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BY: *JM*

April 6, 2006

Mr. John H. Roburtus
Executive Officer
Attn: Ben Neil
California Regional Water Quality Control Board,
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

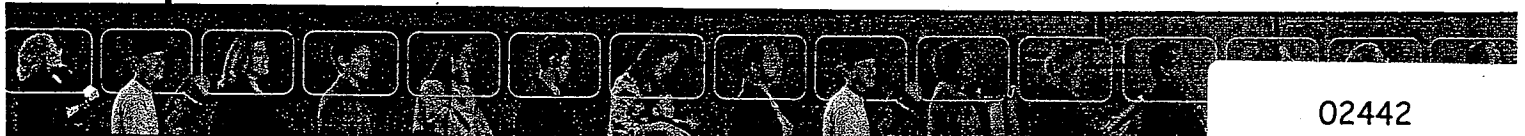
Re: Required Technical Report in Response Notice of Violation NO. R9-2007-0050, WDID NO. 9 37C322900, reference number CWU:10-3022900.02:neilb

Dear Mr. Roburtus:

The North County Transit District ("NCTD") respectfully submits this letter and attached Required Technical Report ("RTR") in accordance with the requirements of the California Regional Water Quality Control Board, San Diego Region ("Board") correspondence and Notice of Violation ("NOV") dated March 19, 2007. This letter and its attachments address alleged violations of NCTD's NPDES Storm Water Permit for Discharges Associated with Construction Activity ("Construction General Permit") identified during site inspections conducted on February 20, 2007.

NCTD views the site inspection process and any other feedback it receives from the Board as an opportunity to improve its ability to manage storm water while constructing much needed rail access corridors throughout the North County region. Protecting California's precious natural resources is a goal that all public agencies share. To that end, NCTD welcomes your comments, and looks forward to working with you to enhance NCTD's implementation of the Construction General Permit.

As requested, this letter and its attachments provide a description of the immediate actions that NCTD or its contractors took to remedy the alleged violations. This letter additionally includes a discussion of the current status of each site that Board Staff identified in the NOV. Lastly, this letter includes photographic evidence of the BMPs and other measures that NCTD contractors have put in place in response to the NOV.



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SAN DIEGO REGIONAL
 WATER QUALITY
 CONTROL BOARD
 2007 APR 6 P 2:45

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Required Technical Report (RTR) Response to NOV No. R9-2007-0050

Response to Violations within the City of Vista

I. Failure to Prevent Prohibited Discharges

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

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

Immediate Action: NCTD contractors performed maintenance to the existing Best Management Practices ("BMPs") at the respective inlets, and added more BMPs to the inlet at the Mar Vista Drive storage yard. NCTD contractors have additionally removed the inlet east of Escondido Avenue, and are constructing a new drop inlet that is protected with gravel bags (photos 5 16,17, and 18).

Site Status: The added BMPs are in place and have been working adequately. No sediment has entered into the MS4 since the additional BMPs have been placed. (See Photographs 5 16,17, and 18).

II. Failure to implement/Maintain Best Management Practices

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

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

Immediate Action: NCTD contractors placed soil binder (wood fiber mulch) on all identified disturbed areas. NCTD contractors have applied a total of 600,000 square feet of soil binder to disturbed areas in the last month. More is scheduled to be placed in the coming month as slopes are completed. NCTD contractors have additionally repaired any known erosion rills.

Site Status: The added BMPs are in place and have been working. (See Photographs 6, 7, 12, 13, and 20)

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

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

Immediate Action: NCTD contractors placed additional gravel bags, fiber rolls, and silt fences along the construction site perimeter and at the storm drain inlets. NCTD contractors repaired all failed BMPs and added additional BMPs to ensure effectiveness.

Site Status: The added BMPs are in place and have been working. (See Photographs 16, 17, and 18)

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

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

Immediate Action: NCTD contractors added additional aggregate to the tracking control BMPs at Mar Vista Drive and Escondido Avenue. In order to eliminate the tracking, NCTD contractors placed additional rock to levels that met the required BMP specifications for length width and depth. Three to six inches of crushed aggregate was placed at a depth of 12" for 50 feet. The re-constructed BMP is as wide as the entrance to the site.

Site Status: The added BMPs are in place and have been working adequately. (See Photographs 1, 8 and 14)

Pursuant to Water Quality Order No. 99-08, Special Provision C.2, Section A.5.b.2

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

Immediate Action: NCTD contractors cleaned up all concrete waste that was observed during the site inspections within 24 hours and disposed of it properly. NCTD contractors instructed all concrete crews ensure that they wash out their equipment in the appropriate areas e.g. the washout pits.

