ERRATA SHEET

of my	testi		(date) at (state), and that
the same	is a t	rue record of the testimony given by me at forth, with the following exceptions:	the time and place herein
Page	Line	Should read:	Reason for Change:**
9	9	John Quenzer and John Draminski	(See below before completion)
10	13	I have a degree in ecology, behavior, and	
12	8	Damar me contract comment And I started with	1 DMax
19	12	Engineering. And then I had some - just reviewing	
19 19 20 20 29	13	past inspection materials and reading documents	
20	21_	our company typically does for like, the	
20	22	industrial/commercial inspections	
29	20	I think the time strups are off on one day	
43 81	22	John Quenzer, December 26, 2014.	
<u>81</u>	3	yes, I agree that Exhibit 16 does - indicating	
· .			
			And the second s
Date:	1/18	/16 Signature of W	itness
		Tad Nakatani Name Typed or	· Printed
**	DIS	E "REASON FOR CHANGE" COLUMN SHOULD ON FRICT OR BANKRUPTCY COURT MATTERS (F OULD NOT BE COMPLETED FOR STATE COURT A	RCP RULE 30(e)). THIS COLU
Toh	NT.		Rev. 3/15/14

Job No. _____



ORIGINAL

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

IN THE MATTER OF:	
ADMINISTRATIVE CIVIL	
LIABILITY COMPLAINT NO.	
R9-2015-0110	
AGAINST SAN ALTOS - LEMON	
GROVE, LLC.	

THE DEPOSITION OF TAD NAKATANI, a witness herein, noticed by Opper & Varco, LLP, at 225 Broadway, Suite 1900, San Diego, California, at 8:42 a.m., on Tuesday, December 29, 2015, before R. Jerrod Jones, CSR 11750, RPR

Job Number 598613

Page 2

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1
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Page 3

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1		INDEX		
2	7.7 T (T1N I I'''	GG		
3 4		SS: TAD NAKATANI		
5		NATION BY: ERESFORD		PAGE
6	MR. B			5
7	MR. D	OIERS		82
8		EXHIBITS		
9	Exhih	it identification within the tr	anggrint i	C
10	flagg	ed with "[EXH]" as an identifie	r.	ב
11	EXHIB	IT DESCRIPTION I	DENTIFIED	MARKED
12	1		7	88
13		Notice of Deposition of Tad Nakatani and Request for Production of Documents [EXH-1	٦	
14		riodaction of Documents [EAR-1	.1	
15	2	NPDES Stormwater Program Construction Stormwater Compliance Inspection Form	22	88
16		dated 12/9/14 [EXH-2]		
17	3	NPDES Stormwater Program Construction Stormwater	30	. 88
18		Compliance Inspection Form dated 12/11/14 [EXH-3]		
19	_	, <u> </u>		
20	4	City of Lemon Grove Notice, Administrative Citation dated 12/11/14 [EXH-4]	31	88
21		dated 12/11/14 [EAR-4]		
22	5	D-Max Engineering Memo dated 12/12/14 [EXH-5]	33	88
23	6	NPDES Stormwater Program Construction Stormwater	37	88
24		Compliance Inspection Form dated 12/16/14 [EXH-6]		
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TAD NAKATANI - 12/29/2015

Paqe	4
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1	7	E-Mail From Malik Tamimi to John Quenzer dated 12/16/14	43	88
2	. 8	[EXH-7] D-Max Engineering Memo dated 12/17/14 [EXH-8]	45	88
4	9	D Mar Engineening Mars dated	4.77	0.0
5	9	D-Max Engineering Memo dated 12/31/14 [EXH-9]	47	88
6	10	NPDES Stormwater Program Construction Stormwater	48	88
7		Compliance Inspection Form dated 1/6/15 [EXH-10]		
8	11	NPDES Stormwater Program	54	0.0
9	T. T.	Construction Stormwater Compliance Inspection Form	54	88
10 11	12	dated 1/14/15 [EXH-11]	EO	0.0
12	Т 2.	D-Max Engineering Memo dated 1/16/15 [EXH-12]	58	88
13	13	E-Mail from Leon Firsht to Tad Nakatani dated 2/4/15	64	88
14		[EXH-13]		
15	14	NPDES Stormwater Program Construction Stormwater Compliance Inspection Form	66	88
16	15	dated 3/18/15 [EXH-14]	7.0	0.0
17	ТЭ	NPDES Stormwater Program Construction Stormwater	70	88
18		Compliance Inspection Form dated 4/29/15 [EXH-15]		
19	16	E-Mail From Tad Nakatani to	7.1	0.0
20	Τ ()	Malik Tamimi dated 9/14/15 [EXH-16]	71	88
21	4.57			
22	17	E-Mail From Tad Nakatani to Gary Harper dated 9/16/15 [EXH-17]	73	88
23	1.0			0.0
24	18	NPDES Stormwater Program Construction Stormwater Compliance Inspection Form	7 4	88
25		dated 9/15/15 [EXH-15]		

r	SAN DIEGO, CALIFORNIA; TUESDAY, DECEMBER 29, 2015
2	8:42 A.M.
3	
4	TAD NAKATANI,
5	having been first duly sworn, was
6	examined and testified as follows:
7	
8	EXAMINATION
9	
10	BY MS. BERESFORD:
11	Q. Good morning, Mr. Nakatani.
12	A. Hi.
13	Q. My name is Linda Beresford. I'm one of
14	the attorneys for San Altos-Lemon Grove, LLC,
15	representing them in the matter of the Administrative
16	Civil Liability Complaint Number R9-2015-0110, issued
17	by the Regional Water Quality Control Board.
18	Would you state your name and spell it for the
19	record.
20	A. Tad Nakatani, T-a-d, N-a-k-a-t-a-n-i.
21	Q. Thank you. Have you had your deposition
22	taken before?
23	A. No.
24	Q. There's a few ground rules that I'd like
25	to go over with you, just to try to make the process

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go a little more smoothly. We are here today at a hearing under oath. We have a court reporter taking down everything that we say. So when I ask a question, if it's possible, please try to respond verbally, "yes," "no," a sentence, rather than a shrug or "uh-huh," things that are difficult to read on a transcript. Understood?

- A. Yes.
- Q. Okay. And in order to have an accurate transcript, it's important that you understand my question and I understand your answer. So if possible, we'll try to have one person speaking at a time. So if you can wait for me to finish my question; and I, in turn, will also do my best and wait for you to finish your answer before we stop speaking -- before I start speaking so that we're not talking over each other.

Do you understand?

- A. Yes.
- Q. Please feel free to take a break at any time. The only thing I ask is that if I have a question pending before you, that you answer the question before we take a break; is that understood?
 - A. Yes.
 - Q. Okay. And finally, I'm sorry, but I do

have to ask: Are you taking any medication, or is 1 2 there any other reason why you can't give your best 3 testimony today? 4 Α. No. 5 Okay. Great. MS. BERESFORD: If you could please mark that 6 7 as Exhibit 1. (Exhibit Number 1 was marked for 8 9 identification.) BY MS. BERESFORD: 10 11 Would you please review that. ο. 12 Α. Is this the full copy on the back? 13 Q. One document is your Notice of Deposition 14 with the Request for Production of Documents. 15 one should be the Subpoena with the Request for 16 Production. It's my understanding that the Request 17 for Production of Documents are identical for both the Notice of Deposition and the Subpoena. 18 19 Α. Okay. 20 But my first question is, have you seen Q. 21 that document before? 22 Α. Yes. 23 Okay. Can you identify for the record 24 what it is? 25 Α. I forgot what just called it, but the --

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but it's my understanding that this is my Subpoena to appear today, and a list of documents to be provided.

- Q. Okay. Thank you.
- A. Yes.
- Q. Did you bring any documents with you today?
- A. We worked would Jim last week to -- he asked us to give it to them on DVD.

Are you Wayne, by the way?

MR. ROSENBAUM: Yes.

THE WITNESS: He said he would talk to Wayne and let us know.

MR. LOUGH: We added theirs. It's on the CD-ROM we gave you.

BY MS. BERESFORD:

- Q. So it's your testimony that all of the documents that you have responsive to that, you provided to Mr. Lough to produce with the City of Lemon Grove's documents?
- A. Yes. I believe they were on different DVDs but submitted to him.

I'm guessing you gave those at the same time.

Q. Okay. In your review of documents, did you identify any documents that you thought were possibly responsive but you did not produce for some

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- A. No, not that I'm aware of.
- Q. Did you do anything else to prepare for your deposition today?
- A. We did have a brief meeting with Jim and some people from Lemon Grove.
- Q. Did you talk to anybody at D-Max about the deposition?
 - A. John Quenzer and John Zrinski.
 - Q. What was that discussion about?
- A. Mostly we were -- we coordinated getting all of the documents together mainly because it was a lot of overlap. And then yeah, I guess just general discussion of what we needed to do, to show up and then bring and stuff like that.
- Q. Okay. Did you review any documents specifically to prepare for today?
- A. Just what I kind of may have glanced over in pulling in all of the e-mails mostly, I guess.
 - Q. Okay.
- A. Yeah. So not an actual thorough review of any of the documents that were listed on here.
- Q. Okay. Thanks. I would like to talk about your education a little bit.
 - A. Okay.

1	Q.	Where did you graduate from high school?
2	Α.	Glendale High School in Glendale,
3	California	•
4	Q.	And then did you go to college?
5	Α.	Yes.
6	Q.	Where was that?
7	A.	UC San Diego.
8	Q.	Did you graduate?
9	А.	Yes.
10	Q.	What year was that?
11	А.	2004.
12	Q.	What was your degree?
13	A.	I had a degree in ecology behavior in
14	evolution,	and psychology as a second.
15	Q.	Interesting. Do you have any advanced
16	degrees?	
17	Α.	I have a master's.
18	Q.	And what is that in?
19	Α.	That's in animal behavior from UC Davis.
20	Q.	When you did get that degree?
21	Α.	I believe 2008.
22	Q.	Is that a master's of science?
23	Α.	Yes.
24	Q.	Okay. Do you have any other advanced
25	degrees bes	sides that?

1	A. No.
2	Q. What was your first job after you finished
3	your master's at UC Davis?
4	A. I had a I had an internship, like a
5	full-time internship with the Air Resources Board in
6	Sacramento. Although I don't technically remember
7	so that was through the summer, from about June to
8	September. I don't remember if my degree award date
9	was actually June or September. It technically may
10	not have been after; it may have been during.
11	Q. That's okay. Let me back up a little bit.
12	Did you work in between the time you graduated from
13	UCSD and went to UC Davis?
14	A. Yes.
15	Q. What did you do during that period?
16	A. I worked as a biostatistician for one
17	year; and I worked in biotech for the second year;
18	and then began grad school after two years, I
19	believe.
20	Q. Where were you a biostatistician?
21	A. The Virtual Reality Medical Center. It
22	sounds fake, I know.
23	Q. Where was that?
24	A. That was in San Diego.
25	Q. And then, I'm sorry, you were a biotech?

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- A. Yeah. I was a biotech technician, I guess would be the title, at Diazyme Laboratories, also in San Diego.
- Q. When you completed your internship with the Air Resources Board, what did you do after that?
- A. I moved back to San Diego in the fall and began applying for jobs. And then I interviewed with D-Max, my parent company. And I started with D-Max in I believe January of '09.
 - Q. What was your first position with D-Max?
 - A. Staff scientist, I believe.
 - Q. And what did you do as a staff scientist?
- A. I don't know all of it. I did under -with that job title, because I don't recall exactly
 how long I had that one. But I -- I mean, do you
 want a list of some of the tasks I can think of?
- Q. Did you do any storm water inspections as a staff scientist?
 - A. Yes.
- Q. So you started doing storm water inspections in 2009 as a staff scientist?
 - A. Yes.
- Q. What type of training did you have -- or did you have any training before you did storm water inspections as a staff scientist?

1	A. Yeah. We did we did field training
2	with other staff, more experienced staff members.
3	Q. And was that all the training you received
4	at that time?
5	A. I mean, there's probably some additional,
6	you know, like just reading materials that they gave
7	to new people to start with, you know, with permits
8	and stuff like that.
9	Q. What type of storm water inspections were
10	you doing at that time?
11	A. Initially it was industrial/commercial,
12	the beginning. Probably also some treatment control
13	BMP or structural BMP, maintenance verification
14	inspections. Yeah, that was probably after a couple
15	of months. Yeah, that probably was performed under
16	that same job title.
17	Q. Okay. How long were you a staff
18	scientist?
19	A. I don't remember.
20	Q. Do you remember what your next title was?
21	A. I believe there's Staff Scientist II was
22	the next level.
23	Q. Do you do similar type of storm water
24	inspections as a Staff Scientist II?
25	A. Probably. I would say there was probably

less industrial/commercial inspections and more of the structural, postconstruction BMPs as I progressed. I don't know where that picks up with the job titles, honestly.

- Q. Okay. About how many inspections a year did you do as a Staff Scientist I, a Staff Scientist II?
 - A. I have no idea.
 - Q. More than five?
 - A. Yeah.
 - Q. More than ten?
- A. Yeah. So I guess I would say probably -so if I were to be doing a full time, let's say I
 worked one week and I'm doing all five days, fully
 dedicated to inspections, I would probably while
 doing industrial/commercial I could do about 20 to 30
 in a week. And then if it were in treatment control
 or structural, postconstruction, less than that
 maybe, 15 to 25 a week, so -- but I don't at this
 point recall how much of my time was on just
 inspections.
- Q. Okay. Who were you doing the inspections for?
- A. Like, who was my supervisor; or who was my client?

1	Q. Who were your clients?
2	A. The City of San Diego was the main one.
3	So the bulk was probably done for them. At various
4	times we I have also done inspections for probably
5	the City of National City. Do you want like a
6	complete list, or as complete as I can give you right
7	now?
8	Q. Were you acting mostly as a subcontractor
9	for cities?
10	A. Yes.
11	Q. And during that time, were you doing
12	inspections for the General Construction Storm Water
13	Permit?
14	A. No, not in the early years.
15	Q. Okay. What was your title after you were
16	a Staff Scientist II?
17	A. I believe Assistant Project Scientist.
18	Q. And do you know when you became an
19	Assistant Project Scientist?
20	A. No.
21	Q. Do you think it was one year ago or
22	approximately
23	A. No, multiple years ago. I don't remember
24	which one.
25	O. And did you do storm water inspections as

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an Assistant Project Scientist?

- Α. Yes. I believe I did some, but probably the more supervising of the inspections under that title.
- Q. Were you either performing or supervising inspections for the Construction General Storm Water Permit?
- Under that job title, I don't know. Α. Let me think on that one. Probably. I don't know exactly when a transition -- the next title would be Project Scientist, which is my current one. So I would guess probably under that title is when I was doing some construction stuff, but I'm really not sure. I don't know when the job titles synced up with different actions.
 - Ο. Okav. But you're a Project Scientist now?
 - Α. Yes.
- Q. Do you know when you became a Project Scientist?
 - Α. No.
- Your parents must not ask you too many Q. questions as they ask me.

Approximately how long do you -- would you estimate that you have been a Project Scientist?

> Α. Oh, gosh. Probably within the last two

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years. That's about -- I can vaguely remember joking with a coworker that the new job title didn't mean that much to me. So that's -- it didn't really change what I was doing work-wise. So yeah, I don't have a good recollection of when that official change was.

- Q. Okay. But you just indicated that your duties didn't really change that much, or did they? Can you elaborate. What did you do as --
- A. I think if you are talking about like the different jobs, like tasks I'm working on, I think that really would be something that changed more with different contracts that my company had, as opposed to what my job title was. Because a lot of the contracts we have are for, you know, just several months or something.

So if we had a six months -- a six-month contract to do a certain task, then that's really what determined like we're doing this project with the Lemon Grove construction program. So that kind of determined what I was doing more so than my job title.

- Q. Okay.
- A. At that point, yeah.
- Q. Over the past two years, did you do any

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inspections	for	the	Construction	General	Storm	Water
Permit?						

- A. Yes.
- Q. For whom were you doing those inspections?
- A. So I did constructions for the City of Lemon Grove. And I also did construction -- or I did inspection as a QSP for Marathon General, a contractor for a project in Santee.
- Q. So you just indicated to me that you are a Qualified Storm Water Professional, QSP; is that correct?
- A. I believe the P is Practitioner, right? But yeah, QSP.
 - Q. Okay. When did you become a QSP?
- A. Let's see. I believe that was on my resume. Do you have that? I could -- I don't recall offhand. But it should be on the resume that was on the DVD from Jim.
- Q. Okay. Do you think it was approximately a year ago?
- A. No. It was a few years ago. In my head I've sort of got 2012, but I don't know if that's correct or not. But it was multiple years ago.
- Q. Okay. Are you a Qualified SWPPP Developer, a QSD?

1	A. Yes.
2	Q. Do you know when?
3	A. That would be the same date.
4	Q. Okay. What specific training have you had
5	for storm water compliance investigations?
6	A. Specific to construction, or just in
7	general storm water compliance?
8	Q. Let's talk about just construction for
9	now.
10	A. Okay. Let's see. I had the QSP/QSD
11	training, which I took that with I believe Rick
12	Engineering. And then I had some just my year of
13	pass inspection material and reading with documents,
14	like with coworkers.
15	Q. Did you go to any of the specific training
16	that the Water Board has put on?
17	A. No.
18	Q. Are you a Trainer of Record?
19	A. No.
20	Q. Okay. Can you describe the relationship
21	between D-Max and the City of Lemon Grove for me?
22	A. Yes. So D-Max was hired by the City of
23	Lemon Grove. Specific to this project, they hired us
24	to do inspections of construction sites. D-Max also
25	has some additional contracts with the City to do

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other storm water work as well.

- Q. When was D-Max specifically hired to do inspection of construction sites?
- A. I believe this particular contract -- I mean, I don't know when all of the contracting documentation was finalized. I believe my first time out there was December of last year, December 2014.
- Q. Okay. Do you know why they hired D-Max for that purpose?
- A. I believe initially it was I think two sites. They wanted us to come in and do inspections of -- construction inspections of two sites.
- Q. Did anyone specifically say why they wanted you to do that?
- A. So I guess I didn't -- I don't think I spoke to the City at the time. It would be -- John Quenzer was my supervisor. So I don't know exactly what was said specifically, other than the City wanted our assistance just to provide, you know, basically our assessment of the site, similar to what the water company typically does for, like, a municipal construction inspection.
 - Q. Who was your primary contact at the City?
 - A. At first or --
 - Q. At first and then later.

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A. I think honestly, that's sort of been unclear or changing --

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Q. Okay.

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A. -- at times. So I'm -- I believe -- I mean, Leon was the one sort of -- Leon Firsht was in charge of it. So I think he was probably the main contact initially. But I don't know honestly if the contract was between the City and D-Max was kind of done through by Malik or Leon. Because I know Malik, you know, is the one who is most involved in storm water. He's the one typically in contact with our company more frequently about contracts. So I don't know which one of them reached out to us initially.

- Q. Okay. But throughout the course of the contract, you had both -- you had contact with Mr. Firsht and Mr. Malik Tamimi?
 - A. Yes.
- Q. Who else at the City did you talk to or meet with specifically about this site?
- A. Gary Harper probably would be the person that I had contact with by phone or e-mail, and also just he was on site many of the times I was there too. So who else? Let's see. Tamara O'Neil. J.J. Arrington was more recently. Let's see. Those were the main ones. I'm just trying to think. I'm going

1	through City staff. I think Dave I may have had
2	contact with, but I don't think related to this
3	project. I don't think.
4	Q. Okay.
5	A. That probably covers the main contacts.
6	Q. I understand Miss O'Neil is not with the
7	City of Lemon Grove anymore. Do you know anything
8	about that?
9	A. That's correct.
10	Q. Do you know where she is?
11	A. I do not.
12	Q. Who is Mr. Arrington?
13	A. J.J. or Jeremiah, he's a I believe he's
14	an engineer, some sort of engineering title. I don't
15	know exactly what the title is. He hasn't been there
16	that long, probably just I believe he started in
17	2015 sometime.
18	MS. BERESFORD: Okay. If you could please mark
19	this as Exhibit 2.
20	(Exhibit Number 2 was marked for
21	identification.)
22	MR. BOYERS: Do you have another copy? I know
23	it's in there somewhere.
24	(Discussion off the record.)
25	MR. BOYERS: Okay. Perfect. Thank you.

1 BY MS. BERESFORD: 2 Q. Have you seen this document before? 3 Α. Yes. 4 Q. Can you tell me what it is? 5 It's my Inspection Form from December 9th, Α. 2014. 6 7 So did you visit the site on December 9, Q. 8 2014? 9 Α. Yes. 10 Q. And you prepared this form following that 11 site visit? 12 Α. Uh-huh. Yes. Oh, actually, on your 13 earlier question when you asked about why was I asked 14 to go out there, I'm pretty confident that I was told 15 by John Quenzer that the City had -- specifically was 16 having problems with the Valencia site. wanted us to come in. So I think I was initially 17 18 told that. 19 I don't know if I was told of previous issues. 20 I don't know if there was even issues with the -involvement with the Regional Board before that. 2.1 don't know. But I know I was told that it was a site 22 23 they were having problems with. 24 Q. Okay. I see at the top it says, "First permit required inspection." What is the permit that 2.5

you were referring to there?

A. I believe that is referring to the General Construction Permit. Although, I pretty much was just using that option as a -- I would say it's not really, you know, something that we're -- excuse me. That wouldn't be the General Construction Permit. I believe that one is referring to the Municipal Permit.

But I don't know that this is necessarily meaning that we're doing this inspection to meet the inspection frequency requirement of the Municipal Permit. My understanding of this box was just sort of that that's a, hey, this is our sort of a routine inspection that we're doing for the City.

- Q. Okay. When you were asked or when you went to go inspect the site, what was the standard that you were comparing it against? Were you doing an inspection per the Construction General Storm Water Permit; or were you inspecting the site in accordance with the City's Jurisdictional Urban Runoff Management Plan?
- A. So this would be in accordance with the City's standards.
- Q. So you were inspecting it in accordance with the city's JURMP?

Yeah. Or actually, they have a lot in 1 2 their Municipal Code as well. 3 But when you were inspecting, you were not 0. 4 inspecting for purposes of the Construction General 5 Storm Water Permit, correct? 6 Α. Correct. My intention was to be doing it for the City in accordance with the City standards. 7 8 Okay. And then the next line says, 9 "Construction Project Priority." 10 Α. Uh-huh. 11 Ο. It looks like originally you checked 12 "High." Did you scratch that out and then check 13 "Medium"? 14 Α. Yes. 15 ο. Can you describe what happened there a 16 little bit for me. 17 Well, I don't honestly remember exactly why I initially checked "High." But that priority is 18 something that the City assigns to it. So I $\operatorname{\mathsf{--}}$ I 19 20 just may have found out initially I believed it was high; and then found out from the City that they had 2.1 22 assigned a medium priority to it, maybe. I don't 23 know the exact thought process at that point. 24 Ο. Okay. Sure. On the second page of the 25 document, you indicated that there were no

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violations; is that correct?

- Yes, that's what's indicated there. Α.
- Q. And is this your handwriting at the bottom of the Recommended Corrective Action?
 - Yes. Yes, it is. Α.
- Ο. Does this inspection document discuss whether or not there were concerns with BMPs with respect to active versus inactive areas?
 - Yes, there is a mention of inactive areas. Α.
- Q. Can you point out to me where that reference is?
- I noticed one under one comment on the Α. Recommended Corrective Actions on page two, the first one there mentions inactive areas.
 - Q. Can you read that sentence to me.
- Α. "Add erosion control to all disturbed areas inactive for ten days, including roadways not currently in use."
- Ο. So when you were evaluating an active versus inactive area, your evaluation was whether it was active or inactive for a ten-day period; is that correct?
- Α. In this instance, that appears to be correct.
 - Q. And how would you have known whether an

1	area was active or inactive for ten days?
2	A. At this point I would not have.
3	Q. You didn't ask anybody?
4	A. I don't recall. Let me see. Yeah, I
5	don't recall.
6	Q. Towards the top of the page, there's a
7	column. I think it's the third one down on page two.
8	It says, "Are material stockpiles protected, covered,
9	contained, and located away from non-storm water
10	discharges?" Do you see that?
11	A. Uh-huh.
12	Q. Then you checked "yes"?
13	A. Uh-huh.
14	Q. And then it says, "Several unprotected
15	stockpiles." Do you see that?
16	A. Uh-huh.
17	Q. Did you talk to anyone about how long the
18	stockpiles have been there, or when they were going
19	to go away, or anything like that?
20	A. I couldn't tell you for a particular
21	inspection whether or not I spoke to someone about
22	that, you know, unless I have a specific note about
23	it.
24	Q. So if you saw a stockpile, is it possible
25	it could have been moved later that day?
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- Α. Yes. Yeah.
- Q. Is it possible that the same stockpile could have been moved the day before?

MR. BOYERS: Objection. Speculation. BY MS. BERESFORD:

- Q. I will rephrase. If you went out and did an inspection and you saw a stockpile, did you have any knowledge of when that stockpile was placed there?
- I may or may not have spoken to someone on site during the inspection. But I can't tell just from my notes at this point whether or not that's the case.
- Q. So for these stockpiles, you can't tell me whether or not you knew when those stockpiles were created?
- Let's see. Someone may have told me when Α. it was created or last active, but they may not have. I don't know at this point.
- 0. Okay. Did you discuss this inspection with anybody?
- I don't know. I would say there was --I'm not sure. Gary Harper may have been there during that inspection, as he was there for many of them. But just from looking at these forms, I can't tell

1	who either from the City or from the developer that
2	may or may not have spoken to on site.
3	Q. Did anybody from the Water Board ever call
4	you to talk about this inspection?
5	A. I don't believe so.
6	Q. Okay. How come you don't have any
7	pictures?
8	A. There are photos. Those were on the DVD.
9	Q. You took photos when you went on every
10	inspection?
11	A. I believe there were photos that
12	corresponded with each Inspection Form.
13	Q. Did you take photos when you went?
14	A. Yes.
15	Q. Were they dated or time stamped in any
16	way?
17	A. Yes. I believe they should have date and
18	time stamps on each one from every inspection.
19	Q. Okay.
20	A. I think the time stamps are on Monday,
21	whenever the time change happened; otherwise, it
22	would be accurate.
23	Q. The time change throughout the date?
24	A. The time is off by an hour.
25	Q. Just the time?

1	A. Yeah.
2	MS. BERESFORD: Okay. We can mark this as
3	Exhibit 3, please.
4	(Exhibit Number 3 was marked for
5	identification.)
6	BY MS. BERESFORD:
7	Q. Have you seen this document before?
8	A. Yes.
9	Q. Can you describe what it is, please.
10	A. This is my Inspection Form from
11	December 11th, 2014.
12	Q. And that's the inspection of the site?
13	A. Yes.
14	Q. And when we say the site, we mean the
15	Valencia Hills construction project on San Altos
16	Place; is that correct?
17	A. Correct.
18	Q. I should have defined that earlier.
19	You indicated, again, that there were no
20	violations after this inspection; is that correct?
21	A. Yes, that is what's indicated.
22	Q. Is that your handwriting at the bottom of
23	that page?
24	A. Yes.
25	Q. I only ask because it looks different from
4	

the handwriting on the December 9th inspection. 1 2 Α. Oh. 3 Q. Do you recall if you discussed this inspection with Gary Harper or Leon Firsht? 4 5 Α. I do not recall. 6 Q. Did you discuss this inspection with 7 anyone from the Water Board? 8 Α. I don't believe so. 9 Do you know whether or not a citation was issued by the City of Lemon Grove on December 11th? 10 I don't know. 11 Α. 12 MS. BERESFORD: We'll mark that as Exhibit 4. 13 It says Exhibit Number 6 at the top of the document, but for purposes of this deposition it's Exhibit 4. 14 15 (Exhibit Number 4 was marked for 1.6 identification.) 17 BY MS. BERESFORD: 18 Q. Have you seen that document before? 19 Α. I'm not sure. 20 Q. Can you --21 Α. There's -- I'm sorry. Go ahead. 22 Q. Can you state for the record what it is? 23 It's an Administrative Citation from the Α. 24 City of Lemon Grove. 25 Q. What is the date of it?

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Α.	The	date	of	violation	observed	is
2/11/14.						

- Q. And there's -- may I see it for a moment?

 On the violation observed, it says, "See attached report." Do you see that writing?
- A. The "Inadequate BMPs see attached Inspection Reports"?
 - Q. Yes. Do you see that language?
 - A. Yes.
 - Q. Do you know whose reports those were?
- A. I do not know for sure. It's likely that those were mine, but I'm not sure.
- Q. Do you recall if Mr. Firsht talked to you about issuing a citation?
 - A. I don't recall.
- Q. Does it surprise you that they issued a citation based on a report that you did that day that indicated there were no violations?
- MR. BOYERS: Objection. It misstates his testimony.

BY MS. BERESFORD:

- Q. I'll go back. In your inspection of December 11th, it notes that there are no violations; is that correct?
 - A. Yes, that's what's indicated there.

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1
                 Did they talk to you about why they were
 2
      going to issue a citation that day when you had a
 3
      report that said no violations?
 4
            Α.
                 At this point, I don't recall if we had
 5
      any conversations.
 6
            MS. BERESFORD: Okay. We'll make this
 7
      Exhibit 5. This is the December 12th, D-Max Memo.
 8
            (Exhibit Number 5 was marked for
 9
            identification.)
10
            (Discussion off the record.)
      BY MS. BERESFORD:
11
12
            Q.
                 Have you seen this document before?
1.3
            Α.
                Yes.
14
            Q.
                 And can you please state what it is.
15
            Α.
                 This is a Memo from D-Max reporting the
16
      sampling results from the 12th of December 2014.
17
                 Do you know who asked for turbidity
            Q.
18
      sampling?
19
                 Someone at the City. It would likely be
            Α.
2.0
      Malik or Leon. I'm not sure.
2.1
                 Do you think turbidity data can support a
            Q.
22
      violation of the General Construction Permit?
23
            MR. BOYERS: Objection. It calls for a legal
24
      conclusion. Speculation.
25
      BY MS. BERESFORD:
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- Q. You can still answer.
- A. Can you restate the question?
- Q. Sure. Can turbidity data be used to support a violation of the General Construction Permit?

MR. BOYERS: The same objections.

BY MS. BERESFORD:

- Q. It's okay. He can object.
- A. Okay.
- Q. You generally are still supposed to answer, unless someone directs you not to answer.
- A. Okay. So you are saying legally? You are asking if legally a turbidity sample --
- Q. I'll rephrase. How is turbidity data used when evaluating compliance with the General Construction Storm Water Permit?

MR. BOYERS: Objection. It calls for speculation.

THE WITNESS: I mean, the -- I mean, that's not really what we were doing. This was for the City, not for the General Construction Permit. So I'm not really sure how that would be used.

BY MS. BERESFORD:

Q. Okay. What was the point of taking the turbidity data?

1	A. That was I think that that was really
2	from a question for the requester from the City.
3	We were just wanting to know what the turbidity was.
4	Q. Okay.
5	A. Yeah.
6	Q. No one discussed with you why they wanted
7	to collect turbidity data?
8	A. Well, they wanted to know their turbidity.
9	I mean, they may have wanted to look at it in
10	relation to the actual levels from the General
11	Construction Permit, but I'm not sure. That's
12	that's their
13	Q. Right. I'm trying to find out if anybody
14	had a specific conversation with you about why they
15	wanted it?
16	A. The request for sampling was most likely a
17	conversation between the City and John Quenzer for
18	this one I would guess.
19	Q. Okay.
20	A. I believe in most cases of sampling, that
21	that's who would be involved in the conversation from
22	D-Max.
23	Q. Okay. Were you involved in this sampling
24	effort at all?
25	A. No, I don't believe so.

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- Q. And do you recall if you were on site on December 12th?
- A. I don't recall. But I most likely not, if I don't have an Inspection Form for that date.
- Q. Okay. Were you aware that the Water Board inspected the site on December 15, 2014?
 - A. At this point, not by memory.
- Q. I'll provide that for you to refresh your recollection. We're not going to make it an exhibit.
 - A. Okay.
- Q. I'm referring, however, to the document that has Exhibit Number 8 at the top.
 - A. Okay.
- Q. Did you hear any discussion that inspection was going to occur?
 - A. Prior to the inspection?
 - Q. Yes.
 - A. At this point, I don't remember.
- Q. Do you know why a representative from D-Max wasn't participating in that inspection?
- A. We were only at an inspection if we were asked to be there by the City.
 - Q. All right. Let me take that back.
- And just to close the loop on that, then, since you were not there, the presumption is that the City

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did not ask you to attend; is that correct?
 1
 2
                 Most likely, yes. I believe that to be
 3
      true.
            MS. BERESFORD: Okay. Let's mark that as
 4
      Exhibit 6. This is Mr. Nakatani's Inspection of
 5
      December 16th.
 6
 7
            (Exhibit Number 6 was marked for
 8
            identification.)
 9
            (Discussion off the record.)
      BY MS. BERESFORD:
10
11
            0.
                 Have you seen this document before?
12
            Α.
                 Yes.
13
            Q. Can you please identify it for me?
            MR. BOYERS: Can we wait until I have a copy?
14
15
            MR. J. ROSENBAUM: I'll go make copies.
16
            MR. BOYERS: Okay. It's part of the Regional
17
      Board's Exhibit 9. Go ahead.
            MS. BERESFORD: I thought you had one.
18
19
            MR. BOYERS: I know. I needed it in front of
      me when you were asking him questions. Thank you for
20
21
      waiting.
22
      BY MS. BERESFORD:
23
                 Could you please identify what this is?
            0.
24
                 This is the Inspection Form from
            Α.
25
      December 16th, 2014.
```

1	Q.	So did you visit the site on that day?
2	Α.	Yes.
3	Q.	Why did you go back out to the site on
4	that day?	
5	Α.	Most likely it was because the City asked
6	me to go c	n that day.
7	Q.	Do you recall if they said why?
8	Α.	I don't recall.
9	Q.	Okay. Do you see that there's some yellow
10	highlighti	ng on that document?
11	A.	Yes.
12	Q.	Did you make that highlighting?
13	Α.	No.
14	Q.	Do you know who did?
15	Α.	No.
16	Q.	Does this report discuss failure to have
17	erosion co	ntrol BMPs in inactive and active areas?
18	Α.	I don't see specific mention of active
19	versus ina	ctive.
20	Q.	Do you recall if you discussed with anyone
21	at the sit	e on that day
22	Α.	I don't recall.
23	Q.	Let me finish my question.
24	Α.	Sorry.
25	Q.	I guess you didn't recall talking about it

1	at all. But just to be clear, did you talk to anyone
2	at the site that day about which areas were active
3	and which areas were inactive?
4	A. I don't recall what, if any, conversations
5	I had on that day.
6	Q. And to be clear, you were talking about
7	active versus inactive; from your mind, that's
8	whether or not they were doing work in that area
9	within the past ten days; is that correct?
10	A. Say that again, please.
11	Q. In defining the difference between an
12	active versus an inactive area, when you're
13	evaluating that, is that based on whether they have
14	done work there in the past ten days, or do you have
15	a different standard?
16	A. Yes. I believe that that's what I was
17	that was the time frame for defining inactive area.
18	Q. Ten days was the time frame?
19	A. I believe so.
20	Q. Okay. On the second page of your report,
21	if you would look under "Violations."
22	A. Uh-huh.
23	Q. It looks like originally you had checked
24	the box of "No Violations."
25	A. Uh-huh.

- Q. And then that changed. Can you explain to me what happened there?
- A. I don't know for sure what the history of that was. But I would say that the Violations section was -- that's something that basically the City staff was making decisions on typically. So that would be usually something that would be told to me by, you know, discussion, either in the field or a phone call, or it could be in an e-mail.
- Q. Were there instances where the City told you to change a recommendation from a "No Violation" to a "Violation"?
- A. Well, typically I would be getting input from them first. So it's not a case where I would say, I believe it is this; and the City would say change your -- change what you marked.

It would be -- although there may have been times when I've thought I think they want me to write this, but then they said, hey. And when I checked in with them, they said we want it to be, you know, considered as such. But I don't know in this particular case what that exact history was.

Q. Would they have given you input on whether or not they thought something was a violation when they hadn't on -- on a day when they hadn't had a

1 representative -- their own representative at the 2 Does that make sense? 3 MR. BOYERS: Objection. Speculation. 4 BY MS. BERESFORD: 5 Q. I will rephrase. Did they ever ask you --I'll start again. 6 7 Did they ever have a discussion about whether 8 something was a violation or not when you were the 9 only person who had visited the site that day? 10 Α. I don't recall. 11 Do you know if anybody visited the site Q. 12 with you on December 16th? 13 Α. I don't remember. 14 Were there times that you were the only Q. 15 person inspecting the site? 16 Α. Yes. 17 Did they always have input on whether or Q. not you checked violation or not? 18 19 Who do you mean by "they"? Α. 20 0. The City. 2.1 I would say that as far as a discussion, 22 we -- there was not a discussion every single time. 23 So yes, there were times when I'd fill out the form, 24 including the "Violation" section without a 25 discussion with the City.

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I would say typically that was done when, you know, when things were similar to a previous situation where I had had that conversation. So I could fill out the form in a similar way based on similar situations.

- Q. Can you explain to me why it was -whether or not there was a violation up to
 discussion? And let me give you a little more
 information. I would think if you go to the site and
 you see something, and it either is or it is not a
 violation of the Municipal Code or the JURMP. Am I
 incorrect on that assumption?
- A. I would say that my understanding in filling out these forms is that I was brought on to assess the adequacy of the BMPs. But it wasn't my role to determine what was considered a violation or not. That was the City's role still.
- Q. Do other cities work in a similar fashion?

 MR. BOYERS: Objection. It calls for speculation.

THE WITNESS: I'm not --

BY MS. BERESFORD:

Q. Based on your experience, have you had similar experiences with other cities wanting to have notice if there's been a violation?

1	A. I have not had experience with other
2	cities where that has been the case.
3	Q. Did you ever discuss this December 16th
4	inspection with anyone from the Water Board?
5	A. I don't believe so.
6	MS. BERESFORD: Does someone have the time?
7	MR. ROSENBAUM: It is ten of 10:00.
8	MS. BERESFORD: Why don't we take a five-minute
9	break. We're going to go off the record.
10	(A recess was taken.)
11	(Mr. Lough exits the conference room.)
12	MS. BERESFORD: Back on the record.
13	Can we please mark this as Exhibit 7.
14	(Exhibit Number 7 was marked for
15	identification.)
16	BY MS. BERESFORD:
17	Q. Have you seen this document before?
18	A. Most likely. I appear to be CCed on it,
19	yeah.
20	Q. Can you describe what it is?
21	A. This is an e-mail from Malik to me and to
22	John Anderson, December 26, 2014.
23	Q. What is the time on the e-mail?
24	A. 10:53 a.m.
25	Q. And what time did you inspect the site on

1	December 16th? I will refer you to Exhibit 6.
2	A. 12:25.
3	
	Q. So was Mr. Tamimi asking for an Inspection
4	Report before you had performed the inspection?
5	MR. BOYERS: Objection. Speculation.
6	THE WITNESS: Am I still to answer this?
7	BY MS. BERESFORD:
8	Q. Yes.
9	A. I believe let me read this e-mail a
10	second. I believe in this e-mail, he is requesting
11	that I perform the inspection.
12	Q. And why does he want the report?
13	MR. BOYERS: Objection. Speculation.
14	THE WITNESS: I don't know.
15	BY MS. BERESFORD:
16	Q. Can you read the first sentence.
17	A. "Johnwe would like the follow-up
18	inspection today so that we can attach it to our
19	enforcement letter that we will be drafting today."
20	Q. So he was asking for an Inspection Report
21	to attach to an enforcement letter? Is that what the
22	first sentence says?
23	MR. BOYERS: Objection. Speculation.
24	THE WITNESS: He says he's asking for an
25	inspection so that we can attach it to our
	<u> </u>

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enforcement letter.
 1
 2
      BY MS. BERESFORD:
 3
            Ο.
                  So he was planning on attaching an
 4
      Inspection Report to the enforcement letter before
      the inspection occurred; is that correct?
 5
 6
            MR. BOYERS: Objection. Speculation.
 7
            THE WITNESS: I'm not sure what he was
 8
      planning.
 9
            MS. BERESFORD: Okay. We will mark this as
      Exhibit 8. Exhibit 8 to the deposition says Exhibit
10
      Number 10 at the top of the document.
11
             (Exhibit Number 8 was marked for
12
13
            identification.)
      BY MS. BERESFORD:
14
15
            Q.
                 Have you seen this document before?
16
            Α.
                 Yes.
17
                 Could you please state what it is?
            0.
18
            Α.
                 It's a memo from D-Max to Malik Tamimi on
19
      December 17th.
2.0
            Q.
                 What is the purpose of the memo?
21
            Α.
                 This is reporting Brian Nemerow's field
22
      visit on December 17th.
23
                 Who is Mr. Nemerow?
            Ο.
24
                He's a former employee of D-Max.
            Α.
25
                 Do you know where he is now?
            Q.
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- A. Employment-wise?
- O. Yes.
- A. The City of the Vista. Wait. No. Yes. Yes, Vista.
 - Q. It's okay. What was his role at D-Max?
- A. As in his job title, or the tasks that he performed?
 - Q. Job title is fine.
- A. Probably Staff Scientist II I would guess, not positive.
- Q. Previously you had stated that Mr. Quenzer is your supervisor?
 - A. Correct.
- Q. So then Mr. Nemerow was a subordinate to you? Did you supervise him?
- A. Yes, I did on some projects. I don't recall in this particular one if he was working more under John Quenzer or myself. I would wager he was probably -- yeah, I think he was working more under John Quenzer for this particular task, since John was the one that did the previous sampling.
- Q. Okay. Were you on site on December 17th, 2014?
- A. Not that I know of. Unless there's an Inspection Form from that day that I filled out, it's

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unlikely.
 1
 2
             MS. BERESFORD: Let's make this Exhibit 9.
      This will be Exhibit 9 to the deposition, although
 3
      the document says Exhibit 12 at the top.
 4
 5
             (Exhibit Number 9 was marked for
             identification.)
 6
 7
      BY MS. BERESFORD:
 8
             ٥.
                  Have you seen this document before?
 9
            Α.
                  Yes.
10
                  Can you please describe what it is.
             Q.
                  This is a memo from D-Max to the City of
11
            Α.
12
      Lemon Grove on December 31st, 2014, reporting a field
13
      visit on December 31st.
14
                  I would like to refer you both to -- well,
            Q.
      first, let's talk about Exhibit 8. There's some
15
16
      highlighting on Exhibit 8.
17
            Α.
                 Uh-huh.
18
            Q.
                 Did you do that highlighting?
19
            Α.
                 No.
20
                 And there's highlighting on Exhibit 9.
            Q.
21
      Did you do any of that?
22
            Α.
                 No.
23
            0.
                 Okay. Have you ever taken turbidity
24
      samples?
25
            Α.
                 Yes.
```

1	
1	Q. I'd like to direct you to the third
2	paragraph of this memo.
3	A. Exhibit 9?
4	Q. Yes, please.
5	A. Uh-huh.
6	Q. The last sentence says, "To approximate a
7	certain effect," I'm paraphrasing there, "the settled
8	sediment at the Akins entrance/exit location was
9	disturbed, and a sample was taken a few minutes
10	later."
11	Do you think that follows a proper sampling
12	protocol to take a turbidity sample?
13	A. Let me finish reading here. Okay. Can
14	you repeat the question, please.
15	Q. Do you think that's a proper sampling
16	protocol, to disturb the puddle and then take the
17	sample?
18	A. Not that I'm aware of.
19	Q. Do you know if you were on site on
20	December 31st?
21	A. I don't believe I was.
22	MS. BERESFORD: Okay. Could you please mark
23	this as Exhibit 10.
24	(Exhibit Number 10 was marked for
25	identification.)

1	BY MS. BER	ESFORD:
2	Q.	Have you seen that document before?
3	A.	Yes.
4	Q.	Can you identify it for me, please?
5	Α.	This is my Inspection Report from
6	January 6,	2015.
7	Q.	And that's for the site?
8	А.	Yes.
9	Q.	Do you know why you went to inspect the
10	site on Jar	nuary 6th?
11	Α.	It would be either because the City
12	requested s	specifically I go out that time, or they
13	had previou	usly requested that I inspect it at a
14	normally-so	cheduled date.
15	Q.	Is there anything in this document that
16	reports the	weather conditions?
17	Α.	No, I don't believe so. Unless I happen
18	to have a r	note somewhere in here that kind of hints
19	at the weat	ther, there's not a a field that is
20	specific to	the weather.
21	Q.	I'd like to direct you to page two. The
22	third row d	lown it says, "Are material stockpiles
23	protected,	covered, contained, and located away from
24	all storm w	ater discharges?" Do you see that?
25	А.	Uh-huh.

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- Q. And can you read your description there?
- A. "Uncovered stockpiles reported as active."
- Q. Does anything in this report indicate whether the stockpiles were exposed to wind or rain?
- A. You mean currently, or in the past couple of days, or are you talking about in the future if there were rain or --
 - Q. At the date of this inspection.
- A. I don't -- I do not see any notes so far about wind or rain occurring at that time. Do you want me to review all of my notes?
 - Q. Please.
- A. Okay. I don't see any notes indicating there was any wind or rain at the time of this inspection.
- Q. Okay. Is there any discussion about whether there was wind or rain the previous day or the next day?
 - A. I'm sorry. Repeat the question, please.
- Q. Does this report discuss whether there was wind or rain, the stockpiles were exposed to wind or rain the previous day or the next day?
- A. I don't see an indication in here that from my notes that there was rain on the previous day. As far as the following day, I don't see any

indication that there was rain in the forecast 1 necessarily for the next day. 2 3 0. Do you have any other additional field notes for your inspections that are not attached 4 5 here? 6 Α. No. 7 Ο. Okay. I think there's -- is there 8 highlighting on your Exhibit 10? 9 Α. Yes. 10 Q. Did you do that highlighting? 11 Α. No. 12 Q. Do you know who did? 13 Α. No. 14 Q. Does anything in this report discuss 15 erosion controls for inactive or active areas? 16 Α. Let me see. Yes, the note about 17 stockpiles on page two does discuss it as active. And then note number seven on the third page refers 18 19 to "Stabilize area if inactive or rain is 20 forecasted." 21 Okay. Let's go to the third page, your Ο. 22 first comment, number one. It says, "Fully 23 stabilized area. Utilize other erosion control 2.4 BMPs." Do you see that? 2.5 Α. Uh-huh.

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- Q. And then you have a map attached.
- A. Uh-huh.
- Q. Is the one on the map attached to that?
- A. Uh-huh.
- Q. Do you know if that area one was an active or inactive area?
- A. I don't recall whether it stated it at that time. I would say that based on my notes there, it sounds like it was inactive. But I don't recall exactly what --
- Q. Do you recall if you asked anybody that day whether an area was active or inactive?
- A. I don't recall. However, I did notice that that stockpile question did say that they reported something as active, which does indicate there was some conversation with the contractor or their representatives that day.
- Q. But looking at number one today, you don't know whether that area was active or inactive?
- A. I couldn't say for sure. I would say based on the note, likely. But yeah, I can't recall --
 - Q. Okay.
- A. -- by memory on any given day whether some particular area was active or inactive.

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1	Q. And then number seven says, "Stabilize
2	area if inactive."
3	A. Uh-huh.
4	Q. Is that specific to any specific area?
5	A. Yes. There's an area on the page four
6	that looks like it would be the upper left-hand
7	corner of the page.
8	Q. So do you know on the date of inspection,
9	was the area active or inactive?
10	A. I don't know. I would say based on that
11	note on seven, that would be I think that note
12	would be something I would typically write of an area
13	that was currently active or I couldn't determine.
14	Q. Or you couldn't determine?
15	A. Right.
16	Q. Okay.
17	A. Yeah, that yeah.
18	Q. Okay. I'm not going to mark this as an
19	exhibit, but I would like you to take a look at that
20	document. Do you know if you've seen this document
21	before?
22	A. I don't think I have.
23	Q. Okay. For the record, it's an e-mail
24	dated January 1, 2015 to Mr. Chiu. If you haven't
25	seen it before, then I won't ask you any questions

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about it.

Going back to your inspection of January 6th, which was Exhibit 10, did you discuss this inspection with anyone at the Water Board?

A. I don't believe so.

MS. BERESFORD: All right. And let's mark that as Exhibit 11, please. It's Exhibit Number 25 at the top of the document, and Exhibit Number 11 to the deposition.

