 95661

Wayne.  
Pls review.

4/16/04

**SUBJECT: RWQCB Notice #2 – CORRECTIVE ACTION REQUIRED**

Dear Carrick:

We have reviewed the letter from Marc Beique & Associates dated 3/31/04, and the letters from the RWQCB dated 3/5/04 and 3/24/04. From these letters it is clear that the project has some significant concerns and problems with the management of storm water quality.

We would like to start by clarifying that a SWPPP is what is considered a living document. At any one point in time the SWPPP provides: guidance on possible storm water pollution control methods, records failures, records corrective actions, as well as documenting training, inspections, certifications and even violations as they occur. The document provided by Nolte is a starting place for the project team, specifically the contractor, to commence work and record what transpires over time. It is the responsibility of the contractor and the site inspector to update the SWPPP and record the current status of all of the pollution control measures.

We believe that the SWPPP that was prepared by Nolte, dated May 15, 2003, was a legally conforming document prior to the start of construction. The regulation is included in the SWPPP in its entirety for reference. The RWQCB in Item 8 of their letter identified some "inadequacies" in the SWPPP prepared by Nolte. We believe these "inadequacies," listed as the first three bullet items, are relatively minor differences of opinion and items that the RWQCB would prefer in a document. Specifically,

- *"The SWPPP did not contain descriptions or illustrations of proper BMP implementation."* Nolte listed the various BMP's that are appropriate in the various categories. Nolte chose to reference the Erosion Control Field Manual published by the California State Water Quality Control Board as stated on page A13-1 rather than include the specific BMP's in the SWPPP. We believe this is a matter of designer preference rather than a specific requirement of the SWPPP. This method also conserves our natural resources, which is clearly the intent of the regulations.
- *"The SWPPP listed soil compaction as an erosion control BMP."* Nolte agrees that soil compaction can increase surface water runoff and is not, by itself, an erosion control measure. The intent of listing this measure was that it would work in conjunction with other measures. When slopes are properly compacted they tend to have less rill formation with less soil materials washed from the slope. Downstream erosion measures then have less soil mass to manage. While Nolte listed this as a possible measure, it was not specifically called for in the erosion control plan.

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- *"The SWPPP prescribed erosion control blankets for sediment tracking."* Nolte agrees soil blankets, again by themselves, are not a "sediment tracking" measure. This measure and the related items like mulching are listed as "additional measures" and are more appropriately considered site erosion control measures. When these "additional measures" are implemented with the other listed tracking measures there is less loose soil and mud moving about the site to be cleaned off tires and therefore the load on the listed tracking measures are reduced. In the erosion control plan locations for stabilized construction entrances are identified.

The last bullet item addresses the heart of the problem.

- *"The SWPPP did not list Mr. Edgin's storm water training."* Section B, page B1 is titled Monitoring Program and Reporting. This section lists the various items that are to be recorded. It is intended that the Contractor record the inspections, certifications, inspections, corrective actions, violations, and other occurrences that are relevant to storm water pollution control in the SWPPP using typical example forms that are provided in the Sediment and Erosion Control Field Manual. The SWPPP specifically requires the contractor's "Project Manager" to perform inspections and take corrective measures. The "Senior Director of Construction Operations" will review and process the records for filing.

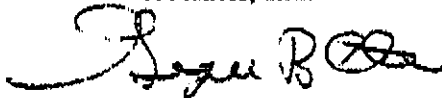
The construction documents, specifically Section 1500 Paragraph 1.18, require the contractor to be responsible for Runoff Control and associated measures to prevent pollution. This paragraph and its subparagraphs specifically require compliance with the NPDES requirements. Those subparagraphs reference the civil drawings (erosion control plans) for additional information.

All of the other items listed in the two letters from the RWQCB are specifically related to the Contractor's lack of conformance with State and Federal law as required in Section 1500 of the Specifications.

Please feel free to call me should you have any questions at (408) 392-7200.

Sincerely,

Nolte Associates, Inc.



George B. Otte, P.E.  
Associate

cc: Ronald Heinzl, RPH & Associates, Inc.  
Chien Wang, Robert A. Bothman, Inc.  
Marc Beique, Marc Beique & Associates, Inc.  
Ken Francis, LPA, Inc.  
Rick Mullikin, Pajaro Valley Unified School District