Site Status: The added BMPs are in place and have been working. (See Photograph 9)

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

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

at the Mar Vista Storage yard lacked containment and coverage to minimize contact with storm water runoff.

Immediate Action: NCTD contractors properly disposed of all construction trash in trash containers. NCTD contractors have continued to ensure that the trash container lids at Escondido Avenue remain closed when not in use. Additionally, NCTD contractors have covered and/or removed the asphalt stockpile, and put the gasoline container into secondary containment.

Site Status: All areas where trash and other construction waste is stored will be protected in the event of rain by implementation of fiber rolls, gravel bag check dams, or plastic covers to eliminate the possibility of erosion or storm water contamination. Concrete waste will continue to be dumped into the washout pits as required, and construction trash will continue to be deposited into the trash containers on site. (See photographs 2, 3, 4, and 15).

Response to Violations Observed within the County of San Diego

III Failure to Prevent Prohibited Discharges

Pursuant to Water Quality Order 99-08, Prohibition A.2

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

Immediate Action: NCTD contractors installed a silt fence and gravel bags to prevent further discharges at the site. Generally speaking, however, sediment that falls into the water at that site cannot go directly downstream due to an embankment built for the temporary rail line. The embankment prevents a direct discharge into the creek and acts as a desilting basin for any sediment that comes in. Any sediment settles out of suspension in the contained area. After the water reaches a certain level it is pumped over the temporary rail line onto a large rock dissipater. Therefore this does not classify as a sediment discharge (photographs 22 and 23).

Site Status: The added BMPs are in place and have been working. (See Photographs 22 and 23)

IV Failure to Implement/Maintain Best Management Practices

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

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

Immediate Actions: Slopes and inactive areas have been sprayed with soil binder and wood fiber mulch (photos 6, 7, 12, 13, and 20).

Site Status: The added BMPs are in place and have been working. (See Photographs 6, 7, 12, 13, and 20)

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

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

Immediate Action: NCTD contractors have reconstructed and added additional aggregate to the tracking control BMPs. NCTD contractors placed the additional rock at levels that meet the required BMP specification.

Site Status: The added BMPs are in place and have been working. (See Photograph 26).

Pursuant to Water Quality Order No. 99-08, Special Provision C.2, Section A.5.b & b.5

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

Immediate Action: NCTD contractors properly placed all construction trash in trash containers (See Photographs 24 and 25).

Site Status: Areas that contain construction waste, trash and materials will be protected in the event of rain by implementation of fiber rolls, gravel bag check dams, or plastic covers to eliminate the possibility of erosion. NCTD contractors are additionally dumping concrete waste into the washout pits as required.

Response to Violations Observed within the City of San Marcos

V Failure to Prevent Prohibited Discharges

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

Observation: Your site was documented as having ten unauthorized discharges of sediment and sediment-laden water to the MS4 and waters of the State/Nation. Seven of the unauthorized discharges were within in City of San Marcos storm drain inlets at the construction yard on Armorlite Drive, inlets along Barham Drive and along the railroad construction.

Immediate Action: NCTD contractors placed new or additional gravel bags around all storm drain inlets at the construction yard on Armorlite Drive, along Barham Drive and along the railroad construction site to ensure proper protection. (See Photographs 27, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41).

Site Status: The storm drain inlet protection BMPs are working properly and NCTD contractors are monitoring the inlets closely to note when maintenance is needed (See Photographs 27, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41).

VI Failure to implement/Maintain Best Management Practices

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

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

Immediate Actions: Inactive disturbed areas have been sprayed with soil binder and/or wood fiber mulch. Active areas where vehicles and equipment are moving over will be protected in the event of rain by implementation of fiber rolls, gravel bag check dams, silt fence installation or plastic covers to eliminate the possibility of erosion (photos 6, 7, 12, 13, and 20).

Site Status: The added BMPs are in place and have been working. (See Photographs 6, 7, 12, 13, and 20).

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

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

Immediate Action: NCTD contractors have protected the site perimeter and the storm drain inlets with additional BMPs. These BMPs have been placed to help the overwhelmed silt fences around the inlets. Additionally, NCTD contractors

placed new fiber rolls and/or gravel bag check dams along the length of the channel (photos 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41).

Site Status: The additional BMPs that NCTD contractors used to reinforce the overwhelmed BMPs have been working. None of the BMPs that were reinforced have failed since the addition of the new BMPs. NCTD contractors are continually checking gravel bags and fiber rolls are for breaks and rips.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possibility of fine and imprisonment for knowing violations.