(Exhibit Number 11 was marked for identification.)

BY MS. BERESFORD:

- Q. Have you seen this document before?
- A. Yes.
- Q. And what is it?
- A. This is my Inspection Report from January 14th, 2015.
 - Q. Your inspection of the site?
 - A. Yes.
- Q. Okay. There's highlighting on this document. Did you do that?
 - A. No.
- Q. Okay. I'd like to go to page two, and the third row down talking about stockpiles. Can you read your comments to me there.

1	A. It says, "Wood/scrap pile should be
2	removed or protected."
3	Q. And then there's another discussion about
4	stockpiles the second-to-last row up.
5	A. Uh-huh.
6	Q. Can you read that to me, please.
7	A. "Stockpiles are located too close to drain
8	in northeast basin. Remove or relocate them outside
9	of basin."
10	Q. Does anything in this report talk about
11	whether the stockpiles are exposed to wind and rain?
12	A. I don't see anything indicating
13	information about rain or wind at the time of the
14	inspection.
15	Q. The comment about the "stockpiles are
16	located too close to the drain in the northeast
17	basin," if you go back to Exhibit 10, and look at
18	that same row.
19	A. Uh-huh.
20	Q. Do you know if those were the same
21	stockpiles?
22	A. I believe so. I don't know for sure from
23	memory; but I do recall an issue with that stockpile
24	not getting moved for multiple inspections. So I
25	believe that's the stockpile that I'm thinking of.

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Q.	. Ι)o Y	ou	know	if	you	talked	to	anyone	about
whether	the	sto	ckp	iles	hac	l bee	n moved	1?		

- A. I don't recall for sure. But from the January 6th inspection, again, I would say it's likely I talked to the contractor or their representative, based on the note I had about a stockpile being reported as active.
 - Q. Do you --
 - A. And that was on the 6th.
- Q. Do you normally note in your Inspection Reports anywhere if you've talked to anyone about anything?
- A. No. There's no field for that. Yeah, so I will sometimes make a note, such as the one on the 6th, that suggested that there was a conversation, but there's no --
 - Q. -- specific documentation?
- A. Yeah, place. Whatever time you indicate whether or not you spoke to someone.
- Q. Does anything in your January 14th
 Inspection Report identify whether a specific area is
 inactive?
- A. Let's see. I don't see any specific indication that a particular area is inactive in my notes here.

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Q. So I see a note on five. Note five here on the third page it says, "Stabilize area if inactive or rain in forecast."

When you wrote that, do you know if you knew whether area five was inactive or not?

- A. Similar to what I said on Exhibit 10. I would say that that note is something I would typically write if it was either active, or I just couldn't determine with certainty whether or not it was active.
- Q. Okay. On page two of this inspection, you checked the box that there was a violation.
 - A. Uh-huh.
 - Q. Do you know what the basis for that was?
- A. I believe that that was something the City asked me to indicate. I'm basing this on looking at the last couple exhibits from that time period that are marked in the similar -- the similar way of that same note about the ongoing Stop Work Notice/Administrative Citation.

I believe that was a conversation or e-mail or phone call at some point where they said to check that as -- mark the "Violation" section that way for that time period while they had a Citation or Stop Notice or whatever it was.

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	Q.	As	of	Januar	y 14,	your	inspe	ction	Jar	ıuary
14,	did yo	u th	nink	that	the s	torm	water	contro	ols	at
the	site we	ere	in	better	cond	lition	than	when y	you	
insr	ected ·	the	sit	e in D	ecemb	er?				

- A. I don't recall at this point.
- Q. Based on your reports, can you say whether or not you thought it was in better condition?

MR. BOYERS: Objection. Vague as to "better condition."

THE WITNESS: Yeah, can you clarify?

MS. BERESFORD: Sure. Let's go to the next exhibit and we can go from there. So this will be Exhibit 12. Exhibit 12 to the deposition is indicated as Exhibit 23 at the top.

(Exhibit Number 12 was marked for identification.)

BY MS. BERESFORD:

- Q. Have you seen this document before?
- A. Yes.
- Q. Can you please describe what it is.
- A. This is a Memo that I sent to the City on January 16th, 2015, summarizing inspections and sampling from December and January.
- Q. Based on this Memo, can you say whether you thought the storm water, the BMPs, and other

protections at the site were better at the site in 1 2 January than they were in December? 3 I would say that compared to early December, like the December 9th time, that they did 4 implement a significant number of BMPs that they 5 had -- that had been deficient before. So yes, they 6 7 did improve several of the deficiencies they had, 8 specifically with erosion control in December -- or 9 December 9th. 10 And your last inspection of the site was 11 January 14; is that correct? 12 Α. Prior to this letter, I believe so. 13 I'd like to go to the third page of the Q. Memo. The second row up discusses stockpiles. 14 15 you see that? 16 "The stockpiles were placed close to a drain inlet." That one? 17 18 Q. Yes. 19 Α. Yes. 20 If you move to the next column over, the 21 second sentence says, "On January 14, the stockpiles 22 had been covered." Do you see that? 23 Α. Yes. 24 Do you know the date when the stockpiles 25 had been covered?

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- A. I don't know the exact date they were placed on there.
- Q. Is it possible that they had been covered on January 13th?

MR. BOYERS: Objection. Speculation.

THE WITNESS: Let me see on my January. Yeah, I guess from these materials, all I can tell is that they were -- it sounds like they were not covered on the 6th, and they were covered when I returned on the 14th. I don't know the timing of anything in between.

BY MS. BERESFORD:

- Q. Let's go back to your January 14th inspection.
 - A. Okay.
- Q. And your January 6th inspection. Let's go to the second page there.
 - A. Uh-huh.
- Q. On January 6th, which is Exhibit 10, in the third row down it says, "Uncovered stockpiles reported as active." Do you see that?
 - A. Yes.
- Q. And then on January 14th, on Exhibit 11, on the third row down, can you say again what that says to me.

1	A. "Wood/scrap piles should be removed or
2	protected."
3	Q. Do you think that's the same stockpile
4	that you were talking about on January 6th?
5	A. Probably not, I would wager.
6	Q. Okay.
7	A. I would
8	Q. At some point
9	A. Can you hold on a second, so I can see if
1.0	I can find the corresponding part on the map?
11	Q. Sure.
12	A. So the one on January 14th of 2015?
13	Q. Yes.
14	A. That was wood/scrap pile. As it's shown
15	on the map, that is not in the same location as the
16	one that that's not the same stockpile that is
17	referred to on the January 16th report about being
18	placed too close to the drain. Those are two
19	separate stockpiles.
20	Q. Okay. And is there any note about the
21	stockpiles near the drain, about whether those were
22	covered or not?
23	A. Not specifically. It is possible on the
24	January 6th report that the uncovered stockpiles
25	reported as active may be referring to that, or may

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be referring to that and others, or may be referring to --

- Q. Not referring to it at all?
- A. I can't tell just from looking at that January 6th report.
- Q. Okay. Based on your Memo, a stockpile was not covered on January 6th.
- A. Wait. Actually, does that say -actually, based on the Memo in that line we were
 reading, the second from the last row, it doesn't
 specifically state that it was uncovered on the 6th.

"Stockpiles were placed close to a drain inlet. The inlet is elevated above the ground height in that area."

This deficiency was observed on January 6th. So based on reading that, this deficiency seems to be referring to the proximity to the drain, rather than to any coverage or lack thereof.

- Q. Okay.
- A. So yeah, that's what that one's referring to, I believe. "On January 14th the stockpiles had been covered, but they had not been moved sufficiently far enough away from the drain inlet."

So yeah, to me that means they were covered on the 14th. Just from reading this part alone, I can't

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tell that it's necessarily the case that that one particular stockpile was or was not covered on the 6th.

Q. Okay. And then if we go up a little bit higher, about the middle, there's a row that says, the first column, it says, "Some stockpiles lacked adequate cover." And then you say, "Covers were put on stockpiles."

Do you see that?

- A. Yes.
- Q. Do you know if there are any corresponding dates as to those observations?
- A. From looking at this, I can't tell. Typically that type of thing changes frequently. So yeah, that could correspond to multiple different inspections from this stack and multiple different stockpiles (indicating).
- Q. Okay. I think if you look on the pages relating to the pictures, there are some things that are highlighted. Do you do any of those highlights?
 - A. No, I didn't.
- MR. BOYERS: Can we clarify what exhibit we're looking at?
- MS. BERESFORD: I'm sorry. I'm on Exhibit 12. All of this last questioning was regarding Exhibit

1	12.
2	MR. BOYERS: Thank you.
3	BY MS. BERESFORD:
4	Q. Did you do the highlighting on Exhibit 12?
5	A. I did not do it.
6	Q. Was there highlighting on Exhibit 11?
7	A. Yes.
8	Q. Did you do that highlighting?
9	A. No, I did not.
10	Q. Did you ever discuss your inspection of
11	January 14th, Exhibit 11, with anyone from the Water
12	Board?
13	A. I don't believe so.
14	Q. Did you ever discuss Exhibit 12, your
15	January 16th Memo, with anyone from the Water Board?
16	A. No. I don't believe so, no.
17	MS. BERESFORD: Can we please mark this as
18	Exhibit 13.
19	(Exhibit Number 13 was marked for
20	identification.)
21	BY MS. BERESFORD:
22	Q. Have you seen this before?
23	A. Yes.
24	Q. Can you please describe what it is?
25	A. This is an e-mail from Leon Firsht to me

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on February 4th, 2015.

- Q. Can you explain to me the -- your question?
- A. So the first e-mail to Leon, I asked -- I was asking him how he -- which of the checked boxes at the top of the form he wanted me to check off.
- Q. And what does that mean? What does that matter?
- A. As far as what does it matter? I'd say that's a question for the City on how they handle it. I don't know if they handle those any differently based on how that's marked.
 - Q. Okay. And he says, "Permit required."
 - A. Uh-huh.
 - Q. Did that mean anything to you?
- A. Similar to what we talked about earlier. I believe that is referring to the Municipal Permit. But I don't necessarily think it's -- I think it's basically more -- what I gather it's interpreted more this is sort of a routine, as opposed to the next option, which is the follow-up.
- Q. But to the extent it refers to the permit, your interpretation is that it was referring to the Municipal Permit?
 - A. Yeah. That's my -- that's what I would

1	guess. I don't know that I received a clarification
2	from the City one way or the other at any point,
3	though.
4	MS. BERESFORD: Okay. Can we please mark this
5	as inspection Exhibit 14.
6	THE WITNESS: Can I take a quick bathroom
7	break?
8	MS. BERESFORD: Yes. We will go off the
9	record.
10	(A recess was taken.)
11	MS. BERESFORD: Back on the record.
12	Let's mark this, then, as Exhibit Number 14.
13	This is Exhibit Number 14 to the deposition. This is
14	Exhibit Number 13 in the documents.
15	(Exhibit Number 14 was marked for
16	identification.)
17	BY MS. BERESFORD:
18	Q. Do you recognize this document?
19	A. Yes. This is my Inspection Form from the
20	site. It looks like March 18th, 2015. I think
21	that's a 3.
22	Q. If you go to your third page, will that
23	help you find the date?
24	A. Yes, 3/18/15.
25	Q. If we could go to the second page of the

1 Inspection Report. You indicated that there were no 2 violations; is that correct? 3 Α. Yes, that is what is put there. 4 And going up to sort of the central area, Q. 5 there's a column that says, "Are wastes managed and stored properly? (Solid, liquid, sanitary, concrete, 6 7 hazardous)." 8 And you checked that box "yes"; is that 9 correct? 10 Α. Let's see. Yes. 11 Now, the next line down it says, "Are 12 concrete washouts properly installed, maintained with 13 no evidence of discharges?" 1.4 You've checked the box "yes"; is that correct? 15 Α. Uh-huh. 16 ο. And then you have some comments; is that 17 correct? 18 Α. Correct. 19 Q. And what does that say? 20 Α. "Concrete waste observed on ground outside 21 of washouts." 22 Q. There are some pictures attached to this 23 report; is that correct? 2.4 Α. Yes. 25 Q. Did you take those pictures?

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- I don't know. Α.
- Do you know if there's a picture -- let's Q. go to the third page of your report. It says number two, "Clean up concrete waste observed at multiple locations, and ensure that all employees use washouts properly."

Do you see that comment?

- Α. Which number are you reading?
- Ο. Number two.
- Yes, I see that. Α.
- Q. Do you know if there are any pictures that support that statement?
- I see one that potentially does. So if Α. we're on the photos, the second page of photos, the bottom left corner, to me there appears to be a washout there. It's very difficult to tell from this small photo, but that may be one of the areas referenced there. Because it looks like there may be some concrete material outside of the washout in the foreground of the picture there.
- Q. Are there any other photos that address that comment?
 - Not that I can tell in these pictures. Α.
- Did you see any evidence that the concrete or waste actually discharged to the storm drain?

1	A. I don't recall. Let me review my notes to
2	see there's anything indicating that. I do not see
3	notes so far that indicate a discharge to the storm
4	drain.
5	Q. If you go to page two of your report,
6	there's a column, a row that says, "Are the discharge
7	locations I'm sorry, above that, "Is the site free
8	of evidence of illegal connections and/or illicit
9	discharges?" Do you see that?
10	A. Uh-huh.
11	Q. And checked the box "yes," correct?
12	A. Yes.
13	Q. So you noticed some concrete waste
L 4	discharged to the ground, but you indicated that the
15	site was free of illicit discharges; is that correct?
L6	A. It's free of evidence of illegal
L7	connections or discharges, yes.
L 8	Q. And is there any highlighting on your
L 9	exhibit?
20	A. No.
21	Q. Did you make that highlighting?
22	A. No.
23	Q. There's some comments with boxes around
24	the photographs. Do you see that?
25	A. Yes, I see that.

1	Q. Did you make those comments?
2	A. No, I don't believe so.
3	Q. Did you discuss this Inspection Report
4	with anyone from the Water Board?
5	A. I don't believe so.
6	Q. Do you know when the concrete waste to
7	the ground that you noted in this report, do you know
8	when that was cleaned up?
9	A. I'm not remembering, no.
10	MS. BERESFORD: Can we mark this as Exhibit 15,
11	please.
12	(Exhibit Number 15 was marked for
13	identification.)
14	BY MS. BERESFORD:
15	Q. Can you identify this document for me?
16	A. This is my Inspection Form from the site
17	on April 29th, 2015.
18	Q. Can you go to page two.
19	A. Uh-huh.
20	Q. Did you note if there were any violations?
21	A. There's no violations noted at the time.
22	Q. No violations?
23	A. Correct.
24	Q. And did you get recommendations for a
25	Correct Work?

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Let's see. I do have some recommendations
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            Α.
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      on page three.
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            Q.
                 But on page two, you didn't indicate that
      there were recommended corrective actions required;
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      is that correct?
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                 I did not check the "No violations;
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      however, recommended corrective actions required"
            I did not check that. I do not know how the
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      City presented it to the contractor, though.
            MS. BERESFORD: Okay. Let's go to Exhibit --
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11
      this will be Exhibit Number 16.
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            (Exhibit Number 16 was marked for
13
            identification.)
            Josh, could you please go make a copy of that
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      quickly.
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            Let's go off the record for a second.
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            (Discussion off the record.)
      BY MS. BERESFORD:
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                 Have you seen this document before?
            Q.
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            Α.
                 Yes.
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            Q.
                Can you please --
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            I'm sorry. We're back on.
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            THE REPORTER:
                           That's okay. I started typing.
      BY MS. BERESFORD:
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            Q.
                Can you please state what it is.
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- This is an e-mail thread between myself and Malik Tamimi. The last e-mail was September 14th, 2015.
- Q. Can you please read the second paragraph of your e-mail dated September 14th to Mr. Tamimi.
 - Α. The 10:32 a.m. one at the top?
 - Q. Yes.
 - Α. The second paragraph? Okay.
- Q. Yes. Can you please read the first two sentences.
- Α. "There were some deficiencies at Valencia last time I was there, but nothing too horrible by Valencia standards. They had actually done a pretty good job of addressing the deficiencies from their previous inspection. And the latest deficiencies were mostly new ones around areas of recent activity."
- So based on this, did you think that they Ο. had done a good job addressing the deficiencies at the site?
- Α. I guess, yes. I wrote that they had done a pretty good job of addressing deficiencies from the previous inspection. So yes, I would say that at that time, I did think they did a good job of addressing deficiencies.

1 MS. BERESFORD: Okay. Let's mark this as 2 Exhibit 17. 3 (Exhibit Number 17 was marked for 4 identification.) BY MS. BERESFORD: 5 6 Q. Have you seen this document before? 7 Α. Yes. 8 What is the cover page? ο. It's an e-mail from myself to Gary Harper 9 Α. on September 16th, 2015. 10 11 And was anything attached to this e-mail? Q. 12 Α. Yes. There were inspection forms for 13 Valencia, as well as two other sites. 14 Q. An inspection for what date? 15 Α. September 15th of 2015. 16 Q. If you look at the September 15th 17 Inspection Form for the site that was attached to this e-mail, and you go to the bottom of page two, 18 19 there's nothing indicating whether there are 20 violations or not; is that correct? 2.1 Α. Correct. 22 And what is your e-mail asking? 23 Α. I was asking Gary I believe how he wanted that to be filled out. Yeah, I was asking him how he 24 wanted me to fill that out. 25

1	Q. Did Gary accompany you on your site
2	inspection on September 15th?
3	A. I don't recall. There is a chance he did.
4	MS. BERESFORD: Can we please mark this as
5	Exhibit 18. Exhibit 18 says Exhibit Number 22 at the
6	top.
7	(Exhibit Number 18 was marked for
8	identification.)
9	BY MS. BERESFORD:
LO	Q. Have you seen this document before?
L1	A. Yes.
L2	Q. And what is this?
L3	A. This is my Inspection Form of the site
L4	from September 15th, 2015.
L5	Q. And how does it differ from the document
L6	that was attached to your September 16th e-mail?
17	A. So far I have noticed that the "Violation"
L8	section on page two has been filled out. And it is
L9	checked off for violation.
20	Q. Was that your decision?
21	A. I believe it was a City decision in
22	response to the e-mail included in Exhibit 17.
23	Q. So do you know what the violation of the
24	Municipal Code was?
25	A. I'm not sure what they went with there.

That would probably be a Gary or Malik question, since it was one of them that made that decision.

- Q. Do you know what you noted here that was a violation of the JURMP?
- A. Let me see what they have here. Yeah, just from looking at this, on September 15th, I don't know if exactly when -- it sounds like there was a rain event, but I don't know exactly when it was.

 But I can't tell from here for sure if there was some sort of BMP deficiency that was a violation of the JURMP.
- Q. I'd like you to look at page two. The second row down it says, "Are material stockpiles protected and covered?"
 - A. Uh-huh.
- Q. Your note says, "Some small sediment piles are not protected." What's a difference between a sediment pile and a stockpile?
- A. I'm not sure if I was referring here to something that may have been, you know, not necessarily an intentional stockpile for, you know, a traditional stockpile use, but just an area where some dirt had been piled up incidentally.

That may have been what I was referring to there. That's just kind of speculation, though,

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based on my note. I think I might refer to something like that, but I'm not positive at this point.

- Q. Having used the term sediment pile instead of stockpile, is that something different to you, then? It's not a stockpile?
- A. I would say it could technically be considered different. But the -- when it comes to a storm water BMP, we'd be talking about similar processes that would lead to, you know, erosion or sediment transport. So for BMP purposes, I would feel it's appropriate to treat them similarly.
- Q. Do you know if you saw a discharge of storm water with sediment in it from the site on this date?
- A. I believe -- let's see. I believe I just saw sediment that was in the gutter, according to this note here, and not necessarily discharge actively, actively leaving the site when I was there.
- Q. Is there anything in this report that identifies which areas are active or inactive?
- A. Page three has a mention of inactive, but it's not referring to any specific area I don't think. Oh, wait. Let me see. Yeah, not really referring to a specific area, but to many lots throughout the site. That's the only mention I'm

seeing of active and inactive. 1 2 You say -- previously you said you saw Q. 3 sediment in the gutter. 4 Α. Uh-huh. 5 Q. Do you remember if you saw sediment leaving an adjacent property on Akins Street? 6 7 I don't know. I would say I definitely Α. 8 saw the potential for that. But I don't think I 9 actually saw -- you know, like I didn't see storm water actively discharging from the site itself. 10 Likewise, I didn't see it discharging off the 11 adjacent properties because it wasn't discharging 12 13 there. 14 Q. Did the neighbor's property on Akins 15 Street have exposed dirt? 16 Α. Yes, I believe some of the ones along 17 Akins did. 18 Are there any portions of this document Q. 19 highlighted on your copy? 20 Α. No, not this one. 21 Do you know if you ever discussed this Q. 22 inspection with the Water Board? 2.3 I don't believe so. Α. 24 Have you ever discussed this site with 25 Mr. Chiu from the Water Board?

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- I did -- I was on site one time when he was there doing an inspection. So I would assume we had some brief conversation. But I think other than that day, I don't recall ever discussing the site with him.
- 0. Have you ever met Mr. Melbourn with the Water Board?
- Just that one time he was there that same day, both Frank and --
- Q. Have you ever discussed this site with him other than that one-time inspection?
 - Α. No. No. Not that I can think of.
- Q. When you were on site during that inspection, did they ask you any questions about your prior Inspection Reports?
- I don't believe they asked any questions about those. I know Wayne mentioned that he had received those, but I don't recall any questions about those inspections.
- 0. Have you ever discussed the site with anyone else at the Water Board?
 - Α. No.
- Ο. Have you ever been involved with any other sites that were subject to an Administrative Civil Liability Complaint from the Water Board for storm

1	water violations?
2	A. For construction?
3	Q. Yes.
4	A. No, I haven't.
5	Q. For any other type of storm water
6	violations?
7	A. I have worked with the City of San Diego
8	on their postconstruction structural BMP program.
9	They had received an ACL, I believe, for that.
10	Q. Okay. Are you aware that the Water Board
11	is seeking penalties of over \$800,000 for this site?
12	A. Yes.
13	Q. Are you aware of any other Water Board
14	enforcement action seeking a similar amount of
15	penalties?
16	A. I believe there was one. I've heard of
17	some they had against a couple of cities. I think
18	the City of San Diego and Encinitas I think I've
19	heard of.
20	Q. Any other private construction sites?
21	A. Not that I'm not that I'm aware of,
22	really.
23	MS. BERESFORD: Okay. Let's go off the record.
24	(Discussion off the record.)
25	MS. BERESFORD: I am ready to go on when

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Mr. Nakatani is ready.

THE WITNESS: Okay. I'm ready. I just wanted to correct or clarify in looking again at Exhibit 18. I think you had asked if there was any JURMP violations. I think potentially, yeah, I see now that there had been some rain.

And I did have notes indicating at that time that there weren't -- there were some deficiencies regarding some erosion and sediment control. So I think it is a potential, yes, that there may have been some violations of the JURMP regarding erosion and sediment control, BMP requirements.

- BY MS. BERESFORD:
- Q. Okay. Can I ask you to take a look again at Exhibit 16.
 - A. Sure.
 - Q. And that's your e-mail?
 - A. Yeah.
- Q. Where you thought that they had done a pretty good job addressing their deficiencies?
 - A. Yeah. But yeah, I would say --
 - Q. And then you went down --
- A. Yeah. It doesn't say that they had resolved everything, though, necessarily. So yeah, I can't tell for sure looking at these exactly, you

know, okay, at the time when it was falling on site, if everything was free of any BMP deficiencies. But yes, I agree that the Exhibit 16 does -- implicating that they were doing a pretty good job compared to their past history in resolving deficiencies. But it's also not saying that they were completely free of everything.

- Q. Okay. And when you were out on the site on the 15th, was it actually raining at that point in time?
- A. I don't think so. Based on what I can remember and the note, that I saw sediment in the gutter. So yeah, I think -- I think from looking at this, I think this was right after it rained. But like we talked about before, that was not recorded on here.

MS. BERESFORD: Okay. Sounds good.

Do you have some questions?

I'm sorry. I have one more.

BY MS. BERESFORD:

- Q. Based on your inspections, have you seen any site that you thought was 100 percent perfect 100 percent of the time?
 - A. 100 percent of the time?
 - Q. Right.

1	A. As in 100 percent of the time from the
2	start of the project to the end of the project?
3	Q. Yes.
4	A. Not that I have seen so far.
5	Q. Is it your experience that when you are
6	inspecting a site, you can almost always come up with
7	additional recommendations?
8	A. From my experience, I would say I can
9	usually come up with recommendations of ways to
LO	improve things, yes.
1	MS. BERESFORD: Okay. Thanks very much.
_2	
L3	EXAMINATION
_4	
L5	BY MR. BOYERS:
16	Q. I have a few questions. Let's start with
L7	Exhibit 2. If you could look at Exhibit 2.
L 8	A. Okay.
L9	Q. And that's a copy of your December 9, 2014
20	inspection of the site.
21	A. Uh-huh.
22	Q. First, I'd like you to look at the boxes
23	two-thirds of the way down on the front page.
24	There's a number of boxes indicated in gray: "BMP,"
25	"Yes," "No," "N/A," "Description/Explanation" and

"Effective Yes or No."

2

Α. Uh-huh.

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Can you explain to me the meaning of the second box over from the left, the meaning the BMP yes versus no?

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I believe that is just indicating whether Α. or not they're implementing that type of BMP.

- Is it possible -- and I see that Okay. you've done this on a number of occasions -- where you mark that box "yes," but the "Effective" box "no"?
- Α. Correct. That's correct. I do find the column headings a bit confusing on these. But in general, yeah, I feel that the column on the far right, the "Effective yes/no" is the one that's more indicative of a problem. Because, you know, just asking if yes or no is BMP present, as I interpret the other columns to be asking, doesn't necessarily mean that it's there everywhere it needs to be and implemented properly. So I believe that that's the intention of the form is to capture that, so --
- Q. Is it fair to say that although the box indicates a BMP, the "yes" on the left may be checked, that doesn't necessarily mean that there's a violation, in your opinion, of either the JURMP or

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the City code?

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- The "yes" box?
- Correct.
- Α. Yeah, I would say that's true. It does not necessarily mean there's a violation.
- That a better indication of whether 0. there's a violation, in your opinion, or not is the box on the right "Effective, yes or no," in the description column?
- I would say that the "yes or no" is my Α. indication of adequacy of the BMP, as we've discussed The violation issue is sort of a one handled by the City.
- Okay. And looking back at my notes, with Q. respect to your testimony as to how you filled out these forms, you indicated that you were inspecting in accordance with the City's JURMP and the City's code, correct?
 - Α. Yes.
- Q. And that were not looking for compliance with the construction general permit, correct?
 - Α. Yes.
- Specifically on Exhibit 2, but this will relate to other exhibits as well, in the "Violations" section, when you indicate "no violations," is it

fair to say you are not making any determination as to whether there's a violation of the Construction General Permit or not?

- A. I would -- I would say that that part is -- is something that the City is mainly determining. So I would say they are working within the context of their general Municipal Code in determining, from what I've heard from them, that's what they are going off of when they are calling things a violation or not.
- Q. In your discussions with the City, did they indicate to you that their intent was when filling out the "Violations" box, they wanted to indicate whether there was a violation of a Construction General Permit or not?
- A. I don't think they ever indicated that to me.
- Q. Okay. Let's look at Exhibit 3. This is related to your inspection of December 11, 2014 at the site.
 - A. Uh-huh.
- Q. Here you also indicate in the "Violations" section, you checked "No violations."
 - A. Uh-huh.
 - Q. And again, I want to make -- I want to ask

whether you were making a determination here when you checked this box whether there's a violation of the Construction General Permit or not?

- A. I would, again, say that that's how that's -- has been determined by the City more. But my understanding is that that's not based on the General Construction Permit.
- Q. Okay. If you could then just look at Exhibit 14, Exhibit 15, and Exhibit 17. And I'll indicate that Exhibit 14 and 15 also have the "No violations" box noted.
 - A. Uh-huh.
- Q. And I'll ask, is it the same testimony with respect to that as the prior exhibits?
 - A. Yes, it is the same.
- Q. And then quickly, my last question is with respect to Exhibit 16, if you could pull out 16. 16, the e-mail from September 14th at 10:32 a.m., the second paragraph reads, "There were some deficiencies at Valencia last time I was there, but nothing too horrible by Valencia standards."

Do you see that?

- A. Yes.
- Q. And those are your words?
- A. Yes.

	Q.	. Can	you	tell	me	or	explain	to	me	what	you
mean	bv	"Valend	cia s	standa	ards	5 11 2					

A. I believe I was just referring to in the past there had been various times where they had deficiencies that had not been corrected. So by "Valencia standards," I was kind of referring to their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away.

MR. BOYERS: Thank you. I never know when you're done.

THE WITNESS: Sorry.

MR. BOYERS: Okay. That's all I have. Thanks.

THE WITNESS: Okay.

MS. BERESFORD: All right. We will conclude this as we have with other deposition transcripts. We're agreeing that Opper and Varco can take custody of the original transcript.

We will forward that to Mr. Nakatani with a request for him to review in less than 30 days.

We'll work on a schedule that's agreeable to you.

You'll return those -- if you have any changes,
you'll return those to us. We will share those with the Water Board.

We'll maintain custody of the original. If the

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original is lost, the Water Board agrees that a copy
 1
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      can be used in its place.
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            MR. BOYERS: That's fine.
 4
            MS. BERESFORD: All right. I think we
 5
      are done.
            Oh, do you need to know if he's going to order?
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 7
            MR. BOYERS: We will order.
 8
            THE REPORTER:
                            Thanks.
 9
            MS. BERESFORD: We are done.
10
            (Exhibit Numbers 1 through 18 were marked
11
            for identification.)
12
             (The deposition concluded at 11:53 a.m.)
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5	I declare under penalty of perjury under
6	the laws of the State of California that the
7	foregoing is true and correct.
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10	Executed at, California,
11	on
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17	TAD NAKATANI
18	TAD NAKATANI
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1	STATE OF CALIFORNIA) ss
2	
3	I, R. Jerrod Jones, CSR 11750, do hereby declare:
4	
5	That, prior to being examined, the witness named in
6	the foregoing deposition was by me duly sworn pursuant
7	to Section 2093(b) and 2094 of the Code of Civil
8	Procedure;
9	
10	That said deposition was taken down by me in
11	shorthand at the time and place therein named and
12	thereafter reduced to text under my direction.
13	
14	I further declare that I have no interest in the
15	event of the action.
16	
17	I declare under penalty of perjury under the laws
18	of the State of California that the foregoing is true
19	and correct.
20	
21	WITNESS my hand this 31st day of
22	December 2015
23	Q Jenod Jones
24	R. Jerrod Jones, CSR 11750



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	10 20 21 22	50 (10 10 07	0.225.	12.7.4.0.10
A	18:20,21,23	52:6,12,19,25	aware 9:2 36:5	43:5 44:9,10
accompany 74:1	agree 81:3	53:2,4,5,9,12	48:18 79:10,13	48:21 49:17
accurate 6:9	agreeable 87:21	56:21,24 57:2	79:21	54:5 55:22,25
29:22	agreeing 87:17	57:5 62:14	a.m 1:17 5:2	57:15,21 59:12
ACL 79:9	agrees 88:1	67:4 75:22	43:24 72:6	62:21 64:13,16
acting 15:8	ahead 31:21	76:22,24	86:18 88:12	65:17 70:2,5
action 26:4	37:17	areas 26:8,9,14		73:23 74:21
79:14 90:16	Air 11:5 12:5	26:17 38:17	B	76:15,15 77:16
actions 16:15	Akins 48:8 77:6	39:2,3 51:15	B 3:8	77:23 78:16
26:13 71:4,7	77:14,17	68:17 72:16	back 7:12 11:11	79:9,16 83:6
active 26:8,19	ALTONA 2:17	76:20	12:6 32:22	83:20 87:3
26:21 27:1	Altos 1:7 2:4	Arrington 21:24	36:23 38:3	believed 25:20
28:18 38:17,18	3:12 30:15	22:12	43:12 54:2	Beresford 2:5
39:2,7,12 50:2	Altos-Lemon	asked 8:8 23:13	55:17 60:13	3:5 5:10,13 7:6
51:15,17 52:5	5:14	23:13 24:15	66:11 71:22	7:10 8:15
52:12,15,19,25	amount 79:14	33:17 36:22	84:14	22:18 23:1
53:9,13 56:7	Anderson 43:22	38:5 52:11	based 32:17	28:5 30:2,6
57:8,10 60:21	and/or 69:8	57:16 65:4	39:13 42:4,23	31:12,17 32:21
61:25 76:20	animal 10:19	78:16 80:4	52:8,21 53:10	33:6,11,25
77:1	answer 6:11,15	asking 34:13	56:6 58:6,24	34:7,23 37:4
actively 76:18	6:22 34:1,11	37:20 44:3,20	62:6,9,16	37:10,18,22
76:18 77:10	34:11 44:6	44:24 65:5	65:12 72:18	41:4 42:22
activity 72:17	anybody 9:7	73:22,23,24	76:1 81:11,21	43:6,8,12,16
actual 9:21	27:3 28:21	83:17,18	86:6	44:7,15 45:2,9
35:10	29:3 35:13	assess 42:15	basically 20:20	45:14 47:2,7
Add 26:16	41:11 52:11	assessment	40:5 65:19	48:22 49:1
added 8:13	anymore 22:7	20:20	basin 55:8,9,17	54:6,12 58:11
additional 13:5	appear 8:2	assigned 25:22	basing 57:16	58:17 60:12
19:25 51:3	43:18	assigns 25:19	basis 57:14	63:24 64:3,17
82:7	APPEARANC	assistance 20:19	bathroom 66:6	64:21 66:4,8
address 68:21	2:1	Assistant 15:17	began 11:18	66:11,17 70:10
addressing	appears 26:23	15:19 16:1	12:7	70:14 71:10,18
	68:15	assume 78:2	beginning 13:12	71:24 73:1,5
72:14,19,22,25 80:20	applying 12:7	assumption	behavior 10:13	74:4,9 79:23
	appropriate	42:12	10:19	79:25 80:13
adequacy 42:15	76:11	attach 44:18,21	believe 8:20	81:17,20 82:11
84:11	approximate	44:25	10:21 11:19	·
adequate 63:7	48:6	attached 32:4,6	12:9,11 13:21	87:15 88:4,9 best 6:14 7:2
adjacent 77:6,12	approximately	51:4 52:1,3	15:17 16:2	better 58:3,7,8
Administrative	15:22 16:23	67:22 73:11,17	18:12,15 19:11	59:1 84:6
1:6 3:20 5:15	18:19	74:16	20:4,6,10 21:4	59:1 84:6 biostatistician
31:23 78:24	April 70:17	attaching 45:3	22:13,16 24:2	
advanced 10:15	area 26:20 27:1	attend 37:1	24:7 29:5,11	11:16,20
10:24	39:8,12,17		29:17 31:8	biotech 11:17,25
AGENCY 2:11	51:19,23 52:5	attorneys 5:14 award 11:8	35:20,25 37:2	12:1
ago 15:21,23	31.17,23 32.3	awaru 11:8	39:16,19 40:15	bit 9:24 11:11
			37.10,17 40.13	
enternitation de la company	ingsethethannatanternanternanternan	TANTO A TORON TO A TOR		

25:16 63:4	88:3,7	changing 21:2	Civil 1:6 5:16	completely 81:6
83:13	break 6:20,23	charge 21:6	78:24 90:9	
	43:9 66:7			compliance 3:15
BMP 13:13,13		check 25:12	clarification	3:18,24 4:7,9
75:10 76:8,10	Brian 45:21	57:22 65:6	66:1	4:15,18,24
79:8 80:12	brief 9:5 78:3	71:6,8	clarify 58:10	19:5,7 34:15
81:2 82:24	bring 8:5 9:15	checked 25:11	63:22 80:3	84:20 87:7
83:4,7,17,23	Broadway 1:16	25:18 27:12	Clean 68:4	concerns 26:7
84:11	2:6	39:23 40:19	cleaned 70:8	conclude 87:15
BMPs 14:2 26:7	brought 42:14	41:18 57:12	clear 39:1,6	concluded 88:12
32:6 38:17	bulk 15:3	65:5 67:8,14	client 14:25	conclusion
42:15 51:24		69:11 74:19	clients 15:1	33:24
58:25 59:5	C	83:24 85:23	close 36:24 55:7	concrete 67:6,12
Board 1:2 2:10	C 2:5	86:2	55:16 59:16	67:20 68:4,19
2:12 5:17 11:5	California 1:2	Chiu 53:24	61:18 62:12	68:24 69:13
12:5 19:16	1:17 2:7,10,11	77:25	code 25:2 42:11	70:6
23:21 29:3	2:14,19 5:1	citation 3:20	74:24 84:1,18	condition 58:3,7
31:7 36:5 43:4	10:3 89:6,10	31:9,23 32:14	85:7 90:8	58:9
54:4 64:12,15	90:1,19	32:17 33:2	collect 35:7	conditions 49:16
70:4 77:22,25	call 29:3 40:9	57:20,24	college 10:4	conference
78:7,21,25	57:22	cities 15:9 42:18	column 27:7	43:11
79:10,13 87:24	called 7:25	42:24 43:2	59:20 63:6	confident 23:14
88:1	calling 85:9	79:17	67:5 69:6	
Board's 37:17	calls 33:23			confusing 83:13
	34:17 42:19	City 3:19 8:18	83:13,14 84:9	connections
bottom 26:3	Canterbury	15:2,5,5 18:5	columns 83:18	69:8,17
30:22 68:15	2:18	19:21,22,25	come 20:11	considered
73:18		20:16,18,23	23:17 29:6	40:21 42:16
box 2:13 24:12	capture 83:21	21:8,18 22:1,7	82:6,9	76:7
39:24 57:12	case 28:13 40:14	23:15 24:14	comes 76:7	construction
67:8,14 69:11	40:22 43:2	25:7,7,19,21	comment 26:12	3:15,17,23 4:6
71:8 83:4,10	63:1	29:1 31:10,24	51:22 55:15	4:9,15,17,24
83:10,22 84:2	cases 35:20	33:19 34:20	68:7,22	15:12 16:6,13
84:8 85:13	CCed 43:18	35:2,17 36:22	comments 54:25	17:20 18:1,6
86:2,11	CD-ROM 8:14	36:25 38:5	67:16 69:23	19:6,8,24 20:3
boxes 65:5	Center 11:21	40:6,10,15	70:1	20:12,22 24:3
69:23 82:22,24	central 67:4	41:20,25 46:3	company 12:8	24:6,18 25:4,9
BOYERS 2:12	certain 17:18	47:11 49:11	17:13 20:21	30:15 33:22
3:6 22:22,25	48:7	57:15 58:21	21:12	34:4,16,21
28:4 32:19	certainty 57:9	65:10 66:2	compared 59:3	35:11 79:2,20
33:23 34:6,17	chance 74:3	71:9 74:21	81:4	84:21 85:2,15
37:14,16,19	change 17:4,5,8	79:7,18 84:1	comparing	86:3,7
41:3 42:19	29:21,23 40:11	84:13 85:5,11	24:17	constructions
44:5,13,23	40:16,16	86:5	Complaint 1:6	18:5
45:6 58:8 60:5	changed 17:12	city's 24:20,23	5:16 78:25	
63:22 64:2	40:1	24:25 42:17		contact 20:23
	changes 63:14	1	complete 15:6,6	21:7,11,15,21
82:15 87:10,13	87:22	84:17,17	completed 12:4	22:2
	01.22			

				Page 9
207742 ata 22.5	67.19.22.60.11	20.17.20.01.25		0.5.00
contacts 22:5	67:18,23 69:11	29:17,23 31:25		85:6,8
contained 2 7:9 49:23	69:15 70:23,25	32:1 36:4	decisions 40:6	developer 18:25
49:23 context 85:7	71:5 73:20,21	49:14 50:8	declare 89:5	29:1
	80:3 83:12,12	53:8 59:24	90:4,15,18	Diazyme 12:2
contract 17:18	84:3,18,21	60:1 66:23	dedicated 14:15	Diego 1:3,16 2:7
20:4 21:8,15	89:7 90:20	73:14 76:14	deficiencies 59:7	5:1 10:7 11:24
contracting 20:5	corrected 87:5	dated 3:16,18,20	72:11,14,15,19	12:3,6 15:2
contractor 18:8	corrective 26:4	3:21,24 4:1,3,4	72:22,25 80:8	79:7,18
52:16 56:5	26:13 71:4,7	4:7,10,11,13	80:20 81:2,5	differ 74:15
71:9	correspond	4:16,18,20,22	86:19 87:5,8	difference 39:11
contracts 17:13	63:15	4:25 29:15	deficiency 62:15	75:17
17:15 19:25	corresponded	53:24 72:5	62:16 75:10	different 8:20
21:12	29:12	dates 63:12	deficient 59:6	16:15 17:11,13
control 1:2 2:10	corresponding	Dave 22:1	defined 30:18	30:25 39:15
2:11 5:17	61:10 63:11	DAVID 2:12	defining 39:11	63:15,16 76:4
13:12 14:17	COUNSEL 2:1	David.boyers	39:17	76:7
26:16 38:17	couple 13:14	2:15	definitely 77:7	differently
51:23 59:8	50:5 57:17	Davis 10:19	degree 10:12,13	65:11
80:9,12	79:17	11:3,13	10:20 11:8	difficult 6:6
controls 51:15	course 21:14	day 27:25 28:3	degrees 10:16	68:16
58:2	court 6:2	32:17 33:2	10:25	direct 48:1
conversation	cover 63:7 73:8	38:1,4,6,21	Deponent 2:16	49:21
35:14,17,21	coverage 62:18	39:2,5 40:25	deposition 1:14	direction 90:13
42:3 52:16	covered 27:8	41:9 46:25	3:12 5:21 7:13	directs 34:11
56:15 57:21	49:23 59:22,25	50:17,18,22,22	7:18 9:4,8	dirt 75:23 77:15
78:3	60:3,8,9 61:22	50:25,25 51:2	31:14 45:10	discharge 69:3,6
conversations	62:7,22,24	52:12,17,24	47:3 54:9	76:12,17
33:5 39:4	63:2 75:14	78:4,9 90:22	58:13 66:13	discharged
coordinated	covers 22:5 63:7	days 14:14	87:16 88:12	68:25 69:14
9:11	coworker 17:2	26:17:27:1	90:7,11	discharges
copies 37:15	coworkers 19:14	39:9,14,18	describe 19:20	27:10 49:24
copy 7:12 22:22	created 28:16	50:6 87:20	25:15 30:9	67:13 69:9,15
37:14 71:14	28:18	December 1:18	43:20 47:10	69:17
77:19 82:19	CSR 1:19 90:3	5:1 20:7,7 23:5	58:20 64:24	discharging
88:1	90:24	23:7 30:11	description 3:11	77:10,11,12
corner 53:7	current 16:11	31:1,10 32:23	50:1 84:9	discuss 26:6
68:15	currently 26:18	33:7,16 36:2,6	Description/E	28:20 31:6
correct 18:11,23	50:5 53:13	37:6,25 41:12	82:25	38:16 43:3
22:9 25:5,6	custody 87:17	43:3,22 44:1	determination	50:20 51:14,17
26:1,22,24	87:25	45:19,22 46:22	85:1 86:1	54:3 64:10,14
30:16,17,20		47:12,13 48:20	determine 42:16	70:3
32:24 37:1	D	58:4,23 59:2,4	53:13,14 57:9	discussed 31:3
39:9 45:5	D3:1	59:4,8,9 82:19	determined	35:6 38:20
46:13 59:11	data 33:21 34:3	85:19	17:19,21 86:5	77:21,24 78:10
67:2,9,14,17	34:14,25 35:7	decision 74:20	determining	78:20 84:11
	date 11:8 19:3		-	
earstanannannannannannan oom oomaanaa	asanisaaniannassanis (e eeeestaanaaraanaa		

		ann an parteur externa perateur et a parteur professories et a -	and the contraction of the contr	Gereko zarren erren erren erren erreko e
discusses 59:14	59:17 61:18,21	ensure 68:5	54:8,10 55:17	87:1
discussing 78:4	62:12,17,23	entrance/exit	57:6 58:12,13	exposed 50:4,21
discussion 9:10	68:25 69:4	48:8	58:13,14,15	55:11 77:15
9:14 22:24	duly 5:5 90:7	ENVIRONM	60:19,23 63:22	extent 65:22
33:10 36:14	duties 17:8	2:11	63:24,25 64:4	extent 03.22 c-mail 4:1,12,19
37:9 40:8 41:7	DVD 8:8 18:18	erosion 26:16	64:6,11,14,18	4:21 21:21
41:21,22,25	29:8	38:17 51:15,23	64:19 66:5,12	2
42:8 50:16	DVDs 8:21	59:8 76:9 80:9	•	40:9 43:21,23
55:3 71:17	D-Max 3:21 4:3		66:13,14,15	44:9,10 53:23
	1	80:11 Escondido 2:19	69:19 70:10,12	57:21 64:25
79:24	4:4,11 9:7 12:8		71:10,11,12	65:4 72:1,2,5
discussions	12:8,10 19:21	ESQ 2:5,6,12,17	73:2,3 74:5,5,5	73:9,11,18,22
85:11	19:22,24 20:2	estimate 16:24	74:7,22 80:3	74:16,22 80:17
disturb 48:16	20:8 21:8 33:7	evaluating 26:19	80:15 81:3	86:18
disturbed 26:16	33:15 35:22	34:15 39:13	82:17,17 84:23	e-mails 9:19
48:9	36:20 45:18,24	evaluation 26:20	85:18 86:9,9,9	F
document 7:13	46:5 47:11	event 75:8 90:16	86:10,17 88:10	
7:21 23:2	E	evidence 67:13	exhibits 57:17	failure 38:16
25:25 26:6		68:24 69:8,16	84:24 86:14	fair 83:22 85:1
30:7 31:13,18	E 3:1,8	evolution 10:14	EXH-1 3:13	fake 11:22
33:12 36:11	earlier 23:13	exact 25:23	EXH-10 4:7	fall 12:6
37:11 38:10	30:18 65:16	40:22 60:1	EXH-11 4:10	falling 81:1
43:17 45:11,15	early 15:14 59:3	exactly 12:14	EXH-12 4:11	far 41:21 50:9
47:4,8 49:2,15	ecology 10:13	16:10 20:17	EXH-13 4:13	50:25 62:23
53:20,20 54:8	education 9:24	22:15 25:17	EXH-14 4:16	65:9 69:3
54:13,21 58:18	effect 48:7	52:10 75:7,8	EXH-15 4:18,25	74:17 82:4
66:18 70:15	Effective 83:1	80:25	EXH-16 4:20	83:14
71:19 73:6	83:10,15 84:8	EXAMINATI	EXH-17 4:22	fashion 42:18
74:10,15 77:18	effort 35:24	3:4 5:8 82:13	EXH-2 3:16	February 65:1
documentation	either 16:5 29:1	examined 5:6	EXH-3 3:18	feel 6:20 76:11
20:6 56:17	40:8 42:10	90:6	EXH-43:20	83:14
documents 3:13	49:11 57:8	excuse 24:5	EXH-53:22	FERGUSON
7:14,17 8:2,5	83:25	Executed 89:10	EXH-63:24	2:17
8:17,19,23,24	elaborate 17:9	EXH 3:9	EXH-7 4:2	field 13:1 40:8
9:12,16,22	elevated 62:13	exhibit 3:9,11	EXH-8 4:3	45:21 47:12
19:13 66:14	employee 45:24	7:7,8 22:19,20	EXH-9 4:5	49:19 51:3
doing 12:20	employees 68:5	30:3,4 31:12	exits 43:11	56:13
13:10 14:13,14	Employment	31:13,14,15	experience	fill 41:23 42:4
14:16,22 15:11	46:1	33:7,8 36:9,12	42:23 43:1	73:25
16:13 17:4,19	Encinitas 79:18	37:5,7,17	82:5,8	filled 46:25
17:21 18:4	enforcement	43:13,14 44:1	experienced	73:24 74:18
24:10,14,17	2:12 44:19,21	45:10,10,10,12	13:2	84:15
25:6 34:20	45:1,4 79:14	47:2,3,4,5,15	experiences	filling 42:14
39:8 78:2 81:4	engineer 22:14	47:16,20 48:3	42:24	85:13
drafting 44:19	engineering	48:23,24 51:8	explain 40:1	finalized 20:6
drain 55:7,16	3:21 4:3,4,11	53:19 54:3,7,7	42:6 65:2 83:3	finally 6:25
WI WAR 22.7,10	19:12 22:14	JJ.17 JT.J,/,/	T4.0 00.4 00.0	find 35:13 61:10

				Page 9
66:23 83:12	42:14 73:12	go 5:25 6:1 10:4	mutton 76.16	01.5 07.7
fine 46:8 88:3	84:16	go 5:25 6:1 10:4 19:15 23:14	gutter 76:16	81:5 87:7
finish 6:13,15	forward 87:19	24:16 27:19	77:3 81:13	hold 61:9
38:23 48:13	found 25:20,21	31:21 32:22	H	honestly 14:4
finished 11:2	four 53:5	37:15,17 38:3	H 3:8	21:1,7 25:17
Firsht 4:12 21:5	frame 39:17,18	38:6 42:9 43:9	hand 90:22	horrible 72:12
21:16 31:4	Frank 2:22 78:9	49:12 51:21	handle 65:10,11	86:21
32:13 64:25	free 6:20 69:7	54:23 55:17	handled 84:12	hour 29:24
first 5:5 7:20	69:15,16 81:2	58:11,12 59:13	handwriting	T
11:2 12:10	81:6	60:13,16 63:4	26:3 30:22	idea 14:8
20:6,24,25	frequency 24:11	66:8,22,25	31:1	identical 7:17
23:24 26:13	frequently 21:12	68:3 69:5	happen 49:17	identification
40:14 44:16,22	63:14	70:18 71:10,14	happened 25:15	3:9 7:9 22:21
47:15 51:22	front 37:19	71:16 73:18	29:21 40:2	30:5 31:16
63:6 65:4 72:9	82:23	79:23,25 87:9	Harper 2:16	33:9 37:8
82:22	full 7:12 14:13	going 21:25	4:22 21:20	43:15 45:13
five 14:9,14 57:1	fully 14:14	27:18 33:2	28:23 31:4	47:6 48:25
57:1,5	51:22	36:9,15 43:9	73:9	54:11 58:16
five-minute 43:8	full-time 11:5	53:18 54:2	hazardous 67:7	64:20 66:16
flagged 3:9	further 90:15	67:4 85:9 88:6	head 18:21	70:13 71:13
following 23:10	future 50:6	good 5:11 17:5	headings 83:13	73:4 74:8
50:25		72:14,19,22,24	hear 36:14	88:11
follows 5:6	G	80:20 81:4,17	heard 79:16,19	IDENTIFIED
48:11	Gary 2:16 4:22	gosh 16:25	85:8	3:11
follow-up 44:17	21:20 28:23	grad 11:18	hearing 6:2	identifier 3:9
65:21	31:4 73:9,23	graduate 10:1,8	height 62:13	identifies 76:20
forecast 51:1	74:1 75:1	graduated 11:12	help 66:23	identify 7:23
57:3	gather 65:19	gray 82:24	hey 24:13 40:19	8:24 37:13,23
forecasted 51:20	general 9:13	Great 7:5	Hi 5:12	49:4 56:21
foregoing 89:7	15:12 16:6	ground 5:24	high 10:1,2	70:15
90:7,19	18:1,7 19:7	62:13 67:20	25:12,18,21	II 13:21,24 14:7
foreground	24:2,6,18 25:4	69:14 70:7	higher 63:5	15:16 46:9
68:20	33:22 34:4,15	Grove 1:8 2:4	highlighted	illegal 69:8,16
forgot 7:25	34:21 35:10	3:12,19 5:14	63:20 77:19	illicit 69:8,15
form 3:15,18,24	83:14 84:21	9:6 17:20 18:6	highlighting	implement 59:5
4:7,9,15,18,24	85:3,7,15 86:3	19:21,23 22:7	38:10,12 47:16	implemented
23:5,10 29:12	86:7	31:10,24 47:12	47:18,20 51:8	83:20
30:10 36:4	generally 34:10	Grove's 8:19	51:10 54:20	implementing
37:24 41:23	getting 9:11	guess 9:13,19	64:4,6,8 69:18	83:7
42:4 46:25	40:13 55:24	12:1 14:12	69:21	implicating 81:3
65:6 66:19	give 7:2 8:8 15:6	16:12 20:15	highlights 63:20	important 6:10
70:16 73:17	42:8	35:18 38:25	Hills 30:15	improve 59:7
74:13 83:21	given 40:23	46:9 60:7 66:1	hints 49:18	82:10
former 45:24	52:24	72:21	hired 19:22,23	inactive 26:8,9
forms 28:25	glanced 9:18	guessing 8:22	20:2,8	26:14,17,20,21
	Glendale 10:2,2		history 40:3,22	27:1 38:17,19

20.27.10.17	41.17	15.05.16.2.6	50,00,00,50,0	0.10.11.00
39:3,7,12,17	41:17	15:25 16:3,6	58:22,23 59:2	know 8:12 11:22
51:15,19 52:6	inspect 24:16	18:1,4 19:24	59:11,21 60:4	12:13 13:6,7
52:9,12,19,25	43:25 49:9,13	20:11,12 51:4	60:6,13,16,19	14:3 15:18
53:2,9 56:22	inspected 36:6	55:24 58:22	60:23 61:4,12	16:8,9,14,18
56:24 57:3,5	58:4	63:16 78:19	61:17,24 62:5	17:15 18:22
76:20,21 77:1	inspecting 24:19	81:21	62:7,15,21	19:2 20:5,8,17
Inadequate 32:6	24:24 25:3,4	installed 67:12	64:11,15	20:19 21:7,9
incidentally	41:15 82:6	instance 26:23	Jeremiah 22:13	21:10,13 22:7
75:23	84:16	instances 40:10	Jerrod 1:18	22:10,15,22
included 74:22	inspection 3:15	intent 85:12	90:3,24	23:19,20,22,22
including 26:17	3:18,24 4:7,9	intention 25:6	Jim 8:7 9:5	24:5,9 25:23
41:24	4:15,18,24	83:21	18:18	27:22 28:19,22
incorrect 42:12	18:7 19:13	intentional	job 1:24 11:2	31:9,11 32:10
indicate 50:3	20:3,22 23:5	75:21	12:14 13:16	32:11 33:17
52:15 56:18	23:25 24:10,11	interest 90:15	14:4 16:8,14	35:3,8 36:19
57:16 69:3	24:14,18 26:6	Interesting	17:2,14,21	37:19 38:14
71:3 84:25	27:21 28:7,11	10:15	46:6,8 72:14	40:3,8,20,21
85:12,14,22	28:20,24 29:4	internship 11:4	72:19,22,24	41:11 42:2
86:10	29:10,12,18	11:5 12:4	80:20 81:4	44:14 45:25
indicated 17:7	30:10,12,18			46:24 48:19
18:9 25:25		interpret 83:17	jobs 12:7 17:11	
	31:1,4,6 32:7	interpretation	John 4:1 9:9,9	49:9 51:12
26:2 30:19,21	32:22 36:4,15	65:23	20:16 23:15	52:5,19 53:8
32:18,25 58:14	36:16,20,21	interpreted	35:17 43:22	53:10,20 55:20
67:1 69:14	37:5,24 43:4	65:19	44:17 46:18,20	55:22 56:1
82:24 84:16	44:3,4,11,18	interviewed	46:20	57:4,14 59:24
85:16	44:20,25 45:4	12:7	joking 17:1	60:1,10 63:11
indicates 83:23	45:5 46:25	investigations	Jones 1:18 90:3	65:11 66:1
indicating 50:13	49:5 50:8,15	19:5	90:24	68:1,2,11 70:6
55:12 63:17	53:8 54:2,3,16	involved 21:10	Josh 71:14	70:7 71:8
69:2 73:19	54:18 55:14	35:21,23 78:23	Joshua 2:22	74:23 75:3,7,8
80:7 83:6	56:4,10,21	involvement	Jpl@lfap.com	75:20,21 76:9
indication 50:23	57:11 58:1	23:21	$2:\overline{20}$	76:12 77:7,9
51:1 56:24	59:10 60:14,16	issue 33:2 55:23	June 11:7,9	77:21 78:17
84:6,11	64:10 66:5,19	84:12	Jurisdictional	81:1 83:16
indicative 83:16	67:1 70:3,16	issued 5:16	24:20	87:10 88:6
industrial/com	72:15,23 73:12	31:10 32:16	JURMP 24:25	knowledge 28:8
13:11 14:1,16	73:14,17 74:2	issues 23:19,20	42:11 75:4,11	known 26:25
information	74:13 77:22	issuing 32:14	80:4,11 83:25	RESUTTE AU.AJ
42:9 55:13	78:2,11,14,15	INDULIE JE.IT	84:17	L
initially 13:11	82:20 85:19	J	J.J 21:23 22:13	Laboratories
20:10 21:7,13	inspections	$\overline{\mathbf{J}37:15}$	U.U 41.43 44.13	12:2
23:17 25:18,20	12:17,21,25	JAMES 2:17	K	lack 62:18
•		January 12:9	kind 9:18 17:20	lacked 63:6
inlet 59:17	13:9,14,24	49:6,10 53:24	21:8 49:18	language 32:8
62:12,13,23	14:1,5,15,21	54:2,17 56:4	75:25 87:6	language 52:8
input 40:13,23	14:22 15:4,12			
		56:20 58:1,1	knew 28:15 57:4	laws 89:6 90:19

				Page 9
lead 76:9	little 6:1 9:24	maintained	60:7	17.16.17
leaving 76:18	11:11 25:16	67:12	matter 1:5 5:15	17:16,17 morning 5 :11
77:6	42:8 63:4	maintenance	65:8,9	move 59:20
left 68:15 83:4	LLC 1:8 2:4	13:13	mean 12:15 13:5	
83:23	5:14	making 40:6		moved 12:6
left-hand 53:6	LLC's 3:12	85:1 86:1	17:2 20:5 21:5	27:25 28:3
legal 33:23	LLP 1:15 2:5,17	Malik 4:1,20	30:14 34:19,19	55:24.56:2
legally 34:12,13	located 27:9	21:9,9,16	35:9 41:19 50:5 (5:7.15	62:22
Lemon 1:7 2:4	49:23 55:7,16	33:20 43:21	50:5 65:7,15	multiple 15:23
3:12,19 8:19	location 48:8	45:18 72:2	83:19,24 84:5	18:23 55:24
9:6 17:20 18:6	61:15	75:1 75:1	87:2	63:15,16 68:4
19:21,23 22:7	locations 68:5	· · · · · ·	meaning 24:10	municipal 20:22
31:10,24 47:12	69:7	managed 67:5	83:3,4	24:7,11 25:2
Leon 4:12 21:5	long 12:15 13:17	Management 24:21	means 62:24	42:11 65:17,24
21:5,9 31:4	16:23 22:16	i i	Medical 11:21	74:24 85:7
33:20 64:25	27:17	map 52:1,3	medication 7:1	N
65:4		61:10,15	medium 25:13	N 3:1
letter 44:19,21	look 35:9 39:21 53:19 55:17	Marathon 18:7	25:22	
45:1,4 59:12		March 66:20	meet 21:19	Nakatani 1:14
let's 14:13 18:15	63:18 73:16	mark 7:6 22:18	24:10	3:3,13 4:13,19
	75:12 80:14	30:2 31:12	meeting 9:5	4:21 5:4,11,20
19:8,10 21:23	82:17,22 85:18	37:4 43:13	Melbourn 2:22	80:1 87:19
21:24 28:17	86:8	45:9 48:22	78:6	89:17
37:4 47:2,15	looking 28:25	53:18 54:6	members 13:2	Nakatani's 37:5
51:21 54:6	52:18 57:16	57:23 64:17	memo 3:21 4:3,4	name 5:13,18
56:23 58:11	62:4 63:13,23	66:4,12 70:10	4:11 33:7,15	named 90:6,12
60:13,16 66:12	75:6 80:3,25	73:1 74:4	45:18,20 47:11	National 15:5
67:10 68:2	81:13 84:14,20	83:10	48:2 58:21,24	near 61:21
71:1,10,16	looks 25:11	marked 3:11 7:8	59:14 62:6,9	necessarily 24:9
73:1 76:15	30:25 39:23	22:20 30:4	64:15	51:2 63:1
79:23 82:16	53:6 66:20	31:15 33:8	memory 36:7	65:18 75:21
85:18	68:18	37:7 40:16	52:24 55:23	76:17 80:24
level 13:22	loop 36:24	43:14 45:12	mention 26:9	83:18,24 84:5
levels 35:10	lost 88:1	47:5 48:24	38:18 76:21,25	need 88:6
Liability 1:6	lot 9:13 17:14	54:10 57:18	mentioned	needed 9:14
5:16 78:25	25:1 87:8	58:15 64:19	78:17	37:19
Likewise 77:11	lots 76:24	65:12 66:15	mentions 26:14	needs 83:19
Linda 2:5 5:13	Lough 2:17 8:13	70:12 71:12	met 78:6	neighbor's
Lindab@envi	8:18 43:11	73:3 74:7	middle 63:5	77:14
2:8	LOUNSBERY	88:10	mind 39:7	Nemerow 45:23
line 25:8 62:9	2:17	master's 10:17	mine 32:12	46:14
67:11	Χ.σ.	10:22 11:3	minutes 48:9	Nemerow's
liquid 67:6	M	material 19:13	misstates 32:19	45:21
list 8:2 12:16	M 2:12	27:8 49:22	moment 32:3	never 87:10
15:6	main 15:2 21:6	68:19 75:13	Monday 29:20	new 13:7 17:2
listed 9:22	21:25 22:5	materials 13:6	months 13:15	72:16
	maintain 87:25			non-storm 27:9
Partitationamentomorphismosamentomorphismosamentomorphismosamentomorphismosamentomorphismosamentomorphismosame	akangananan kangan pangangan kangan kang	Lagrazio del manto d	i da katara kana kana kana kana kana kana kana k	

		ner in grappen under deutsche erweiter der die verderenden erweiter er der erweiter er de ter de de de de de d		
normally 56:10	71:11,12 73:3	30:2 33:6 34:8	22:6	13:15 44:4
normally-sche	74:5,7 82:24	34:9,12,24	22.0	46:7
49:14	83:9	35:4,19,23	P	performing 16:5
northeast 55:8	Numbers 88:10	36:5,10,13	P 2:17 18:12	period 11:15
55:16	N-a-k-a-t-a-n-i	37:4,16 38:9	page 3:4 25:24	26:21 57:17,24
note 27:22 49:18	5:20	39:20 45:9	26:13 27:6,7	"
			30:23 39:20	perjury 89:5
51:16,18 52:21	N/A 82:25	46:5,22 47:23	49:21 51:17,18	90:18
53:11,11 56:6	o	48:13,22 50:13	51:21 53:5,7	permit 15:13
56:10,14 57:1	oath 6:2	50:16 51:7,21	54:23 57:2,11	16:7 18:2
57:1,7,19	object 34:8	52:23 53:16,18	59:13 60:17	23:25,25 24:3
61:20 70:20	Objection 28:4	53:23 54:20,23	66:22,25 68:3	24:6,8,12,19
75:16 76:1,17	32:19 33:23	57:11 60:15	68:14 69:5	25:5 33:22
81:12	34:17 41:3	61:6,20 62:6		34:5,16,21
noted 70:7,21		62:19 63:4,18	70:18 71:2,3	35:11 65:13,17
75:3 86:11	42:19 44:5,13	65:13 66:4	73:8,18 74:18	65:22,24 84:21
notes 28:12	44:23 45:6	71:10,23 72:8	75:12 76:21	85:3,15 86:3,7
32:23 50:9,11	58:8 60:5	73:1 78:6	82:23	permits 13:7
50:13,24 51:4	objections 34:6	79:10,23 80:2	pages 63:18	person 6:12
52:8 56:25	observations	80:14 81:1,8	paragraph 48:2	21:20 41:9,15
69:1,3 80:7	63:12	81:17 82:11,18	72:4,8 86:19	phone 21:21
84:14	observed 32:1,4	83:8 84:14	paraphrasing	40:9 57:22
notice 3:12,19	62:15 67:20	85:18 86:8	48:7	photo 68:17
7:13,18 42:25	68:4	87:13,14	parent 12:8	photographs
52:13 57:25	occasions 83:9	ones 21:25	parents 16:21	69:24
noticed 1:15	occur 36:15	72:16 77:16	part 37:16 61:10	photos 29:8,9,11
26:12 69:13	occurred 45:5	one's 62:20	62:25 85:4	29:13 68:14,14
74:17	occurring 50:10	one-time 78:11	participating	68:21
Notice/Admini	offhand 18:17	ongoing 57:19	36:20	picks 14:3
57:20	OFFICE 2:12	opinion 83:25	particular 20:4	picture 68:2,20
NPDES 3:14,17	official 17:5	84:7	27:20 40:22	pictures 29:7
3:23 4:6,8,14	Oh 16:25 23:12	Opper 1:15 2:5	46:17,20 52:25	63:19 67:22,25
4:17,23	31:2 76:23	87:17	56:24 63:2	68:11,23
number 1:24	88:6	opposed 17:13	pass 19:13	pile 55:1 61:14
5:16 7:8 22:20	okay 6:9,25 7:5	65:20	PEAK 2:17	75:18 76:3
30:4 31:13,15	7:19,23 8:3,23	option 24:4	penalties 79:11	piled 75:23
33:8 36:12	9:16,20,23,25	65:21	79:15	piles 61:1 75:16
37:7 43:14	10:24 11:11	order 6:9 88:6,7	penalty 89:5	place 2:18 30:16
45:11,12 47:5	13:17 14:5,22	original 87:18	90:18	* 56:18 88:2
48:24 51:18,22	15:15 16:16	87:25 88:1	pending 6:22	90:12
52:18 53:1	17:7,23 18:14	originally 25:11	people 9:6 13:7	placed 28:8
54:7,8,10	18:19,24 19:4	39:23	percent 81:22	59:16 60:2
58:15 59:5	19:10,20 20:8	outside 55:8	81:23,24 82:1	61:18 62:12
64:19 66:12,13	21:3,14 22:4	67:20 68:19	perfect 22:25	Plan 24:21
66:14,15 68:3	22:18,25 23:24	overlap 9:13	81:22	planning 45:3,8
68:8,9 70:12	24:15 25:8,24	O'Neil 21:23	perform 44:11	please 6:4,20 7:6
,	28:20 29:6,19		performed	<u> </u>

				Page 9:
7:11 22:18	24.2.72.12.22	22.2.25.0	20 17 22 15	27.1776.22
30:3,9 33:14	24:3 72:13,22 80:20 81:4	22:3 25:9 30:15 82:2,2	20:17 23:15	35:1 76:23
37:13,23 39:10	previous 23:19		35:17 46:11,18 46:20	79:22
43:13 45:17	42:2 46:21	projects 46:16 promptly 87:8	1	reason 7:2 9:1
47:10 48:4,14	50:17,22,24	proper 48:11,15	question 6:4,11	recall 12:14
48:22 49:4	72:15,23	proper 48.11,13 properly 67:6	6:14,22,23	14:20 18:16
50:12,19 54:7	previously	67:12 68:6	7:20 23:13 34:2 35:2	27:4,5 31:3,5
55:6 58:20	46:11 49:13	83:20	38:23 48:14	32:13,15 33:4
64:17,24 66:4	77:2	properties 77:12	50:19 52:14	36:1,3 38:7,8
70:11 71:14,21	primary 20:23	property 77:6	65:3,10 75:1	38:20,22,25 39:4 41:10
71:25 72:4,9	prior 36:16	77:14	86:16	
74:4	59:12 78:15	protected 27:8	questioning	46:17 52:7,9 52:11 12 22
point 14:20	86:14 90:6	49:23 55:2	63:25	52:11,13,22 55:23 56:3
17:24 25:23	priority 25:9,18	61:2 75:14,17	questions 16:22	58:5 69:1 74:3
26:10 27:2	25:22	PROTECTION	37:20 53:25	78:4,18
28:12,19 33:4	private 79:20	2:11	78:14,16,18	78:4,18 received 13:3
34:24 36:7,18	probably 13:5	protections 59:1	81:18 82:16	66:1 78:18
57:22 58:5	13:12,14,15,25	protocol 48:12	quick 66:6	79:9
61:8 66:2 76:2	13:25 14:12,15	48:16	quickly 71:15	recess 43:10
81:9	15:3,4 16:2,9	provide 20:19	86:16	66:10
portions 77:18	16:12,25 21:6	36:8		recognize 66:18
position 12:10	21:20 22:5,16	provided 8:2,18	R	recollection
positive 46:10	46:9,19 61:5	proximity 62:17	R 1:18 90:3,24	17:5 36:9
76:2	75:1	psychology	rain 50:4,7,10	recommendati
possible 6:4,12	problem 83:16	10:14	50:14,17,21,22	40:11
27:24 28:2	problems 23:16	puddle 48:16	50:24 51:1,19	recommendati
60:3 61:23	23:23	pull 86:17	55:11,13 57:3	70:24 71:1
83:8	Procedure 90:9	pulling 9:19	75:8 80:6	82:7,9
possibly 8:25	process 5:25	purpose 20:9	rained 81:14	recommended
postconstructi	25:23	45:20	raining 81:9	26:4,13 71:4,7
14:2,18 79:8	processes 76:9	purposes 25:4	reached 21:13	record 5:19 7:23
potential 77:8	produce 8:18,25	31:14 76:10	read 6:6 26:15	19:18 22:24
80:10	Production 3:13	pursuant 90:8	44:9,16 50:1	31:22 33:10
potentially	7:14,16,17	put 19:16 63:7	54:25 55:6	37:9 43:9,12
68:13 80:5	Professional	67:3	72:4,9	53:23 66:9,11
Practitioner	18:10	P.O 2:13	reading 13:6	71:16,17 79:23
18:12	program 3:14		19:13 48:13	79:24
prepare 9:3,17	3:17,23 4:6,8	Q OCD 19.25	62:10,16,25	recorded 81:15
prepared 23:10	4:14,17,23	QSD 18:25	68:8	reduced 90:13
present 2:21	17:20 79:8	QSP 18:7,10,13 18:14	reads 86:19	refer 44:1 47:14
83:17	progressed 14:3	QSP/QSD 19:10	ready 79:25 80:1,2	76:1
presented 71:9	project 15:17,19	Qualified 18:10	80:1,2 Reality 11:21	reference 26:11
presumption 36:25	16:1,11,16,18 16:24 17:19	18:24	really 16:13	referenced
pretty 23:14	18:8 19:23	Quality 1:2 5:17	17:3,8,12,18	68:18
Precey 23.17	10.0 12.23	Quenzer 4:1 9:9	24:5 34:20,22	referred 61:17
			# 110 JTI#U,##	
iningiasukararennahiringkarakarak	HINTON DE LE CONTRACTION DE LA CONTRACTION DEL CONTRACTION DE LA C	innimananananananananananananananananana		

1				
referring 24:1,2	55:10 56:21	response 74:22	33:18 35:16,20	71:16 72:4,8
24:7 36:11	61:17,24 62:5	responsive 8:17	35:23 46:21	75:13 83:4
61:25 62:1,1,3	67:1,23 68:3	8:25	48:11,15 58:23	86:19
62:17,20 65:17	69:5 70:3,7	restate 34:2	San 1:3,7,16 2:4	second-to-last
65:23 75:19,24	76:19	results 33:16	2:7 3:12 5:1,14	55:4
76:22,24 87:3	reported 50:2	resume 18:16,17	10:7 11:24	section 40:5
87:6	52:15 56:7	return 87:22,23	12:3,6 15:2	41:24 57:23
refers 51:18	60:21 61:25	returned 60:9	30:15 79:7,18	74:18 84:25
65:22	reporter 6:2	review 7:11 8:23	sanitary 67:6	85:23 90:8
refresh 36:8	71:23 88:8	9:16,21 50:11	Santary 07.0 Santee 18:8	sediment 48:8
regarding 63:25	reporting 33:15	69:1 87:20	samee 18.8 saw 27:24 28:7	
80:9,11	45:21 47:12	Rick 19:11		75:16,18 76:3
REGION 1:3			76:12,16 77:2	76:10,13,16
	reports 32:7,10 49:16 56:11	right 15:6 18:12 35:13 36:23	77:5,8,9 81:12	77:3,5 80:9,12
Regional 1:2 5:17 23:21	58:6 78:15	53:15 56:25 53:15 54:6	saying 34:12 81:6	81:12 see 18:15 19:10
37:16	representative	81:14,25 83:15	says 23:24 25:8	21:23,24 23:24
relate 84:24	36:19 41:1,1	84:8 87:15	27:8,14 31:13	27:4,10,15
related 22:2	56:6	88:4	32:4 44:22,24	28:17 32:3,4,5
85:19	representatives	roadways 26:17	45:10 47:4	32:6,8 38:9,18
relating 63:19	52:17	role 42:16,17	48:6 49:22	42:10 49:24
relation 35:10	representing	46:5	51:22 53:1	50:9,13,23,25
relationship	5:15	room 43:11	55:1 57:2	51:16,24 55:12
19:20	request 3:13	Rosenbaum 2:6	59:21 60:20,25	56:23,23 57:1
relocate 55:8	7:14,15,16	2:22 8:10	63:5,6 65:13	59:15,22 60:6
remember 11:6	35:16 87:20	37:15 43:7	67:5,11 68:3	60:21 61:9
11:8 13:19,20	requested 49:12	routine 24:13	69:6 74:5	63:9 67:10
15:23 17:1	49:13	65:20	75:13,16	68:7,10,13,24
25:17 36:18	requester 35:2	row 49:22 54:24	schedule 87:21	69:2,2,9,24,25
41:13 77:5	requesting	55:4,18 59:14	school 10:1,2	71:1 75:5
81:12	44:10	60:20,24 62:10	11:18	76:15,23 77:9
remembering	required 23:25	63:5 69:6	science 10:22	77:11 80:5
70:9	65:13 71:4,7	75:13	scientist 12:11	83:8 86:22
Remove 55:8	requirement	RPR 1:19 90:24	12:12,18,21,25	seeing 77:1
removed 55:2	24:11	rules 5:24	13:18,21,24	seeking 79:11,14
61:1	requirements	Runoff 24:21	14:6,6 15:16	seen 7:20 23:2
repeat 48:14	80:12	R9-2015-0110	15:17,19 16:1	30:7 31:18
50:19	resolved 80:24	1:7 5:16	16:11,16,19,24	33:12 37:11
rephrase 28:6	87:9	s	46:9	43:17 45:15
34:14 41:5	resolving 81:5	S 2:6 3:8	scratch 25:12	47:8 49:2
report 32:5,17	87:7	4	second 10:14	53:20,25 54:13
33:3 38:16	Resources 2:10	Sacramento	11:17 25:24	58:18 64:22
39:20 44:4,12	2:11 11:5 12:5	2:14 11:6	39:20 44:10	71:19 73:6
44:20 45:4	respect 26:8	sample 34:13	59:14,21 60:17	74:10 81:21
49:5 50:3,20	84:15 86:14,17	48:9,12,17	61:9 62:10	82:4
51:14 54:16	respond 6:4	samples 47:24	66:25 68:14	sense 41:2
		sampling 33:16		
iii Esperant salikii sayaan tasa magamasa ahaan salahaan salahaan salahaan			as instrumental consumer for a more professional and a superior of the superio	-

		anatata waxaa Qadaa ka qaa ah a		Page IU
sent 58:21	78:10,13,20	44.5 12 22	50.0.4.01	6 4 1160 5
sentence 6:5	78:10,13,20	44:5,13,23 45:6 60:5	50:2,4,21	Suite 1:16 2:7
26:15 44:16,22	81:22 82:6,20	75:25	51:17 54:24	2:18
48:6 59:21	85:20 85:20	8	55:4,7,11,15	summarizing
sentences 72:10	sites 19:24 20:3	spell 5:18	55:21 56:2	58:22
sentences 72.10 separate 61:19		spoke 20:16	59:14,16,21,24	summer 11:7
September 11:8	20:11,12 73:13 78:24 79:20	27:21 56:19	60:20 61:19,21	supervise 46:15
11:9 72:3,5	78:24 79:20 situation 42:3	spoken 28:10	61:24 62:12,21	supervising 16:3
73:10,15,16	situation 42:5	29:2	63:6,8,17	16:5
74:2,14,16	situations 42:5 six 17:17	Stabilize 51:19	75:13	supervisor
75:6 86:18	six 17:17 six-month 17:17	53:1 57:2	stop 6:15 57:19	14:24 20:17
settled 48:7	small 68:17	stabilized 51:23	57:24	46:12
seven 51:18 53:1	75:16	stack 63:16	stored 67:6	support 33:21
53:11		staff 12:11,12,18	storm 12:17,20	34:4 68:12
share 87:23	smoothly 6:1	12:21,25 13:2	12:24 13:9,23	supposed 34:10
share 87:23 shorthand 90:12	Solid 67:6	13:2,17,21,24	15:12,25 16:6	sure 16:14 25:24
shorthand 90:12 show 9:14	sorry 6:25 11:25 31:21 38:24	14:6,6 15:16	18:1,10 19:5,7	28:23 31:19
show 9.14 shown 61:14		22:1 40:6 46:9	20:1 21:10	32:11,12 33:20
	50:19 63:24	stamped 29:15	24:18 25:5	34:3,22 35:11
shrug 6:6	69:7 71:22	stamps 29:18,20	34:16 49:24	40:3 45:7
significant 59:5 similar 13:23	81:19 87:12	standard 24:16	58:2,25 68:25	52:20 55:22
	sort 18:22 21:1	39:15	69:3 76:8,13	56:3 58:11
20:20 42:2,4,5	21:5 22:14	standards 24:23	77:9 78:25	61:11 74:25
42:18,24 57:6	24:12,13 65:20	25:7 72:13	79:5	75:9,19 80:16
57:18,18 65:16	67:4 75:10	86:21 87:2,6	Stormwater	80:25
76:8 79:14	84:12	start 6:16 13:7	3:14,15,17,17	surprise 32:16
similarly 76:11	sounds 11:22	41:6 82:2,16	3:23,23 4:6,6,8	sworn 5:5 90:7
single 41:22	52:9 60:8 75:7	started 12:8,20	4:9,14,15,17	SWPPP 18:24
site 20:20 21:19	81:17	22:16 71:23	4:17,23,24	Swr@envirola
21:22 23:7,11	speaking 6:12	state 2:10,11	Street 2 :13 77:6	2:9
23:16,22 24:16	6:16,16	5:18 31:22	77:15	synced 16:14
24:19 28:11	specific 19:4,6	33:14 45:17	structural 13:13	
29:2 30:12,14	19:15,23 27:22	62:11 71:25	14:2,18 79:8	T
36:1,6 38:1,3	35:14 38:18	89:6 90:1,19	stuff 9:15 13:8	T 3:8
38:21 39:2	49:20 53:4,4	stated 46:11	16:13	Tad 1:14 3:3,12
41:2,9,11,15	56:17,21,23	52:7	subcontractor	4:13,19,21 5:4
42:9 43:25	76:22,24	statement 68:12	15:8	5:20 89:17
46:22 48:19	specifically 9:17	stockpile 27:24	subject 78:24	take 6:20,23
49:7,10 54:18	20:2,13,18	28:2,7,8 52:14	submitted 8:21	29:13 36:23
58:3,4 59:1,1 50:10 66:20	21:19 23:15	55:23,25 56:7	subordinate	43:8 48:12,16
59:10 66:20	49:12 59:8	61:3,16 62:6	46:14	53:19 66:6
69:7,15 70:16	61:23 62:11	63:2 75:18,21	Subpoena 7:15	67:25 80:14
72:20 73:17	84:23	75:22 76:4,5	7:18 8:1	87:17
74:1,13 76:13	speculation 28:4	stockpiles 27:8	sufficiently	taken 5:22 43:10
76:18,25 77:10	33:24 34:18	27:15,18 28:14	62:23	47:23 48:9
77:24 78:1,4	41:3 42:20	28:15 49:22	suggested 56:15	66:10 90:11
				talk 8:11 9:7,23
entitievanienananaaaaaaaaaaaaa			TORNOLIS SECRETARIS DE LA CONTRACTICA DEL CONTRACTICA DE LA CONTRACTICA DE LA CONTRACTICA DEL CONTRACTICA DE LA CONTRACTICA DEL CONTRACTICA DE LA CONTRACTICA DE LA CONTRACTICA DE LA CONTRACTICA DE LA CONTRACTICA DEL CONTRACTICA DE LA CONTRACTICA DEL CONTRACTICA DEL CONTRACTICA DEL CONTRACTICA DE LA CONTRACTICA DE LA	

s ene menovadrosocionno si qualmentro promotos con medicessis Veleta procedente. Per	er en rekreinen socialister kompanister kirjoner et kommand frankrindigtek inst			
19:8 21:18	thereof 62:18	29:24,25 39:17	transition 16:10	39:22,25 47:17
27:17 29:4	thing 6:21 63:14	39:18 41:22	transport 76:10	48:5 49:25
33:1 39:1	things 6:6 42:2	43:6,23,25	treat 76:11	51:25 52:2,4
47:15 55:10	63:19 82:10	49:12 50:10,14	treatment 13:12	53:3 55:5,19
talked 32:13	85:10	52:8 55:13	14:17	57:13 60:18
	think 12:16	56:18 57:17,24	true 37:3 84:4	65:14 67:15
56:1,5,11 65:16 81:15	15:21 16:9	59:4 70:21	89:7 90:20	69:10 70:19
talking 6:17				75:15 77:4
17:10 38:25	17:10,11 18:19 20:10,15 21:1	72:12,24 78:1 78:8 80:7 81:1	try 5:25 6:4,12	82:21 83:2
39:6 50:6			trying 21:25 35:13	
	21:6,25 22:1,2 22:3 23:17	81:10,23,24 82:1 86:20		85:21,24 86:12 unclear 21:2
54:24 61:4 76:8	27:7 29:20	90:12	Tuesday 1:17 5:1	unclear 21:2 uncovered 50:2
70:8 Tamara 21:23	33:21 35:1	times 15:4 21:4		60:20 61:24
	40:18 42:9	21:22 40:18	turbidity 33:17 33:21 34:3,13	62:11
Tamimi 4:1,20			9	
21:16 44:3	46:19 48:11,15	41:14,23 87:4	34:14,25 35:3	understand 6:10
45:18 72:2,5	51:7 53:11,22	87:8	35:7,8 47:23	6:11,18 22:6
task 17:18 46:20	58:2 61:3	timing 60:10	48:12	understanding
tasks 12:16	63:18 65:18,18	title 12:2,14	turn 6:14	7:16 8:1 24:12 42:13 86:6
17:11 46:6	66:20 72:18,24	13:16,20 15:15	two 11:18 16:25	
technically 11:6	76:1,23 77:8	16:4,8,10,12	17:25 20:10,12	understood 6:7
11:9 76:6	78:3,12 79:17	17:2,14,22	26:13 27:7	6:23
technician 12:1	79:18 80:4,5	22:14,15 46:6	49:21 51:17	unprotected
tell 23:4 27:20	80:10 81:11,13	46:8	54:23 57:11	27:14
28:11,14,25	81:13,14 85:16	titles 14:4 16:14	61:18 68:4,9	upper 53:6
60:7 62:4 63:1	88:4	today 6:1 7:3 8:2	69:5 70:18	Urban 24:20
63:13 68:16,23	thinking 55:25	8:6 9:4,17	71:3 72:9	use 26:18 68:5
75:9 80:25	third 27:7 48:1	44:18,19 52:18	73:13,18 74:18	75:22
87:1	49:22 51:18,21	told 23:14,18,19 23:22 28:17	75:12	usually 40:7 82:9 87:9
ten 14:11 26:17	54:24 57:2		two-thirds 82:23	
27:1 39:9,14	59:13 60:20,24	40:7,10	type 12:23 13:9 13:23 63:14	Utilize 51:23
39:18 43:7	66:22 68:3	top 23:24 27:6		$\overline{\mathbf{v}}$
ten-day 26:21	thorough 9:21	31:13 36:12	79:5 83:7	Vague 58:8
term 76:3	thought 8:24	45:11 47:4	typically 20:21	vaguely 17:1
testified 5:6	25:23 37:18	54:8 58:14	21:11 40:6,13	Valencia 23:16
testimony 7:3	40:18,24 58:7	65:6 72:6 74:6	42:1 53:12	30:15 72:11,13
8:16 32:20	58:25 80:19	traditional	57:8 63:14	73:13 86:20,21
84:15 86:13	81:22	75:22	typing 71:23	87:2,6
text 90:13	thread 72:1	Trainer 19:18	T-a-d 5:20	Varco 1:15 2:5
Thank 5:21 8:3	three 71:2 76:21	training 12:23	U	87:17
22:25 37:20	time 6:13,21	12:24 13:1,3	UC 10:7,19 11:3	various 15:3
64:2 87:10	8:22 11:12	19:4,11,15	11:13	87:4
Thanks 9:23	13:4,10 14:13	transcript 3:9	UCSD 11:13	verbally 6:5
82:11 87:13	14:20 15:11	6:7,10 87:18	uh-huh 6:6	verbany 0.3 verification
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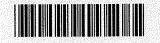
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violation 32:1,4	67:21 68:5	36:9 43:9		11 4:8 54:7,8,10
33:22 34:4	wasn't 36:20	63:22 68:14	52:21 53:17,17	60:23 64:6,11
40:11,12,24	42:15 77:12		56:13,18 58:10	85:19
41:8,18,24	waste 67:20 68:4	71:22 87:17	60:6 62:20,24	11th 30:11
42:7,11,16,25	68:25 69:13	we've 84:11	63:15 65:25	31:10 32:23
57:12,23 74:17		wind 50:4,10,14	73:24 75:5	11:53 88:12
· · · · · · · · · · · · · · · · · · ·	70:6	50:17,21,21	76:23 80:5,18	11750 1:19 90:3
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	water 1:2 2:10	witness 1:14 3:3	81:13 83:14	12 4:11 47:4
84:5,7,12 85:2	2:11 5:17	8:11 34:19	84:4	58:13,13,15
85:10,14 86:2	12:17,20,24	42:21 44:6,14	year 10:10	63:24 64:1,4
violations 26:1	13:9,23 15:12	44:24 45:7	11:17,17 14:5	64:14
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71:6 73:20	25:5 27:9 29:3	wood/scrap 55:1	17:25 18:21,23	12/12/14 3:22
79:1,6 80:5,11	31:7 34:16	61:1,14	yellow 38:9	12/16/14 3:24
84:24,25 85:13	36:5 43:4	words 86:24	yes/no 83:15	4:1
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Virtual 11:21	58:2,25 64:11	39:8,14 42:18	Z	12/31/14 4:5
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visited 41:9,11	78:21,25 79:1	11:16,17 14:14	\$800,000 79:11	66:14
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****	87:24 88:1	working 17:11		14 4:14 58:1,2
W	way 8:9 29:16	46:17,19 85:6	09 12:9	59:11,21 66:5
wager 46:18	42:4 57:18,23	work-wise 17:4	1	66:12,13,15
61:5	66:2 82:23	wouldn't 24:6	13:12 7:7,8	86:9,10
wait 6:13,15	Wayne 2:6 8:9	write 40:18	53:24 88:10	14th 54:17
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35:6,8,9,15	29:9,13 49:9	Y	10:00 43:7	74:2,14 75:6
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washout 68:16		25:1 27:4 28:1	81:23,24 82:1	00.17,17,17

Page 104

16th 37:6,25		43:14		
41:12 43:3	3	70 4:17		
	3 3:17 30:3,4	7 1 4:19		
44:1 58:22	66:21 85:18			
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73:10 74:16	66:24	74 4:23		16.0
17 4:21 73:2,3	30 3:17 14:16	743-1201 2:19		
74:22 86:9	87:20	760 2:19		
17th 45:19,22	300 2:18			
46:22	31 3:19	8		: :
18 4:23 74:5,5,7	31st 47:12,13	8 4:3 36:12		
80:3 88:10	48:20	45:10,10,12		
18th 66:20	33 3:21	47:15,16		
1900 1:16 2:7	341-5276 2:14	8:42 1:17 5:2		
	37 3:23	82 3:6		
2	_ ,	88 3:12,14,17,19		
2 3:14 22:19,20	4	3:21,23 4:1,3,4		
82:17,17 84:23	43:19 31:12,14	4:6,8,11,12,14		
2/4/15 4:13	31:15	4:17,19,21,23		
20 14:16	4th 65:1			
2004 10:11	4/29/15 4:18	9		l
2008 10:21	43 4:1	9 4:4 23:7 37:17		
2009 12:21	45 4:3	47:2,3,5,20		
2012 18:22	47 4:4	48:3 82:19		
2014 20:7 23:6,8	48 4:6	9th 23:5 31:1		
30:11 33:16	40 4.0	59:4,9		
36:6 37:25	5	9/14/15 4:20	*	
43:22 46:23	5 3:5,21 33:7,8	9/15/15 4:25		
47:12 82:19	54 4:8	9/16/15 4:22		
85:19	58 4:11	916 2:14		
2015 1:18 5:1	598613 1:24	92025 2:19		
22:17 49:6	570015 1.27	92101 2:7		
53:24 54:17	6	95812 2:14		
58:22 61:12	63:23 31:13	960 2:18		
65:1 66:20	37:5,7 44:1			
70:17 72:3	49:6			
73:10,15 74:14	6th 49:10 54:2			
2093(b) 90:8	56:4,9,15 60:9			
2094 90:8	60:16,19 61:4			
22 3:14 74:5	61:24 62:5,7			
225 1:16 2:6	62:11,15 63:3			
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1 2	OPPER & VARCO, LLP S. WAYNE ROSENBAUM (Bar No. 182456) LINDA C. BERESFORD (Bar No. 199145) 225 BROADWAY, SUITE 1900	EXHIBIT SWARD SOC EXHIBIT SWARD SWAR
3	SAN DIEGO, CALIFORNIA 92101 TELEPHONE: 619.231.5858 FACSIMILE: 619.231.5853	# (2 V OCT
4	ATTORNEYS FOR SAN ALTOS – LEMON GROVE, LLC	
5		
6		
7		
8	CALIFORNIA REGIONAL WAT	ER QUALITY CONTROL BOARD
9	SAN DIEG	O REGION
10		
11	IN THE MATTER OF:) SAN ALTOS – LEMON GROVE, LLC'S) NOTICE OF DEPOSITION OF TAD
12	ADMINISTRATIVE CIVIL LIABILITY COMPLAINT) NAKATAMI AND REQUEST FOR) PRODUCTION OF DOCUMENTS
13	No. R9-2015-0110 AGAINST SAN ALTOS – LEMON GROVE, LLC	ý –
14) Date: December 29, 2015) Time: 8:30 a.m.) Place: Law Offices of Opper & Varco LLP
15) 225 Broadway, Suite 1900 San Diego, CA 92101
16) San Diego, CA 92101
17	TO ALL PARTIES AND TO THEIR AT	ΓTORNEYS OF RECORD:
18	PLEASE TAKE NOTICE that on Decen	nber 29, 2015 at 8:30 a.m., San Altos – Lemon
19	Grove, LLC will take the deposition of Tad Nak	catami in accordance with the enclosed subpoena.
20	This deposition will take place at the law firm o	f Opper & Varco, LLP, located at 225 Broadway
21	Suite 1900, San Diego, CA 92101, before a cer	tified reporter or person authorized to administer
22	oaths who is present at the specified time and pl	ace. Said deposition will continue from day to
23	day, Saturdays, Sundays and holidays excepted,	until completed.
24	YOU ARE FURTHER NOTIFIED that	the deposition may also be recorded by videotape
25	as authorized by the Code of civil Procedure sec	ction 2025.340 and Plaintiff reserves the right to
26	use any videotaped portion of the deposition tes	timony at a hearing in this matter. The
27	deposition may also be recorded through such n	neans as to provide the instant display of the

testimony as also authorized by Code of Civil Procedure section 2025.340.

28

1	YOU ARE FURTHER NOTIFIED that San Altos-Lemon Grove, LLC requests that Tad							
2	Nakatami produce the documents identified in Attachment A to this Notice of Deposition and							
3	Request for Production of Documents.							
4								
5	Dated: December <u>VO</u> , 2015 OPPER & VARCO LLP							
6								
7	V. 0 0 1							
8	Linda C. Beresford							
9	Attorney for San Altos – Lemon Grove, LLC							
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EXHIBIT A

	S. WAYNE ROSENBAUM (SBN 182456) OPPER & VARCO, LLP								
2	225 Broadway, Suite 1900								
3	San Diego, California 92101 Telephone: 619.231.5858								
	Facsimile: 619.231.5853 Email: swr@envirolawyer.com								
5	Attorney for San Altos – Lemon Grove, LLC								
6	BEFORE THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD								
7	SAN DIEGO REGION								
8	IN THE MATTER OF:,								
9 Administrative Civil Liability Complaint No. R9-2015-0110 Against San Altos – Lemon Grove, LLC AFFIDAVIT IN SUPPORT OF SUBPORT OF									
11	I, S. Wayne Rosenbaum, declare that I am counsel for San Altos – Lemon Grove, LLC ("San								
12	Altos"), a Designated Party in the above-entitled matter.								
13	2. On December 4, 2015, the Advisory Team for the California Regional Water Quality Control								
14	Board, San Diego Region ("Advisory Team") issued the Final Hearing Procedures for ACLC R9-2015-0110.("Final								
15	Hearing Procedures"), which included a list of deadlines (the "Schedule") prior to the currently scheduled hearing								
16	date of February 10, 2016.								
17	3. The Schedule requires San Altos submit "All evidence (other than witness testimony to be								
18	presented orally at the hearing) that the Designated Party would like the San Diego Water Board to consider" by								
19	January 4, 2016.								
20	4. Good cause exists for the production of the document described below because such evidence is								
21	probative of the veracity of the alleged violations of the Complaint.								
22	5. As an Employee of D-Max Engineering, Inc. providing on-call Storm Water inspection services								
23	for the City of Lemon Grove, Tad Nakatami has, or should have, the documents described below in his possession								
24	or control.								
25	6. The exact documents to be produced include:								
26									
27									
28	AFFIDAVIT IN SUPPORT OF SUBPOENA FOR DOCUMENTS AND THINGS FROM TAD NAKATAMI - 1 -								

1	January 13, 2015	
2	March 1, 2015	
3	March 18, 2015	
4	March 19, 2015	
5	March 20, 2015	
6	March 21, 2015	
7	March 22, 2015	
8	March 23, 2015	
9	March 24, 2015	
10	March 25, 2015	
11	March 26, 2015	
12	March 27, 2015	
13	March 28, 2015	
14	March 29, 2015	
15	March 30, 2015	
16	March 31, 2015	
17	April 1, 2015	
18	May 8, 2015	
19	May 9, 2015	
20	May 10, 2015	
21	May 11, 2015	
22	May 12, 2015	
23	May 13, 2015	
24	May 14, 2015	
25	May 15, 2015	
26	September 15, 2015	
27		

October 5, 2015

- b. Any additional records and documents, including, but not limited to, inspection reports, notices of violation, administrative citations, stop work notices, correct work notices, field notes, photographs, audio or video recordings, phone logs, and internal communications, including emails, related to inspections that occurred at the San Altos Lemon Grove, LLC Valencia Hills Construction Site, regardless of whether or not the inspection led to the issuance of a formal report, notice, or citation from Mr. Nakatami and/or the City of Lemon Grove to San Altos Lemon Grove, LLC from March 6, 2014 to October 19, 2015.
- c. Any documents, contracts, work orders, requests for services, communications or records thereof including but not limited to emails, or invoices related to inspections, testing, report writing, or materials related to services rendered by D-Max Engineering, Inc. on behalf of the City of Lemon Grove that involved or affected the San Altos Lemon Grove, LLC Valencia Hills Project Site during the period of March 6, 2014 through October 19, 2015.
- d. A copy of Mr. Nakatami's curriculum vitae listing his education, qualifications, and experience.
- 7. Emails, writings, or photographs should be provided in both printed and digital formats. Audio or video recordings may be provided in conventional formats accessible on personal computers without the assistance of specialized software.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 10th of December, 2015.