Don Bullock
Sprinter Project Manager

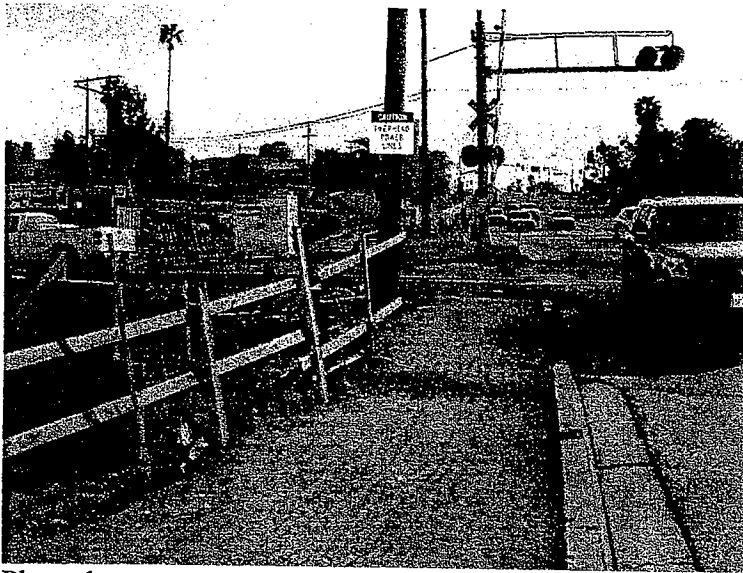


Photo 1
Tracking on Escondido Ave no longer occurring. Response to NOV Photo1.

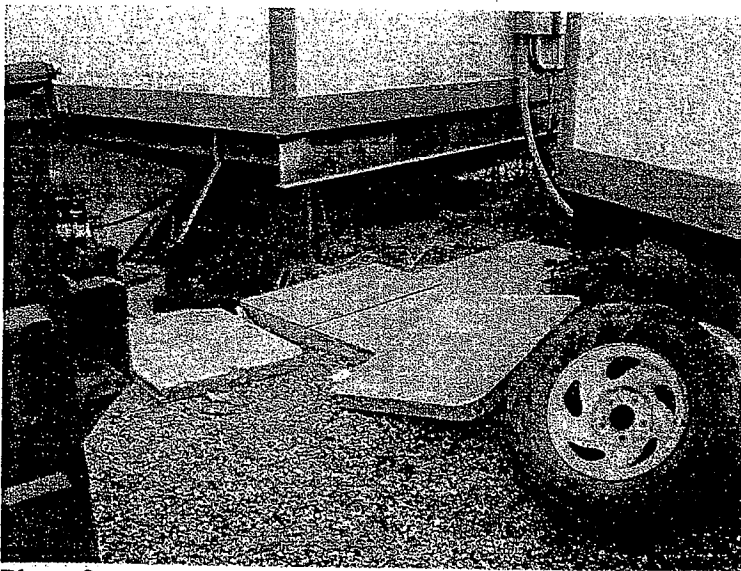


Photo 2
Gas can put into containment. Response to NOV photo 2.



Photo 3

Trash containers in work yard are covered to keep water out. Response to NOV photo 3.

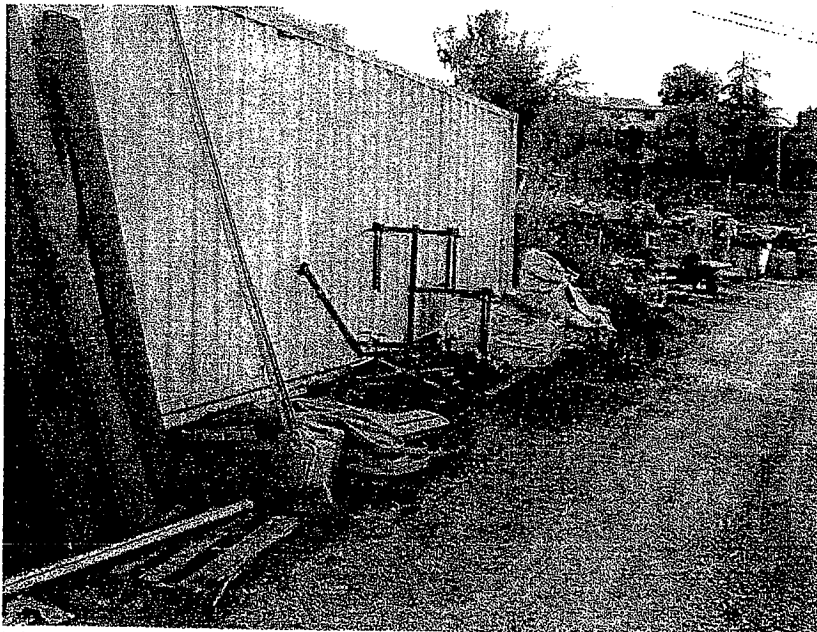


Photo 4

Trash in the materials storage area has been picked up. Response to NOV photo 4.