S. Wayne Rosenbaum

Attorney for San Altos - Lemon Grove, LLC

BEFORE THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

	SUBPOENA FOR ADJUDICATIVE ACTION	
ATTO	ORNEY OR PARTY WITHOUT ATTORNEY REQUESTING SUBPOENA (name, address, and telephone no.):	FOR REGIONAL WATER BOARD USE ONLY
Oppe Phon	ayne Rosenbaum, Esq. r & Varco LLP 225 Broadway, Suite 1900, San Diego, CA 92101 e: (619) 231-5858 Fax: (619) 231-5853 E-Mail: swr@envirolawyer.com	· ·
	RESENTING: San Altos - Lemon Grove, LLC	
	E OF THE PROCEEDING:	
	nistrative Civil Liability Complaint 9-2015-0110	
	SUBPOENA RE HEARING	
	SUBPOENA DUCES TECUM	
THE	PEOPLE OF THE STATE OF CALIFORNIA, TO (name): TAD NAKATAMI	
1.	YOU ARE ORDERED TO APPEAR AS A WITNESS in this proceeding as follows unless you named in item 3:	u make special agreement with the person
a.	Date: December 29, 2015 Time: 8:30 AM PST	
b.	Address: 225 Broadway, Suite 1900, San Diego, CA 92101	
2.	AND YOU ARE:	
	 a. Ordered to appear in person. (Wat. Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., b. Not required to appear in person if you produce the records described in the accompany sections 1560 and 1561. (Wat. Code, § 1080; Gov. Code, § 11450.10(b); Cal. Code Regs., tc. Ordered to appear in person and to produce the records described in the accompanying affi or other qualified witness and the production of the original records is required by this subp (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed Code, § 1080; Gov. Code, § 11450.10; Cal. Code Regs., tit. 23, § 649.6.) 	ing arridavit in compliance with Evidence Code it. 23, § 649.6.) davit. The personal attendance of the custodian opena. The procedure authorized by subdivision
3.	IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE FOR Y CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON B APPEAR:	OU TO APPEAR, OR IF YOU WANT TO BE EFORE THE DATE ON WHICH YOU ARE TO
a.	Name: S. Wayne Rosenbaum b. Telephone number: (619) 231	-5858
L	. (Gov. (Code, § 11450.20(a); Code Civ. Proc., § 1985.2.)
4.	WITNESS FEES: You are entitled to witness fees and mileage actually traveled, both ways person who serves this subpoena or from the person named in item 3. (Wat. Code, §§ 1081 seq.; Code Civ. Proc., §§ 1986.5, 2065.)	, 1083, 1084; Gov. Code, 99 11450.40, 68070 et
5.	If you object to the terms of this subpoena, you may file a motion for a protective order in made within a reasonable period after receipt of the subpoena, and shall be made with writing upon all parties attached. In response to your motion, the hearing officer may make an order, or directing compliance with it, or may make any order needed to protect the parties of demands, including unreasonable violations of the right to privacy. (Gov. Code, § 11450.30 Quality Control Board, 2375 Northside Drive, Suite 100, San Diego, CA 92108, Attn: David Gi George Hagan, State Water Resources Control Board, Office of Chief Counsel, c/o San Diego W Diego, CA 92108.)	ten notice to all parties, with proof of service er quashing the subpoena entirely, modifying witnesses from unreasonable or oppressive .) (Send motions to: San Diego Regional Water oson, with copies to all parties and to Catherine
	A COMPANY OF THE PROPERTY OF THE PROPERTY AND THE PROPERT	NOTHER REMAITIES BROWINED BY LAW

DISOBEDIENCE OF THIS SUBPOENA MAY CAUSE YOU TO BE LIABLE FOR CONTEMPT AND O

(Wat. Code, §§ 1090-1097; 23 CCR §648.8; Gov. Code, §§ 11450.20(b), 11455.10-11455.30.)

(signature)

Dated: December 10, 2015

Name: S. Wayne Rosenbaum

Title: Partner - Opper & Varco LLP
Attorney for San Altos - Lemon Grove, LLC

PROOF OF SERVICE OF SUBPOENA (Gov. Code, § 11440.20; Code Civ. Proc., §§ 1987, 1987.5, 1988, 1989, 2015.3, 2015.5.)									
1. I served this 🗾 subpoena 🗾 subpoena duces tecum and supporting affidavit by:									
personally delivering a copy to the per	son served as follows:								
a. Person served (name):		b. Date of delivery:							
c. Address where served:		d. Time of delivery:							
e. Witness fees and mileage both ways (check or	ne):	f. Fees for service.							
(1) were paid. Amount: \$	s public entity employer as required by	Amount: \$							
delivering true copies thereof by certified mail, return receipt requested, to the address as shown below. delivering true copies thereof enclosed in a sealed envelope to a messenger for immediate personal delivery to the address as shown below. delivering true copies thereof enclosed in a sealed envelope to a mail delivery service for overnight delivery to the address as shown below. [Specify name of mail service and tracking no.: Other method allowed by Gov. Code §11440.20. Specify:									
Address where served:		•							
2. I certify that I received this subpoena	subpoena duces tecum for service on	Date							
	I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on: Date at (place) Signature								
	, California								
(For California sheriff, marshal, or constable use or I certify that the foregoing is true and correct and the Date		Signature							

NOTE: THE ATTORNEY OR PARTY WITHOUT AN ATTORNEY REQUESTING THIS SUBPOENA MUST PROVIDE A COPY OF THE SUBPOENA TO EVERY PARTY IN THE HEARING, AND FILE A COPY WITH THE REGIONAL WATER QUALITY CONTROL BOARD. THE COPY PROVIDED TO THE REGIONAL WATER QUALITY CONTROL BOARD MUST BE ACCOMPANIED BY A CERTIFICATE OF SERVICE LISTING THE NAMES AND ADDRESSES OF PARTIES WHO WERE PROVIDED COPIES IN ACCORDANCE WITH GOVERNMENT CODE § 11440.20. (Gov. Code, § 11440.20; Cal. Code Regs., tit. 23, § 648.4(c).) (Send to: San Diego Regional Water Quality Control Board, 2375 Northside Drive, Suite 100, San Diego, CA 92108: Attn David Gibson, with copies to all parties and to Catherine George Hagan, State Water Resources Control Board, Office of Chief Counsel, c/o San Diego Water Board, 2375 Northside Dr., Suite 100, San Diego, CA 92108.)

1	S. WAYNE ROSENBAUM (SBN 182456)								
2	OPPER & VARCO, LLP 225 Broadway, Suite 1900								
3	San Diego, California 92101 Telephone: 619.231.5858								
	Facsimile: 619.231.5853								
4	Email: swr@envirolawyer.com								
5	Attorney for San Altos – Lemon Grove, LLC								
6	BEFORE THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD								
7	SAN DIEGO REGION								
8	IN THE MATTER OF:,								
9	Administrative Civil Liability Complaint AFFIDAVIT IN SUPPORT OF SUBPOENA FOR DOCUMENTS AND THINGS FROM TAD								
10	No. R9-2015-0110 Against San Altos – Lemon Grove, NAKATAMI								
11	1. I, S. Wayne Rosenbaum, declare that I am counsel for San Altos – Lemon Grove, LLC ("San								
12	Altos"), a Designated Party in the above-entitled matter.								
13	2. On December 4, 2015, the Advisory Team for the California Regional Water Quality Control								
14									
	Board, San Diego Region ("Advisory Team") issued the Final Hearing Procedures for ACLC R9-2015-0110.("Final								
15	Hearing Procedures"), which included a list of deadlines (the "Schedule") prior to the currently scheduled hearing								
16	date of February 10, 2016.								
17	3. The Schedule requires San Altos submit "All evidence (other than witness testimony to be								
18	presented orally at the hearing) that the Designated Party would like the San Diego Water Board to consider" by								
19	January 4, 2016.								
20	4. Good cause exists for the production of the document described below because such evidence is								
21	probative of the veracity of the alleged violations of the Complaint.								
22	5. As an Employee of D-Max Engineering, Inc. providing on-call Storm Water inspection services								
23	for the City of Lemon Grove, Tad Nakatami has, or should have, the documents described below in his possession								
24	or control.								
25	6. The exact documents to be produced include:								
26									
27									
28	A FEID A VIT IN SUPPORT OF SURPORNA FOR DOCUMENTS AND THINGS FROM TAD NAK ATAMI								

1	January 13, 2015	
2	March 1, 2015	
3	March 18, 2015	
4	March 19, 2015	
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8	March 23, 2015	
9	March 24, 2015	
10	March 25, 2015	
11	March 26, 2015	
12	March 27, 2015	
13	March 28, 2015	
14	March 29, 2015	
15	March 30, 2015	
16	March 31, 2015	
17	7 April 1, 2015	
18	May 8, 2015	
19	May 9, 2015	
20	May 10, 2015	
21	May 11, 2015	
22	May 12, 2015	
23	May 13, 2015	
24	May 14, 2015	
25	May 15, 2015	
26	September 15, 2015	
27	7	

October 5, 2015

- b. Any additional records and documents, including, but not limited to, inspection reports, notices of violation, administrative citations, stop work notices, correct work notices, field notes, photographs, audio or video recordings, phone logs, and internal communications, including emails, related to inspections that occurred at the San Altos Lemon Grove, LLC Valencia Hills Construction Site, regardless of whether or not the inspection led to the issuance of a formal report, notice, or citation from Mr. Nakatami and/or the City of Lemon Grove to San Altos Lemon Grove, LLC from March 6, 2014 to October 19, 2015.
- c. Any documents, contracts, work orders, requests for services, communications or records thereof including but not limited to emails, or invoices related to inspections, testing, report writing, or materials related to services rendered by D-Max Engineering, Inc. on behalf of the City of Lemon Grove that involved or affected the San Altos Lemon Grove, LLC Valencia Hills Project Site during the period of March 6, 2014 through October 19, 2015.
- d. A copy of Mr. Nakatami's curriculum vitae listing his education, qualifications, and experience.
- 7. Emails, writings, or photographs should be provided in both printed and digital formats. Audio or video recordings may be provided in conventional formats accessible on personal computers without the assistance of specialized software.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 10th of December, 2015.

S. Wayne Rosenbaum

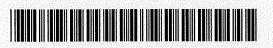
Attorney for San Altos - Lemon Grove, LLC



ob: 598613









CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

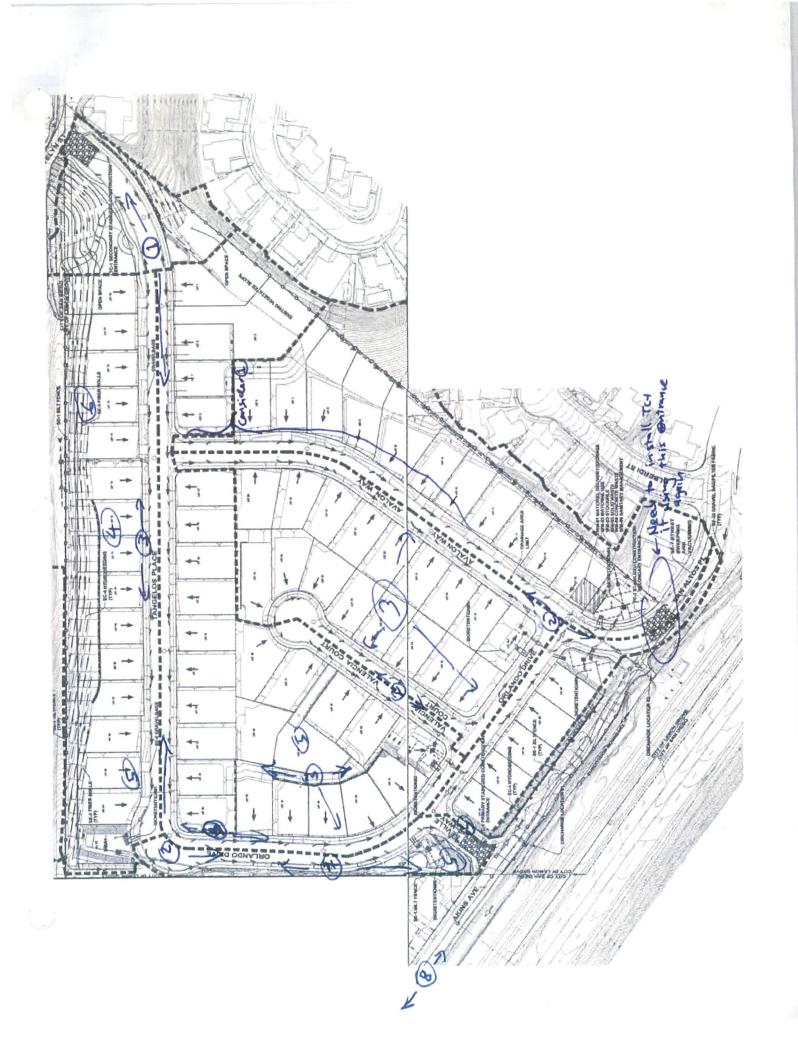
NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

	Inspector Name /Signature/Date/Time:	TAD	NAKA	TANI	Tiest	12/9	14 1:	Oopm
	Inspection: 🗡 Permit-Required Inspection				nspection	□ Other	(Explain)_	
	Construction Project Priority:		≆ High	1	13 Medium	□ Low	6869	EXHIBIT L
0	GENERAL INFORMATION						00-631-	2
	Grading or Building Permit #:	69.0	2				NGAD	EXHIBIT L 2 Jakatani
	Project Name & Type: VALENCIA 5	UBDIN	VISION	į			田一	varatani
	Project Location & Address: SAN ALTO	25 1	LACE	_			,	-
	Contractor's Name & Telephone #: _AND	ERSON	DE	VELO	MENT (940	7) 275-	6739	
	Property Owner & Telephone #:	ALTO	5 LCC			,8	⊀Yes □ N	lo 🗆 N/A
	If yes: Provide Record of Waste Discharge	e Identi	fication	Numb	er (WDID#): _	937c3	36914	
	Does this Project have an NOI/SWPPP A	vailable	?			Σ	Yes D	lo □N/A
	Is Weather Triggered Action Plan Comple	ted?					Yes D	IO BNA
	Is Advanced Treatment Implemented App	ropriate	ely?				Yes 🗆 N	lo ⊠N/A
Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ☐ N							lo □N/A	
	Is 125% of Materials to Install Standby BN	/IPs Av	ailable?	•		0	Yes 🔊	lo □N/A
	Are Routine Self-Inspections Being Condu	ucted b	y Devel	oper/C	wner?	τ	Yes 🗆 N	lo □ N/A
		₩ Cho	ollas Cr	eek 90	8.22	□ Sweet	water Riv	er 909.12 ——
State St.	ВМР	Yes	No	N/A	Descripti	on/Explan	ation	Effective Yes/No
	Soil Sta	bilizatio	on and E	rosion	Prevention			
	Preservation of existing vegetation?			×				
	Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	×			Some pads not &	sh edges of	hydrose asia	No
	Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching		X				0	
	Site Drainage: Outlet Protection/Slope Drain		×					
	Inlet/Outlet Protection		>					
		diment	Control	/Conta	Actition Class	mile neadle	vl.	
	Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	×			on western	slope		No
	Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier		X					

ВМР	Yes	No	N/A	Description/Explanation	Effective Yes/No			
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×			NE antranco lacks stabilization	Noi Noi			
Materia	als and	Equipn	nent Ma	anagement				
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			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?	×				Tes			
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×				Yes			
Are concrete washouts properly installed, maintained with no evidence of discharges.	×				Yes			
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	X				Yes			
No	n-Storn	Water	Mana	gement				
Is the site free of evidence of illegal connections and/or illicit discharges?	X				284			
Discharge Locations								
Are the discharge locations free of significant erosion or sediment transport?		X		large amount of sodiment	No			
	T	Othe	er					
Are there any other potential storm water pollution issues/concerns?	×			Roadways within project are another lived and char signs of crossion	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 evosion controls to a			nact,	ve for le days, includi	no			
roadways not currently in use.								
· Cover Epiotect stockpiles								
· Repair/protect gullies that have formed on slopes. · Redirect flow near southeast owner so it does not flow toward damaged wall								
· Swep road outside of construction entrance								
* Install check class of stabilization on readways prov to rain								

Site: VALENCIA SUBDIVISION Date: 12/9/14

	Recommendations:
	· Add erosion control to road segment (ag northern corner) t
	gre not in use. Can be hydroseeded or stabilized
	with gravel.
	· For roads that are in use, add check dams prior to
	rain. Evance proper installation to prevent tills from form
	underneath Bup if using filter rolls
	Repair Agullies in slopes on edges of pads, May consider
	using erosion control blankets"
	A couple pads on western side do not appear hydros
	Add hydroseed or other erosion control
	Cover & protect stackpiles. Some stockpiles near
	entrance are only partially covered others to the we
	are completely uncovered
	· Ensure that enough Boyp materials are kept on site. Not
	enough fiber rolls were on site
	Redirect flow along the southern cicle of site. It curre
	is causing evosion along the road and directs flow to
	a damaged wall. Direct away from wall and break up
	flow with check dams to prevent erosion
	Sweep road to remove sediment
	- to e partie of the second of
,	

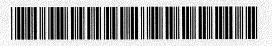




ob: 598613









CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

	Inspector Name /Signature/Date/Time:	(D)	NAK	4741	II TVa	8 / 12/11/14	9:00AM				
	Inspection: Permit-Required Inspection		≱ Follo	w-up l	nspection	☐ Other (Explain)				
	Construction Project Priority:		□ High	1	Medium	□ Low	EXHIBIT				
G	ENERAL INFORMATION				,	S	2 3				
	Grading or Building Permit #:Gr	16	92			PAD 800	2				
	Project Name & Type: VALENCIA	C	UBD	IVISI	ON	, Fend	Nakatani				
	Project Location & Address: SAN ALTOS PLACE										
	Contractor's Name & Telephone #: ANDE				PMENT	(949) 275-6	179				
					birren i	1119 013 6					
	Property Owner & Telephone #: SAN A Is this Project Greater than an Acre?	(LID)	LL	<u></u>		X Yes □	No □ N/A				
	If yes: Provide Record of Waste Discharge	Identif	ication	Numb	er (WDID#):	937036914	3				
	Does this Project have an NOI/SWPPP Ava	ailable	?			¥Yes □	No □ N/A				
	Is Weather Triggered Action Plan Complete	Is Weather Triggered Action Plan Completed? ☐ Yes ☐ No M/A									
	Is Advanced Treatment Implemented Appro	Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No 💌 N/A									
	s 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 BMI				,	□ Yes 🌣					
					\						
	Are Routine Self-Inspections Being Conduc					□ Yes □					
	. , , , , , , , , , , , , , , , , , , ,		llas Cr	eek 90	8.22	□ Sweetwater R	iver 909.12				
	Nearest Conveyances or Water Bodies:										
	BMP	Yes	No	N/A	Descript	ion/Explanation	Effective Yes/No				
	Coil Ctob	ilizatio	n and F	rosion	Prevention		163/10				
	Preservation of existing vegetation?	IIIZatio	ii aiiu L	×	Fievention						
	Physical Stabilization: Hydraulic Mulch,	,			Gullies & u	natubilized parks	No				
	Hydroseeding, Soil Binders, Straw Mulch	×				addressed	No				
	Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	×.			not yet sufficient No						
	Site Drainage: Outlet Protection/Slope Drain		X				-				
	Inlet/Outlet Protection	7.				ection comment	No				
	Sediment Control/Containment										
	Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			Additional placed on	files sells not slopes yet	No				
	Storm Drain inlet protection: Sediment Trap,	. /			Per diccussion	w/ contractor, the					
	De-silting Basin, Gravel Bag Barrier	X			still need to	add gaveling	N.				

Yes	No	N/A	Description/Explanation	Effective Yes/No
X			at entrance still not stabilized but not concrety,	No
als and	Equipn	ent Ma	nagement	
×				Yes
×	, i.e.		all stockpiles	No
×				Tes
×				Yes.
K				Yes
X			r	Tes
X				Yes
n-Storn	n Water	Manag	gement	
K				Yes
Disch	narge L	ocation	ns .	1
	X		sediment on Akins	No
1	Othe	r	Patra chilipadem	1
X	l l		still needed	No
		1/-		
nded co ct Work Conne	orrectiv Notice ction/Ir	e actio Con	rrect Work Notice Issued on: r BMPs Implementation	r
-				
1				IVE
/9/14	INS	PECT	ION HAVE NOT YET	
1 T 11	r. 1	1-	0420	
	als and X A A A A A A A A A A A A	als and Equipm ls and Equipm Als and and Equipm Als and and Equipm Als and and Equipm Als and	als and Equipment Ma	als and Equipment Management



ob: 598613





Exhibit No. 6

CITY OF LEMON GROVE ADMINISTRATIVE CITATION **BB-153-008 GP-99-153-008 GP-99-150-008
A) IYPE UP VIUL	ATION					EI. Dacara
Circle One:	Nathing)	1 st Citation \$100	2 nd Citation \$200	3 rd Citation \$500	4 th Citation \$1,000	
Payment of \$ The City accepts ca			and the second s		to the City of L	emon Grove.
If the violation is above, the next le assessed (25% ar the failure to corre	vel of citation nd interest at	may be issued the rate of 10%	d, other enforcem % per month). Pa	ent actions may	occur, and pena	alties may be
B) RESPONSIBLI	E PARTY INFO	RMATION			4000pp.	
Person Cited:		<u>c&s оч</u> Name)			(First Name)
	operty Owner	Tenant			9	, ,
Mailing Address: _	3194-4	<u>. 2</u>	yust Loop			+ Maray P
Business Name (if			He Mega,	CA 9262	6	
C) VIOLATION(S)	INFORMATIC	ıN , ,		Downey,		
Date (Violation Ob	served):	12/11/17	, Ti	me (Violation Obs	served): 🌱 🖰 🕹	·5:00 P. H.
Location of Violatic		San Als	92,66,11	okucia _	(APN)	in the transfer of the state of
Violation(s) Observ B. 48, 066 18, 08, 170 18, 08, 186	<u> </u>	(Street / tion and Descrip のも、ぶらし		inspection	, .	
3 · · · · · · · · · · · · · · · · · · ·	11 BUT	5 254	complete correct Recomments Surplus o	Lher's	7 (2/)	15/14 200 /. H.
E) SERVICING CI	ITATION INFO	RMATION			*	
Enforcing Officer N	lame	Phon <u>619-</u> 9	e No. <u>8 z 5- </u> 38 2.5*_	Signature		Date 12 / 11 / 14
Person Cited – Sig	inature Acknow	/ledging Receip	t	<u> </u>		(Date)
Citation Served (ci	rcle one):	In Person	8 Mail	/Englished c	on Property	
This citation may be appeal, a Request In the event a Hard required within fifte	an Appeal Headship Waiver is	aring form (avai requested, the	lable at City Hall) s Request for an Ap	should be complete opeal Hearing and	ted and returned	to City Hall.

PINK-COPY

WHITE-ORIGINAL

CITATION CARD-OWNER



ob: 598613



D-MAX Engineering, Inc.



Consultants in Water & Environmental Sciences

Memo

Date: December 12, 2014

To: Malik Tamimi
Cc: Tad Nakatani

From: John Quenzer

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	

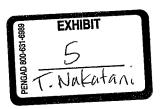






Figure 1. Sampling Locations



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)

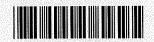


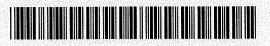
Photo 6. Second Sample from Site Valencia_Akins (11:58, left) and Sample from Site Akins_Inlet (right)

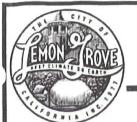


ob: 598613









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	NAKAT	ANI	The	12/16/14	12:25
Inspection: Permit-Required Inspection				nspection	□ Other (Expla	ain)
Construction Project Priority:		□ High		K Medium	□ Low	
GENERAL INFORMATION					1-6389	EXHIBIT
Grading or Building Permit #:	169	7		X	800-63	EXHIBIT 6 Jakatani
Project Name & Type: \/\LENCIA			ON		ENGA	latatai
Project Location & Address: SAN AL	TOS	PLA	Œ			
Contractor's Name & Telephone #: AND				PMENT	(949) 275-	6739
Property Owner & Telephone #:						
Is this Project Greater than an Acre?	7				Yes	□ No □ N/A
If yes: Provide Record of Waste Discharg	e Ider	ntification	Numb	er (WDID#):	9370369	143
Does this Project have an NOI/SWPPP A	vailab	le?			Yes	□ No □ N/A
Is Weather Triggered Action Plan Comple	ted?				☐ Yes	□ No □N/A
Is Advanced Treatment Implemented App	ropria	itely?			□ Yes	□ No MNA
Is More than 17 Acres of Cleared or Grad	led Ar	eas Left E	Expose	ed at Any Giv	en Time? ☐ Yes	ßNo □N/A
Is 125% of Materials to Install Standby BN						MNO □ N/A
Are Routine Self-Inspections Being Cond)wner?	∀ Yes	□ No □ N/A
Project Site is in What Sub-Watershed:		hollas Cre			□ Sweetwate	r River 909.12
Nearest Conveyances or Water Bodies:			SER SU	0.22	L OWOOLWALO.	11101 000.12
						F. 6. 4.
ВМР	Yes	No	N/A	Descrip	tion/Explanation	Effective Yes/No
Soil Sta	bilizat	ion and E	rosior	Prevention		
Preservation of existing vegetation?	T		X			
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	×			Some pads	ullies still unprote	abilized
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	×			to be rep	tic covers need positioned freinste	alled No
Site Drainage: Outlet Protection/Slope Drain		7:				
Inlet/Outlet Protection		7.			£	
	dimer	t Control	Conta			
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X	F -		Addition of	fill needed \$500	n No
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	>					Yes

ВМР	Yes	No	N/A	Description/Explanation	Effective Yes/No			
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×			WE ENTRANCE PETETEDLY WILL MUT BE USED FOR VEHICLES, GLATE LEXCED & GRANEL PAGES PLAKED	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?	×				YES			
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	×	,			E 5			
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?	×				res			
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×				Yes			
Are concrete washouts properly installed, maintained with no evidence of discharges.	>			4	res			
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×				Yes			
Non-Storm Water Management								
Is the site free of evidence of illegal connections and/or illicit discharges?	×			but high turbidity during	YES			
	Discl	narge L	ocatio.		T			
Are the discharge locations free of significant erosion or sediment transport?		×		on Akins	No			
		Othe	er	Rodung stabilization/check				
Are there any other potential storm water pollution issues/concerns?	X			downs in complete	No			
Was there any employee or subcontractor training on stormwater BMPs?			×	No. of Se of Steel				
VIOLATIONS ☐ No violations noted at time of inspection/investigation No violations; however, recommended corrective actions required								
RECOMMENDED CORRECTIVE ACTION COMPLETE ROADWAY STABILIZATION & CHECK DAMS. STABILIZE								
AREA WHERE CONCENTRATED FLOW FROM ROAD IS DIRECTED TO BASIN								
"APD EROSION CONTROLS TO STABILIZE REMAINING PADS, SLOPES AT EDGES OF LADS AND AREA NEAR ENTRANCE ON AKING								
· ADD FIBER ROLLS ON LORGS ON WESTERN EDGE								
· REPAIR & STABILIZE GULLIES THROUGHOUT SITE								



Job: 598613







John Quenzer

From: Sent:

Malik Tamimi [mtamimi@lemongrove.ca.gov] Tuesday, December 16, 2014 10:53 AM

To:

jquenzer@dmaxinc.com 'Tad Nakatani'

Cc: Subject:

Valencia

John...we would like the follow-up inspection today so that we can attach it to our enforcement letter that we will be drafting today. Tad can do the inspection on his own unless he really needs to talk to Gary or needs Gary to accompany him. Also, can you be on standby to conduct the same turbidity monitoring if it rains tomorrow? Thank you -Malik

EXHIBIT

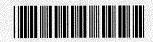
7

T. Nakatani



Job: 598613







D-Max Engineering, Inc.





Memo

Date: December 17, 2014

To: Malik Tamimi

Cc: Tad Nakatani; John Quenzer

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.

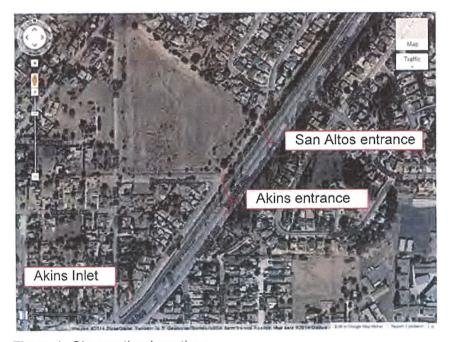


Figure 1. Observation Locations

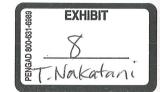






Photo 1. Evidence of sediment discharge at Akins entrance/exit



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



Job: 598613

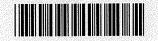






Exhibit No. 12

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

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.

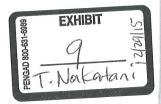






Figure 1. Map of Site and Immediate Vicinity



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



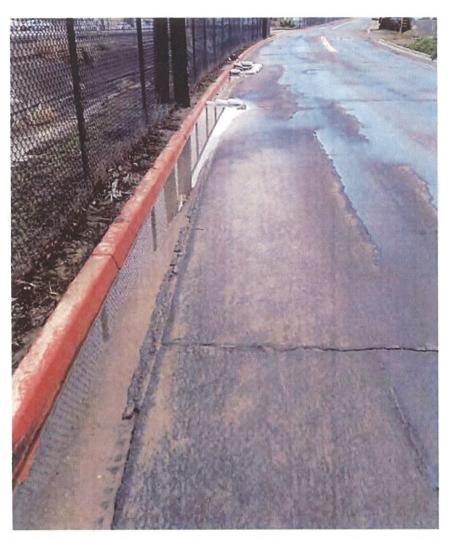


Photo 5. Sediment Accumulation along Akins Avenue, Close to Inlet



ob: 598613





CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

	Inspector Name /Signature/Date/Time:	AD N	AKA:	TANI	TVA	1/6/15	10:30AF			
	Inspection: Permit-Required Inspection	n	X Follo	ow-up	Inspection	☐ Other (Explain)			
	Construction Project Priority:		□ High	1	™ Medium	□ Low	EXHIBIT			
G	GENERAL INFORMATION					PENGAD 800-631-6988	10			
	Grading or Building Permit #: GR -	169	2_	-		NGAD 8	T Na Katani			
	Project Name & Type: VALENCIA	SUB	DIVIS	101	1	E	1. pacearan			
	Project Location & Address: SAN	LTOS	s PL	ACE	<u> </u>					
	Contractor's Name & Telephone #: AN	DERS	ON	DEV	ELOPMENT	(949) 275-6	739			
	Property Owner & Telephone #:	ALT	55	LL	<u></u>	%E.Yes □	No □ N/A			
	If yes: Provide Record of Waste Discharge Does this Project have an NOI/SWPPP Av	e Identif /ailable	ication ?	Numb	er (WDID#): 🤦	37 36 911 Yes	No DN/A			
	Is Weather Triggered Action Plan Complete	ted?				□Yes□	No N/A			
	Is Advanced Treatment Implemented Appropriately? ☐ Yes ☐ No 本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 - Yes - No - N/A									
	Are Routine Self-Inspections Being Conducted by Developer/Owner?									
	Project Site is in What Sub-Watershed: Nearest Conveyances or Water Bodies:	⊠ Cho	llas Cr	eek 90	8.22	☐ Sweetwater R	iver 909.12			
Tonas Constitution of the last	ВМР	Yes	No	N/A	Description	n/Explanation	Effective Yes/No			
-	Soil Stal	bilizatio	n and E	rosion	Prevention					
	Preservation of existing vegetation?			×						
	Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	×			Area near Akin	d. Several guilles	No			
***************************************	Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	Χ			bage at plastic	ags reeded at sortland on sortland lack plastic covering				
	Site Drainage: Outlet Protection/Slope Drain		×							
	Inlet/Outlet Protection Sediment Control/Containment									
115	Perimeter Protection: Silt Fencing, Gravel		Sontroi	Conta	Additional fi	be, rols needs	1 1/			
	Bags, Fiber Rolls	X			an clope on	west side	No			
THE STATE OF	Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X				. Bugs along Akin	No No			
					replaced ye	to ved & not				

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X				Yes
Materi	als and	Equipn	nent Ma	anagement	
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?	Χ				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			Uncovered stockfiles reported as active	Yes
Are heavy equipment and vehicles parked in designated areas with permeable surface?	×				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)	×				Yes
Are concrete washouts properly installed, maintained with no evidence of discharges.	×				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	ζ,				Yes
	n-Storn	n Water	r Manag	gement	T
Is the site free of evidence of illegal connections and/or illicit discharges?	X		***************************************		Yes
	Disc	harge L	ocation.	ns	
Are the discharge locations free of significant erosion or sediment transport?	×				Yes
		Othe	er	stockpiles are to close to drain	T
Are there any other potential storm water pollution issues/concerns?	X			in NE Basin. Need to be moved or removed	No
Was there any employee or subcontractor training on stormwater BMPs?			×	, July and the second s	
XViolation: Illegal Discharge/Illega	ended co ct Work I Conne on: <u>O</u>	orrective Notice ection/In	ve actio e □ Co mprope	rrect Work Notice Issued on:	
George Comment					
See next page for recom	мено	allor	15		

Construction BMP Recommendations

Site: VALENCIA SUBDIVISION Date: 1/6/15
Recommendations: (See MAR .N NEXT PAGE FOR LOCATIONS)
1 FULLY STABILIZE AREA. UTILIZE OTHER EKOSION
CONTROL BARS (E.G. VISQUEYE OR EXOSION CONTROL BLANKETS)
IF HYDROSEED GROWTH IS NOT SUFFICIENT © CLEAN OR REPLACE FILTER FABRIC
*
ADJACENT TO DRAIN
4 REPAIR GULLIES AND PREVENT CONCENTRATES
FLOW TO AREA
5 REPAIR & STABILIZE SLOPE
DUSE EROSIDN CONTROLS TO STABILIZE EXPOSED
SIDEWALLS. CONSIDER METHODS OTHER THAN
HYDROSEED SINCE THERE IS EVIDENCE OF FAILURE
5 STABILIZE AREA IF INACTIVE OR RAIN IN FORECAST
(8) ADD GRAVEL BAGS AT BOTTOM OF
SPILLWAY AVIOLE
TREPLACE GRAVEL BAGS ALONG AKINS





ob: 598613

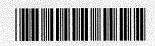




Exhibit No. 25



CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

	Inspector Name /Signature/Date/Time:	DN	AKATA	NI	11th	1/14/15	7:15AM
	Inspection: Permit-Required Inspection		& Follo	w-up l	nspection	□ Other (Explain)
	Construction Project Priority:		□ High	1	™Medium	□ Low	
G	GENERAL INFORMATION					6869-1	EXHIBIT
	Grading or Building Permit #:GR -	69	2			PENGAD 800-631-6986	11 5
	Project Name & Type: VALENCIA S	UBD	111510	N		PENGAL	Nakatani
	Project Location & Address: SAN	ALTO	os Pl	LACE			WOLFOU GUTT
	Contractor's Name & Telephone #: ANDE				ENT (949)	275-6739	
	Property Owner & Telephone #:SAN_ Is this Project Greater than an Acre?	ALT	os L	LC		≱Yes □	No □ N/A
	If yes: Provide Record of Waste Discharge Does this Project have an NOI/SWPPP Ava	ldenti ilable	fication ?	Numb	er (WDID#): 🤦	37 C369143	No □ N/A
	Is Weather Triggered Action Plan Complete	d?				□ Yes □	No XN/A
Is Advanced Treatment Implemented Appropriately? □ Yes □ No □ N/A							No DAVA
Is 125% of Materials to Install Standby BMPs Available? ☑ Yes □ No □ N/A							No □N/A
							No □ N/A
							No □N/A
	Project Site is in What Sub-Watershed:	Chc	llas Cr	eek 90	8.22	☐ Sweetwater R	iver 909.12
	Nearest Conveyances or Water Bodies: EN	CANT	6 CH	ANNE	TO CHOLL	AS CREEK	
	ВМР	Yes	No	N/A	Description	on/Explanation	Effective Yes/No
	Soil Stabi	lizatio	n and E	rosion	Prevention		
	Preservation of existing vegetation?			×			
	Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X			remaining gullie	gravit some hydro-	Surver No
	O I III DI II O III F	X			but a comple in site lack pro	in the northern part	No
	Site Drainage: Outlet Protection/Slope Drain		×				
	Inlet/Outlet Protection		X				
		ment	Control	/Conta			
)	Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	×			Broken silt fen	ce near San Altos	N=
	Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier		enance (MACAGEMENT)				

ВМР	Yes	No	N/A	Description/Explanation	Effective Yes/No					
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×				Ye s					
Mater	ials and	Equipn	nent Ma	anagement						
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?		χ		removed or protected	N2					
Are heavy equipment and vehicles parked in designated areas with permeable surface?	×				Yes					
Are appropriate spill response and containment measures kept on the site?	×				Yes					
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	X				res					
Are concrete washouts properly installed, maintained with no evidence of discharges.	7				Yes					
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	K				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?	k				res					
Other										
Are there any other potential storm water pollution issues/concerns?	×			stockpiles are located too close to dear in NE Basin. Pamore or selecate them attrices but disconfect	Elmelm No					
Was there any employee or subcontractor training on stormwater BMPs?			×	ber discussed						
Violation: Illegal Discharge/Illegal Stop Work Notice Issued RECOMMENDED CORRECTIVE ACTION	ended co ect Work Il Conne on:	orrective Notice ection/Ir	re actio e □ Co mprope st	rrect Work Notice Issued on: r BMPs Implementation						

Construction BMP Recommendations

Site: VALENCIA SUBDIVISION Date: 1/14/15
Recommendations:
1 STABILIZE REMAINING SMALL AREAS THAT LACK
FULL HYDROSEED OR VISQUENE COVER
DINSTALL 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
3 STABILIZE AREA IF INACTIVE OR RAIN IN PORECAST
6 REMOVE OR PROTECT WOOD/SCRAP PILE
F REPAIR MINOR RILLS AND PROTECT AGAINST
CONCENTRATED FLOWS IN THE AREA





Job: 598613





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

Summary of Inspections and Sampling at Valencia Construction Site January 16, 2015 Page 2 of 6



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	Additional lots were hydroseeded. Some smaller				
BMPs.	areas were protected with plastic sheeting				
Numerous slopes on the edges of lots were not	Slopes were repaired where possible. BMPs were				
sufficiently stabilized and protected from	added upstream of slopes to prevent concentrated				
concentrated flows, and rills/gullies had formed.	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	Sidewalls were protected with plastic sheeting.				
controls and several showed signs of erosion. Portions of the slope on the western edge of the	Additional fiber rolls were installed. Plastic				
site lacked full stabilization.	1				
Site lacked full Stabilization.	sheeting was used to create protected spillways in areas where upstream contours were causing flows				
	to concentrate.				
Dirt roadways lacked sufficient stabilization and	Roads were compacted and large berms were built				
sediment controls.	on them. A portion of the road that is inactive was				
	hydroseeded.				
Runoff from a significant portion of the site was	The developer built up an embankment to redirect				
being directed as concentrated flow to an	flows away from this area and toward a settling				
unstabilized area in the site's southeast corner.	area.				
Some stockpiles lacked adequate cover	Covers were put on stockpiles.				
The developer did not have sufficient quantities of	Additional gravel bags, fiber rolls, and silt fences				
BMP materials on site.	were delivered to the site.				
A significant amount of sediment was observed	Sweeping did not effectively remove all sediment,				
along the roadway at the southeast corner of the	so a power-washing contractor was hired and				
site.	removed the sediment from the road.				
Gravel bag inlet protection BMPs were not always	Gravel bags were put in place to protect on-site and downstream off-site inlets.				
in place Filter fabric used as part of inlet protection became	Filter fabric was replaced.				
potentially clogged by hydroseeding materials	r iller rabito was replaced.				
Stockpiles were placed close to a drain inlet. The	This deficiency was first observed on January 6.				
inlet is elevated above the ground height in that	On January 14, the stockpiles had been covered,				
area, decreasing the risk of discharge, but	but they had not been moved sufficiently far				
stockpiles still need to be relocated away from the	enough away from the drain inlet. The developer is				
drain.	still required to address this item.				
Sediment control BMPs were lacking or damaged	A significant amount of additional silt fences and				
in places.	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

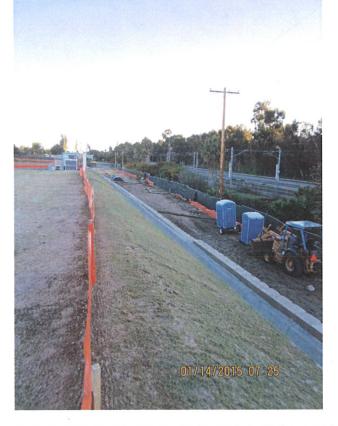


Photo 4. Rills filled in, area re-hydroseeded, silt fence added to perimeter of lot.





Photo 5. Sidewall without adequate erosion control



Photo 6Sidewall protected with plastic sheeting.



∍ob: 598613







rom:

Leon Firsht < lfirsht@lemongrove.ca.gov>

Sent:

Wednesday, February 04, 2015 10:37 AM

To:

'Tad Nakatani'

Subject:

RE: Follow-up vs routine

Start this one as permit required since I released the stop work and this is the first inspection.

From: Tad Nakatani [mailto:tnakatani@dmaxinc.com]
Sent: Wednesday, February 04, 2015 10:35 AM

To: Leon Firsht

Subject: Follow-up vs routine

Hi Leon,

Quick question: Did you still want me to mark my inspection forms as "Follow-up Inspections" or should I begin marking them as "Permit-Required Inspections" now?

Tad Nakatani | D-Max Engineering, Inc. 7220 Trade Street | Suite 119 | San Diego, California 92121

Phone: 858.586.6600 ext 17 | Fax: 858.586.6644 | Email: <u>tnakatani@dmaxinc.com</u>





ob: 598613





CITY OF LEMON GROVE

3232 Main Street, Lemon Grove, CA 91945

NPDES STORMWATER PROGRAM CONSTRUCTION STORMWATER COMPLIANCE INSPECTION FORM

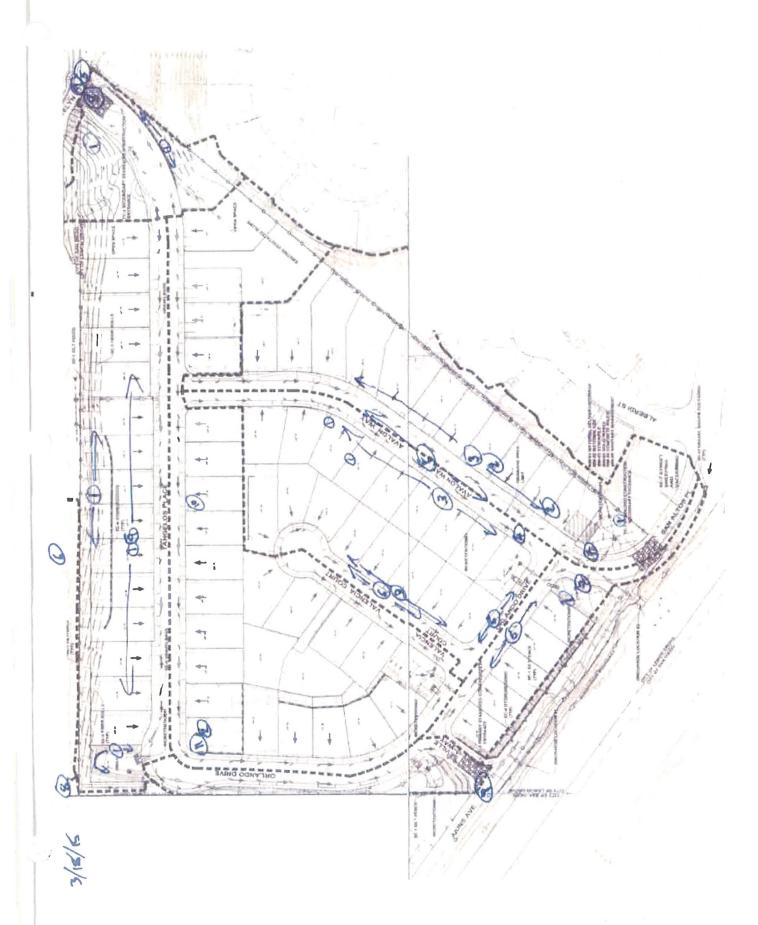
Inspector Name /Signature/Date/Time:	AD N	AKATA	U Wit	5 3/18/15	7:30AM	
Inspection: Permit-Required Inspection			p Inspection	☐ Other (Explain)		
Construction Project Priority:		□ High	™ Medium	□ Low		
GENERAL INFORMATION						
Grading or Building Permit #:GR	1692					
Project Name & Type: VALENCIA	SUB	DIVISION	U			
	LTOS	PL				
Contractor's Name & Telephone #: ANDE	RSON	DEVELO	PMENT (949	275-6737		
Property Owner & Telephone #:						
Is this Project Greater than an Acre?				¶√Yes □ I	No □ N/A	
If yes: Provide Record of Waste Discharge	dentifi	cation Nur	nber (WDID#): _	937 (369143		
Does this Project have an NOI/SWPPP Av	/ailable1	?		E Yes □	No □ N/A	
Is Weather Triggered Action Plan Complet	ted?			□ Yes □	No ZNA	
Is Advanced Treatment Implemented Appl	ropriatel	y?		□ Yes □	No ØNIA	
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:	☑ Chol	las Creek	908.22	☐ Sweetwater Riv	ver 909.12	
Nearest Conveyances or Water Bodies: 🛭	WAN'	TO CH	ANNEL TO	CHOLLAS	CREEK	
BMP	Yes	No N/	A Descripti	on/Explanation	Effective Yes/No	
Soil State	oilization	and Erosi	on Prevention			
Preservation of existing vegetation?		X				
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	X		lack erosion		No	
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	X		sidewalls o	ind at basin	No	
Site Drainage: Outlet Protection/Slope Drain		X				
Inlet/Outlet Protection		7				
	liment C	ontrol/Con		imeter controls	1	
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X		inadequate per at NW & SE Silt fences no	corners + mestern 1	, No	
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X		Drain an Avala	n lacks protection	No	

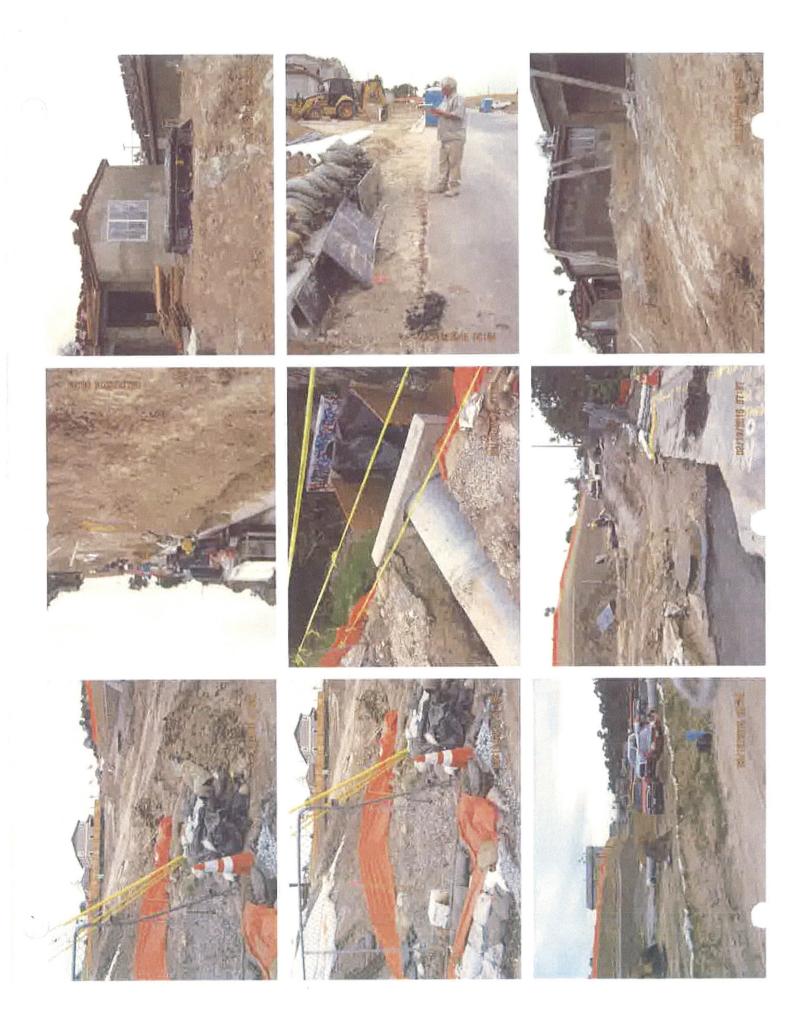
ВМР	Yes	No	N/A	The state of the s	Effective Yes/No				
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	X			thiltiple entrances need replace- mentricipals of TC-1. Drivenings lack adequate tracking controls per plans Codiment or readways	No				
Materi	als and	Equipn	ent Ma	anagement					
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?	×			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?	×				Yes				
Are appropriate spill response and containment measures kept on the site?	X			some vehicles lack drip	No				
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×				Yes				
Are concrete washouts properly installed, maintained with no evidence of discharges.	×			grand outside of washouts	No				
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	χ				Yes				
No	n-Storm	1 Water	Mana	gement					
Is the site free of evidence of illegal connections and/or illicit discharges?	×			d .	Yes				
Discharge Locations									
Are the discharge locations free of significant erosion or sediment transport?	×				Yes				
Other									
Are there any other potential storm water pollution issues/concerns?		X							
Was there any employee or subcontractor training on stormwater BMPs?		T.	×	na discussed					
VIOLATIONS ☐ No violations noted at time of insp No violations; however, recomme Standard Inspection Form as Correct Violation: Illegal Discharge/Illegal ☐ Stop Work Notice Issued	nded co ct Work Conne	orrectiv Notice ction/In	e actio □ Co nprope	rrect Work Notice Issued on: r BMPs Implementation					
SEE NEXT PAGE FOR RECOMMENDATIONS									

.)

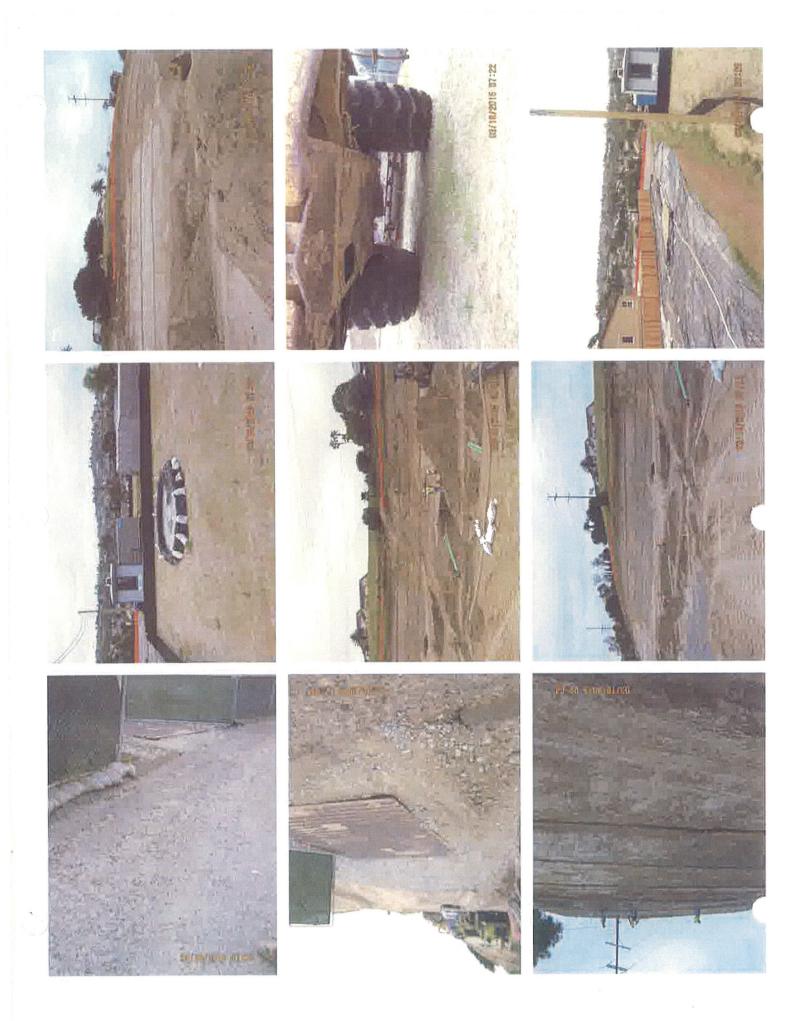
Construction BMP Recommendations

Site:	te: VALENCIA Date:	3/18/15
Reco	ecommendations:	
(1) (3) (4) (5) (5) (6) (6) (6) (6) (6) (6) (6) (6) (6) (6	A STATE OF THE STA	MULTIPLE LOCATIONS WASHOUTS PROPERLY DRIVEWAY LOTS SEE SOIL SEE INACTIVE AREAS BASINS TON ENTRANCE BMPS
1	PROVIDE SECONDARY CONTAINMENT FOR LIQ	UID STORAGE

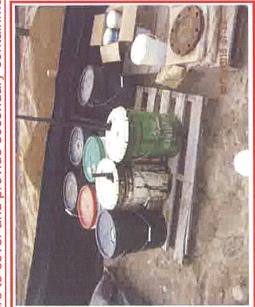










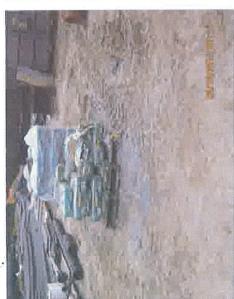










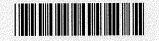


Nakatami, Tad

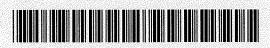


Job: 598613

Exhibit: 00015







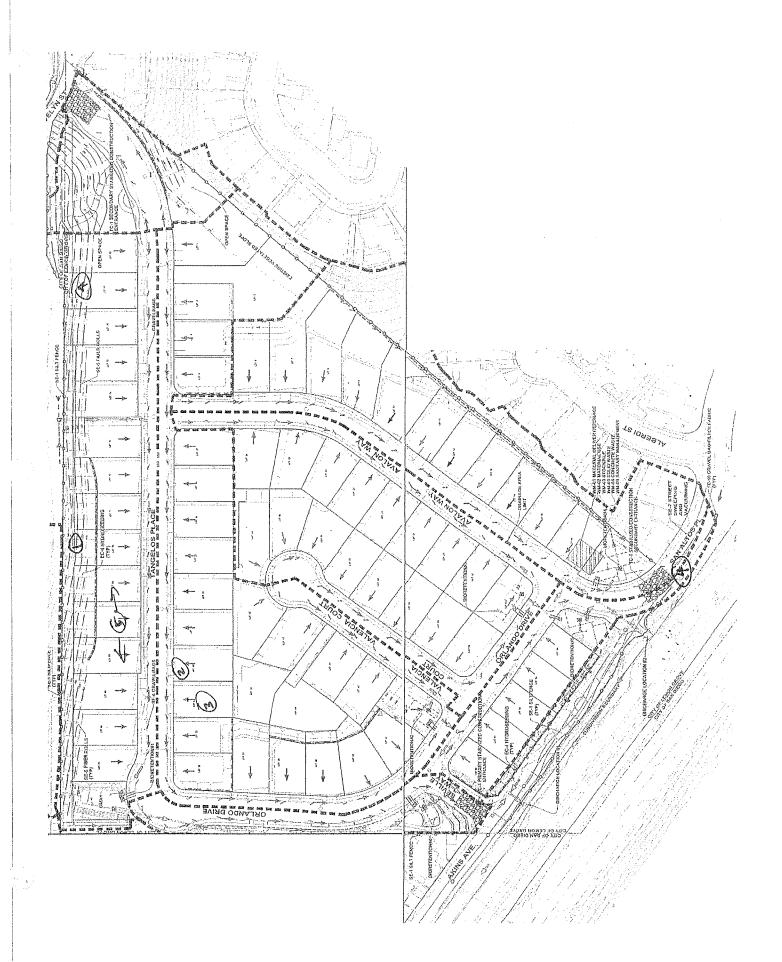


3232 Main Street, Lemon Grove, CA 91945

Inspector Name /Signature/Date/Time:	ĀP	NAKAT	ANI	-MR	4/29/15	7:3	04 07
Inspection: MPermit-Required Inspection	า	□ Follo	w-up l	nspection	☐ Other (Ex	(plain)_	
Construction Project Priority:		□ High	ì	 Medium	□ Low		
GENERAL INFORMATION							
Grading or Building Permit #:GR-16	92						
Project Name & Type: VALENCIA		BDIVISI	ON				***
Project Location & Address: SAN AL	TC 5	PL					
Contractor's Name & Telephone #: AN	DER	SON D	EVEL	OPMENT	(999) 275.	· 673°	<u></u>
Property Owner & Telephone #:SAN _	110	5 <u>LL</u>	e-0 				·
Is this Project Greater than an Acre?					⊠ Y	es □ N	o □ N/A
If yes: Provide Record of Waste Discharge	den	tification	Numb	er (WDID#): _	937 (367)	143	
Does this Project have an NOI/SWPPP Av	/ailabl	e?				es □N	- 1 (Ra)
Is Weather Triggered Action Plan Complete	ted?				□Ү	es □N	o ⊠∕N/A
Is Advanced Treatment Implemented App	ropriat	tely?			ПΥ	es □N	o 🖭 N/A
Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? ☐ Yes ᡚNo ☐ N/A						o □ N/A	
Is 125% of Materials to Install Standby BM	IPs Av	vailable?			M Y	es □N	o □N/A
Are Routine Self-Inspections Being Condu	icted l	oy Devel	oper/O	wner?	√Y	es □N	o □ N/A
Project Site is in What Sub-Watershed:	⊠Ch	ollas Cre	ek 90	8.22	□ Sweetwa	ter Rive	er 909.12
Nearest Conveyances or Water Bodies: <u>E</u>	ENCA	anto (CHANA	VEL TO C	HOLLAS CR	EEK	
ВМР	Yes	No	N/A	Descript	ion/Explanati	on	Effective
	Angeliko.						Yes/No
Preservation of existing vegetation?	onizati	on and E	rosion	Prevention			
Physical Stabilization: Hydraulic Mulch,	~			SOME BARE A	FEAS ON WEST LY EXPOSED A	SLOFE	No
Hydroseeding, Soil Binders, Straw Mulch	<u> </u>			ARE STABIL	TED BEFORE 🗗 🗗	LOMING	170
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	×					(105	Ye 5
Site Drainage: Outlet Protection/Slope Drain		%. %					
Inlet/Outlet Protection			(O 1 - i				
Perimeter Protection: Silt Fencing, Gravel		t Control	Contai	mnent			Y .
Bags, Fiber Rolls	<i>y</i> ,						Es
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	X			831-8989	EXHIBIT	15	Yes

ВМР	Yes	No	N/A	Description/Explanation	Effective Yes/No
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×				Kes
Materia	ıls and	Equipm	ent Ma	anagement	
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?	Ŋ				Yes.
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	X			covered or active	YES
Are heavy equipment and vehicles parked in designated areas with permeable surface?	×				Yes
Are appropriate spill response and containment measures kept on the site?	×				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×	·		some concrete weste on site. Needs to be removed	No
Are concrete washouts properly installed, maintained with no evidence of discharges.	×			one washout needs to be emptied	No
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	· ×			,	res
No	n-Storn	n Water	Manag	gement :	,
Is the site free of evidence of illegal connections and/or illicit discharges?	×				Yes
	Discl	harge L	ocation	18	,
Are the discharge locations free of significant erosion or sediment transport?	7				Tes
		Othe	r	·	T
Are there any other potential storm water pollution issues/concerns?		×		Not discussed	
Was there any employee or subcontractor training on stormwater BMPs?			×	Mar a se d	
IOLATIONS No violations noted at time of insp No violations; however, recommer Inspection Form as Correct Violation: Illegal Discharge/Illegal Stop Work Notice Issued of	nded co t Work Conne	orrective Notice ction/In	e actio □ Cor prope	rrect Work Notice Issued on: r BMPs Implementation	
RECOMMENDED CORRECTIVE ACTION					
SEE NEXT PAGE	•				
	***************************************	44,000			
					

Site: VALENCIA Da	ite: 4/29/15
Recommendations:	
O PROTECT BARE APEAS ON PREVIOUSLY	
SECTION OF WESTERN SLOPE	
D EMPTY CONCRETE WASH-OUT	
3 REMOVE CONCRETE WASTE	
ADDITIONAL NOTE:	
(4) ADD EROSION CONTROLS TO NEW	CY EXPOSED
AREAS WHEN THEY BECOME INACT	IVE
5 REPLACE SECTIONS OF SILT FENCE ONE	
LOTS ARE NO LONGER BEING USEI	
ALTERNATE VEHICLE POUTE	
·	



Nakatami, Tad



_ob: 598613

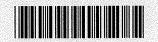






Exhibit: 00016

rom:

Tad Nakatani <tnakatani@dmaxinc.com> Monday, September 14, 2015 10:32 AM

Sent: To:

Malik Tamimi

Subject:

RE: D-Max Construction Inspections

Hi Malik,

The City is not technically required to do any pre-, post-, or during-rain event inspections of private developments. Those inspections related to individual rain events come from the construction general permit rather than the JRMP or municipal permit, and those are inspections that must be performed by the developer's QSP. So the inspection frequency table in my previous email covers all the construction inspections that the <u>City</u> needs to conduct under the JRMP.

There were some deficiencies at Valencia last time I was there, but nothing too horrible by Valencia standards. They had actually done a pretty good job of addressing the deficiencies from their previous inspection and the latest deficiencies were mostly new ones around areas of recent activity. Vernon Ranch only had one deficiency, and it was not too major. The deficiency was just that their tracking control BMP at the site entrance should be beefed up to meet the specification the SWPPP.

Budget-wise, D-Max has about \$5,500 left in our current contract for construction inspections.

From: Malik Tamimi [mailto:mtamimi@lemongrove.ca.gov]

jent: Monday, September 14, 2015 9:45 AM

To: 'Tad Nakatani'

Subject: RE: D-Max Construction Inspections

Thank you...very helpful...can you also tell me the requirements for pre-rain event inspections based on the JRMP and were the last inspection findings for the sites deficient? Also let me know how the budget is looking so that we can ask the developer for more funds.

Thank you for all your good work!

-Malik

From: Tad Nakatani [mailto:tnakatani@dmaxinc.com]

Sent: Monday, September 14, 2015 9:41 AM

To: Malik Tamimi

Subject: D-Max Construction Inspections

Hi Malik,

Here is a summary of the construction inspections I have done this FY.

- In July I did a monthly inspection of Valencia
- In August Gary asked me to switch back to inspecting every other week. Since then I have done 3 bi-weekly inspections of Valencia AND Vernon Ranch (8/5, 8/19, & 9/2).
- Gary also asked me to begin inspecting Golden Doors (Golden Ave & Washington) next time I come out.

Based on the JRMP prioritization (see screenshot), it looks like Valencia should be High Priority, Vernon Ranch should be Medium, and Golden Doors should be low.



A. I. L. Construction Sile Promitivesory

All construction sites within the City's jurisdiction are assigned priorities based on the criteria in Table 5-1, which incorporates the prioritization factors from Municipal Permit sections E.4.b.(2) and E.4.d. Priorities are initially assigned when a project is added to the inventory. During the quarterly review of the City's construction inventory, re-prioritization of TTWQ designations for active construction sites will be performed as needed.

Table 5-1. Construction Project Threat to Water Quality Prioritzation Criteria

CGP Calegory	Site Priority
Risk Level 2 or 3 or LUP Type 2 or 3	High
Risk Level 1 or LUP Type 1	Medium
All other projects	Low
<u>Notes</u>	
CGP - State Construction General Permit	
LUP - Linear Underground/Overhead Project	

Also, here are the inspection frequency requirements from the JRMP:

The following table presents the different TTWQ categories and their corresponding inspection frequencies for the wet (October 1 through April 30) and dry (May 1 through September 30) seasons.

Table 5-2. Construction Site Inspection Frequency

Construction Site	Wet Season Inspection Frequency	Dry Season Inspection Frequency
High	Twice per Month	As Needed
Medium	Monthly	As Needed
Low	As Needed	As Needed

Note

Tad Nakatani | D-Max Engineering, Inc.

7220 Trade Street | Suite 119 | San Diego, California 92121

Phone: 858.586.6600 ext 17 | Fax: 858.586.6644 | Email: tnakatani@dmaxinc.com

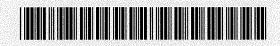
Low priority projects are generally inspected at least once over the life of the project. Since
many low priority projects are very small projects, the construction duration may be too short
for a storm water inspection to occur.

Nakatami, Tad



_ob: 598613

Exhibit: 00017



From: Sent: To: Cc: Subject: Attachments:	Tad Nakatani [tnakatani@dmaxinc.com] Wednesday, September 16, 2015 10:55 AM Gary Harper Malik Tamimi Construction Inspection Reports - Draft Golden Doors Inspection 2105-09-15.pdf; Valencia Inspection 2105-09-15.pdf; Vernon Ranch Inspection 2105-09-15.pdf
Hi Gary,	
	on forms for the three sites I went to yesterday. I have not yet filled out the Violations section like me to still fill out the "Inspection Form as Correct Work Notice" option, or do you plan to any of the sites?
□ No violations;□ Inspec□ Violation: Illeg	noted at time of inspection/investigation however, recommended corrective actions required tion Form as Correct Work Notice □ Correct Work Notice Issued on: al Discharge/Illegal Connection/Improper BMPs Implementation Vork Notice Issued on:
	redir?resid=A3F1E0BB256DBF45!1953&authkey=!AKqffLY9S50sHDQ&ithint=folder%2czip/ ht now, so you may need to wait a couple minutes to download them)

Tad Nakatani | D-Max Engineering, Inc. 7220 Trade Street | Suite 119 | San Diego, California 92121 Phone: 858.586.6600 ext 17 | Fax: 858.586.6644 | Email: <u>tnakatani@dmaxinc.com</u>



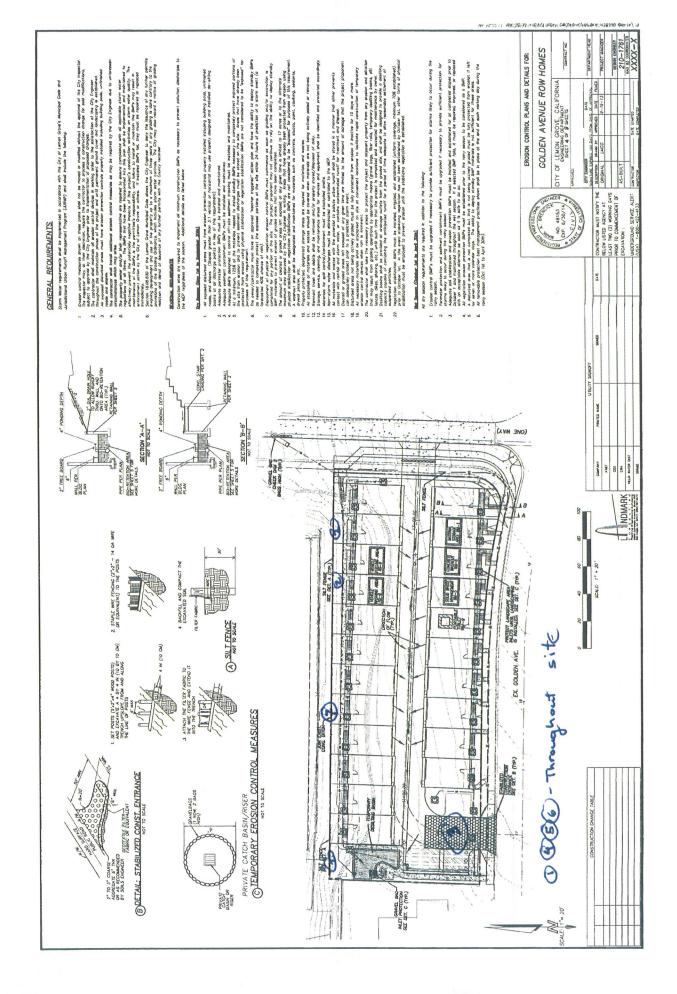


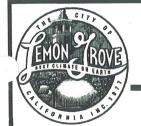
3232 Main Street, Lemon Grove, CA 91945

Inspector Name /Signature/Date/Time:	(A)	NAKAT	ANI	DIK .	15/5	1:3	PM
Inspection:	n	□ Follo	w-up	nspection Other	er (Explai	n)	
Construction Project Priority: ☐ High				≭ Low			
Approximate rainfall since last inspection:	***************************************	_ inche	s NA	: 1st inspection by	D-Marc		
GENERAL INFORMATION							
Grading or Building Permit #:					***************************************		-
Project Name & Type: GOLDEN D	OORS						
Project Location & Address: NW Con	NEK	of G	LDEN	AVE & WASHIN	GTON		
Contractor's Name & Telephone #:							
Property Owner & Telephone #:							
Is this Project Greater than an Acre?					□ Yes I	N O	□ N/A
If yes: Provide Record of Waste Discharge			Numb	er (WDID#):			
Does this Project have an NOI/SWPPP A		?			☐ Yes [⊠ N/A
Is Weather Triggered Action Plan Comple	ted?				☐ Yes [□No	XN/A
Is More than 17 Acres of Cleared or Grad	ed Area	as Left I	Expose	ed at Any Given Time?	□ Yes	XNo	□ N/A
Sufficient Standby BMPs Onsite to Protect	t Site V	√ithin 48	B Hour	s of Predicted Storm?	☐ Yes]	≅ No	□ N/A
Are Routine Self-Inspections Being Condu	ucted by	y Devel	oper/C	wner?	☐ Yes	□ No	O N/A
Project Site is in What Sub-Watershed:	K Cho	llas Cre	eek 90	8.22 □ Swe	eetwater F	River 9	909.12
BMP	Yes	No	N/A	Description/Expl	anation	163 SAN TO SERVICE STATE	fective es/No
***************************************	bilizatio	n and E	rosion	Prevention			
Preservation of existing vegetation?	×		***************************************	Busined areas lack			
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch		X		stabilization. Signification observed	read	N	6
Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching		×		er 11		٨	ح
Site Drainage: Outlet Protection/Slope Drain			×				
Inlet/Outlet Protection		×		Gravel bags below or but evidence of sedim	that pip		Jo Irwagh
	diment	Control	Conta	Inment Damged silt for	4	1,,,	yacış -
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	×			Damiged 3111 400		1	J.
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit			×	No TC at Golden		لو	

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Materia	als and	Equipm	ent Ma	nagement	
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?		×		trash/wate on ground	No
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?		×		Sediment piles not protected	No
Are heavy equipment and vehicles parked in designated areas with permeable surface?	×				Te s
Are appropriate spill response and containment measures kept on the site?		×		Equipment lacks drip pans	N-
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)		×		trash/waste on ground	P-
Are concrete washouts properly installed, maintained with no evidence of discharges.			×		N I
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×				Yes
······	n-Storm	Water	Manag	ement	
Is the site free of evidence of illegal connections and/or illicit discharges?	×				res
	Disch	arge L	ocation		
Are the discharge locations free of significant erosion or sediment transport?		×		Evidence of sediment discharging to downstream	, D-
	1	Othe	r		
Are there any other potential storm water pollution issues/concerns?		×		NA: No personnel present	
Was there any employee or subcontractor training on stormwater BMPs?			×	NA: No personnel present	
RECOMMENDED CORRECTIVE ACTION					
SEE NEXT PAGE			·····		
	***************************************	***************************************	***************************************		
Have any corrective actions from the previous of NO, and if it has been more than 30 days than 30 days was necessary to resolve the	since t	he corr	ective a	action was originally required, exp	lain why more
☐ Violation: Illegal Discharge/Illegal	nded co ct Work Conne	Notice ction/In	action Cor nprope	rect Work Notice Issued on:	

Site: GOLDEN DOORS Date: 9/15/15
Recommendations:
1 UTILIZE EROSION CONTROL BARS ON DISTURBED
AREAS
@ REPAIR SILT FENCE
3 INSTALL TRACKING CONTROL BMP AT ENTRANCE ALONG
GOLDEN AVE IN ACCORDANCE WITH THE EROSION CONTROL PLAN
PROPERTY STORE LITTER/WASTE
ENSURE THAT ANY SOMENT STOCKPILES HE PROTECTED WHEN INACTIVE
AND PRIOR TO RAIN
6 PLACE DRIP PANS UNDER EQUIPMENT
PREVENT SEDIMENT FROM DISCHARGING TO DRAIN LOCATED TO
THE NORTH OF DEVELOPMENT





3232 Main Street, Lemon Grove, CA 91945

If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143 Does this Project have an NOI/SWPPP Available? Is Weather Triggered Action Plan Completed? Is Weather Triggered Action Plan Completed? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Chearean Areas Left Exposed at Any Given Time? Is More than 17 Acres of Chearean Areas Left Exposed at Any Given Time? Is More than 17 Acres of Chearean Areas Left		Inspector Name /Signature/Date/Time:	AD N	AKATA	ומן -	able	9/15/15		2:00	PM	
Grading or Building Permit #: GR-1692 Project Name & Type: Valencia Subdivision Project Location & Address: San Altos Place Contractor's Name & Telephone #: San Altos Place Contractor's Name & Telephone #: San Altos LLC Is this Project Greater than an Acre? Property Owner & Telephone #: San Altos LLC Is this Project Greater than an Acre? If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143 Does this Project have an NOI/SWPPP Available? Is Weather Triggered Action Plan Completed? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 18 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared Order or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared Order or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared Order or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared Order or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres or Graded Areas Left Expose		Construction Project Priority:		□ Med	ium		□ Othe	er (Expla	ain)	нешения	
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? Is this Project Greater than an Acre? If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143 Does this Project have an NOI/SWPPP Available? Is Weather Triggered Action Plan Completed? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is No Sufficient Standby BMPs Onsite to Protect Site Within 48 Hours of Predicted Storm? If yes No No Project Site is in What Sub-Watershed: If Chollas Creek 908.22 If Sweetwater River 9 Soil Stabilization and Erosion Prevention Preservation of existing vegetation? Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, Desilting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization: Tire Wash, Street	G	ENERAL INFORMATION									
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? Is this Project Greater than an Acre? Is this Project have an NOI/SWPPP Available? Is Weather Triggered Action Plan Completed? Is Weather Triggered Action Plan Completed? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 18 Hours of Predicted Storm? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared Or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared Or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared Or Graded Areas Left Exposed at Any Given Time? Is More than 19 Acres of Cleared Areas Left Exposed at Any Given Time? I		Grading or Building Permit #: GR-1692									
Contractor's Name & Telephone #: Anderson Development (949) 275-6739 Property Owner & Telephone #: San Altos LLC Is this Project Greater than an Acre? If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143 Does this Project have an NOI/SWPPP Available? Is Weather Triggered Action Plan Completed? Is Weather Triggered Action Plan Completed? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? In More than 17 Acres of Cleared Or Graded Areas Left Exposed at Any Given Time? In More than 17 Acres of Cleared Or Graded Areas Left Exposed at Any Given Time? In More than 17 Acres of Cleared Or Graded Areas Left Exposed at Any Given Time? In More than 17 Acres of Cleared Or Graded Areas Left Exposed at Any Given Time? In More than 17 Acres of Cleared Or Graded Areas Left Exposed at Any Given Time? In More than 17 Acres of Cleared Or Graded Areas Left Exposed at Any Given Time? In More than 17 Acres of Cleared Or Graded Areas Left Exposed Areas Left Exposed At Any Given Time? In More than 17 Acres of Cleared Or Graded Areas Left Exposed Areas Left Exposed At Any Given Time? In More than 17 Acres of Cleared Or Graded Areas Left Exposed Or Graded Areas Le		Project Name & Type: Valencia Subdivisio	n				***************************************	***************************************	***************************************	положения	
Property Owner & Telephone #: San Altos LLC Is this Project Greater than an Acre? If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143 Does this Project have an NOI/SWPPP Available? Is Weather Triggered Action Plan Completed? Is Weather Triggered Action Plan Completed? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? If yes Is No Sufficient Standby BMPs Onsite to Protect Site Within 48 Hours of Predicted Storm? If yes Is No Are Routine Self-Inspections Being Conducted by Developer/Owner? If yes Is No Project Site is in What Sub-Watershed: Soil Stabilization and Erosion Prevention Preservation of existing vegetation? Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street		Project Location & Address: San Altos Pla	се								
Is this Project Greater than an Acre? If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143 Does this Project have an NOI/SWPPP Available? Is Weather Triggered Action Plan Completed? Is Weather Triggered Action Plan Completed? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time? Is More than 17 Acres of Cleared Areas Left Exposed at Any Given Time?		Contractor's Name & Telephone #: Ander	son De	velopm	ent (9	949) 275-673	9			***********	
If yes: Provide Record of Waste Discharge Identification Number (WDID#): 937C369143 Does this Project have an NOI/SWPPP Available? Is Weather Triggered Action Plan Completed? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Sufficient Standby BMPs Onsite to Protect Site Within 48 Hours of Predicted Storm? Are Routine Self-Inspections Being Conducted by Developer/Owner? Project Site is in What Sub-Watershed: Soil Stabilization and Erosion Prevention Preservation of existing vegetation? Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street			LLC		W			ĭYes	_ _ No	D N//	A
Does this Project have an NOI/SWPPP Available? Is Weather Triggered Action Plan Completed? Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Sufficient Standby BMPs Onsite to Protect Site Within 48 Hours of Predicted Storm? Are Routine Self-Inspections Being Conducted by Developer/Owner? Project Site is in What Sub-Watershed: BMP Yes No N/A Description/Explanation Preservation of existing vegetation? Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection: Sit Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street		•	e Identi	fication	Numb	er (WDID#):	937C3691	43			
Is More than 17 Acres of Cleared or Graded Areas Left Exposed at Any Given Time? Yes No Sufficient Standby BMPs Onsite to Protect Site Within 48 Hours of Predicted Storm? Yes No Are Routine Self-Inspections Being Conducted by Developer/Owner? Yes No Project Site is in What Sub-Watershed: Chollas Creek 908.22 Sweetwater River 908.22 Sweetw						. (****).			□No	□ N//	Ą
Sufficient Standby BMPs Onsite to Protect Site Within 48 Hours of Predicted Storm?		Is Weather Triggered Action Plan Complete	ted?					□ Yes	□No	•	
Are Routine Self-Inspections Being Conducted by Developer/Owner? Project Site is in What Sub-Watershed: BMP Yes No N/A Description/Explanation Figure Soil Stabilization and Erosion Prevention Preservation of existing vegetation? Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street		Is More than 17 Acres of Cleared or Grade	ed Area	as Left I	Expose	ed at Any Giv	en Time?	□ Yes	B No	₩ N/	A
Project Site is in What Sub-Watershed:		Sufficient Standby BMPs Onsite to Protect	t Site V	Vithin 48	8 Hour	s of Predicte	d Storm?	□ Yes	™ No	□ N//	A
Soil Stabilization and Erosion Prevention Preservation of existing vegetation? Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection Sediment Control/Containment Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street		Are Routine Self-Inspections Being Condu	cted by	y Devel	oper/C	wner?		≱Yes	□No	□ N//	Α
Soil Stabilization and Erosion Prevention Preservation of existing vegetation? Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection Sediment Control/Containment Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street		Project Site is in What Sub-Watershed:	Æ Cho	ollas Cr	eek 90	8.22	□ Swe	etwater	Rive	r 909.12	2
Preservation of existing vegetation? Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection Sediment Control/Containment Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street		BMP	Yes	No	N/A	Descrip	tion/Expla	nation		Effectiv Yes/No	US PRISH
Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection Sediment Control/Containment Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street		Soil Stal	oilizatio	n and E	rosion	Prevention					_
Hydroseeding, Soil Binders, Straw Mulch Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection Sediment Control/Containment Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street			***************************************		×						
Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain Inlet/Outlet Protection Sediment Control/Containment Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street			*			etosim co	atrol. Evid	isher o	4	No	
Inlet/Outlet Protection Sediment Control/Containment Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street			×			fe	"			No	
Sediment Control/Containment Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street		Site Drainage: Outlet Protection/Slope Drain			×						
Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street		Inlet/Outlet Protection			×						
Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street			diment	Control	/Conta						
De-silting Basin, Gravel Bag Barrier Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street		Bags, Fiber Rolls	×							N.	
Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street			×			near SE	corner		14	No	
		Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street	×					nton ject us.		No	

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Materia	als and	Equipn	nent Ma	nagement	
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?	*				Kes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	χ			Some small sediment piles are not protected	N ₂
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?	*				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)		×		Some litter/waste throughout site	N.
Are concrete washouts properly installed, maintained with no evidence of discharges.	×				Yes
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×				Yes
	n-Storn	n Water	Manag	ement	
Is the site free of evidence of illegal connections and/or illicit discharges?	X				Yes
	Disch	narge L	ocation		μο
Are the discharge locations free of significant erosion or sediment transport?		×		some sediment in road and gutter near se corner	
And the reason with an automatical otherway weeker	1	Othe	r	sediment will steed to be	No.
Are there any other potential storm water pollution issues/concerns?	X			sediment will need to be cleaned at at be basins of erosin around inlets needs repair	, C
Was there any employee or subcontractor training on stormwater BMPs?				Not discussed	
ECOMMENDED CORRECTIVE ACTION SEE NEXT PAGE					
ave any corrective actions from the previo NO, <u>and</u> if it has been more than 30 days an 30 days was necessary to resolve the	since t	he corr	ective a	action was originally required, expl	ain why mor
IOLATIONS No violations noted at time of insp No violations; however, recomme Inspection Form as Correction Form as Correction Form as Correction Stop Work Notice Issued (Violation	nded co ct Work Conne	orrective Notice ction/In	e action Cor	rect Work Notice Issued on: r BMPs Implementation	

Site: VALENCIA Date: 9/15/15
Recommendations:
UTILIZE EROSION CONTROLS ON ALL DISTURBED AREAS PRIOR
10 PROTECT EXPOSED AREA FROM RUN-ON AND MAKE SURE AREA
is fully covered
3 ADD/INPROVE PERIMETER CONTROLS
@ ADD TO-1 IF VEHICLES WILL BE DRIVING ACROSS DEIVEWAY
(E) CLEAN SEDIMENT OUT OF COADWAYS & GUTTER
6 ADD INLET PROTECTION
@ CLEAN SEDIMENT OUT OF BIORETENTION BASINS, SIGNIFICANT
ACCUMULATION, ESPECIALLY BY INLETS
1 REPAIR EROSION BY BASIN INCETS AGO RECOMMEND
CLEARING OBSTRUCTIONS IN OUTLET RISER STRUCTURE
PICK UP TRASH



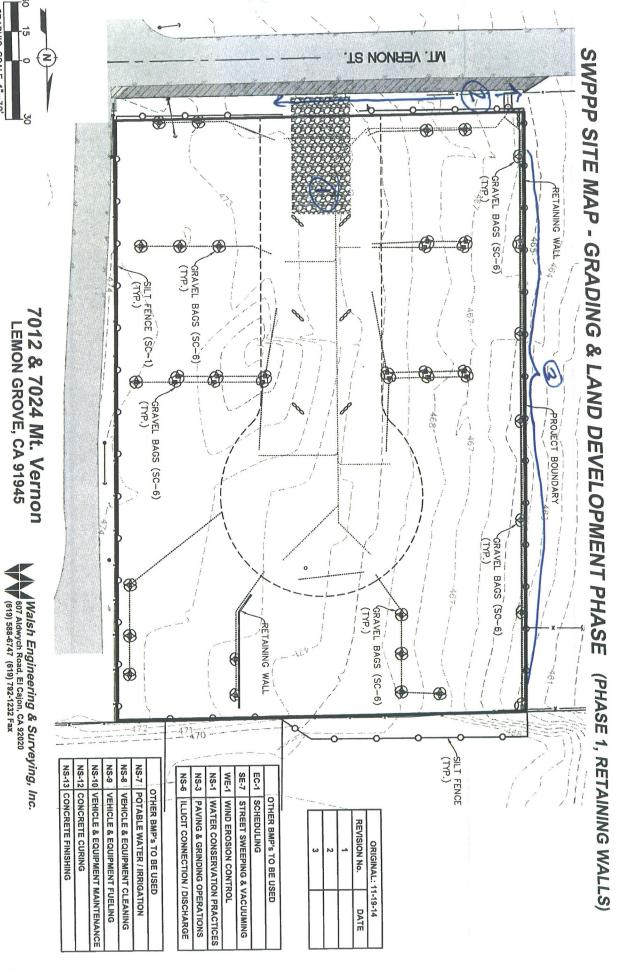
3232 Main Street, Lemon Grove, CA 91945

	Inspector Name /Signature/Date/Time:	AD N	AKATA	tui	TALK	9/15/15	3:00 pm
	Inspection: Permit-Required Inspection	n	□ Follo	w-up	Inspection	□ Other (Explain)	
	Construction Project Priority: ☐ High		™ Medi	ium	□ Low		
	Approximate rainfall since last inspection:	~0.9	🌠 inche	s			
G	SENERAL INFORMATION						
	Grading or Building Permit #: GR-1695	*****************************		**************			
	Project Name & Type: Vernon Ranch Sub	divisio	n				
	Project Location & Address: 7012 & 7024	Mt. Ve	ernon				
	Contractor's Name & Telephone #: Ander	rson D	evelopm	ent (9	949) 275-6739		
	Property Owner & Telephone #: Mt. Verno	on - Le	mon Gro	ve LL	С		
	Is this Project Greater than an Acre?					≱ Yes □	No □ N/A
	If yes: Provide Record of Waste Discharge			Numb	er (WDID#): <u>93</u>		
	Does this Project have an NOI/SWPPP Av	vailabl	e?			 Yes □	No □ N/A
	Is Weather Triggered Action Plan Comple	ted?				☐ Yes ☐ I	No 🗷 N/A
	Is More than 17 Acres of Cleared or Grade	ed Are	as Left E	Expose	ed at Any Given	Time? ☐ Yes 🗷	No □ N/A
	Sufficient Standby BMPs Onsite to Protect	t Site \	Within 48	3 Hour	s of Predicted S	torm?	No □ N/A
	Are Routine Self-Inspections Being Condu	ucted b	y Devel	oper/C	Owner?	⊅Yes □	No □ N/A
	Project Site is in What Sub-Watershed:	⊠ Ch	ollas Cre	ek 90	8.22	☐ Sweetwater Riv	er 909.12
-	BMP	Yes	No	N/A	Description	n/Explanation	Effective
							Yes/No
		bilizati	on and E		Prevention		T
	Preservation of existing vegetation? Physical Stabilization: Hydraulic Mulch,			<u> </u>	May need t	- add stabilizato	
	Hydroseeding, Soil Binders, Straw Mulch	×			on Southern	edge	No.
	Geotextiles, Plastic Covers, Erosion		×				
	Prevention Blankets, Wood Mulching Site Drainage: Outlet Protection/Slope Drain			~			
	Inlet/Outlet Protection			×			
		diment	Control/	Conta	inment		
	Perimeter Protection: Silt Fencing, Gravel	T			Evidence of	sediment fragert	N.
	Bags, Fiber Rolls	×			beyond silt &	ence along	700
	Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier		×		•		
	Tracking Controls: Stabilized Entrance/Exit	×			TC-1 lacks	sufficient	N-
7	Road Stabilization, Tire Wash, Street Sweeping				rack		

BMP	Yes	No	N/A	Description/Explanation	Effective Yes/No
Materia	als and	Equipm	ent Ma	anagement	1 mars 15 mars
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?	×				Yes
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	×				Yer
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?	×				Yes
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)	×				Les
Are concrete washouts properly installed, maintained with no evidence of discharges.	×				les
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×				
No	n-Storm	Water	Manag	ement	1
Is the site free of evidence of illegal connections and/or illicit discharges?	×				7-5
A . () . ()	Disch	arge Lo	cation		
Are the discharge locations free of significant erosion or sediment transport?		×		Evidence of sediment transport beyond southern twestern perimeter	h.
Are there any other potential storm water	T	Other	<u> </u>	California de la decembra	
pollution issues/concerns?	X			seeping through western wall Not discussed	No
Was there any employee or subcontractor training on stormwater BMPs?				Not alscapsed	
RECOMMENDED CORRECTIVE ACTION See	next	pao			
		1 () -		
Have any corrective actions from the previou	ıs inspe	ection N	OT be	en implemented? ¥ Ves □ No □	NΔ
If NO , <u>and</u> if it has been more than 30 days s than 30 days was necessary to resolve the d	since th leficiend	e corre	ctive a	ction was originally required expla	in why more
says they will be paving the area	Soor	1	***************************************		
VIOLATIONS ☐ No violations noted at time of inspection Form as Correct ☐ Violation: Illegal Discharge/Illegal Correct ☐ Stop Work Notice Issued or	ded cor Work I Connec	rective Notice [tion/Imp	action Corr croper	ect Work Notice Issued on:	
				Service Control	

Sit	te: VERNON KANCH Date: 9/15/1	5
Re	ecommendations:	
0	ADD SUFFICIENT POCK TO TO 1 AT SITE ENTRA	ence.
2	PERPLOY ADEQUATE COMBINATION OF ELOSION AND PREMETER CONTROLS TO PREVENT SEDIMENT TRAI	
	ALONG SOUTHERN EDGE OF SITE	
3	ELIMINATE SEDIMENT - LADEN WATER SEEDIMENT THROUGH WALL ALONG WESTERN PERIMET	15 P
	THEOLEN TOLLE ALONG WESTERN TENTHE	<u> </u>

-		



GRAPHIC SCALE 1"=30"

LEMON GROVE, CA 91945

Nakatami, Tad



ob: 598613

Exhibit: 00018



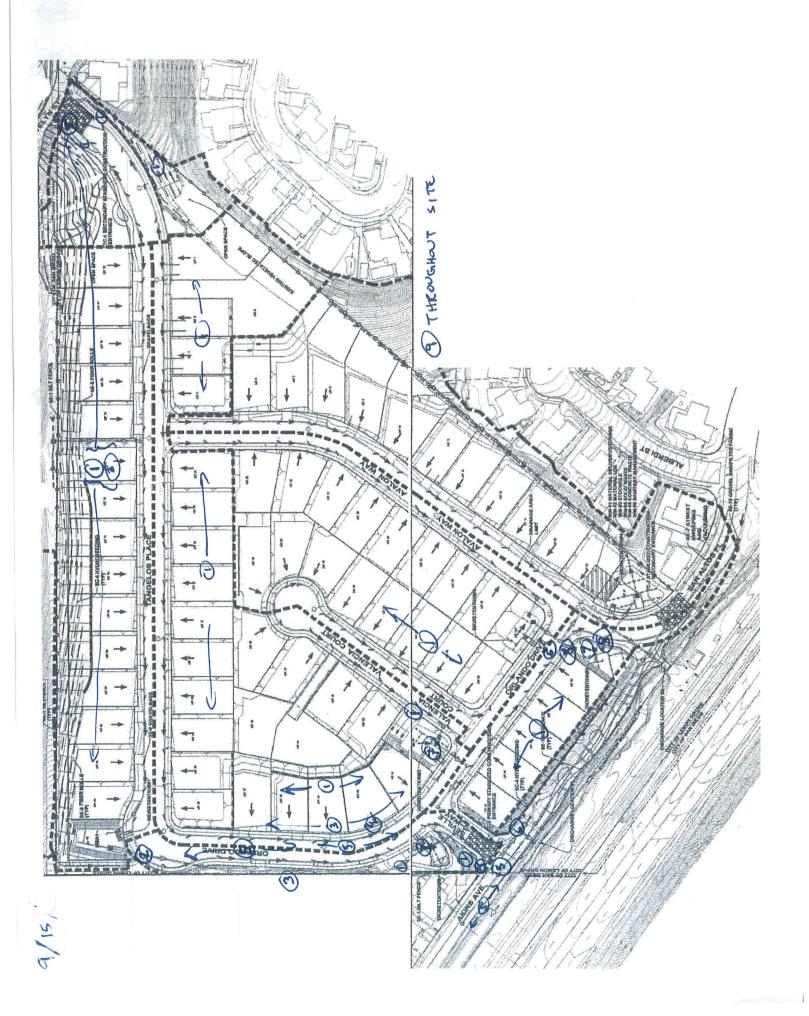


3232 Main Street, Lemon Grove, CA 91945

	Inspector Name /Signature/Date/Time:	AD N	AKATA	ר ונ	aste	9/15/15	5	2:00	PM
	Inspection: Permit-Required Inspection	1	□ Follov	w-up I	nspection	□ Oth	er (Expla	in)	onese .
	Construction Project Priority:		□ Mediu	ım	□ Low				
	Approximate rainfall since last inspection:	~.8	inches	.			6869-1	EXHI	BIT √
G	ENERAL INFORMATION						PENGAD 800-631-6986	18	1/241
	Grading or Building Permit #: GR-1692		***************************************				— FENGAL	Nak	atani
	Project Name & Type: Valencia Subdivisio	n							
	Project Location & Address: San Altos Pla	ce							
	Contractor's Name & Telephone #: Ander	son De	evelopme	ent (9	49) 275-673	9		***************************************	***************************************
	Property Owner & Telephone #: San Altos Is this Project Greater than an Acre?	LLC					X Yes	□ No	□ N/A
	If yes: Provide Record of Waste Discharge	denti	ification I	Numb	er (WDID#):	937C3691	143		
	Does this Project have an NOI/SWPPP Av				, ,		X Yes	□ No	□ N/A
	Is Weather Triggered Action Plan Complet	ted?					□ Yes	□ No	XN/A
	Is More than 17 Acres of Cleared or Grade	ed Area	as Left E	xpose	ed at Any Giv	en Time?	□ Yes	N o	™N/A
	Sufficient Standby BMPs Onsite to Protect	t Site V	Vithin 48	Hour	s of Predicte	d Storm?	□ Yes	™ No	□ N/A
	Are Routine Self-Inspections Being Condu	cted b	y Develo	per/C	wner?		≱Yes	□ No	□ N/A
	Project Site is in What Sub-Watershed:	Æ Cho	ollas Cre	ek 90	8.22	□ Swe	eetwater	River	909.12
	BMP	Yes	No	N/A	Descrip	tion/Expl	anation	TOTAL SECTION	ffective 'es/No
	Soil Stat	oilizatio	n and Er	osion	Prevention				
	Preservation of existing vegetation?			×					
	Physical Stabilization: Hydraulic Mulch, Hydroseeding, Soil Binders, Straw Mulch	×		***************************************	Significant co experim co	areas k atrol Evil majhout s	dence e	F I	No
	Geotextiles, Plastic Covers, Erosion Prevention Blankets, Wood Mulching	×			**	"			No
l	Site Drainage: Outlet Protection/Slope Drain			×					
	Inlet/Outlet Protection			×					
		liment	Control/C	Contai	inment				
-	Perimeter Protection: Silt Fencing, Gravel Bags, Fiber Rolls	X			convolution				ν.
	Storm Drain inlet protection: Sediment Trap, De-silting Basin, Gravel Bag Barrier	×			near LE	corner		ч	No
) =	Tracking Controls: Stabilized Entrance/Exit Road Stabilization, Tire Wash, Street Sweeping	×			Significant streets with	thin pro	Ject	1	U ₆
	Омесриід				where vehice	tes will be	drivery)	

BMP .	Yes	No	N/A	Description/E	xplanation	Effective Yes/No		
Materia	als and	Equipm	ent Man	agement	,			
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?	×					Yes		
Are material stockpiles protected: covered, contained and located away from non-storm water discharges?	χ			some smull sedi piles are not p	ment rute cted	h2		
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?	*					Yes		
Are wastes managed and stored properly (Solid, liquid, sanitary, concrete, hazardous)		×	1 1	some litter/wasts throughout site		N		
Are concrete washouts properly installed, maintained with no evidence of discharges.	×					Yes		
Is timely service and removal provided to prevent waste containers and sanitary facilities from overflowing?	×					Yes		
	n-Storm	n Water	Manage	ment				
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?		×		some sediment	se corner	ρο		
		Othe						
Are there any other potential storm water pollution issues/concerns?	X		4	fedrand will reed learned at at l fraud in lets need	s repair	No.		
Was there any employee or subcontractor training on stormwater BMPs?				Not discussed				
ECOMMENDED CORRECTIVE ACTION SEE NEXT PAGE								
	••••••							
lave any corrective actions from the previor NO, <u>and</u> if it has been more than 30 days han 30 days was necessary to resolve the	since t	he corr	ective ac	tion was originally	required, expla	ain why mo		
IOLATIONS ☐ No violations noted at time of insp ☐ No violations; however, recomme ☐ Inspection Form as Correction Form as Correction Form as Correction: Illegal Discharge/Illegal ☐ Stop Work Notice Issued of Uiolation	nded co ct Work Conne	orrective Notice ction/In	e actions Corre	ect Work Notice Is BMPs Implementa				

Site: VALENCIA Date: 9/15/15
Recommendations:
UTILIZE EROSION CONTROLS ON ALL DISTURBED AREAS PRIOR
TO RAIN EVENTS, OR WHEN THEY ARE NACTIVE, WHICHEVER COMES FIRST
@ PROTECT EXPOSED AREA FROM RUN-ON AND MAKE SURE AREA IS FULLY CONCRED
3 ADD/INPROVE PERIMETER CONTROLS
@ ADD TC-1 IF VEHICLES WILL BE DRIVING ACROSS DRIVEWAY
(5) CLEAN SEDIMENT OUT OF ROADWAYS & GUTTER
6 ADD INCET PROTECTION
@ CLEAN SEDIMENT OUT OF BIORETENTION BASINS, SIGNIFICANT
ACCUMULATION, ESPECIALLY BY INLETS
(9) REPAIR EROSION BY BASIN INCETS ALSO RECOMMEND
CLEARING OBSTRUCTIONS IN QUILET RISER STRUCTURE
PROK UP TRASH



Page 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

IN THE	MATTER OF:	,
ADMINI	STRATIVE CIVIL	,
	LITY COMPLAINT NO.	,
	5-0110	,
	ST SAN ALTOS - LEMON	,
GROVE,	LLC.	,
		,

THE DEPOSITION OF TAD NAKATANI, a witness herein, noticed by Opper & Varco, LLP, at 225 Broadway, Suite 1900, San Diego, California, at 8:42 a.m., on Tuesday, December 29, 2015, before R. Jerrod Jones, CSR 11750, RPR

Job Number 598613



2 (Pages 2 to 5)

	2 (Pages 2 to 5)
Page 2	Page 4
APPEARANCES OF COUNSEL: For San Altos, Lemon Grove, LLC: OPPER & VARCO, LLP BY: LINDA C. BERESFORD, ESQ. S. WAYNE ROSENBAUM, ESQ. 225 Broadway Suite 1900 San Diego, California 92101 (619) 231-5858 Lindab@envirolaywer.com Sww@envirolaywer.com For California State Water Resources Control Board: CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, STATE WATER RESOURCES CONTROL BOARD, OFFICE OF ENFORCEMENT BY: DAVID M. BOYERS, ESQ. 13 1001 I Street P.O. Box 100 Sacramento, California 95812 (916) 341-5276 David.boyers@waterboards.ca.gov For Deponent, Gary Harper: LOUNSBERY, FERGUSON, ALTONA & PEAK, LLP BY: JAMES P. LOUGH, ESQ. 960 Canterbury Place Suite 300 Escondido, California 92025 (760) 743-1201 Jpl@lfap.com Also Present: Joshua Rosenbaum Frank Melbourn	1 7 E-Mail From Malik Tamimi to 43 88 John Quenzer dated 12/16/14 [EXH-7] 3 8 D-Max Engineering Memo dated 45 83 12/17/14 [EXH-8] 4 9 D-Max Engineering Memo dated 47 88 12/31/14 [EXH-9] 6 10 NPDES Stormwater Program 48 88 Construction Stormwater 7 Compliance Inspection Form dated 1/6/15 [EXH-10] 8 11 NPDES Stormwater Program 54 88 9 Construction Stormwater Compliance Inspection Form dated 1/14/15 [EXH-11] 11 12 D-Max Engineering Memo dated 58 88 1/16/15 [EXH-12] 12 13 E-Mail from Leon Firsht to 64 88 13 Tad Nakstani dated 2/4/15 [EXH-13] 14 NPDES Stormwater Program 66 88 15 Construction Stormwater Compliance Inspection Form dated 3/18/15 [EXH-14] 17 15 NPDES Stormwater Program 70 88 Construction Stormwater Compliance Inspection Form dated 4/29/15 [EXH-15] 19 16 E-Mail From Tad Nakstani to 71 88 Malik Tamimi dated 9/14/15 [EXH-16] 17 E-Mail From Tad Nakstani to 73 88 20 Gary Happer dated 9/16/15 [EXH-17] 18 NPDES Stormwater Program 74 88 24 Construction Stormwater Compliance Inspection Form Compliance Inspection Form dated 4/29/15 [EXH-15] 19 16 E-Mail From Tad Nakstani to 73 88 20 Gary Happer dated 9/16/15 [EXH-17]
Page 3 INDEX INDEX WITNESS: TAD NAKATANI EXAMINATION BY: PAGE MS. BERESFORD 5 MR. BOYERS 82 EXHIBITS Exhibit identification within the transcript is flagged with "[EXH]" as an identifier. EXHIBIT DESCRIPTION IDENTIFIED MARKED San Altos - Lemon Grove, LLC's 7 88 Notice of Deposition of Tad Nakatani and Request for Production of Documents [EXH-1] PNPDES Stormwater Program 22 88 Construction Stormwater Compliance Inspection Form dated 12/9/14 [EXH-2] NPDES Stormwater Program 30 88 Construction Stormwater Compliance Inspection Form dated 12/11/14 [EXH-3] Compliance Inspection Form dated 12/11/14 [EXH-4] D-Max Engineering Memo dated 33 88 12/12/14 [EXH-5] D-Max Engineering Memo dated 33 88 12/12/14 [EXH-5] NPDES Stormwater Program 37 88 Construction Stormwater Compliance Inspection Form dated 12/16/14 [EXH-6]	Page 5 SAN DIEGO, CALIFORNIA; TUESDAY, DECEMBER 29, 2015 8:42 A.M. TAD NAKATANI, having been first duly sworn, was examined and testified as follows: EXAMINATION BY MS. BERESFORD: Q. Good morning, Mr. Nakatani. A. Hi. Q. My name is Linda Beresford. I'm one of the attorneys for San Altos-Lemon Grove, LLC, representing them in the matter of the Administrative Civil Liability Complaint Number R9-2015-0110, issued by the Regional Water Quality Control Board. Would you state your name and spell it for the record. A. Tad Nakatani, T-a-d, N-a-k-a-t-a-n-i. Q. Thank you. Have you had your deposition taken before? A. No. Q. There's a few ground rules that I'd like to go over with you, just to try to make the process

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go a little more smoothly. We are here today at a
hearing under oath. We have a court reporter taking
down everything that we say. So when I ask a
question, if it's possible, please try to respond
verbally, "yes," "no," a sentence, rather than a
shrug or "uh-huh," things that are difficult to read

on a transcript. Understood?

A. Yes.

Q. Okay. And in order to have an accurate transcript, it's important that you understand my question and I understand your answer. So if possible, we'll try to have one person speaking at a time. So if you can wait for me to finish my question; and I, in turn, will also do my best and wait for you to finish your answer before we stop speaking -- before I start speaking so that we're not talking over each other.

Do you understand?

A. Yes.

Q. Please feel free to take a break at any time. The only thing I ask is that if I have a question pending before you, that you answer the question before we take a break; is that understood?

A. Yes.

Q. Okay. And finally, I'm sorry, but I do

but it's my understanding that this is my Subpoena to appear today, and a list of documents to be provided.

Q. Okay. Thank you.

A. Yes.

Q. Did you bring any documents with you today?

Page 8

Page 9

A. We worked would Jim last week to -- he asked us to give it to them on DVD.

Are you Wayne, by the way?

10 MR. ROSENBAUM: Yes.

THE WITNESS: He said he would talk to Wayne and let us know.

MR. LOUGH: We added theirs. It's on the CD-ROM we gave you.

15 BY MS. BERESFORD:

Q. So it's your testimony that all of the documents that you have responsive to that, you provided to Mr. Lough to produce with the City of Lemon Grove's documents?

A. Yes. I believe they were on different DVDs but submitted to him.

I'm guessing you gave those at the same time.

Q. Okay. In your review of documents, did you identify any documents that you thought were possibly responsive but you did not produce for some

Page 7

have to ask: Are you taking any medication, or is there any other reason why you can't give your best testimony today?

A. No.

Okay. Great.

MS. BERESFORD: If you could please mark that as Exhibit 1.

(Exhibit Number 1 was marked for identification.)

BY MS. BERESFORD:

Q. Would you please review that.

A. Is this the full copy on the back?

Q. One document is your Notice of Deposition with the Request for Production of Documents. And one should be the Subpoena with the Request for Production. It's my understanding that the Request for Production of Documents are identical for both the Notice of Deposition and the Subpoena.

A. Okay.

Q. But my first question is, have you seen that document before?

A. Yes.

Q. Okay. Can you identify for the record what it is?

A. I forgot what just called it, but the --

reason?

A. No, not that I'm aware of.

Q. Did you do anything else to prepare for your deposition today?

A. We did have a brief meeting with Jim and some people from Lemon Grove.

Q. Did you talk to anybody at D-Max about the deposition?

A. John Quenzer and John Zrinski.

Q. What was that discussion about?

A. Mostly we were -- we coordinated getting all of the documents together mainly because it was a lot of overlap. And then yeah, I guess just general discussion of what we needed to do, to show up and then bring and stuff like that.

Q. Okay. Did you review any documents specifically to prepare for today?

A. Just what I kind of may have glanced over in pulling in all of the e-mails mostly, I guess.

Q. Okay.

A. Yeah. So not an actual thorough review of any of the documents that were listed on here.

Q. Okay. Thanks. I would like to talk about your education a little bit.

A. Okay.

2			4 (Pages 10 to 13
	Page 10		Page 12
1	Q. Where did you graduate from high school?	1	A. Yeah. I was a biotech technician, I guess
2 3	A. Glendale High School in Glendale,	2	would be the title, at Diazyme Laboratories, also in
4	California.	3 n	San Diego.
5	Q. And then did you go to college? A. Yes.	4 5	Q. When you completed your internship with
6	Q. Where was that?	6	the Air Resources Board, what did you do after that?
7	A. UC San Diego.	7	A. I moved back to San Diego in the fall and began applying for jobs. And then I interviewed with
8	Q. Did you graduate?	8	D-Max, my parent company. And I started with D-Max
9	A. Yes.	9	in I believe January of '09.
10	Q. What year was that?	10	Q. What was your first position with D-Max?
11	A. 2004.	11	A. Staff scientist, I believe.
12	Q. What was your degree?	12	Q. And what did you do as a staff scientist?
13	A. I had a degree in ecology behavior in	13	A. I don't know all of it. I did under
14	evolution, and psychology as a second.	14	with that job title, because I don't recall exactly
15	Q. Interesting. Do you have any advanced	15	how long I had that one. But I I mean, do you
16	degrees?	16	want a list of some of the tasks I can think of?
17	A. I have a master's.	17	Q. Did you do any storm water inspections as
18	Q. And what is that in?	18	a staff scientist?
19	A. That's in animal behavior from UC Davis.	19	A. Yes.
20	Q. When you did get that degree?	20	Q. So you started doing storm water
21	A. I believe 2008.	21	inspections in 2009 as a staff scientist?
22	Q. Is that a master's of science?	22	A. Yes.
23 24	A. Yes.	23	Q. What type of training did you have or
25	Q. Okay. Do you have any other advanced degrees besides that?	24 25	did you have any training before you did storm water
	degrees besides that:	23	inspections as a staff scientist?
	Page 11		Page 13
1	A. No.	1	A. Yeah. We did we did field training
2	Q. What was your first job after you finished	2	with other staff, more experienced staff members.
3	your master's at UC Davis?	3	Q. And was that all the training you received
4	A. I had a I had an internship, like a	4	at that time?
5 6	full-time internship with the Air Resources Board in	5	A. I mean, there's probably some additional,
7	Sacramento. Although I don't technically remember so that was through the summer, from about June to	6 7	you know, like just reading materials that they gave
	so that was through the summer, from about June to	28 /	
8	Sentember. I don't remember if my degree award date	2	to new people to start with, you know, with permits
8 9	September. I don't remember if my degree award date was actually June or September. It technically may	8	and stuff like that.
	was actually June or September. It technically may	8 9	and stuff like that. Q. What type of storm water inspections were
9		8	and stuff like that. Q. What type of storm water inspections were you doing at that time?
9 10 11 12	was actually June or September. It technically may not have been after; it may have been during.	8 9 10	and stuff like that. Q. What type of storm water inspections were you doing at that time? A. Initially it was industrial/commercial,
9 10 11 12 13	was actually June or September. It technically may not have been after; it may have been during. Q. That's okay. Let me back up a little bit.	8 9 10 11	and stuff like that. Q. What type of storm water inspections were you doing at that time?
9 10 11 12 13 14	was actually June or September. It technically may not have been after; it may have been during. Q. That's okay. Let me back up a little bit. Did you work in between the time you graduated from UCSD and went to UC Davis? A. Yes.	8 9 10 11 12	and stuff like that. Q. What type of storm water inspections were you doing at that time? A. Initially it was industrial/commercial, the beginning. Probably also some treatment control
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Page 14

less industrial/commercial inspections and more of the structural, postconstruction BMPs as I progressed. I don't know where that picks up with the job titles, honestly.

- Q. Okay. About how many inspections a year did you do as a Staff Scientist I, a Staff Scientist Π ?
 - A. I have no idea.
 - Q. More than five?
- A. Yeah.

- Q. More than ten?
- A. Yeah. So I guess I would say probably -so if I were to be doing a full time, let's say I
 worked one week and I'm doing all five days, fully
 dedicated to inspections, I would probably while
 doing industrial/commercial I could do about 20 to 30
 in a week. And then if it were in treatment control
 or structural, postconstruction, less than that
 maybe, 15 to 25 a week, so -- but I don't at this
 point recall how much of my time was on just
 inspections.
- Q. Okay. Who were you doing the inspections for?
- A. Like, who was my supervisor; or who was my client?

e of 1 an Assistant Project Scientist?

- A. Yes. I believe I did some, but probably the more supervising of the inspections under that title.
 - Q. Were you either performing or supervising inspections for the Construction General Storm Water Permit?
- A. Under that job title, I don't know. Let me think on that one. Probably. I don't know exactly when a transition -- the next title would be Project Scientist, which is my current one. So I would guess probably under that title is when I was doing some construction stuff, but I'm really not sure. I don't know when the job titles synced up with different actions.
 - Q. Okay. But you're a Project Scientist now?
- 17 A. Ye
 - Q. Do you know when you became a Project Scientist?
 - A. No.
 - Q. Your parents must not ask you too many questions as they ask me.

Approximately how long do you -- would you estimate that you have been a Project Scientist?

A. Oh, gosh. Probably within the last two

Page 15

Q. Who were your clients?

A. The City of San Diego was the main one. So the bulk was probably done for them. At various times we -- I have also done inspections for probably the City of National City. Do you want like a complete list, or as complete as I can give you right now?

- Q. Were you acting mostly as a subcontractor for cities?
 - A. Yes.
- Q. And during that time, were you doing inspections for the General Construction Storm Water Permit?
 - A. No, not in the early years.
- Q. Okay. What was your title after you were a Staff Scientist II?
 - A. I believe Assistant Project Scientist.
- Q. And do you know when you became an Assistant Project Scientist?
 - A. No.
- Q. Do you think it was one year ago or approximately --
- A. No, multiple years ago. I don't remember which one.
 - Q. And did you do storm water inspections as

Page 17

Page 16

years. That's about -- I can vaguely remember joking with a coworker that the new job title didn't mean that much to me. So that's -- it didn't really change what I was doing work-wise. So yeah, I don't have a good recollection of when that official change was.

- Q. Okay. But you just indicated that your duties didn't really change that much, or did they? Can you elaborate. What did you do as --
- A. I think if you are talking about like the different jobs, like tasks I'm working on, I think that really would be something that changed more with different contracts that my company had, as opposed to what my job title was. Because a lot of the contracts we have are for, you know, just several months or something.

So if we had a six months -- a six-month contract to do a certain task, then that's really what determined like we're doing this project with the Lemon Grove construction program. So that kind of determined what I was doing more so than my job title.

- Q. Okay.
- 24 A. At that point, yeah.
 - Q. Over the past two years, did you do any

Page 18 Page 20 1 inspections for the Construction General Storm Water 1 other storm water work as well. 2 Permit? 2 Q. When was D-Max specifically hired to do 3 3 inspection of construction sites? 4 Q. For whom were you doing those inspections? 4 A. I believe this particular contract -- I 5 A. So I did constructions for the City of 5 mean, I don't know when all of the contracting 6 Lemon Grove. And I also did construction -- or I did 6 documentation was finalized. I believe my first time 7 inspection as a QSP for Marathon General, a 7 out there was December of last year, December 2014. 8 contractor for a project in Santee. 8 Q. Okay. Do you know why they hired D-Max 9 Q. So you just indicated to me that you are a 9 for that purpose? 10 Qualified Storm Water Professional, QSP; is that 10 A. I believe initially it was I think two 11 correct? 11 sites. They wanted us to come in and do inspections 12 A. I believe the P is Practitioner, right? 12 of -- construction inspections of two sites. 13 But yeah, QSP. 13 Q. Did anyone specifically say why they 14 Q. Okay. When did you become a QSP? 14 wanted you to do that? 15 A. Let's see. I believe that was on my 15 A. So I guess I didn't -- I don't think I 16 resume. Do you have that? I could -- I don't recall 16 spoke to the City at the time. It would be -- John 17 offhand. But it should be on the resume that was on 17 Quenzer was my supervisor. So I don't know exactly 18 the DVD from Jim. 18 what was said specifically, other than the City 19 Q. Okay. Do you think it was approximately a 19 wanted our assistance just to provide, you know, 20 year ago? 20 basically our assessment of the site, similar to what 21 A. No. It was a few years ago. In my head 21 the water company typically does for, like, a 22 I've sort of got 2012, but I don't know if that's 22 municipal construction inspection. 23 correct or not. But it was multiple years ago. 23 Q. Who was your primary contact at the City? 24 Q. Okay. Are you a Qualified SWPPP 24 A. At first or --25 Developer, a QSD? O. At first and then later. 25 Page 19 Page 21 1 A. Yes. 1 A. I think honestly, that's sort of been 2 Q. Do you know when? 2 unclear or changing --3 A. That would be the same date. 3 O. Okav. 4 Q. Okay. What specific training have you had 4 A. - at times. So I'm -- I believe -- I 5 for storm water compliance investigations? 5 mean, Leon was the one sort of -- Leon Firsht was in 6 A. Specific to construction, or just in 6 charge of it. So I think he was probably the main 7 7 general storm water compliance? contact initially. But I don't know honestly if the 8 Q. Let's talk about just construction for 8 contract was between the City and D-Max was kind of 9 now. 9 done through by Malik or Leon. Because I know Malik. 10 A. Okay. Let's see. I had the QSP/QSD 10 you know, is the one who is most involved in storm 11 training, which I took that with I believe Rick 11 water. He's the one typically in contact with our 12 Engineering. And then I had some -- just my year of 12 company more frequently about contracts. So I don't 13 pass inspection material and reading with documents, 13 know which one of them reached out to us initially. 14 like with coworkers. 14 Q. Okay. But throughout the course of the 15 Q. Did you go to any of the specific training 15 contract, you had both -- you had contact with 16 that the Water Board has put on? 16 Mr. Firsht and Mr. Malik Tamimi? 1.7 A. No. 17 A. Yes. 18 Q. Are you a Trainer of Record? 18 Q. Who else at the City did you talk to or 19 A. No. 19 meet with specifically about this site? 20 Q. Okay. Can you describe the relationship 20 A. Gary Harper probably would be the person 21 between D-Max and the City of Lemon Grove for me? 21 that I had contact with by phone or e-mail, and also 22 22 A. Yes. So D-Max was hired by the City of just he was on site many of the times I was there 23 Lemon Grove. Specific to this project, they hired us 23 too. So who else? Let's see. Tamara O'Neil, J.J. 24 to do inspections of construction sites. D-Max also 24 Arrington was more recently. Let's see. Those were

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the main ones. I'm just trying to think. I'm going

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has some additional contracts with the City to do

Page 22 Page 24 through City staff. I think Dave I may have had you were referring to there? 2 2 contact with, but I don't think related to this A. I believe that is referring to the General 3 project. I don't think. 3 Construction Permit. Although, I pretty much was 4 Q. Okay. just using that option as a -- I would say it's not 5 A. That probably covers the main contacts. 5 really, you know, something that we're -- excuse me. 6 Q. I understand Miss O'Neil is not with the 6 That wouldn't be the General Construction Permit. I 7 City of Lemon Grove anymore. Do you know anything 7 believe that one is referring to the Municipal 8 about that? 8 Permit. 9 A. That's correct. 9 But I don't know that this is necessarily 10 Q. Do you know where she is? 10 meaning that we're doing this inspection to meet the 11 A. I do not. 11 inspection frequency requirement of the Municipal 12 Q. Who is Mr. Arrington? 12 Permit. My understanding of this box was just sort 13 A. J.J. or Jeremiah, he's a -- I believe he's 13 of that that's a, hey, this is our sort of a routine 14 an engineer, some sort of engineering title. I don't 14 inspection that we're doing for the City. 15 know exactly what the title is. He hasn't been there 15 Q. Okay. When you were asked or when you 16 that long, probably just -- I believe he started in 16 went to go inspect the site, what was the standard 17 2015 sometime. 17 that you were comparing it against? Were you doing MS. BERESFORD: Okay. If you could please mark 18 18 an inspection per the Construction General Storm 19 this as Exhibit 2. 19 Water Permit; or were you inspecting the site in 20 (Exhibit Number 2 was marked for 20 accordance with the City's Jurisdictional Urban 21 identification.) 21 **Runoff Management Plan?** 22 MR. BOYERS: Do you have another copy? I know 22 A. So this would be in accordance with the 23 it's in there somewhere. 23 City's standards. 24 (Discussion off the record.) 24 Q. So you were inspecting it in accordance 25 MR. BOYERS: Okay. Perfect. Thank you. 25 with the city's JURMP? Page 23 Page 25 1 BY MS. BERESFORD: 1 A. Yeah. Or actually, they have a lot in 2 2 Q. Have you seen this document before? their Municipal Code as well. 3 A. Yes. 3 Q. But when you were inspecting, you were not 4 Q. Can you tell me what it is? 4 inspecting for purposes of the Construction General 5 A. It's my Inspection Form from December 9th, 5 **Storm Water Permit, correct?** 6 2014. 6 A. Correct. My intention was to be doing it 7 Q. So did you visit the site on December 9, 7 for the City in accordance with the City standards. 8 2014? 8 Q. Okay. And then the next line says, 9 A. Yes. 9 "Construction Project Priority." 10 10 Q. And you prepared this form following that A. Uh-huh. 11 site visit? 11 Q. It looks like originally you checked 12 A. Uh-huh. Yes. Oh, actually, on your 12 "High." Did you scratch that out and then check 13 earlier question when you asked about why was I asked 13 "Medium"? 14 to go out there, I'm pretty confident that I was told 14 A. Yes. 15 by John Quenzer that the City had -- specifically was 15 Q. Can you describe what happened there a 16 having problems with the Valencia site. So they 16 little bit for me. 17 wanted us to come in. So I think I was initially 17 A. Well, I don't honestly remember exactly 18 told that. 18 why I initially checked "High." But that priority is 19 I don't know if I was told of previous issues. 19 something that the City assigns to it. So I -- I 20 I don't know if there was even issues with the --20 just may have found out initially I believed it was 21 involvement with the Regional Board before that. I 21 high; and then found out from the City that they had 22 don't know. But I know I was told that it was a site 22 assigned a medium priority to it, maybe. I don't 23 they were having problems with. 23 know the exact thought process at that point. 24 Q. Okay. I see at the top it says, "First 24 Q. Okay. Sure. On the second page of the 25 permit required inspection." What is the permit that

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document, you indicated that there were no

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	Page 26	Page	28
1	violations; is that correct?	1 A. Yes. Yeah.	
2	A. Yes, that's what's indicated there.	2 Q. Is it possible that the same stockpile	
3	Q. And is this your handwriting at the bottom	3 could have been moved the day before?	
4	of the Recommended Corrective Action?	4 MR. BOYERS: Objection. Speculation.	
5	A. Yes. Yes, it is.	5 BY MS. BERESFORD:	
6	Q. Does this inspection document discuss	6 Q. I will rephrase. If you went out and did	
7	whether or not there were concerns with BMPs with	7 an inspection and you saw a stockpile, did you have	ļ
8	respect to active versus inactive areas?	8 any knowledge of when that stockpile was placed	
9	A. Yes, there is a mention of inactive areas.	9 there?	
10	Q. Can you point out to me where that	10 A. I may or may not have spoken to someone on	- 1
11	reference is?	site during the inspection. But I can't tell just	
12	A. I noticed one under one comment on the	12 from my notes at this point whether or not that's the	
13	Recommended Corrective Actions on page two, the first	13 case.	
14	one there mentions inactive areas.	Q. So for these stockpiles, you can't tell me	
15	Q. Can you read that sentence to me.	whether or not you knew when those stockpiles were	ı
16	A. "Add erosion control to all disturbed	16 created?	
17	areas inactive for ten days, including roadways not	A. Let's see. Someone may have told me when	ı
18	currently in use."	18 it was created or last active, but they may not have.	ı
19	Q. So when you were evaluating an active	19 I don't know at this point.	
20	versus inactive area, your evaluation was whether it	20 Q. Okay. Did you discuss this inspection	
21	was active or inactive for a ten-day period; is that	21 with anybody?	
22	correct?	22 A. I don't know. I would say there was	
23	A. In this instance, that appears to be	23 I'm not sure. Gary Harper may have been there durin	g
24 25	correct.	that inspection, as he was there for many of them.	
	Q. And how would you have known whether an	25 But just from looking at these forms, I can't tell	
			2000000
	Page 27	Page :	29
1	Page 27 area was active or inactive for ten days?		29
1 2			29
2 3	area was active or inactive for ten days? A. At this point I would not have. Q. You didn't ask anybody?	1 who either from the City or from the developer that	
2 3 4	area was active or inactive for ten days? A. At this point I would not have. Q. You didn't ask anybody? A. I don't recall. Let me see. Yeah, I	 who either from the City or from the developer that may or may not have spoken to on site. Q. Did anybody from the Water Board ever call you to talk about this inspection? 	
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. At this point I would not have. Q. You didn't ask anybody? A. I don't recall. Let me see. Yeah, I don't recall. Q. Towards the top of the page, there's a column. I think it's the third one down on page two. It says, "Are material stockpiles protected, covered, contained, and located away from non-storm water discharges?" Do you see that? A. Uh-huh. Q. Then you checked "yes"? A. Uh-huh. Q. And then it says, "Several unprotected stockpiles." Do you see that? A. Uh-huh. Q. Did you talk to anyone about how long the stockpiles have been there, or when they were going to go away, or anything like that? A. I couldn't tell you for a particular inspection whether or not I spoke to someone about that, you know, unless I have a specific note about	who either from the City or from the developer that may or may not have spoken to on site. Q. Did anybody from the Water Board ever call you to talk about this inspection? A. I don't believe so. Q. Okay. How come you don't have any pictures? A. There are photos. Those were on the DVD. Q. You took photos when you went on every inspection? A. I believe there were photos that corresponded with each Inspection Form. Q. Did you take photos when you went? A. Yes. Q. Were they dated or time stamped in any way? A. Yes. I believe they should have date and time stamps on each one from every inspection. Q. Okay. A. I think the time stamps are on Monday, whenever the time change happened; otherwise, it would be accurate.	

		September 1	
	Page 30		Page 32
1	A. Yeah.	1	A. The date of violation observed is
2	MS. BERESFORD: Okay. We can mark this as	2	12/11/14.
3	Exhibit 3, please.	3	Q. And there's may I see it for a moment?
4	(Exhibit Number 3 was marked for	4	On the violation observed, it says, "See attached
5	identification.)	5	report." Do you see that writing?
6	BY MS. BERESFORD:	6	A. The "Inadequate BMPs - see attached
7	Q. Have you seen this document before?	7	Inspection Reports"?
8	A. Yes.	8	Q. Yes. Do you see that language?
9	Q. Can you describe what it is, please.	9	A. Yes.
10	A. This is my Inspection Form from	10	Q. Do you know whose reports those were?
11	December 11th, 2014.	11	A. I do not know for sure. It's likely that
12	Q. And that's the inspection of the site?	12	those were mine, but I'm not sure.
13	A. Yes.	13	Q. Do you recall if Mr. Firsht talked to you
14	Q. And when we say the site, we mean the	14	about issuing a citation?
15	Valencia Hills construction project on San Altos	15	A. I don't recall.
16	Place; is that correct?	16	Q. Does it surprise you that they issued a
17	A. Correct.	17	citation based on a report that you did that day that
18	Q. I should have defined that earlier.	18	indicated there were no violations?
19	You indicated, again, that there were no	19	MR. BOYERS: Objection. It misstates his
20	violations after this inspection; is that correct?	20	testimony.
21	A. Yes, that is what's indicated.	21	BY MS. BERESFORD:
22	Q. Is that your handwriting at the bottom of	22	Q. I'll go back. In your inspection of
23	that page?	23	December 11th, it notes that there are no violations;
24	A. Yes.	24	is that correct?
25	Q. I only ask because it looks different from	25	A. Yes, that's what's indicated there.
300000000000000000000000000000000000000	4. z mily marz area and no to one antituding it off	8	1x 1 co, that o what o mulcated there.
	Page 31		Do 22 22
4	Page 31		Page 33
1	the handwriting on the December 9th inspection.	1	Q. Did they talk to you about why they were
2	the handwriting on the December 9th inspection. A. Oh.	2	Q. Did they talk to you about why they were going to issue a citation that day when you had a
2 3	the handwriting on the December 9th inspection. A. Oh. Q. Do you recall if you discussed this	2 3	Q. Did they talk to you about why they were going to issue a citation that day when you had a report that said no violations?
2 3 4	the handwriting on the December 9th inspection. A. Oh. Q. Do you recall if you discussed this inspection with Gary Harper or Leon Firsht?	2 3 4	Q. Did they talk to you about why they were going to issue a citation that day when you had a report that said no violations? A. At this point, I don't recall if we had
2 3 4 5	the handwriting on the December 9th inspection. A. Oh. Q. Do you recall if you discussed this inspection with Gary Harper or Leon Firsht? A. I do not recall.	2 3 4 5	Q. Did they talk to you about why they were going to issue a citation that day when you had a report that said no violations? A. At this point, I don't recall if we had any conversations.
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Page 34 Page 36 Q. You can still answer. Q. And do you recall if you were on site on 2 A. Can you restate the question? 2 December 12th? 3 3 Q. Sure. Can turbidity data be used to A. I don't recall. But I most likely not, if 4 support a violation of the General Construction 4 I don't have an Inspection Form for that date. 5 Permit? 5 Q. Okay. Were you aware that the Water Board 6 MR. BOYERS: The same objections. 6 inspected the site on December 15, 2014? 7 7 BY MS. BERESFORD: A. At this point, not by memory. 8 Q. It's okay. He can object. 8 O. I'll provide that for you to refresh your 9 A. Okay. 9 recollection. We're not going to make it an exhibit. 10 Q. You generally are still supposed to 10 A. Okay. 11 answer, unless someone directs you not to answer. 11 Q. I'm referring, however, to the document 12 A. Okay. So you are saying legally? You are 12 that has Exhibit Number 8 at the top. 13 asking if legally a turbidity sample --13 A. Okav. 14 Q. I'll rephrase. How is turbidity data used 14 Q. Did you hear any discussion that 15 when evaluating compliance with the General 15 inspection was going to occur? 16 **Construction Storm Water Permit?** 16 A. Prior to the inspection? 17 MR. BOYERS: Objection. It calls for 17 O. Yes. 18 speculation. 18 A. At this point, I don't remember. 19 THE WITNESS: I mean, the -- I mean, that's not 19 Q. Do you know why a representative from 20 really what we were doing. This was for the City, 20 D-Max wasn't participating in that inspection? 21 not for the General Construction Permit. So I'm not 21 A. We were only at an inspection if we were 22 really sure how that would be used. 22 asked to be there by the City. 23 BY MS. BERESFORD: 23 Q. All right. Let me take that back. 24 Q. Okay. What was the point of taking the 24 And just to close the loop on that, then, since 25 turbidity data? 25 you were not there, the presumption is that the City Page 35 Page 37 1 A. That was -- I think that that was really 1 did not ask you to attend; is that correct? from -- a question for the requester from the City. 2 A. Most likely, yes. I believe that to be We were just wanting to know what the turbidity was. 3 true. 4 O. Okav. 4 MS. BERESFORD: Okay. Let's mark that as 5 A. Yeah. 5 Exhibit 6. This is Mr. Nakatani's Inspection of 6 6 Q. No one discussed with you why they wanted December 16th. 7 to collect turbidity data? 7 (Exhibit Number 6 was marked for A. Well, they wanted to know their turbidity. 8 identification.) 9 I mean, they may have wanted to look at it in 9 (Discussion off the record.) 10 relation to the actual levels from the General 10 BY MS. BERESFORD: 11 Construction Permit, but I'm not sure. That's --11 Q. Have you seen this document before? 12 that's their --12 A. Yes. 13 Q. Right. I'm trying to find out if anybody 13 Q. Can you please identify it for me? 14 had a specific conversation with you about why they 14 MR. BOYERS: Can we wait until I have a copy? 15 wanted it? MR. J. ROSENBAUM: I'll go make copies. 15 16 A. The request for sampling was most likely a 16 MR. BOYERS: Okay. It's part of the Regional 17 conversation between the City and John Quenzer for 17 Board's Exhibit 9. Go ahead. 18 this one I would guess. 18 MS. BERESFORD: I thought you had one. 19 O. Okav. 19 MR. BOYERS: I know. I needed it in front of 20 A. I believe in most cases of sampling, that 20 me when you were asking him questions. Thank you for 21 that's who would be involved in the conversation from 21 waiting. 22 22 BY MS. BERESFORD: 23 Q. Okay. Were you involved in this sampling 23 Q. Could you please identify what this is? 24 effort at all? 24 A. This is the Inspection Form from 25 A. No, I don't believe so. 25 December 16th, 2014.

Page 38 Page 40 1 1 Q. So did you visit the site on that day? Q. And then that changed. Can you explain to 2 2 me what happened there? 3 3 A. I don't know for sure what the history of Q. Why did you go back out to the site on 4 4 that day? that was. But I would say that the Violations 5 5 A. Most likely it was because the City asked section was -- that's something that basically the 6 me to go on that day. 6 City staff was making decisions on typically. So 7 Q. Do you recall if they said why? 7 that would be usually something that would be told to 8 8 A. I don't recall. me by, you know, discussion, either in the field or a 9 9 Q. Okay. Do you see that there's some yellow phone call, or it could be in an e-mail. 10 10 highlighting on that document? O. Were there instances where the City told you to change a recommendation from a "No Violation" 11 11 A. Yes. 12 Q. Did you make that highlighting? 12 to a "Violation"? 13 A. No. 13 A. Well, typically I would be getting input 14 Q. Do you know who did? 14 from them first. So it's not a case where I would 15 A. No. 15 say, I believe it is this; and the City would say 16 16 Q. Does this report discuss failure to have change your -- change what you marked. 17 17 erosion control BMPs in inactive and active areas? It would be -- although there may have been 18 18 A. I don't see specific mention of active times when I've thought I think they want me to write 19 19 versus inactive. this, but then they said, hey. And when I checked in 20 20 Q. Do you recall if you discussed with anyone with them, they said we want it to be, you know, 21 at the site on that day --21 considered as such. But I don't know in this 22 22 A. I don't recall. particular case what that exact history was. 23 23 Q. Let me finish my question. Q. Would they have given you input on whether 24 24 A. Sorry. or not they thought something was a violation when 25 Q. I guess you didn't recall talking about it they hadn't on -- on a day when they hadn't had a Page 39 Page 41 1 at all. But just to be clear, did you talk to anyone representative -- their own representative at the 2 2 at the site that day about which areas were active site? Does that make sense? 3 3 and which areas were inactive? MR. BOYERS: Objection. Speculation. BY MS. BERESFORD: 4 A. I don't recall what, if any, conversations 4 5 5 I had on that day. Q. I will rephrase. Did they ever ask you --6 Q. And to be clear, you were talking about 6 I'll start again. 7 7 active versus inactive; from your mind, that's Did they ever have a discussion about whether 8 whether or not they were doing work in that area 8 something was a violation or not when you were the 9 9 within the past ten days; is that correct? only person who had visited the site that day? 10 10 A. Say that again, please. A. I don't recall. 11 11 O. In defining the difference between an Q. Do you know if anybody visited the site 12 12 active versus an inactive area, when you're with you on December 16th? 13 13 evaluating that, is that based on whether they have A. I don't remember. 14 done work there in the past ten days, or do you have 14 Q. Were there times that you were the only 15 15 a different standard? person inspecting the site? 16 16 A. Yes. A. Yes. I believe that that's what I was --17 17 that was the time frame for defining inactive area. Q. Did they always have input on whether or 18 18 Q. Ten days was the time frame? not you checked violation or not? 19 19 A. I believe so. A. Who do you mean by "they"? 20 Q. Okay. On the second page of your report, 20 Q. The City. 21 if you would look under "Violations." 21 A. I would say that as far as a discussion, 22 22 A. Uh-huh. we -- there was not a discussion every single time. 23 23 Q. It looks like originally you had checked So yes, there were times when I'd fill out the form, 24 24 the box of "No Violations." including the "Violation" section without a 25 25 A. Uh-huh. discussion with the City.

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	Page 42	Page	44
1	I would say typically that was done when, you	1 December 16th? I will refer you to Exhibit 6.	
2	know, when things were similar to a previous	2 A. 12:25.	
3	situation where I had had that conversation. So I	Q. So was Mr. Tamimi asking for an Inspecti	on
4	could fill out the form in a similar way based on	4 Report before you had performed the inspection?	on .
5	similar situations.	5 MR. BOYERS: Objection. Speculation.	8
6	Q. Can you explain to me why it was	6 THE WITNESS: Am I still to answer this?	
7	whether or not there was a violation up to	7 BY MS. BERESFORD:	
8	discussion? And let me give you a little more		
9	information. I would think if you go to the site and		
10	you see something, and it either is or it is not a	12 1 Street Combined that the	
11	violation of the Municipal Code or the JURMP. Am I	——————————————————————————————————————	
12	incorrect on that assumption?		
13	A. I would say that my understanding in		
14	filling out these forms is that I was brought on to	MR. BOYERS: Objection. Speculation. THE WITNESS: I don't know.	
15	assess the adequacy of the BMPs. But it wasn't my	15 BY MS. BERESFORD:	
16	role to determine what was considered a violation or		
17		C	
18	not. That was the City's role still.		
19	Q. Do other cities work in a similar fashion?	inspection today so that we can attach it to our	
	MR. BOYERS: Objection. It calls for	enforcement letter that we will be drafting today."	
20 21	speculation.	Q. So he was asking for an Inspection Report	
	THE WITNESS: I'm not	to attach to an enforcement letter? Is that what the	e
22 23	BY MS. BERESFORD;	first sentence says?	
	Q. Based on your experience, have you had	MR. BOYERS: Objection. Speculation.	
24	similar experiences with other cities wanting to have	THE WITNESS: He says he's asking for an	
25	notice if there's been a violation?	25 inspection so that we can attach it to our	
	Page 43	Page	45
1		Page 1 enforcement letter.	45
1 2	Page 43 A. I have not had experience with other cities where that has been the case.		45
	A. I have not had experience with other cities where that has been the case.	1 enforcement letter.2 BY MS. BERESFORD:	45
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13 (Pages 46 to 49)

13	(Pages 46 to 49)	
	Page 46	Page 48
1	A. Employment-wise?	1 Q. I'd like to direct you to the third
2	Q. Yes.	2 paragraph of this memo.
3	A. The City of the Vista. Wait. No. Yes.	3 A. Exhibit 9?
4	Yes, Vista.	4 Q. Yes, please.
5	Q. It's okay. What was his role at D-Max?	5 A. Uh-huh.
6	A. As in his job title, or the tasks that he	6 Q. The last sentence says, "To approximate a
7	performed?	7 certain effect," I'm paraphrasing there, "the settled
8	Q. Job title is fine.	8 sediment at the Akins entrance/exit location was
9	A. Probably Staff Scientist II I would guess,	9 disturbed, and a sample was taken a few minutes
10	not positive.	10 later."
11	Q. Previously you had stated that Mr. Quenzer	
12	is your supervisor?	Do you think that follows a proper sampling protocol to take a turbidity sample?
13	A. Correct.	
14	Q. So then Mr. Nemerow was a subordinate to	g in the same
15	you? Did you supervise him?	,
16	A. Yes, I did on some projects. I don't	f % sums a m broker ammbring
17	recall in this particular one if he was working more	protocol, to disturb the puddle and then take the sample?
18	under John Quenzer or myself. I would wager he was	±
19	probably yeah, I think he was working more under	· · · · · · · · · · · · · · · · · · ·
20	John Quenzer for this particular task, since John was	Q. Do you know if you were on site on December 31st?
21	the one that did the previous sampling.	
22		
23	Q. Okay. Were you on site on December 17th, 2014?	MS. BERESFORD: Okay. Could you please mark this as Exhibit 10.
24	A. Not that I know of. Unless there's an	
25		
	Inspection Form from that day that I filled out, it's	25 identification.)
	Page 47	Page 49
1	unlikely.	Page 49 1 BY MS. BERESFORD:
2	unlikely. MS. BERESFORD: Let's make this Exhibit 9.	
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	Page 50		Page 52
1	Q. And can you read your description there?	1	Q. And then you have a map attached.
2	A. "Uncovered stockpiles reported as active."	2	A. Uh-huh.
3	Q. Does anything in this report indicate	3	Q. Is the one on the map attached to that?
4	whether the stockpiles were exposed to wind or rain?	4	A. Uh-huh.
5	A. You mean currently, or in the past couple	5	Q. Do you know if that area one was an active
6	of days, or are you talking about in the future if	6	or inactive area?
7	there were rain or	7	A. I don't recall whether it stated it at
8	Q. At the date of this inspection.	8	that time. I would say that based on my notes there,
9	A. I don't I do not see any notes so far	9	it sounds like it was inactive. But I don't recall
10	about wind or rain occurring at that time. Do you	10	exactly what
11	want me to review all of my notes?	11	Q. Do you recall if you asked anybody that
12	Q. Please.	12	day whether an area was active or inactive?
13	A. Okay. I don't see any notes indicating	13	A. I don't recall. However, I did notice
14	there was any wind or rain at the time of this	14	that that stockpile question did say that they
15	inspection.	15	reported something as active, which does indicate
16	Q. Okay. Is there any discussion about	16	there was some conversation with the contractor or
17	whether there was wind or rain the previous day or	17	their representatives that day.
18	the next day?	18	Q. But looking at number one today, you don't
19	A. I'm sorry. Repeat the question, please.	19	know whether that area was active or inactive?
20	Q. Does this report discuss whether there was	20	A. I couldn't say for sure. I would say
21	wind or rain, the stockpiles were exposed to wind or	21	based on the note, likely. But yeah, I can't
22	rain the previous day or the next day?	22	recall
23	A. I don't see an indication in here that	23	Q. Okay.
24	from my notes that there was rain on the previous	24	A by memory on any given day whether some
25	day. As far as the following day, I don't see any	25	particular area was active or inactive.
	D C1	18	
	Page 51		Page 53
1	indication that there was rain in the forecast	1	Page 53 Q. And then number seven says, "Stabilize
2	indication that there was rain in the forecast necessarily for the next day.	2	Q. And then number seven says, "Stabilize area if inactive."
2 3	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field	2 3	Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh.
2 3 4	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached	2 3 4	 Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area?
2 3 4 5	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here?	2 3 4 5	 Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four
2 3 4 5 6	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here? A. No.	2 3 4 5 6	 Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four that looks like it would be the upper left-hand
2 3 4 5 6 7	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here? A. No. Q. Okay. I think there's is there	2 3 4 5 6 7	Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four that looks like it would be the upper left-hand corner of the page.
2 3 4 5 6 7 8	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here? A. No. Q. Okay. I think there's is there highlighting on your Exhibit 10?	2 3 4 5 6 7 8	Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four that looks like it would be the upper left-hand corner of the page. Q. So do you know on the date of inspection,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here? A. No. Q. Okay. I think there's is there highlighting on your Exhibit 10? A. Yes. Q. Did you do that highlighting? A. No. Q. Do you know who did? A. No. Q. Does anything in this report discuss erosion controls for inactive or active areas? A. Let me see. Yes, the note about stockpiles on page two does discuss it as active. And then note number seven on the third page refers	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four that looks like it would be the upper left-hand corner of the page. Q. So do you know on the date of inspection, was the area active or inactive? A. I don't know. I would say based on that note on seven, that would be I think that note would be something I would typically write of an area that was currently active or I couldn't determine. Q. Or you couldn't determine? A. Right. Q. Okay.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here? A. No. Q. Okay. I think there's is there highlighting on your Exhibit 10? A. Yes. Q. Did you do that highlighting? A. No. Q. Do you know who did? A. No. Q. Does anything in this report discuss erosion controls for inactive or active areas? A. Let me see. Yes, the note about stockpiles on page two does discuss it as active. And then note number seven on the third page refers to "Stabilize area if inactive or rain is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four that looks like it would be the upper left-hand corner of the page. Q. So do you know on the date of inspection, was the area active or inactive? A. I don't know. I would say based on that note on seven, that would be I think that note would be something I would typically write of an area that was currently active or I couldn't determine. Q. Or you couldn't determine? A. Right. Q. Okay. A. Yeah, that yeah. Q. Okay. I'm not going to mark this as an exhibit, but I would like you to take a look at that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here? A. No. Q. Okay. I think there's is there highlighting on your Exhibit 10? A. Yes. Q. Did you do that highlighting? A. No. Q. Do you know who did? A. No. Q. Do you know who did? A. No. A. No. A. No. A. Let me see. Yes, the note about stockpiles on page two does discuss it as active. And then note number seven on the third page refers to "Stabilize area if inactive or rain is forecasted."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four that looks like it would be the upper left-hand corner of the page. Q. So do you know on the date of inspection, was the area active or inactive? A. I don't know. I would say based on that note on seven, that would be I think that note would be something I would typically write of an area that was currently active or I couldn't determine. Q. Or you couldn't determine? A. Right. Q. Okay. A. Yeah, that yeah. Q. Okay. I'm not going to mark this as an exhibit, but I would like you to take a look at that document. Do you know if you've seen this document
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here? A. No. Q. Okay. I think there's is there highlighting on your Exhibit 10? A. Yes. Q. Did you do that highlighting? A. No. Q. Do you know who did? A. No. Q. Does anything in this report discuss erosion controls for inactive or active areas? A. Let me see. Yes, the note about stockpiles on page two does discuss it as active. And then note number seven on the third page refers to "Stabilize area if inactive or rain is forecasted." Q. Okay. Let's go to the third page, your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four that looks like it would be the upper left-hand corner of the page. Q. So do you know on the date of inspection, was the area active or inactive? A. I don't know. I would say based on that note on seven, that would be I think that note would be something I would typically write of an area that was currently active or I couldn't determine. Q. Or you couldn't determine? A. Right. Q. Okay. A. Yeah, that yeah. Q. Okay. I'm not going to mark this as an exhibit, but I would like you to take a look at that document. Do you know if you've seen this document before?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here? A. No. Q. Okay. I think there's is there highlighting on your Exhibit 10? A. Yes. Q. Did you do that highlighting? A. No. Q. Do you know who did? A. No. Q. Does anything in this report discuss erosion controls for inactive or active areas? A. Let me see. Yes, the note about stockpiles on page two does discuss it as active. And then note number seven on the third page refers to "Stabilize area if inactive or rain is forecasted." Q. Okay. Let's go to the third page, your first comment, number one. It says, "Fully	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22	Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four that looks like it would be the upper left-hand corner of the page. Q. So do you know on the date of inspection, was the area active or inactive? A. I don't know. I would say based on that note on seven, that would be I think that note would be something I would typically write of an area that was currently active or I couldn't determine. Q. Or you couldn't determine? A. Right. Q. Okay. A. Yeah, that yeah. Q. Okay. I'm not going to mark this as an exhibit, but I would like you to take a look at that document. Do you know if you've seen this document before? A. I don't think I have.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here? A. No. Q. Okay. I think there's is there highlighting on your Exhibit 10? A. Yes. Q. Did you do that highlighting? A. No. Q. Do you know who did? A. No. Q. Does anything in this report discuss erosion controls for inactive or active areas? A. Let me see. Yes, the note about stockpiles on page two does discuss it as active. And then note number seven on the third page refers to "Stabilize area if inactive or rain is forecasted." Q. Okay. Let's go to the third page, your first comment, number one. It says, "Fully stabilized area. Utilize other erosion control	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four that looks like it would be the upper left-hand corner of the page. Q. So do you know on the date of inspection, was the area active or inactive? A. I don't know. I would say based on that note on seven, that would be I think that note would be something I would typically write of an area that was currently active or I couldn't determine. Q. Or you couldn't determine? A. Right. Q. Okay. A. Yeah, that yeah. Q. Okay. I'm not going to mark this as an exhibit, but I would like you to take a look at that document. Do you know if you've seen this document before? A. I don't think I have. Q. Okay. For the record, it's an e-mail
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	indication that there was rain in the forecast necessarily for the next day. Q. Do you have any other additional field notes for your inspections that are not attached here? A. No. Q. Okay. I think there's is there highlighting on your Exhibit 10? A. Yes. Q. Did you do that highlighting? A. No. Q. Do you know who did? A. No. Q. Does anything in this report discuss erosion controls for inactive or active areas? A. Let me see. Yes, the note about stockpiles on page two does discuss it as active. And then note number seven on the third page refers to "Stabilize area if inactive or rain is forecasted." Q. Okay. Let's go to the third page, your first comment, number one. It says, "Fully	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. And then number seven says, "Stabilize area if inactive." A. Uh-huh. Q. Is that specific to any specific area? A. Yes. There's an area on the page four that looks like it would be the upper left-hand corner of the page. Q. So do you know on the date of inspection, was the area active or inactive? A. I don't know. I would say based on that note on seven, that would be I think that note would be something I would typically write of an area that was currently active or I couldn't determine. Q. Or you couldn't determine? A. Right. Q. Okay. A. Yeah, that yeah. Q. Okay. I'm not going to mark this as an exhibit, but I would like you to take a look at that document. Do you know if you've seen this document before? A. I don't think I have.

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not getting moved for multiple inspections. So I

believe that's the stockpile that I'm thinking of.

Page 54 Page 56 1 about it. Q. Do you know if you talked to anyone about 2 2 Going back to your inspection of January 6th, whether the stockpiles had been moved? 3 which was Exhibit 10, did you discuss this inspection 3 A. I don't recall for sure. But from the 4 with anyone at the Water Board? 4 January 6th inspection, again, I would say it's 5 A. I don't believe so. 5 likely I talked to the contractor or their 6 MS. BERESFORD: All right. And let's mark that 6 representative, based on the note I had about a 7 as Exhibit 11, please. It's Exhibit Number 25 at the 7 stockpile being reported as active. 8 top of the document, and Exhibit Number 11 to the 8 Q. Do you --9 deposition. 9 A. And that was on the 6th. 10 (Exhibit Number 11 was marked for 10 Q. Do you normally note in your Inspection 11 identification.) 11 Reports anywhere if you've talked to anyone about 12 BY MS. BERESFORD: 12 anything? 13 Q. Have you seen this document before? 13 A. No. There's no field for that. Yeah, so 14 A. Yes. 14 I will sometimes make a note, such as the one on the 15 Q. And what is it? 15 6th, that suggested that there was a conversation. 16 A. This is my Inspection Report from 16 but there's no --17 January 14th, 2015. 17 Q. -- specific documentation? 18 Q. Your inspection of the site? 18 A. Yeah, place. Whatever time you indicate 19 A. Yes. 19 whether or not you spoke to someone. 20 Q. Okay. There's highlighting on this 20 Q. Does anything in your January 14th 21 document. Did you do that? 21 Inspection Report identify whether a specific area is 22 22 A. No. inactive? 23 23 Q. Okay. I'd like to go to page two, and the A. Let's see. I don't see any specific 24 third row down talking about stockpiles. Can you 24 indication that a particular area is inactive in my 25 read your comments to me there. 25 notes here. Page 55 Page 57 1 A. It says, "Wood/scrap pile should be 1 Q. So I see a note on five. Note five here 2 removed or protected." 2 on the third page it says, "Stabilize area if 3 3 Q. And then there's another discussion about inactive or rain in forecast." 4 stockpiles the second-to-last row up. 4 When you wrote that, do you know if you knew 5 5 A. Uh-huh. whether area five was inactive or not? 6 Q. Can you read that to me, please. 6 A. Similar to what I said on Exhibit 10. I 7 7 A. "Stockpiles are located too close to drain would say that that note is something I would 8 in northeast basin. Remove or relocate them outside 8 typically write if it was either active, or I just 9 of basin." 9 couldn't determine with certainty whether or not it 10 10 Q. Does anything in this report talk about was active. 11 whether the stockpiles are exposed to wind and rain? 11 Q. Okay. On page two of this inspection, you 12 A. I don't see anything indicating 12 checked the box that there was a violation. 13 information about rain or wind at the time of the 13 A. Uh-huh. 14 inspection. 14 Q. Do you know what the basis for that was? 15 15 Q. The comment about the "stockpiles are A. I believe that that was something the City 16 located too close to the drain in the northeast 16 asked me to indicate. I'm basing this on looking at 17 basin," if you go back to Exhibit 10, and look at 17 the last couple exhibits from that time period that 18 that same row. 18 are marked in the similar -- the similar way of that 19 A. Uh-huh. 19 same note about the ongoing Stop Work 20 Q. Do you know if those were the same 20 Notice/Administrative Citation. 21 stockpiles? 21 I believe that was a conversation or e-mail or 22 22 A. I believe so. I don't know for sure from phone call at some point where they said to check 23 memory; but I do recall an issue with that stockpile 23 that as -- mark the "Violation" section that way for

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that time period while they had a Citation or Stop

Notice or whatever it was.

Page 58 Page 60 1 Q. As of January 14, your inspection January A. I don't know the exact date they were 2 14, did you think that the storm water controls at 2 placed on there. 3 the site were in better condition than when you 3 Q. Is it possible that they had been covered 4 inspected the site in December? 4 on January 13th? 5 A. I don't recall at this point. 5 MR. BOYERS: Objection. Speculation. 6 Q. Based on your reports, can you say whether 6 THE WITNESS: Let me see on my January. Yeah, 7 or not you thought it was in better condition? 7 I guess from these materials, all I can tell is that 8 MR. BOYERS: Objection. Vague as to "better 8 they were -- it sounds like they were not covered on 9 condition." 9 the 6th, and they were covered when I returned on the 10 THE WITNESS: Yeah, can you clarify? 10 14th. I don't know the timing of anything in 11 MS. BERESFORD: Sure. Let's go to the next 11 between. 12 exhibit and we can go from there. So this will be 12 BY MS. BERESFORD: 13 Exhibit 12. Exhibit 12 to the deposition is 13 Q. Let's go back to your January 14th indicated as Exhibit 23 at the top. 14 14 inspection. 15 (Exhibit Number 12 was marked for 15 A. Okay. 16 identification.) 16 Q. And your January 6th inspection. Let's go 17 BY MS. BERESFORD: 17 to the second page there. 18 Q. Have you seen this document before? 18 A. Uh-huh. 19 A. Yes. 19 Q. On January 6th, which is Exhibit 10, in 20 Q. Can you please describe what it is. 20 the third row down it says, "Uncovered stockpiles 21 A. This is a Memo that I sent to the City on 21 reported as active." Do you see that? 22 January 16th, 2015, summarizing inspections and 22 23 sampling from December and January. 23 Q. And then on January 14th, on Exhibit 11, 24 Q. Based on this Memo, can you say whether 24 on the third row down, can you say again what that 25 you thought the storm water, the BMPs, and other 25 says to me. Page 59 Page 61 1 protections at the site were better at the site in 1 A. "Wood/scrap piles should be removed or 2 January than they were in December? 2 protected." 3 A. I would say that compared to early 3 Q. Do you think that's the same stockpile 4 December, like the December 9th time, that they did 4 that you were talking about on January 6th? 5 implement a significant number of BMPs that they 5 A. Probably not, I would wager. had -- that had been deficient before. So yes, they 6 Q. Okay. 7 did improve several of the deficiencies they had, 7 A. I would --8 specifically with erosion control in December -- or 8 Q. At some point --9 December 9th. 9 A. Can you hold on a second, so I can see if 10 Q. And your last inspection of the site was 10 I can find the corresponding part on the map? 11 January 14; is that correct? 11 12 A. Prior to this letter, I believe so. 12 A. So the one on January 14th of 2015? 13 Q. I'd like to go to the third page of the 13 14 Memo. The second row up discusses stockpiles. Do 14 A. That was wood/scrap pile. As it's shown 15 you see that? 15 on the map, that is not in the same location as the 16 A. "The stockpiles were placed close to a 16 one that -- that's not the same stockpile that is 17 drain inlet." That one? 17 referred to on the January 16th report about being 18 Q. Yes. 18 placed too close to the drain. Those are two 19 A. Yes. 19 separate stockpiles. 20 20 Q. If you move to the next column over, the Q. Okay. And is there any note about the 21 second sentence says, "On January 14, the stockpiles 21 stockpiles near the drain, about whether those were 22 had been covered." Do you see that? 22 covered or not? 23 A. Yes. 23 A. Not specifically. It is possible on the 24 Q. Do you know the date when the stockpiles 24 January 6th report that the uncovered stockpiles 25 had been covered? 25 reported as active may be referring to that, or may

Page 62 Page 64 12. be referring to that and others, or may be referring 1 2 2 MR. BOYERS: Thank you. 3 3 BY MS. BERESFORD: Q. Not referring to it at all? 4 4 A. I can't tell just from looking at that Q. Did you do the highlighting on Exhibit 12? 5 5 January 6th report. A. I did not do it. 6 Q. Okay. Based on your Memo, a stockpile was б Q. Was there highlighting on Exhibit 11? 7 not covered on January 6th. A. Yes. 8 A. Wait. Actually, does that say --Q. Did you do that highlighting? 9 actually, based on the Memo in that line we were A. No, I did not. 10 10 reading, the second from the last row, it doesn't Q. Did you ever discuss your inspection of 11 specifically state that it was uncovered on the 6th. 11 January 14th, Exhibit 11, with anyone from the Water 12 12 "Stockpiles were placed close to a drain inlet. Board? 13 The inlet is elevated above the ground height in that 13 A. I don't believe so. 14 area." 14 Q. Did you ever discuss Exhibit 12, your 15 This deficiency was observed on January 6th. 15 January 16th Memo, with anyone from the Water Board? 16 16 So based on reading that, this deficiency seems to be A. No. I don't believe so, no. 17 17 referring to the proximity to the drain, rather than MS. BERESFORD: Can we please mark this as 18 18 to any coverage or lack thereof. Exhibit 13. 19 19 (Exhibit Number 13 was marked for Q. Okay. 20 20 A. So yeah, that's what that one's referring identification.) 21 to, I believe. "On January 14th the stockpiles had 21 BY MS. BERESFORD: 22 been covered, but they had not been moved 22 Q. Have you seen this before? 23 23 sufficiently far enough away from the drain inlet." A. Yes. 24 24 So yeah, to me that means they were covered on Q. Can you please describe what it is? 25 the 14th. Just from reading this part alone, I can't 25 A. This is an e-mail from Leon Firsht to me Page 63 Page 65 tell that it's necessarily the case that that one on February 4th, 2015. 1 2 2 particular stockpile was or was not covered on the Q. Can you explain to me the -- your 3 3 6th. auestion? 4 Q. Okay. And then if we go up a little bit 4 A. So the first e-mail to Leon, I asked -- I 5 5 higher, about the middle, there's a row that says, was asking him how he -- which of the checked boxes 6 the first column, it says, "Some stockpiles lacked at the top of the form he wanted me to check off. 7 7 adequate cover." And then you say, "Covers were put Q. And what does that mean? What does that 8 on stockpiles." 8 matter? 9 Do you see that? 9 A. As far as what does it matter? I'd say 10 A. Yes. 10 that's a question for the City on how they handle it. 11 Q. Do you know if there are any corresponding 11 I don't know if they handle those any differently 12 dates as to those observations? 12 based on how that's marked. 13 13 A. From looking at this, I can't tell. Q. Okay. And he says, "Permit required." 14 Typically that type of thing changes frequently. So 14 A. Uh-huh. 15 yeah, that could correspond to multiple different 15 Q. Did that mean anything to you? 16 inspections from this stack and multiple different 16 A. Similar to what we talked about earlier. 17 17 stockpiles (indicating). I believe that is referring to the Municipal Permit. 18 Q. Okay. I think if you look on the pages 18 But I don't necessarily think it's -- I think it's 19 relating to the pictures, there are some things that 19 basically more -- what I gather it's interpreted more 20 20 are highlighted. Do you do any of those highlights? this is sort of a routine, as opposed to the next 21 A. No, I didn't. 21 option, which is the follow-up. 22 22 MR. BOYERS: Can we clarify what exhibit we're Q. But to the extent it refers to the permit, 23 23 your interpretation is that it was referring to the 24 MS. BERESFORD: I'm sorry. I'm on Exhibit 12. 24 **Municipal Permit?** 25 All of this last questioning was regarding Exhibit 25 A. Yeah. That's my -- that's what I would

Page 66 Page 68 guess. I don't know that I received a clarification 1 A. I don't know. 2 from the City one way or the other at any point, 2 Q. Do you know if there's a picture -- let's 3 3 though. go to the third page of your report. It says number 4 MS. BERESFORD: Okay. Can we please mark this 4 two, "Clean up concrete waste observed at multiple 5 as inspection -- Exhibit 14. 5 locations, and ensure that all employees use washouts 6 THE WITNESS: Can I take a quick bathroom 6 properly." 7 break? 7 Do you see that comment? 8 MS. BERESFORD: Yes. We will go off the 8 A. Which number are you reading? 9 record. 9 Q. Number two. 10 (A recess was taken.) 10 A. Yes, I see that. 11 MS. BERESFORD: Back on the record. 11 Q. Do you know if there are any pictures that 12 Let's mark this, then, as Exhibit Number 14. 12 support that statement? 13 This is Exhibit Number 14 to the deposition. This is 13 A. I see one that potentially does. So if 14 Exhibit Number 13 in the documents. 14 we're on the photos, the second page of photos, the 15 (Exhibit Number 14 was marked for 15 bottom left corner, to me there appears to be a 16 identification.) 16 washout there. It's very difficult to tell from this 17 BY MS. BERESFORD: 17 small photo, but that may be one of the areas 18 Q. Do you recognize this document? 18 referenced there. Because it looks like there may be 19 A. Yes. This is my Inspection Form from the 19 some concrete material outside of the washout in the 20 site. It looks like March 18th, 2015. I think 20 foreground of the picture there. 21 that's a 3. 21 Q. Are there any other photos that address 22 Q. If you go to your third page, will that 22 that comment? 23 help you find the date? 23 A. Not that I can tell in these pictures. 24 A. Yes, 3/18/15. 24 Q. Did you see any evidence that the concrete 25 Q. If we could go to the second page of the 25 or waste actually discharged to the storm drain? Page 67 Page 69 1 Inspection Report. You indicated that there were no 1 A. I don't recall. Let me review my notes to 2 violations; is that correct? 2 see there's anything indicating that. I do not see 3 A. Yes, that is what is put there. 3 notes so far that indicate a discharge to the storm 4 Q. And going up to sort of the central area, 4 drain. 5 there's a column that says, "Are wastes managed and 5 Q. If you go to page two of your report, 6 stored properly? (Solid, liquid, sanitary, concrete, 6 there's a column, a row that says, "Are the discharge 7 hazardous)." 7 locations -- I'm sorry, above that, "Is the site free 8 And you checked that box "yes"; is that 8 of evidence of illegal connections and/or illicit 9 correct? 9 discharges?" Do you see that? 10 A. Let's see. Yes. 10 A. Uh-huh. 11 Q. Now, the next line down it says, "Are 11 Q. And checked the box "yes," correct? 12 concrete washouts properly installed, maintained with 12 A. Yes. 13 no evidence of discharges?" 13 Q. So you noticed some concrete waste 14 You've checked the box "yes"; is that correct? 14 discharged to the ground, but you indicated that the 15 A. Uh-huh. 15 site was free of illicit discharges; is that correct? 16 Q. And then you have some comments; is that 16 A. It's free of evidence of illegal 17 correct? 17 connections or discharges, yes. 18 A. Correct. 18 Q. And is there any highlighting on your 19 Q. And what does that say? 19 exhibit? 20 A. "Concrete waste observed on ground outside 20 A. No. 21 of washouts." 21 Q. Did you make that highlighting? 22 Q. There are some pictures attached to this 22 23 report; is that correct? 23 Q. There's some comments with boxes around 24 A. Yes. 24 the photographs. Do you see that? 25 Q. Did you take those pictures? 25 A. Yes, I see that.

Page 70 Page 72 Q. Did you make those comments? A. This is an e-mail thread between myself 2 2 A. No, I don't believe so. and Malik Tamimi. The last e-mail was 3 Q. Did you discuss this Inspection Report 3 September 14th, 2015. 4 4 with anyone from the Water Board? Q. Can you please read the second paragraph 5 A. I don't believe so. of your e-mail dated September 14th to Mr. Tamimi. 6 Q. Do you know when -- the concrete waste to 6 A. The 10:32 a.m. one at the top? 7 the ground that you noted in this report, do you know 7 Q. Yes. 8 8 when that was cleaned up? A. Okay. The second paragraph? 9 A. I'm not remembering, no. 9 Q. Yes. Can you please read the first two 10 10 MS. BERESFORD: Can we mark this as Exhibit 15, sentences. 11 please. 11 A. "There were some deficiencies at Valencia 12 12 (Exhibit Number 15 was marked for last time I was there, but nothing too horrible by 13 identification.) 13 Valencia standards. They had actually done a pretty 14 14 BY MS. BERESFORD: good job of addressing the deficiencies from their 15 Q. Can you identify this document for me? 15 previous inspection. And the latest deficiencies 16 16 A. This is my Inspection Form from the site were mostly new ones around areas of recent 17 17 on April 29th, 2015. activity." 18 18 Q. Can you go to page two. Q. So based on this, did you think that they 19 19 had done a good job addressing the deficiencies at A. Uh-huh. 20 20 Q. Did you note if there were any violations? 21 A. There's no violations noted at the time. 21 A. I guess, yes. I wrote that they had done 22 22 Q. No violations? a pretty good job of addressing deficiencies from the 23 23 previous inspection. So yes, I would say that at A. Correct. 24 24 Q. And did you get recommendations for a that time, I did think they did a good job of Correct Work? 25 25 addressing deficiencies. Page 71 Page 73 1 A. Let's see. I do have some recommendations 1 MS. BERESFORD: Okay. Let's mark this as 2 2 Exhibit 17. on page three. 3 3 (Exhibit Number 17 was marked for Q. But on page two, you didn't indicate that 4 4 there were recommended corrective actions required; identification.) 5 5 is that correct? BY MS. BERESFORD: 6 A. I did not check the "No violations; 6 Q. Have you seen this document before? 7 however, recommended corrective actions required" 7 8 box. I did not check that. I do not know how the 8 Q. What is the cover page? 9 City presented it to the contractor, though. 9 A. It's an e-mail from myself to Gary Harper 10 MS. BERESFORD: Okay. Let's go to Exhibit --10 on September 16th, 2015. 11 this will be Exhibit Number 16. 11 Q. And was anything attached to this e-mail? 12 (Exhibit Number 16 was marked for 12 A. Yes. There were inspection forms for 13 13 identification.) Valencia, as well as two other sites. 14 Josh, could you please go make a copy of that 14 Q. An inspection for what date? 15 15 quickly. A. September 15th of 2015. 16 Let's go off the record for a second. 16 Q. If you look at the September 15th 17 (Discussion off the record.) 17 Inspection Form for the site that was attached to 18 BY MS. BERESFORD: 18 this e-mail, and you go to the bottom of page two, 19 19 Q. Have you seen this document before? there's nothing indicating whether there are 20 20 A. Yes. violations or not; is that correct? 21 Q. Can you please --21 A. Correct. 22 I'm sorry. We're back on. 22 Q. And what is your e-mail asking? 23 THE REPORTER: That's okay. I started typing. 23 A. I was asking Gary I believe how he wanted 24 BY MS. BERESFORD: 24 that to be filled out. Yeah, I was asking him how he 25 25 Q. Can you please state what it is. wanted me to fill that out.

Page 74 Page 76 Q. Did Gary accompany you on your site 1 based on my note. I think I might refer to something 2 inspection on September 15th? 2 like that, but I'm not positive at this point. 3 A. I don't recall. There is a chance he did. 3 Q. Having used the term sediment pile instead 4 MS. BERESFORD: Can we please mark this as 4 of stockpile, is that something different to you, 5 Exhibit 18. Exhibit 18 says Exhibit Number 22 at the 5 then? It's not a stockpile? 6 6 A. I would say it could technically be 7 (Exhibit Number 18 was marked for 7 considered different. But the -- when it comes to a 8 identification.) 8 storm water BMP, we'd be talking about similar 9 BY MS. BERESFORD: 9 processes that would lead to, you know, erosion or 10 Q. Have you seen this document before? 10 sediment transport. So for BMP purposes, I would 11 11 feel it's appropriate to treat them similarly. 12 Q. And what is this? 12 Q. Do you know if you saw a discharge of 13 A. This is my Inspection Form of the site 13 storm water with sediment in it from the site on this 14 from September 15th, 2015. 14 date? 15 Q. And how does it differ from the document 15 A. I believe -- let's see. I believe I just 16 that was attached to your September 16th e-mail? 16 saw sediment that was in the gutter, according to 17 A. So far I have noticed that the "Violation" 17 this note here, and not necessarily discharge 18 section on page two has been filled out. And it is 18 actively, actively leaving the site when I was there. 19 checked off for violation. 19 Q. Is there anything in this report that 20 Q. Was that your decision? 20 identifies which areas are active or inactive? 21 A. I believe it was a City decision in 21 A. Page three has a mention of inactive, but 22 response to the e-mail included in Exhibit 17. 22 it's not referring to any specific area I don't 23 Q. So do you know what the violation of the 23 think. Oh, wait. Let me see. Yeah, not really 24 Municipal Code was? 24 referring to a specific area, but to many lots 25 A. I'm not sure what they went with there. 25 throughout the site. That's the only mention I'm Page 75 Page 77 1 That would probably be a Gary or Malik question, 1 seeing of active and inactive. 2 since it was one of them that made that decision. 2 Q. You say -- previously you said you saw 3 Q. Do you know what you noted here that was a 3 sediment in the gutter. 4 violation of the JURMP? 4 A. Uh-huh. 5 5 A. Let me see what they have here. Yeah, Q. Do you remember if you saw sediment 6 just from looking at this, on September 15th, I don't 6 leaving an adjacent property on Akins Street? 7 know if exactly when -- it sounds like there was a 7 A. I don't know. I would say I definitely 8 rain event, but I don't know exactly when it was. 8 saw the potential for that. But I don't think I 9 But I can't tell from here for sure if there was some 9 actually saw -- you know, like I didn't see storm 10 sort of BMP deficiency that was a violation of the 10 water actively discharging from the site itself. 11 JURMP. 11 Likewise, I didn't see it discharging off the 12 O. I'd like you to look at page two. The 12 adjacent properties because it wasn't discharging 13 second row down it says, "Are material stockpiles 13 there. 14 protected and covered?" 14 Q. Did the neighbor's property on Akins 15 A. Uh-huh. 15 Street have exposed dirt? 16 Q. Your note says, "Some small sediment piles 16 A. Yes, I believe some of the ones along 17 are not protected." What's a difference between a 17 Akins did. 18 sediment pile and a stockpile? 18 Q. Are there any portions of this document 19 A. I'm not sure if I was referring here to 19 highlighted on your copy? 20 something that may have been, you know, not 20 A. No, not this one. 21 necessarily an intentional stockpile for, you know, a 21 Q. Do you know if you ever discussed this 22 traditional stockpile use, but just an area where 22 inspection with the Water Board? 23 some dirt had been piled up incidentally. 23 A. I don't believe so. 24 That may have been what I was referring to 24 Q. Have you ever discussed this site with 25 there. That's just kind of speculation, though, 25 Mr. Chiu from the Water Board?

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with him.

Page 78

was there doing an inspection. So I would assume we had some brief conversation. But I think other than

Q. Okay. Have you ever met Mr. Melbourn with the Water Board?

A. Just that one time he was there that same day, both Frank and --

A. I did -- I was on site one time when he

that day, I don't recall ever discussing the site

- Q. Have you ever discussed this site with him other than that one-time inspection?
 - A. No. No. Not that I can think of.
- Q. When you were on site during that inspection, did they ask you any questions about your prior Inspection Reports?
- A. I don't believe they asked any questions about those. I know Wayne mentioned that he had received those, but I don't recall any questions about those inspections.
- Q. Have you ever discussed the site with anyone else at the Water Board?
 - A. No.
- Q. Have you ever been involved with any other sites that were subject to an Administrative Civil Liability Complaint from the Water Board for storm

1 Mr. Nakatani is ready.

> THE WITNESS: Okay. I'm ready. I just wanted to correct or clarify in looking again at Exhibit 18. I think you had asked if there was any JURMP violations. I think potentially, yeah, I see now that there had been some rain.

Page 80

Page 81

And I did have notes indicating at that time that there weren't -- there were some deficiencies regarding some erosion and sediment control. So I think it is a potential, yes, that there may have been some violations of the JURMP regarding erosion and sediment control, BMP requirements. BY MS. BERESFORD:

- Q. Okay. Can I ask you to take a look again at Exhibit 16.
- A. Sure.
- 17 Q. And that's your e-mail?
 - A. Yeah.
 - Q. Where you thought that they had done a pretty good job addressing their deficiencies?
 - A. Yeah. But yeah, I would say --
 - Q. And then you went down --
 - A. Yeah. It doesn't say that they had resolved everything, though, necessarily. So yeah, I can't tell for sure looking at these exactly, you

Page 79

- water violations?
 - A. For construction?
 - Q. Yes.
 - A. No, I haven't.
- Q. For any other type of storm water violations?
- A. I have worked with the City of San Diego on their postconstruction structural BMP program. They had received an ACL, I believe, for that.
- Q. Okay. Are you aware that the Water Board is seeking penalties of over \$800,000 for this site?
 - A. Yes.
- Q. Are you aware of any other Water Board enforcement action seeking a similar amount of penalties?
- A. I believe there was one. I've heard of some they had against a couple of cities. I think the City of San Diego and Encinitas I think I've heard of.
 - Q. Any other private construction sites?
- A. Not that I'm -- not that I'm aware of,
 - MS. BERESFORD: Okay. Let's go off the record.
- 24 (Discussion off the record.)
 - MS. BERESFORD: I am ready to go on when

know, okay, at the time when it was falling on site, if everything was free of any BMP deficiencies. But yes, I agree that the Exhibit 16 does -- implicating that they were doing a pretty good job compared to their past history in resolving deficiencies. But it's also not saying that they were completely free of everything.

Q. Okay. And when you were out on the site on the 15th, was it actually raining at that point in time?

A. I don't think so. Based on what I can remember and the note, that I saw sediment in the gutter. So yeah, I think -- I think from looking at this, I think this was right after it rained. But like we talked about before, that was not recorded on

MS. BERESFORD: Okay. Sounds good.

18 Do you have some questions?

19 I'm sorry. I have one more.

20 BY MS. BERESFORD:

- Q. Based on your inspections, have you seen any site that you thought was 100 percent perfect 100 percent of the time?
 - A. 100 percent of the time?
 - Q. Right.

Page 82 Page 84 A. As in 100 percent of the time from the 1 1 the City code? 2 start of the project to the end of the project? 2 A. The "yes" box? 3 Q. Yes. 3 O. Correct. 4 A. Not that I have seen so far. 4 A. Yeah, I would say that's true. It does 5 Q. Is it your experience that when you are 5 not necessarily mean there's a violation. inspecting a site, you can almost always come up with 6 6 Q. That a better indication of whether 7 additional recommendations? 7 there's a violation, in your opinion, or not is the 8 A. From my experience, I would say I can 8 box on the right "Effective, yes or no," in the 9 usually come up with recommendations of ways to 9 description column? 10 improve things, yes. 10 A. I would say that the "yes or no" is my 11 MS. BERESFORD: Okay. Thanks very much. 11 indication of adequacy of the BMP, as we've discussed 12 12 before. The violation issue is sort of a one handled 13 **EXAMINATION** 13 by the City. 14 14 Q. Okay. And looking back at my notes, with 15 BY MR. BOYERS: 15 respect to your testimony as to how you filled out 16 Q. I have a few questions. Let's start with 16 these forms, you indicated that you were inspecting 17 Exhibit 2. If you could look at Exhibit 2. 17 in accordance with the City's JURMP and the City's 18 A. Okay. 18 code, correct? 19 Q. And that's a copy of your December 9, 2014 19 A. Yes. 20 inspection of the site. 20 Q. And that were not looking for compliance 21 A. Uh-huh. 21 with the construction general permit, correct? 22 Q. First, I'd like you to look at the boxes 22 A. Yes. 23 two-thirds of the way down on the front page. 23 Q. Specifically on Exhibit 2, but this will 24 There's a number of boxes indicated in gray: "BMP." 24 relate to other exhibits as well, in the "Violations" 25 "Yes," "No," "N/A," "Description/Explanation" and 25 section, when you indicate "no violations," is it Page 83 Page 85 1 "Effective Yes or No." 1 fair to say you are not making any determination as 2 A. Uh-huh. 2 to whether there's a violation of the Construction 3 Q. Can you explain to me the meaning of the 3 **General Permit or not?** 4 second box over from the left, the meaning the BMP 4 A. I would -- I would say that that part 5 yes versus no? 5 is -- is something that the City is mainly 6 A. I believe that is just indicating whether 6 determining. So I would say they are working within 7 or not they're implementing that type of BMP. 7 the context of their general Municipal Code in 8 Q. Okay. Is it possible -- and I see that 8 determining, from what I've heard from them, that's 9 you've done this on a number of occasions -- where 9 what they are going off of when they are calling 10 you mark that box "yes," but the "Effective" box 10 things a violation or not. 11 "no"? 11 Q. In your discussions with the City, did 12 A. Correct. That's correct. I do find the 12 they indicate to you that their intent was when 13 column headings a bit confusing on these. But in 13 filling out the "Violations" box, they wanted to 14 general, yeah, I feel that the column on the far 14 indicate whether there was a violation of a 15 right, the "Effective yes/no" is the one that's more 15 **Construction General Permit or not?** indicative of a problem. Because, you know, just 16 16 A. I don't think they ever indicated that to 17 asking if yes or no is BMP present, as I interpret 17 me. the other columns to be asking, doesn't necessarily 18 18 Q. Okay. Let's look at Exhibit 3. This is 19 mean that it's there everywhere it needs to be and 19 related to your inspection of December 11, 2014 at 20 implemented properly. So I believe that that's the 20 the site. 21 intention of the form is to capture that, so --21 A. Uh-huh. 22 Q. Is it fair to say that although the box 22 Q. Here you also indicate in the "Violations" 23 indicates a BMP, the "yes" on the left may be 23 section, you checked "No violations." 24 checked, that doesn't necessarily mean that there's a 24 A. Uh-huh. 25 violation, in your opinion, of either the JURMP or 25

Q. And again, I want to make -- I want to ask

	Page 86		Page 88
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1	whether you were making a determination here when you	1	original is lost, the Water Board agrees that a copy
2	checked this box whether there's a violation of the	2	can be used in its place.
3	Construction General Permit or not?	3	MR. BOYERS: That's fine.
4	A. I would, again, say that that's how	4	MS. BERESFORD: All right. I think we
5	that's has been determined by the City more. But	5	are done.
6	my understanding is that that's not based on the	6	Oh, do you need to know if he's going to order?
7	General Construction Permit.	7	MR. BOYERS: We will order.
8	Q. Okay. If you could then just look at	8	THE REPORTER: Thanks.
9	Exhibit 14, Exhibit 15, and Exhibit 17. And I'll	9	MS. BERESFORD: We are done.
10	indicate that Exhibit 14 and 15 also have the "No	10	(Exhibit Numbers 1 through 18 were marked
11	violations" box noted.	11	for identification.)
12	A. Uh-huh.	12	(The deposition concluded at 11:53 a.m.)
13	Q. And I'll ask, is it the same testimony	13	
14	with respect to that as the prior exhibits?	14	
15	A. Yes, it is the same.	15	
16	Q. And then quickly, my last question is with	16	
17 18	respect to Exhibit 16, if you could pull out 16. 16,	17	
19	the e-mail from September 14th at 10:32 a.m., the second paragraph reads, "There were some deficiencies	18 19	
20	- · · · · ·	20	
21	at Valencia last time I was there, but nothing too horrible by Valencia standards."	21	
22	Do you see that?	22	
23	A. Yes.	23	
24	Q. And those are your words?	24	
25	A. Yes.	25	
		20	
	Page 87		Page 89
1	Q. Can you tell me or explain to me what you	1	***
2	mean by "Valencia standards"?	2	
3	A. I believe I was just referring to in the	3	
4	past there had been various times where they had	4	
5	deficiencies that had not been corrected. So by		T 1 1 1 1 0 1 1
6		5	I declare under penalty of perjury under
	"Valencia standards," I was kind of referring to	6	the laws of the State of California that the
7	their past compliance history and sometimes resolving	6 7	
8	their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly	6	the laws of the State of California that the
8 9	their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away.	6 7 8	the laws of the State of California that the foregoing is true and correct.
8 9 10	their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away. MR. BOYERS: Thank you. I never know when	6 7 8 9	the laws of the State of California that the foregoing is true and correct. Executed at, California,
8 9 10 11	their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away. MR. BOYERS: Thank you. I never know when you're done.	6 7 8 9 10	the laws of the State of California that the foregoing is true and correct.
8 9 10 11 12	their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away. MR. BOYERS: Thank you. I never know when you're done. THE WITNESS: Sorry.	6 7 8 9 10 11 12	the laws of the State of California that the foregoing is true and correct. Executed at, California,
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8 9 10 11 12 13 14 15 16	their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away. MR. BOYERS: Thank you. I never know when you're done. THE WITNESS: Sorry. MR. BOYERS: Okay. That's all I have. Thanks. THE WITNESS: Okay. MS. BERESFORD: All right. We will conclude this as we have with other deposition transcripts. We're agreeing that Opper and Varco can take custody of the original transcript.	6 7 8 9 10 11 12 13 14 15 16	the laws of the State of California that the foregoing is true and correct. Executed at, California,
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8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away. MR. BOYERS: Thank you. I never know when you're done. THE WITNESS: Sorry. MR. BOYERS: Okay. That's all I have. Thanks. THE WITNESS: Okay. MS. BERESFORD: All right. We will conclude this as we have with other deposition transcripts. We're agreeing that Opper and Varco can take custody of the original transcript. We will forward that to Mr. Nakatani with a request for him to review in less than 30 days. We'll work on a schedule that's agreeable to you. You'll return those if you have any changes, you'll return those to us. We will share those with	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the laws of the State of California that the foregoing is true and correct. Executed at, California, on
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	their past compliance history and sometimes resolving deficiencies; but a lot of times not, not promptly usually. So it would get resolved or go away. MR. BOYERS: Thank you. I never know when you're done. THE WITNESS: Sorry. MR. BOYERS: Okay. That's all I have. Thanks. THE WITNESS: Okay. MS. BERESFORD: All right. We will conclude this as we have with other deposition transcripts. We're agreeing that Opper and Varco can take custody of the original transcript. We will forward that to Mr. Nakatani with a request for him to review in less than 30 days. We'll work on a schedule that's agreeable to you. You'll return those if you have any changes,	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the laws of the State of California that the foregoing is true and correct. Executed at, California, on

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	Page 90			
1	(STATE OF CALIFORNIA)			
2				
3	I, R. Jerrod Jones, CSR 11750, do hereby			
4 5	declare:			
5 6	That prior to being examined, the witness named			
7	in the foregoing deposition was by me duly sworn			
8	pursuant to Section 2093(b) and 2094 of the Code of			
9	Civil Procedure;			
10	m			ı
11 12	That said deposition was taken down by me in shorthand at the time and place therein named and			
13	thereafter reduced to text under my direction.			
14	and the second s			
15	I further declare that I have no interest in			
16	the event of this action.			ı
17 18	I declare under penalty of perjury under the			
19	laws of the State of California that the foregoing is			
20	true and correct.			
21				
22	WITNESS my hand thisday of			
23 24	·			
2. 1	R. Jerrod Jones, CSR No. 11750, RPR			
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Word Index



				Page 9
	10.20.21.22			
A	18:20,21,23	52:6,12,19,25	aware 9:2 36:5	43:5 44:9,10
accompany 74:1	agree 81:3	53:2,4,5,9,12	48:18 79:10,13	48:21 49:17
accurate 6:9	agreeable 87:21	56:21,24 57:2	79:21	54:5 55:22,25
29:22	agreeing 87:17	57:5 62:14	a.m 1:17 5:2	57:15,21 59:12
AC L 7 9:9	agrees 88:1	67:4 75:22	43:24 72:6	62:21 64:13,16
acting 15:8	ahead 31:21	76:22,24	86:18 88:12	65:17 70:2,5
action 26:4	37:17	areas 26:8,9,14		73:23 74:21
79:14 90:16	Air 11:5 12:5	26:17 38:17	<u>B</u>	76:15,15 77:16
actions 16:15	Akins 48:8 77:6	39:2,3 51:15	B 3:8	77:23 78:16
26:13 71:4,7	77:14,17	68:17 72:16	back 7:12 11:11	79:9,16 83:6
active 26:8,19	ALTONA 2:17	76:20	12:6 32:22	83:20 87:3
26:21 27:1	Altos 1:7 2:4	Arrington 21:24	36:23 38:3	believed 25:20
28:18 38:17,18	3:12 30:15	22:12	43:12 54:2	Beresford 2:5
39:2,7,12 50:2	Altos-Lemon	asked 8:8 23:13	55:17 60:13	3:5 5:10,13 7:6
51:15,17 52:5	5:14	23:13 24:15	66:11 71:22	7:10 8:15
52:12,15,19,25	amount 79:14	33:17 36:22	84:14	22:18 23:1
53:9,13 56:7	Anderson 43:22	38:5 52:11	based 32:17	28:5 30:2,6
57:8,10 60:21	and/or 69:8	57:16 65:4	39:13 42:4,23	31:12,17 32:21
61:25 76:20	animal 10:19	78:16 80:4	52:8,21 53:10	33:6,11,25
77:1	answer 6:11,15	asking 34:13	56:6 58:6,24	34:7,23 37:4
actively 76:18	6:22 34:1,11	37:20 44:3,20	62:6,9,16	37:10,18,22
76:18 77:10	34:11 44:6	44:24 65:5	65:12 72:18	41:4 42:22
activity 72:17	anybody 9:7	73:22,23,24	76:1 81:11,21	43:6,8,12,16
actual 9:21	27:3 28:21	83:17,18	86:6	44:7,15 45:2,9
35:10	29:3 35:13	assess 42:15	basically 20:20	45:14 47:2,7
Add 26:16	41:11 52:11	assessment	40:5 65:19	48:22 49:1
added 8:13	anymore 22:7	20:20	basin 55:8,9,17	54:6,12 58:11
additional 13:5	appear 8:2	assigned 25:22	basing 57:16	58:17 60:12
19:25 51:3	43:18	assigns 25:19	basis 57:14	63:24 64:3,17
82:7	APPEARANC	assistance 20:19	bathroom 66:6	64:21 66:4,8
address 68:21	2:1	Assistant 15:17	began 11:18	66:11,17 70:10
addressing	appears 26:23	15:19 16:1	12:7	70:14 71:10,18
72:14,19,22,25	68:15	assume 78:2	beginning 13:12	71:24 73:1,5
80:20	applying 12:7	assumption	behavior 10:13	74:4,9 79:23
adequacy 42:15	appropriate	42:12	10:19	79:25 80:13
84:11	76:11	attach 44:18,21	believe 8:20	81:17,20 82:11
adequate 63:7	approximate	44:25	10:21 11:19	87:15 88:4,9
adjacent 77:6,12	48:6	attached 32:4,6	12:9,11 13:21	best 6:14 7:2
Administrative	approximately	51:4 52:1,3	15:17 16:2	better 58:3,7,8
1:6 3:20 5:15	15:22 16:23	67:22 73:11,17	18:12,15 19:11	59:1 84:6
31:23 78:24	18:19	74:16	20:4,6,10 21:4	biostatistician
advanced 10:15	April 70:17	attaching 45:3	22:13,16 24:2	11:16,20
10:24	area 26:20 27:1	attend 37:1	24:7 29:5,11	biotech 11:17,25
AGENCY 2:11	39:8,12,17	attorneys 5:14	29:17 31:8	12:1
ago 15:21,23	51:19,23 52:5	award 11:8	35:20,25 37:2	bit 9:24 11:11
	·		39:16,19 40:15	
PDS:TITEREST:WWW.tipppywre.use.psus.me.comm	THE PROPERTY OF THE PROPERTY O			
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25.16.62.4	99.2.7	-X	C: 11.65.16	1 4 1 01 6
25:16 63:4	88:3,7	changing 21:2	Civil 1:6 5:16	completely 81:6
83:13	break 6:20,23	charge 21:6	78:24 90:9	compliance 3:15
BMP 13:13,13	43:9 66:7	check 25:12	clarification	3:18,24 4:7,9
75:10 76:8,10	Brian 45:21	57:22 65:6	66:1	4:15,18,24
79:8 80:12	brief 9:5 78:3	71:6,8	clarify 58:10	19:5,7 34:15
81:2 82:24	bring 8:5 9:15	checked 25:11	63:22 80:3	84:20 87:7
83:4,7,17,23	Broadway 1:16	25:18 27:12	Clean 68:4	concerns 26:7
84:11	2:6	39:23 40:19	cleaned 70:8	conclude 87:15
BMPs 14:2 26:7	brought 42:14	41:18 57:12	clear 39:1,6	concluded 88:12
32:6 38:17	bulk 15:3	65:5 67:8,14	client 14:25	conclusion
42:15 51:24		69:11 74:19	clients 15:1	33:24
58:25 59:5	C	83:24 85:23	close 36:24 55:7	concrete 67:6,12
Board 1:2 2:10	C 2:5	86:2	55:16 59:16	67:20 68:4,19
2:12 5:17 11:5	California 1:2	Chiu 53:24	61:18 62:12	68:24 69:13
12:5 19:16	1:17 2:7,10,11	77:25	code 25:2 42:11	70:6
23:21 29:3	2:14,19 5:1	citation 3:20	74:24 84:1,18	condition 58:3,7
31:7 36:5 43:4	10:3 89:6,10	31:9,23 32:14	85:7 90:8	58:9
54:4 64:12,15	90:1,19	32:17 33:2	collect 35:7	conditions 49:16
70:4 77:22,25	call 2 9:3 40:9	57:20,24	college 10:4	conference
78:7,21,25	57:22	cities 15:9 42:18	column 27:7	43:11
79:10,13 87:24	called 7:25	42:24 43:2	59:20 63:6	confident 23:14
88:1	calling 85:9	79:17	2	
Board's 37:17	calls 33:23		67:5 69:6	confusing 83:13
B .	34:17 42:19	City 3:19 8:18	83:13,14 84:9	connections
bottom 26:3		15:2,5,5 18:5	columns 83:18	69:8,17
30:22 68:15	Canterbury 2:18	19:21,22,25	come 20:11	considered
73:18		20:16,18,23	23:17 29:6	40:21 42:16
box 2:13 24:12	capture 83:21	21:8,18 22:1,7	82:6,9	76:7
39:24 57:12	case 28:13 40:14	23:15 24:14	comes 76:7	construction
67:8,14 69:11	40:22 43:2	25:7,7,19,21	comment 26:12	3:15,17,23 4:6
71:8 83:4,10	63:1	29:1 31:10,24	51:22 55:15	4:9,15,17,24
83:10,22 84:2	cases 35:20	33:19 34:20	68:7,22	15:12 16:6,13
84:8 85:13	CCed 43:18	35:2,17 36:22	comments 54:25	17:20 18:1,6
86:2,11	CD-ROM 8:14	36:25 38:5	67:16 69:23	19:6,8,24 20:3
boxes 65:5	Center 11:21	40:6,10,15	70:1	20:12,22 24:3
69:23 82:22,24	central 67:4	41:20,25 46:3	company 12:8	24:6,18 25:4,9
BOYERS 2:12	certain 17:18	47:11 49:11	17:13 20:21	30:15 33:22
3:6 22:22,25	48:7	57:15 58:21	21:12	34:4,16,21
28:4 32:19	certainty 57:9	65:10 66:2	compared 59:3	35:11 79:2,20
33:23 34:6,17	chance 74:3	71:9 74:21	81:4	84:21 85:2,15
37:14,16,19	change 17:4,5,8	79:7,18 84:1	comparing	86:3,7
41:3 42:19	29:21,23 40:11	84:13 85:5,11	24:17	constructions
44:5,13,23	40:16,16	86:5	Complaint 1:6	18:5
45:6 58:8 60:5	changed 17:12	city's 24:20,23	5:16 78:25	contact 20:23
63:22 64:2	40:1	24:25 42:17	complete 15:6,6	
82:15 87:10,13	changes 63:14	84:17,17		21:7,11,15,21 22:2
02.10 07.10,13	87:22	07.1/,1/	completed 12:4	LL.L
	07.22			-
		SALVOSANO I SI S	g pour le 1,150 et 15 gapen duit d'étre c'h vir distribit ant lisant de min es f. 1 e feu penteun annet an tempe	ann denna etanljetot op tjetod elimplet enganning til an och en poli namennet i som sammen grennet.

				Page 9
contacts 22:5	67.19.02.60.11	20.17.22.21.25	7401750	07.60
contained 27:9	67:18,23 69:11 69:15 70:23,25	29:17,23 31:25 32:1 36:4	74:21 75:2	85:6,8
49:23	71:5 73:20,21		decisions 40:6	developer 18:25
context 85:7	80:3 83:12,12	49:14 50:8	declare 89:5	29:1
contract 17:18		53:8 59:24	90:4,15,18	Diazyme 12:2
20:4 21:8,15	84:3,18,21 89:7 90:20	60:1 66:23	dedicated 14:15	Diego 1:3,16 2:7
contracting 20:5	corrected 87:5	73:14 76:14	deficiencies 59:7	5:1 10:7 11:24
contractor 18:8	corrective 26:4	dated 3:16,18,20	72:11,14,15,19	12:3,6 15:2
52:16 56:5	26:13 71:4,7	3:21,24 4:1,3,4	72:22,25 80:8	79:7,18
71:9	•	4:7,10,11,13	80:20 81:2,5	differ 74:15
contracts 17:13	correspond 63:15	4:16,18,20,22	86:19 87:5,8	difference 39:11
17:15 19:25		4:25 29:15 52:24 72:5	deficiency 62:15	75:17
21:12	corresponded 29:12	53:24 72:5	62:16 75:10	different 8:20
control 1:2 2:10		dates 63:12	deficient 59:6	16:15 17:11,13
2:11 5:17	corresponding 61:10 63:11	Dave 22:1 DAVID 2:12	defined 30:18	30:25 39:15
13:12 14:17	COUNSEL 2:1		defining 39:11	63:15,16 76:4
26:16 38:17	couple 13:14	David.boyers	39:17	76:7
51:23 59:8	50:5 57:17	2:15 Davis 10:19	definitely 77:7	differently
80:9,12	79:17	11:3,13	degree 10:12,13 10:20 11:8	65:11
controls 51:15	course 21:14	day 27:25 28:3		difficult 6:6
58:2	court 6:2	32:17 33:2	degrees 10:16 10:25	68:16
conversation	cover 63:7 73:8			direct 48:1
35:14,17,21	cover 03.7 73.8 coverage 62:18	38:1,4,6,21 39:2,5 40:25	Deponent 2:16	49:21
42:3 52:16	coverage 02.18	41:9 46:25	deposition 1:14 3:12 5:21 7:13	direction 90:13
56:15 57:21	49:23 59:22,25	50:17,18,22,22		directs 34:11
78:3	60:3,8,9 61:22	50:25,25 51:2	7:18 9:4,8 31:14 45:10	dirt 75:23 77:15
conversations	62:7,22,24	52:12,17,24	47:3 54:9	discharge 69:3,6
33:5 39:4	63:2 75:14	78:4,9 90:22	58:13 66:13	76:12,17
coordinated	covers 22:5 63:7	days 14:14	87:16 88:12	discharged 68:25 69:14
9:11	coworker 17:2	26:17 27:1	90:7,11	· · · · - · · · · · · · · · ·
copies 37:15	coworkers 19:14	39:9,14,18	describe 19:20	discharges 27:10 49:24
copy 7:12 22:22	created 28:16	50:6 87:20	25:15 30:9	67:13 69:9,15
37:14 71:14	28:18	December 1:18	43:20 47:10	69:17
77:19 82:19	CSR 1:19 90:3	5:1 20:7,7 23:5	58:20 64:24	discharging
88:1	90:24	23:7 30:11	description 3:11	77:10,11,12
corner 53:7	current 16:11	31:1,10 32:23	50:1 84:9	discuss 26:6
68:15	currently 26:18	33:7,16 36:2,6	Description/E	28:20 31:6
correct 18:11,23	50:5 53:13	37:6,25 41:12	82:25	38:16 43:3
22:9 25:5,6	custody 87:17	43:3,22 44:1	determination	50:20 51:14,17
26:1,22,24	87:25	45:19,22 46:22	85:1 86:1	54:3 64:10,14
30:16,17,20		47:12,13 48:20	determine 42:16	70:3
32:24 37:1	D	58:4,23 59:2,4	53:13,14 57:9	discussed 31:3
39:9 45:5	D 3:1	59:4,8,9 82:19	determined	35:6 38:20
46:13 59:11	data 33:21 34:3	85:19	17:19,21 86:5	77:21,24 78:10
67:2,9,14,17	34:14,25 35:7	decision 74:20	determining	78:20 84:11
	date 11:8 19:3		·—- -	· · · · · · · · · · · · · · · · · · ·

discusses 59:14	59:17 61:18,21	ensure 68:5	54:8,10 55:17	87:1
discussing 78:4	62:12,17,23	entrance/exit	57:6 58:12,13	
discussion 9:10	68:25 69:4	48:8	58:13,14,15	exposed 50:4,21 55:11 77:15
9:14 22:24	duly 5:5 90:7	ENVIRONM		
33:10 36:14	duties 17:8	2:11	60:19,23 63:22	extent 65:22
37:9 40:8 41:7	DVD 8:8 18:18	erosion 26:16	63:24,25 64:4	e-mail 4:1,12,19
41:21,22,25	29:8	38:17 51:15,23	64:6,11,14,18 64:19 66:5,12	4:21 21:21
42:8 50:16	DVDs 8:21	59:8 76:9 80:9	•	40:9 43:21,23
55:3 71:17	D-Max 3:21 4:3	80:11	66:13,14,15	44:9,10 53:23
79:24	4:4,11 9:7 12:8	Escondido 2:19	69:19 70:10,12	57:21 64:25
discussions	12:8,10 19:21		71:10,11,12	65:4 72:1,2,5
85:11	19:22,24 20:2	ESQ 2:5,6,12,17 estimate 16:24	73:2,3 74:5,5,5	73:9,11,18,22
disturb 48:16	20:8 21:8 33:7		74:7,22 80:3	74:16,22 80:17
disturbed 26:16	33:15 35:22	evaluating 26:19 34:15 39:13	80:15 81:3	86:18
48:9	36:20 45:18,24		82:17,17 84:23	e-mails 9:19
document 7:13	36:20 43:18,24 46:5 47:11	evaluation 26:20 event 75:8 90:16	85:18 86:9,9,9 86:10,17 88:10	F
7:21 23:2	40.347.11	evidence 67:13	exhibits 57:17	failure 38:16
25:25 26:6	E	68:24 69:8,16	84:24 86:14	fair 83:22 85:1
30:7 31:13,18	E 3:1,8	evolution 10:14	EXH-1 3:13	fake 11:22
33:12 36:11	earlier 23:13	exact 25:23	EXH-104:7	fall 12:6
37:11 38:10	30:18 65:16	40:22 60:1	EXH-11 4:10	falling 81:1
43:17 45:11,15	early 15:14 59:3	exactly 12:14	EXH-12 4:11	far 41:21 50:9
47:4,8 49:2,15	ecology 10:13	16:10 20:17	EXH-13 4:13	50:25 62:23
53:20,20 54:8	education 9:24	22:15 25:17	EXH-14 4:16	65:9 69:3
54:13,21 58:18	effect 48:7	52:10 75:7,8	EXH-15 4:18,25	74:17 82:4
66:18 70:15	Effective 83:1	80:25	EXH-16 4:20	83:14
71:19 73:6	83:10,15 84:8	EXAMINATI	EXH-17 4:22	fashion 42:18
74:10,15 77:18	effort 35:24	3:4 5:8 82:13	EXH-2 3:16	February 65:1
documentation	either 16:5 29:1	examined 5:6	EXH-3 3:18	feel 6:20 76:11
20:6 56:17	40:8 42:10	90:6	EXH-43:20	83:14
documents 3:13	49:11 57:8	excuse 24:5	EXH-53:22	FERGUSON
7:14,17 8:2,5	83:25	Executed 89:10	EXH-63:24	2:17
8:17,19,23,24	elaborate 17:9	EXH 3:9	EXH-7 4:2	field 13:1 40:8
9:12,16,22	elevated 62:13	exhibit 3:9,11	EXH-8 4:3	45:21 47:12
19:13 66:14	employee 45:24	7:7,8 22:19,20	EXH-9 4:5	49:19 51:3
doing 12:20	employees 68:5	30:3,4 31:12	exits 43:11	56:13
13:10 14:13,14	Employment	31:13,14,15	experience	fill 41:23 42:4
14:16,22 15:11	46:1	33:7,8 36:9,12	42:23 43:1	73:25
16:13 17:4,19	Encinitas 79:18	37:5,7,17	82:5,8	filled 46:25
17:21 18:4	enforcement	43:13,14 44:1	experienced	73:24 74:18
24:10,14,17	2:12 44:19,21	45:10,10,10,12	13:2	84:15
25:6 34:20	45:1,4 79:14	47:2,3,4,5,15	experiences	filling 42:14
39:8 78:2 81:4	engineer 22:14	47:16,20 48:3	42:24	85:13
drafting 44:19	engineering	48:23,24 51:8	explain 40:1	finalized 20:6
drain 55:7,16	3:21 4:3,4,11	53:19 54:3,7,7	42:6 65:2 83:3	finally 6:25
	19:12 22:14		·	find 35:13 61:10
				2

				Page 9.
66:23 83:12	42:14 73:12	70 5:05 C:1 10:4	4. 76.16	01 5 07 7
fine 46:8 88:3	84:16	go 5:25 6:1 10:4 19:15 23:14	gutter 76:16	81:5 87:7
finish 6:13,15	forward 87:19	24:16 27:19	77:3 81:13	hold 61:9
38:23 48:13			H	honestly 14:4
finished 11:2	found 25:20,21 four 53:5	31:21 32:22	H3:8	21:1,7 25:17
Firsht 4:12 21:5	E	37:15,17 38:3	hand 90:22	horrible 72:12
21:16 31:4	frame 39:17,18	38:6 42:9 43:9	1	86:21
32:13 64:25	Frank 2:22 78:9	49:12 51:21	handle 65:10,11 handled 84:12	hour 29:24
first 5:5 7:20	free 6:20 69:7	54:23 55:17	handwriting	T
11:2 12:10	69:15,16 81:2 81:6	58:11,12 59:13	26:3 30:22	idea 14:8
20:6,24,25		60:13,16 63:4	31:1	identical 7:17
23:24 26:13	frequency 24:11	66:8,22,25	happen 49:17	identification
40:14 44:16,22	frequently 21:12 63:14	68:3 69:5	happened 25:15	3:9 7:9 22:21
40.14 44:16,22 47:15 51:22	63:14 front 37:19	70:18 71:10,14	29:21 40:2	30:5 31:16
63:6 65:4 72:9	82:23	71:16 73:18	Harper 2:16	33:9 37:8
82:22	82:23 full 7:12 14:13	79:23,25 87:9	4:22 21:20	43:15 45:13
five 14:9,14 57:1	fully 14:14	going 21:25	28:23 31:4	43:13 43:13 47:6 48:25
57:1,5	51:22	27:18 33:2	73:9	47:6 48:25 54:11 58:16
five-minute 43:8	full-time 11:5	36:9,15 43:9	hazardous 67:7	64:20 66:16
flagged 3:9	further 90:15	53:18 54:2	head 18:21	70:13 71:13
following 23:10		67:4 85:9 88:6	headings 83:13	70.13 /1.13 73:4 74:8
50:25	future 50:6	good 5:11 17:5	hear 36:14	73.4 74.8 88:11
follows 5:6	G	72:14,19,22,24	heard 79:16,19	IDENTIFIED
48:11	Gary 2:16 4:22	80:20 81:4,17	85:8	3:11
	21:20 28:23	gosh 16:25	hearing 6:2	identifier 3:9
follow-up 44:17 65:21	31:4 73:9,23	grad 11:18	height 62:13	identifies 76:20
forecast 51:1	74:1 75:1	graduate 10:1,8	help 66:23	
57:3	gather 65:19	graduated 11:12	hey 24:13 40:19	identify 7:23
forecasted 51:20	general 9:13	gray 82:24	Hi 5:12	8:24 37:13,23
	15:12 16:6	Great 7:5	high 10:1,2	49:4 56:21 70:15
foregoing 89:7 90:7,19	18:1,7 19:7	ground 5:24	25:12,18,21	II 13:21,24 14:7
	24:2,6,18 25:4	62:13 67:20	higher 63:5	· ·
foreground 68:20	33:22 34:4,15	69:14 70:7	highlighted	15:16 46:9 illegal 69:8,16
forgot 7:25	34:21 35:10	Grove 1:8 2:4	63:20 77:19	illicit 69:8,15
form 3:15,18,24	83:14 84:21	3:12,19 5:14	highlighting	implement 59:5
4:7,9,15,18,24	85:3,7,15 86:3	9:6 17:20 18:6 19:21,23 22:7	38:10,12 47:16	implemented
23:5,10 29:12	86:7	· ·	47:18,20 51:8	83:20
30:10 36:4	generally 34:10	31:10,24 47:12 Grove's 8:19	51:10 54:20	implementing
37:24 41:23	getting 9:11	guess 9:13,19	64:4,6,8 69:18	83:7
42:4 46:25	40:13 55:24	12:1 14:12	69:21	implicating 81:3
65:6 66:19	give 7:2 8:8 15:6	16:12 20:15	highlights 63:20	important 6:10
70:16 73:17	42:8	35:18 38:25	Hills 30:15	important 0.10
74:13 83:21	given 40:23	46:9 60:7 66:1	hints 49:18	82:10
former 45:24	52:24	72:21	hired 19:22,23	inactive 26:8,9
forms 28:25	glanced 9:18	guessing 8:22	20:2,8	26:14,17,20,21
	Glendale 10:2,2	Sacsang 0.22	history 40:3,22	27:1 38:17,19
				27.1.30.17,17
		Statement and the second secon		arang tanggan kalanggan kananggan kananggan kananggan kananggan kananggan kananggan kananggan kananggan kanang

raye 30				mente de la companya
39:3,7,12,17	41:17	15:25 16:3,6	59,22,22,50,2	know 8:12 11:22
51:15,19 52:6	inspect 24:16	18:1,4 19:24	58:22,23 59:2 59:11,21 60:4	12:13 13:6,7
52:9,12,19,25	43:25 49:9,13	20:11,12 51:4	60:6,13,16,19	14:3 15:18
53:2,9 56:22	inspected 36:6	55:24 58:22	60:23 61:4,12	16:8,9,14,18
56:24 57:3,5	58:4	63:16 78:19	61:17,24 62:5	17:15 18:22
76:20,21 77:1	inspecting 24:19	81:21	62:7,15,21	19:2 20:5,8,17
Inadequate 32:6	24:24 25:3,4	installed 67:12	64:11,15	20:19 21:7,9
incidentally	41:15 82:6	instance 26:23	Jeremiah 22:13	21:10,13 22:7
75:23	84:16	instances 40:10	Jerrod 1:18	22:10,15,22
included 74:22	inspection 3:15	intent 85:12	90:3,24	23:19,20,22,22
including 26:17	3:18,24 4:7,9	intention 25:6	Jim 8:7 9:5	24:5,9 25:23
41:24	4:15,18,24	83:21	18:18	27:22 28:19,22
incorrect 42:12	18:7 19:13	intentional	job 1:24 11:2	31:9,11 32:10
indicate 50:3	20:3,22 23:5	75:21	12:14 13:16	32:11 33:17
52:15 56:18	23:25 24:10,11	interest 90:15	14:4 16:8,14	35:3,8 36:19
57:16 69:3	24:14,18 26:6	Interesting	17:2,14,21	37:19 38:14
71:3 84:25	27:21 28:7,11	10:15	46:6,8 72:14	40:3,8,20,21
85:12,14,22	28:20,24 29:4	internship 11:4	72:19,22,24	41:11 42:2
86:10	29:10,12,18	11:5 12:4	80:20 81:4	44:14 45:25
indicated 17:7	30:10,12,20	interpret 83:17	jobs 12:7 17:11	46:24 48:19
18:9 25:25	31:1,4,6 32:7	interpretation	John 4:1 9:9,9	49:9 51:12
26:2 30:19,21	32:22 36:4,15	65:23	20:16 23:15	52:5,19 53:8
32:18,25 58:14	36:16,20,21	interpreted	35:17 43:22	53:10,20 55:20
67:1 69:14	37:5,24 43:4	65:19	44:17 46:18,20	55:22 56:1
82:24 84:16	44:3,4,11,18	interviewed	46:20	57:4,14 59:24
85:16	44:20,25 45:4	12:7	joking 17:1	60:1,10 63:11
indicates 83:23	45:5 46:25	investigations	Jones 1:18 90:3	65:11 66:1
indicating 50:13	49:5 50:8,15	19:5	90:24	68:1,2,11 70:6
55:12 63:17	53:8 54:2,3,16	involved 21:10	Josh 71:14	70:7 71:8
69:2 73:19	54:18 55:14	35:21,23 78:23	Joshua 2:22	74:23 75:3,7,8
80:7 83:6	56:4,10,21	involvement	Jpl@lfap.com	75:20,21 76:9
indication 50:23	57:11 58:1	23:21	2:20	76:12 77:7,9
51:1 56:24	59:10 60:14,16	issue 33:2 55:23	June 11:7,9	77:21 78:17
84:6,11	64:10 66:5,19	84:12	Jurisdictional	81:1 83:16
indicative 83:16	67:1 70:3,16	issued 5:16	24:20	87:10 88:6
industrial/com	72:15,23 73:12	31:10 32:16	JURMP 24:25	knowledge 28:8
13:11 14:1,16	73:14,17 74:2	issues 23:19,20	42:11 75:4,11	known 26:25
information	74:13 77:22	issuing 32:14	80:4,11 83:25	
42:9 55:13	78:2,11,14,15		84:17	L
initially 13:11	82:20 85:19	J	J.J 21:23 22:13	Laboratories
20:10 21:7,13	inspections	J37:15		12:2
23:17 25:18,20	12:17,21,25	JAMES 2:17	K	lack 62:18
inlet 59:17	13:9,14,24	January 12:9	kind 9:18 17:20	lacked 63:6
62:12,13,23	14:1,5,15,21	49:6,10 53:24	21:8 49:18	language 32:8
input 40:13,23	14:22 15:4,12	54:2,17 56:4	75:25 87:6	latest 72:15
		56:20 58:1,1	knew 28:15 57:4	laws 89:6 90:19

				rage y
lead 76:9	little 6:1 9:24	maintained	60:7	17:16,17
leaving 76:18	11:11 25:16	67:12	matter 1:5 5:15	morning 5:11
77:6	42:8 63:4	maintenance	65:8,9	move 59:20
left 68:15 83:4	LLC 1:8 2:4	13:13	mean 12:15 13:5	moved 12:6
83:23	5:14	making 40:6	17:2 20:5 21:5	27:25 28:3
left-hand 53:6	LLC's 3:12	85:1 86:1	30:14 34:19,19	55:24 56:2
legal 33:23	LLP 1:15 2:5,17	Malik 4:1,20	35:9 41:19	62:22
legally 34:12,13	located 27:9	21:9,9,16	50:5 65:7,15	multiple 15:23
Lemon 1:7 2:4	49:23 55:7,16	33:20 43:21	83:19,24 84:5	18:23 55:24
3:12,19 8:19	location 48:8	45:18 72:2	87:2	63:15,16 68:4
9:6 17:20 18:6	61:15	75:10 72:2	meaning 24:10	municipal 20:22
19:21,23 22:7	locations 68:5	managed 67:5	83:3,4	24:7,11 25:2
31:10,24 47:12	69:7	Management	means 62:24	42:11 65:17,24
Leon 4:12 21:5	long 12:15 13:17		Medical 11:21	74:24 85:7
21:5,9 31:4	16:23 22:16	map 52:1,3	medication 7:1	/4.44 63./
33:20 64:25	27:17	61:10,15	medium 25:13	N
65:4	look 35:9 39:21	Marathon 18:7	25:22	N 3:1
letter 44:19,21	53:19 55:17	March 66:20	meet 21:19	Nakatani 1:14
45:1,4 59:12	63:18 73:16	mark 7:6 22:18	24:10	3:3,13 4:13,19
let's 14:13 18:15	75:12 80:14	30:2 31:12	meeting 9:5	4:21 5:4,11,20
19:8,10 21:23	82:17,22 85:18	37:4 43:13	Melbourn 2:22	80:1 87:19
21:24 28:17	86:8	45:9 48:22	78:6	89:17
37:4 47:2,15	looking 28:25	53:18 54:6	members 13:2	Nakatani's 37:5
51:21 54:6	52:18 57:16	57:23 64:17	memo 3:21 4:3,4	name 5:13,18
56:23 58:11	62:4 63:13,23	66:4,12 70:10	4:11 33:7,15	named 90:6,12
60:13,16 66:12	75:6 80:3,25	73:1 74:4	45:18,20 47:11	National 15:5
67:10 68:2	81:13 84:14,20	83:10	48:2 58:21,24	near 61:21
71:1,10,16	looks 25:11	marked 3:11 7:8	59:14 62:6,9	necessarily 24:9
73:1 76:15	30:25 39:23	22:20 30:4	64:15	51:2 63:1
79:23 82:16	53:6 66:20	31:15 33:8	memory 36:7	65:18 75:21
85:18	68:18	37:7 40:16	52:24 55:23	76:17 80:24
level 13:22	loop 36:24	43:14 45:12	mention 26:9	83:18,24 84:5
levels 35:10	lost 88:1	47:5 48:24	38:18 76:21,25	need 88:6
Liability 1:6	lot 9:13 17:14	54:10 57:18	mentioned	needed 9:14
5:16 78:25	25:1 87:8	58:15 64:19	78:17	37:19
Likewise 77:11	lots 76:24	65:12 66:15	mentions 26:14	needs 83:19
Linda 2 :5 5:13	Lough 2:17 8:13	70:12 71:12	met 78:6	neighbor's
Lindab@envi	8:18 43:11	73:3 74:7	middle 63:5	77:14
2:8	LOUNSBERY	88:10	mind 39:7	Nemerow 45:23
line 25:8 62:9	2:17	master's 10:17	mine 32:12	46:14
6 7 :11		10:22 11:3	minutes 48:9	Nemerow's
liquid 67:6	<u> </u>	material 19:13	misstates 32:19	45:21
list 8:2 12:16	M 2:12	27:8 49:22	moment 32:3	never 87:10
15:6	main 15:2 21:6	68:19 75:13	Monday 29:20	new 13:7 17:2
listed 9:22	21:25 22:5	materials 13:6	months 13:15	72:16
	maintain 87:25			non-storm 27:9
E GUGUGAN DAN MARIAN BARAN	in annum meeti pirittiin an araa araa araa araa araa araa ara		DESCRIPTION OF THE PROPERTY OF	

			y a start a st	
normally 56:10	71:11,12 73:3	30:2 33:6 34:8	22:6	13:15 44:4
normally-sche	74:5,7 82:24	34:9,12,24	22.0	46:7
49:14	83:9	35:4,19,23	P	
northeast 55:8	Numbers 88:10	, ,	P 2:17 18:12	performing 16:5
55:16		36:5,10,13	page 3:4 25:24	period 11:15
note 27:22 49:18	N-a-k-a-t-a-n-i	37:4,16 38:9	26:13 27:6,7	26:21 57:17,24
	5:20 N/A 82:25	39:20 45:9	30:23 39:20	perjury 89:5
51:16,18 52:21	N/A 82:25	46:5,22 47:23	49:21 51:17,18	90:18
53:11,11 56:6	0	48:13,22 50:13	51:21 53:5,7	permit 15:13
56:10,14 57:1	oath 6:2	50:16 51:7,21	54:23 57:2,11	16:7 18:2
57:1,7,19	object 34:8	52:23 53:16,18	59:13 60:17	23:25,25 24:3
61:20 70:20	•	53:23 54:20,23		24:6,8,12,19
75:16 76:1,17	Objection 28:4 32:19 33:23	57:11 60:15	66:22,25 68:3	25:5 33:22
81:12		61:6,20 62:6	68:14 69:5	34:5,16,21
noted 70:7,21	34:17 41:3	62:19 63:4,18	70:18 71:2,3	35:11 65:13,17
75:3 86:11	42:19 44:5,13 44:23 45:6	65:13 66:4	73:8,18 74:18 75:12 76:21	65:22,24 84:21
notes 28:12	58:8 60:5	71:10,23 72:8	73:12 76:21 82:23	85:3,15 86:3,7
32:23 50:9,11		73:1 78:6		permits 13:7
50:13,24 51:4	objections 34:6	79:10,23 80:2	pages 63:18	person 6:12
52:8 56:25	observations	80:14 81:1,8	paragraph 48:2	21:20 41:9,15
69:1,3 80:7	63:12	81:17 82:11,18	72:4,8 86:19	phone 21:21
84:14	observed 32:1,4	83:8 84:14	paraphrasing	40:9 57:22
notice 3:12,19	62:15 67:20	85:18 86:8	48:7	photo 68:17
7:13,18 42:25	68:4	87:13,14	parent 12:8	photographs
52:13 57:25	occasions 83:9	ones 21:25	parents 16:21	69:24
noticed 1:15	occur 36:15	72:16 77:16	part 37:16 61:10	photos 2 9:8,9,11
26:12 69:13	occurred 45:5	one's 62:20	62:25 85:4	29:13 68:14,14
74:17	occurring 50:10	one-time 78:11	participating	68:21
Notice/Admini	offhand 18:17	ongoing 57:19	36:20	picks 14:3
57:20	OFFICE 2:12	opinion 83:25	particular 20:4	picture 68:2,20
NPDES 3:14,17	official 17:5	84:7	27:20 40:22	pictures 29:7
3:23 4:6,8,14	Oh 16:25 23:12	Opper 1:15 2:5	46:17,20 52:25	63:19 67:22,25
4:17,23	31:2 76:23	87:17	56:24 63:2	68:11,23
number 1:24	88:6	opposed 17:13	pass 19:13	pile 55:1 61:14
5:16 7:8 22:20	okay 6:9,25 7:5	65:20	PEAK 2:17	75:18 76:3
30:4 31:13,15	7:19,23 8:3,23	option 24:4	penalties 79:11	piled 75:23
33:8 36:12	9:16,20,23,25	65:21	79:15	piles 61:1 75:16
37:7 43:14	10:24 11:11	order 6:9 88:6,7	penalty 89:5	place 2 :18 30:16
45:11,12 47:5	13:17 14:5,22	original 87:18	90:18	56:18 88:2
48:24 51:18,22	15:15 16:16	87:25 88:1	pending 6:22	90:12
52:18 53:1	17:7,23 18:14	originally 25:11	people 9:6 13:7	placed 28:8
54:7,8,10	18:19,24 19:4	39:23	percent 81:22	59:16 60:2
58:15 59:5	19:10,20 20:8	outside 55:8	81:23,24 82:1	61:18 62:12
64:19 66:12,13	21:3,14 22:4	67:20 68:19	perfect 22:25	Plan 24:21
66:14,15 68:3	22:18,25 23:24	overlap 9:13	81:22	planning 45:3,8
68:8,9 70:12	24:15 25:8,24	O'Neil 21:23	perform 44:11	please 6:4,20 7:6
	28:20 29:6,19		performed	
		-	-	

				Page 9
7 11 00 10	242.72.12.22			
7:11 22:18	24:3 72:13,22	22:3 25:9	20:17 23:15	35:1 76:23
30:3,9 33:14	80:20 81:4	30:15 82:2,2	35:17 46:11,18	79:22
37:13,23 39:10	previous 23:19	projects 46:16	46:20	reason 7:2 9:1
43:13 45:17	42:2 46:21	promptly 87:8	question 6:4,11	recall 12:14
47:10 48:4,14	50:17,22,24	proper 48:11,15	6:14,22,23	14:20 18:16
48:22 49:4	72:15,23	properly 67:6	7:20 23:13	27:4,5 31:3,5
50:12,19 54:7	previously	67:12 68:6	34:2 35:2	32:13,15 33:4
55:6 58:20	46:11 49:13	83:20	38:23 48:14	36:1,3 38:7,8
64:17,24 66:4	77:2	properties 77:12	50:19 52:14	38:20,22,25
70:11 71:14,21	primary 20:23	property 77:6	65:3,10 75:1	39:4 41:10
71:25 72:4,9	prior 36:16	77:14	86:16	46:17 52:7,9
74:4	59:12 78:15	protected 27:8	questioning	52:11,13,22
point 14:20	86:14 90:6	49:23 55:2	63:25	55:23 56:3
17:24 25:23	priority 25:9,18	61:2 75:14,17	questions 16:22	58:5 69:1 74:3
26:10 27:2	25:22	PROTECTION	37:20 53:25	78:4,18
28:12,19 33:4	private 79:20	2:11	78:14,16,18	received 13:3
34:24 36:7,18	probably 13:5	protections 59:1	81:18 82:16	66:1 78:18
57:22 58:5	13:12,14,15,25	protocol 48:12	quick 66:6	79:9
61:8 66:2 76:2 81:9	13:25 14:12,15	48:16	quickly 71:15	recess 43:10
	15:3,4 16:2,9	provide 2 0:19	86:16	66:10
portions 77:18	16:12,25 21:6	36:8	R	recognize 66:18
position 12:10	21:20 22:5,16	provided 8:2,18	R 1:18 90:3,24	recollection
positive 46:10 76:2	46:9,19 61:5	proximity 62:17	· · · · · · · · · · · · · · · · · · ·	17:5 36:9
	75:1	psychology	rain 50:4,7,10	recommendati
possible 6:4,12 27:24 28:2	problem 83:16	10:14	50:14,17,21,22 50:24 51:1,19	40:11
60:3 61:23	problems 23:16 23:23	puddle 48:16	55:11,13 57:3	recommendati
83:8	25:25 Procedure 90:9	pull 86:17	75:8 80:6	70:24 71:1
possibly 8:25		pulling 9:19	rained 81:14	82:7,9
postconstructi	process 5:25 25:23	purpose 20:9 45:20	raining 81:9	recommended
14:2,18 79:8	processes 76:9		reached 21:13	26:4,13 71:4,7
potential 77:8	produce 8:18,25	purposes 25:4 31:14 76:10	read 6:6 26:15	record 5:19 7:23
80:10	Production 3:13	pursuant 90:8	44:9,16 50:1	19:18 22:24
potentially	7:14,16,17	put 19:16 63:7	54:25 55:6	31:22 33:10
68:13 80:5	Professional	67:3	72:4,9	37:9 43:9,12 53:23 66:9,11
Practitioner	18:10	P.O 2:13	reading 13:6	71:16,17 79:23
18:12	program 3:14	1.02.13	19:13 48:13	79:24
prepare 9:3,17	3:17,23 4:6,8	Q	62:10,16,25	recorded 81:15
prepared 23:10	4:14,17,23	QSD 18:25	68:8	reduced 90:13
present 2:21	17:20 79:8	QSP 18:7,10,13	reads 86:19	refer 44:1 47:14
83:17	progressed 14:3	18:14	ready 79:25	76:1
presented 71:9	project 15:17,19	QSP/QSD 19:10	80:1,2	reference 26:11
presumption	16:1,11,16,18	Qualified 18:10	Reality 11:21	referenced
36:25	16:24 17:19	18:24	really 16:13	68:18
pretty 23:14	18:8 19:23	Quality 1:2 5:17	17:3,8,12,18	referred 61:17
		Quenzer 4:1 9:9	24:5 34:20,22	

referring 24:1,2	55:10 56:21	response 74:22	33:18 35:16,20	71.16 72.4 9
24:7 36:11	61:17,24 62:5		35:23 46:21	71:16 72:4,8 75:13 83:4
61:25 62:1,1,3	67:1,23 68:3	responsive 8:17 8:25	8	75:13 85:4 86:19
62:17,20 65:17	•		48:11,15 58:23	
M	69:5 70:3,7	restate 34:2	San 1:3,7,16 2:4	second-to-last
65:23 75:19,24	76:19	results 33:16	2:7 3:12 5:1,14	55:4
76:22,24 87:3	reported 50:2	resume 18:16,17	10:7 11:24	section 40:5
87:6	52:15 56:7	return 87:22,23	12:3,6 15:2	41:24 57:23
refers 51:18	60:21 61:25	returned 60:9	30:15 79:7,18	74:18 84:25
65:22	reporter 6:2	review 7:11 8:23	sanitary 67:6	85:23 90:8
refresh 36:8	71:23 88:8	9:16,21 50:11	Santee 18:8	sediment 48:8
regarding 63:25	reporting 33:15	69:1 87:20	saw 27:24 28:7	75:16,18 76:3
80:9,11	45:21 47:12	Rick 19:11	76:12,16 77:2	76:10,13,16
REGION 1:3	reports 32:7,10	right 15:6 18:12	77:5,8,9 81:12	77:3,5 80:9,12
Regional 1:2	49:16 56:11	35:13 36:23	saying 34:12	81:12
5:17 23:21	58:6 78:15	53:15 54:6	81:6	see 18:15 19:10
37:16	representative	81:14,25 83:15	says 23:24 25:8	21:23,24 23:24
relate 84:24	36:19 41:1,1	84:8 87:15	27:8,14 31:13	27:4,10,15
related 22:2	56:6	88:4	32:4 44:22,24	28:17 32:3,4,5
85:19	representatives	roadways 26:17	45:10 47:4	32:6,8 38:9,18
relating 63:19	52:17	role 42:16,17	48:6 49:22	42:10 49:24
relation 35:10	representing	46:5	51:22 53:1	50:9,13,23,25
relationship	5:15	room 43:11	55:1 57:2	51:16,24 55:12
19:20	request 3:13	Rosenbaum 2:6	59:21 60:20,25	56:23,23 57:1
relocate 55:8	7:14,15,16	2:22 8:10	63:5,6 65:13	59:15,22 60:6
remember 11:6	35:16 87:20	37:15 43:7	67:5,11 68:3	60:21 61:9
11:8 13:19,20	requested 49:12	routine 24:13	69:6 74:5	63:9 67:10
15:23 17:1	49:13	65:20	75:13,16	68:7,10,13,24
25:17 36:18	requester 35:2	row 49:22 54:24	schedule 87:21	69:2,2,9,24,25
41:13 77:5	requesting	55:4,18 59:14	school 10:1,2	71:1 75:5
81:12	44:10	60:20,24 62:10	11:18	76:15,23 77:9
remembering	required 23:25	63:5 69:6	science 10:22	77:11 80:5
70:9	65:13 71:4,7	75:13	scientist 12:11	83:8 86:22
Remove 55:8	requirement	RPR 1:19 90:24	12:12,18,21,25	seeing 77:1
removed 55:2	24:11	rules 5:24	13:18,21,24	seeking 79:11,14
61:1	requirements	Runoff 24:21	14:6,6 15:16	seen 7:20 23:2
repeat 48:14	80:12	R9-2015-0110	15:17,19 16:1	30:7 31:18
50:19	resolved 80:24	1:7 5:16	16:11,16,19,24	33:12 37:11
rephrase 28:6	87:9	1.7 5.10	46:9	43:17 45:15
34:14 41:5	resolving 81:5	$\overline{\mathbf{s}}$	scratch 25:12	47:8 49:2
report 32:5,17	87:7	S 2:6 3:8	second 10:14	53:20,25 54:13
33:3 38:16	Resources 2:10	Sacramento	11:17 25:24	58:18 64:22
39:20 44:4,12	2:11 11:5 12:5	2:14 11:6	39:20 44:10	
44:20 45:4	respect 26:8	sample 34:13		71:19 73:6
49:5 50:3,20	84:15 86:14,17	48:9,12,17	59:14,21 60:17 61:9 62:10	74:10 81:21
51:14 54:16		samples 47:24		82:4
J1.14 J4.10	respond 6:4	samples 47.24 sampling 33:16	66:25 68:14	sense 41:2
		Seattlette JJ.10		
		CANADA DA SA CANADA		A desired to an electronical transaction and accompanies of the second s

		et kalandida silikatara kan kan kan kan kan da		raye IV
sent 58:21	78:10,13,20	44:5,13,23	50:2,4,21	Suite 1:16 2:7
sentence 6:5	79:11 81:1,8	45:6 60:5	51:17 54:24	2:18
26:15 44:16,22	81:22 82:6,20	75:25	55:4,7,11,15	
48:6 59:21	85:20	spell 5:18	55:21 56:2	summarizing 58:22
sentences 72:10	sites 19:24 20:3	spoke 20:16	59:14,16,21,24	summer 11:7
separate 61:19	20:11,12 73:13	27:21 56:19	60:20 61:19,21	summer 11.7 supervise 46:15
September 11:8	78:24 79:20	spoken 28:10	61:24 62:12,21	supervise 40.13 supervising 16:3
11:9 72:3,5	situation 42:3	29:2	63:6,8,17	16:5
73:10,15,16	situations 42:5	Stabilize 51:19	75:13	supervisor
74:2,14,16	six 17:17	53:1 57:2	stop 6:15 57:19	14:24 20:17
75:6 86:18	six-month 17:17	stabilized 51:23	57:24	46:12
settled 48:7	small 68:17	stack 63:16	stored 67:6	support 33:21
seven 51:18 53:1	75:16	staff 12:11,12,18	storm 12:17,20	34:4 68:12
53:11	smoothly 6:1	12:21,25 13:2	12:24 13:9,23	supposed 34:10
share 87:23	Solid 67:6	13:2,17,21,24	15:12,25 16:6	sure 16:14 25:24
shorthand 90:12	sorry 6:25 11:25	14:6,6 15:16	18:1,10 19:5,7	28:23 31:19
show 9:14	31:21 38:24	22:1 40:6 46:9	20:1 21:10	32:11,12 33:20
shown 61:14	50:19 63:24	stamped 29:15	24:18 25:5	34:3,22 35:11
shrug 6:6	69:7 71:22	stamps 29:18,20	34:16 49:24	40:3 45:7
significant 59:5	81:19 87:12	standard 24:16	58:2,25 68:25	52:20 55:22
similar 13:23	sort 18:22 21:1	39:15	69:3 76:8,13	56:3 58:11
20:20 42:2,4,5	21:5 22:14	standards 24:23	77:9 78:25	61:11 74:25
42:18,24 57:6	24:12,13 65:20	25:7 72:13	79:5	75:9,19 80:16
57:18,18 65:16	67:4 75:10	86:21 87:2,6	Stormwater	80:25
76:8 79:14	84:12	start 6:16 13:7	3:14,15,17,17	surprise 32:16
similarly 76:11	sounds 11:22	41:6 82:2,16	3:23,23 4:6,6,8	sworn 5:5 90:7
single 41:22	52:9 60:8 75:7	started 12:8,20	4:9,14,15,17	SWPPP 18:24
site 20:20 21:19	81:17	22:16 71:23	4:17,23,24	Swr@envirola
21:22 23:7,11	speaking 6:12	state 2:10,11	Street 2:13 77:6	2:9
23:16,22 24:16	6:16,16	5:18 31:22	77:15	synced 16:14
24:19 28:11	specific 19:4,6	33:14 45:17	structural 13:13	
29:2 30:12,14	19:15,23 27:22	62:11 71:25	14:2,18 79:8	Т
36:1,6 38:1,3	35:14 38:18	89:6 90:1,19	stuff 9:15 13:8	T 3:8
38:21 39:2	49:20 53:4,4	stated 46:11	16:13	Tad 1:14 3:3,12
41:2,9,11,15	56:17,21,23	52:7	subcontractor	4:13,19,21 5:4
42:9 43:25	76:22,24	statement 68:12	15:8	5:20 89:17
46:22 48:19	specifically 9:17	stockpile 27:24	subject 78:24	take 6:20,23
49:7,10 54:18	20:2,13,18	28:2,7,8 52:14	submitted 8:21	29:13 36:23
58:3,4 59:1,1	21:19 23:15	55:23,25 56:7	subordinate	43:8 48:12,16
59:10 66:20	49:12 59:8	61:3,16 62:6	46:14	53:19 66:6
69:7,15 70:16	61:23 62:11	63:2 75:18,21	Subpoena 7:15	67:25 80:14
72:20 73:17	84:23	75:22 76:4,5	7:18 8:1	87:17
74:1,13 76:13	speculation 28:4	stockpiles 27:8	sufficiently	taken 5:22 43:10
76:18,25 77:10	33:24 34:18	27:15,18 28:14	62:23	47:23 48:9
77:24 78:1,4	41:3 42:20	28:15 49:22	suggested 56:15	66:10 90:11
				talk 8:11 9:7,23
l.		BEETE BE		

10.001.10				1
19:8 21:18	thereof 62:18	29:24,25 39:17	transition 16:10	39:22,25 47:17
27:17 29:4	thing 6:21 63:14	39:18 41:22	transport 76:10	48:5 49:25
33:1 39:1	things 6:6 42:2	43:6,23,25	treat 76:11	51:25 52:2,4
47:15 55:10	63:19 82:10	49:12 50:10,14	treatment 13:12	53:3 55:5,19
talked 32:13	85:10	52:8 55:13	14:17	57:13 60:18
56:1,5,11	think 12:16	56:18 57:17,24	true 37:3 84:4	65:14 67:15
65:16 81:15	15:21 16:9	59:4 70:21	89:7 90:20	69:10 70:19
talking 6:17	17:10,11 18:19	72:12,24 78:1	try 5:25 6:4,12	75:15 77:4
17:10 38:25	20:10,15 21:1	78:8 80:7 81:1	trying 21:25	82:21 83:2
39:6 50:6	21:6,25 22:1,2	81:10,23,24	35:13	85:21,24 86:12
54:24 61:4	22:3 23:17	82:1 86:20	Tuesday 1:17	unclear 21:2
76:8	27:7 29:20	90:12	5:1	uncovered 50:2
Tamara 21:23	33:21 35:1	times 15:4 21:4	turbidity 33:17	60:20 61:24
Tamimi 4:1,20	40:18 42:9	21:22 40:18	33:21 34:3,13	62:11
21:16 44:3	46:19 48:11,15	41:14,23 87:4	34:14,25 35:3	understand 6:10
45:18 72:2,5	51:7 53:11,22	87:8	35:7,8 47:23	6:11,18 22:6
task 17:18 46:20	58:2 61:3	timing 60:10	48:12	understanding
tasks 12:16	63:18 65:18,18	title 12:2,14	turn 6:14	7:16 8:1 24:12
17:11 46:6	66:20 72:18,24	13:16,20 15:15	two 11:18 16:25	42:13 86:6
technically 11:6	76:1,23 77:8	16:4,8,10,12	17:25 20:10,12	understood 6:7
11:9 76:6	78:3,12 79:17	17:2,14,22	26:13 27:7	6:23
technician 12:1	79:18 80:4,5	22:14,15 46:6	49:21 51:17	unprotected
tell 23:4 27:20	80:10 81:11,13	46:8	54:23 57:11	27:14
28:11,14,25	81:13,14 85:16	titles 14:4 16:14	61:18 68:4,9	upper 53:6
60:7 62:4 63:1	88:4	today 6:1 7:3 8:2	69:5 70:18	Urban 24:20
63:13 68:16,23	thinking 55:25	8:6 9:4,17	71:3 72:9	use 26:18 68:5
75:9 80:25	third 27:7 48:1	44:18,19 52:18	73:13,18 74:18	75:22
87:1	49:22 51:18,21	told 23:14,18,19	75:12 75:12	usually 40:7
ten 14:11 26:17	54:24 57:2	23:22 28:17	two-thirds 82:23	82:9 87:9
27:1 39:9,14	59:13 60:20,24	40:7,10	type 12:23 13:9	Utilize 51:23
39:18 43:7	66:22 68:3	top 23:24 27:6	13:23 63:14	Ounze 51.25
ten-day 26:21	thorough 9:21	31:13 36:12	79:5 83:7	V
	thorough 9.21 thought 8:24	45:11 47:4		Vague 58:8
term 76:3 testified 5:6	25:23 37:18	54:8 58:14	typically 20:21	vaguely 17:1
		65:6 72:6 74:6	21:11 40:6,13 42:1 53:12	Valencia 23:16
testimony 7:3	40:18,24 58:7		<u></u>	30:15 72:11,13
8:16 32:20	58:25 80:19 81:22	traditional 75:22	57:8 63:14	73:13 86:20,21
84:15 86:13		,	typing 71:23	87:2,6
text 90:13	thread 72:1	Trainer 19:18	T-a-d 5:20	Varco 1:15 2:5
Thank 5:21 8:3	three 71:2 76:21	training 12:23	U	87:17
22:25 37:20	time 6:13,21	12:24 13:1,3	UC 10:7,19 11:3	various 15:3
64:2 87:10	8:22 11:12	19:4,11,15	11:13	87:4
Thanks 9:23	13:4,10 14:13	transcript 3:9	UCSD 11:13	
82:11 87:13	14:20 15:11	6:7,10 87:18	uh-huh 6:6	verbally 6:5
88:8	20:6,16 29:15	transcripts	23:12 25:10	verification
theirs 8:13	29:18,20,21,23	87:16		13:13
			27:11,13,16	versus 26:8,20
	•			

		er for resolvents and the second s		rage IU.
38:19 39:7,12	68:19	we're 6:16 17:19	30:1 35:5	10012.12
83:5	washouts 67:12	24:5,10,14		1001 2:13
violation 32:1,4	67:21 68:5	36:9 43:9	43:19 46:19	11 4:8 54:7,8,10
33:22 34:4	wasn't 36:20	7	52:21 53:17,17	60:23 64:6,11
		63:22 68:14	56:13,18 58:10	85:19
40:11,12,24	42:15 77:12	71:22 87:17	60:6 62:20,24	11th 30:11
41:8,18,24	waste 67:20 68:4	we've 84:11	63:15 65:25	31:10 32:23
42:7,11,16,25	68:25 69:13	wind 50:4,10,14	73:24 75:5	11:53 88:12
57:12,23 74:17	70:6	50:17,21,21	76:23 80:5,18	11750 1:19 90:3
74:19,23 75:4	wastes 67:5	55:11,13	80:21,21,23,24	90:24
75:10 83:25	water 1:2 2:10	witness 1:14 3:3	81:13 83:14	12 4:11 47:4
84:5,7,12 85:2	2:11 5:17	8:11 34:19	84:4	58:13,13,15
85:10,14 86:2	12:17,20,24	42:21 44:6,14	year 10:10	63:24 64:1,4
violations 26:1	13:9,23 15:12	44:24 45:7	11:17,17 14:5	64:14
30:20 32:18,23	15:25 16:6	58:10 60:6	15:21 18:20	12th 33:7,16
33:3 39:21,24	18:1,10 19:5,7	66:6 80:2	19:12 20:7	36:2
40:4 67:2	19:16 20:1,21	87:12,14 90:6	years 11:18	12/11/14 3:18,20
70:20,21,22	21:11 24:19	90:22	15:14,23 17:1	32:2
71:6 73:20	25:5 27:9 29:3	wood/scrap 55:1	17:25 18:21,23	12/12/14 3:22
79:1,6 80:5,11	31:7 34:16	61:1,14	yellow 38:9	12/16/14 3:24
84:24,25 85:13	36:5 43:4	words 86:24	yes/no 83:15	4:1
85:22,23 86:11	49:24 54:4	work 11:12 20:1		12/17/14 4:3
Virtual 11:21	58:2,25 64:11	39:8,14 42:18	Z	12/31/14 4:5
visit 23:7,11	64:15 70:4	57:19 70:25	Zrinski 9:9	12/9/14 3:16
38:1 45:22	76:8,13 77:10	87:21		12:25 44:2
47:13	77:22,25 78:7	worked 8:7	\$	13 4:12 64:18,19
visited 41:9,11	78:21,25 79:1	11:16,17 14:14	\$800,000 79:11	66:14
Vista 46:3,4	79:5,10,13	79:7		13th 60:4
	87:24 88:1	working 17:11	0	14 4:14 58:1,2
W	way 8:9 29:16	46:17,19 85:6	09 12:9	59:11,21 66:5
wager 46:18	42:4 57:18,23	work-wise 17:4		66:12,13,15
61:5	66:2 82:23	wouldn't 24:6	1	86:9,10
wait 6:13,15	Wayne 2:6 8:9	write 40:18	1 3:12 7:7,8	14th 54:17
37:14 46:3	8:11 78:17	53:12 57:8	53:24 88:10	
62:8 76:23	ways 82:9	writing 32:5	1/14/15 4:10	56:20 60:10,13 60:23 61:12
waiting 37:21	weather 49:16	wrote 57:4	1/16/15 4:11	
want 12:16 15:5	49:19,20	72:21	1/6/15 4:7	62:21,25 64:11
40:18,20 44:12	week 8:7 14:14	14.41	10 4:6 45:11	72:3,5 86:18
50:11 85:25,25	14:17,19	X	48:23,24 51:8	15 4:17 14:19
wanted 20:11,14	went 11:13	X 3:1,8	54:3 55:17	36:6 70:10,12
20:19 23:17	24:16 28:6		57:6 60:19	86:9,10
35:6,8,9,15	29:9,13 49:9	Y	10:00 43:7	15th 73:15,16
65:6 73:23,25	74:25 80:22	yeah 9:13,21	10:32 72:6	74:2,14 75:6
80:2 85:13		12:1 13:1,14	86:18	81:9
wanting 35:3	weren't 80:8	13:15 14:10,12	10:53 43:24	16 4:19 71:11,12
42:24	we'll 6:12 31:12	17:4,24 18:13	100 2:13 81:22	80:15 81:3
washout 68:16	33:6 87:21,25	25:1 27:4 28:1	81:23,24 82:1	86:17,17,17
1140ALUGE 00.10		20.1 27,120,1		
enegani pakumunganya magawaga saka		nnanusannan		

raye 104				
16th 27t6 25		43:14		
16th 37:6,25	3	43:14 70 4:17		
41:12 43:3 44:1 58:22	3 3:17 30:3,4	7 0 4:17 7 1 4:19		
	66:21 85:18			
61:17 64:15	3/18/15 4:16	73 4:21		
73:10 74:16	66:24	74 4:23		
17 4:21 73:2,3	30 3:17 14:16	743-1201 2:19		
74:22 86:9	87:20	760 2:19		
17th 45:19,22	300 2:18	8		
46:22	31 3:19	8 4:3 36:12		
18 4:23 74:5,5,7	31st 47:12,13	45:10,10,12		
80:3 88:10	48:20	47:15,16		
18th 66:20	33 3:21	8:42 1:17 5:2		
1900 1:16 2:7	341-52 76 2:14	82 3:6		
2	37 3:23	88 3:12,14,17,19		
23:14 22:19,20	4	3:21,23 4:1,3,4		
82:17,17 84:23	43:19 31:12,14	4:6,8,11,12,14		
2/4/15 4:13	31:15	4:17,19,21,23		
20 14:16	4th 65:1		-	
2004 10:11	4/29/15 4:18	9		
2008 10:21	43 4:1	9 4:4 23:7 37:17		
2009 12:21	45 4:3	47:2,3,5,20		
2012 18:22	47 4:4	48:3 82:19		
2014 20:7 23:6,8	48 4:6	9th 23:5 31:1		
30:11 33:16		59:4,9		-
36:6 37:25	5	9/14/15 4:20		
43:22 46:23	5 3:5,21 33:7,8	9/15/15 4:25		
47:12 82:19	54 4:8	9/16/15 4:22		
85:19	58 4:11	916 2:14	-	
2015 1:18 5:1	598613 1:24	92025 2:19		
22:17 49:6		92101 2:7	;	: #
53:24 54:17	6	95812 2:14		
58:22 61:12	63:23 31:13	960 2:18		
65:1 66:20	37:5,7 44:1			
70:17 72:3	49:6			
73:10,15 74:14	6th 49:10 54:2			
2093(b) 90:8	56:4,9,15 60:9			
2094 90:8	60:16,19 61:4			
22 3:14 74:5	61:24 62:5,7	* ***		
225 1:16 2:6	62:11,15 63:3			
23 58:14	619 2:8	-	-	
231-5858 2:8	64 4:12			
25 14:19 54:7	66 4:14			
26 43:22	7			2
29 1:18 5:1	73:12 4:1 43:13			
29th 70:17	, J. 1 TJ. 1 J	No. of the least o		
	_	en en de en de en en de la fail de mariel en mariel en militar de la comparció de mariel de la fail de la fail		en e