Photo 5

Inlet in NOV Photo 5 has been removed and new DI is being installed.

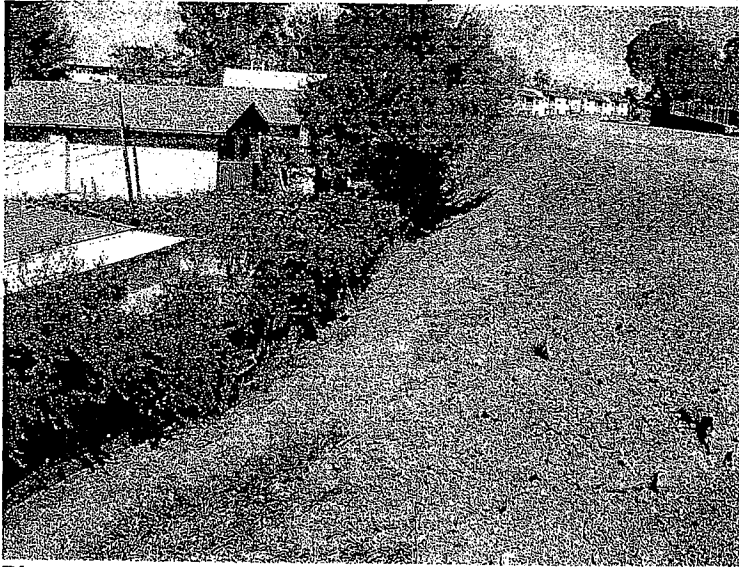


Photo 6

Slope sprayed with soil binder. Response to NOV photo #6.



Photo 7
Inactive area sprayed with soil binder. NOV Photo # 7.

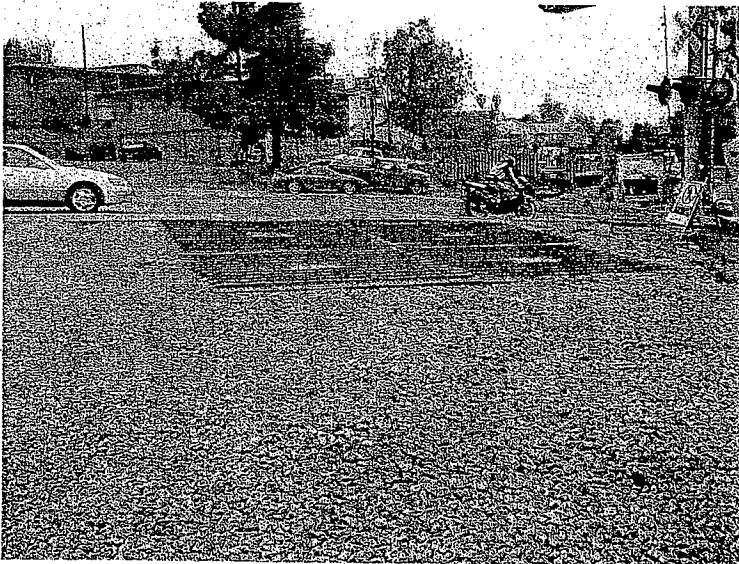


Photo 8
Tracking control BMP installed at Escondido Avenue. NOV photo 10.

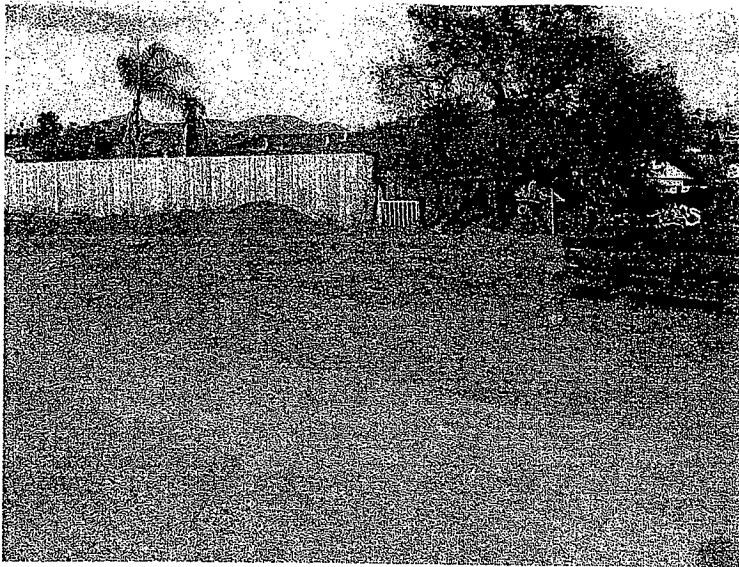


Photo 9
Concrete waste cleaned up. Response to NOV photo 11 and 12.

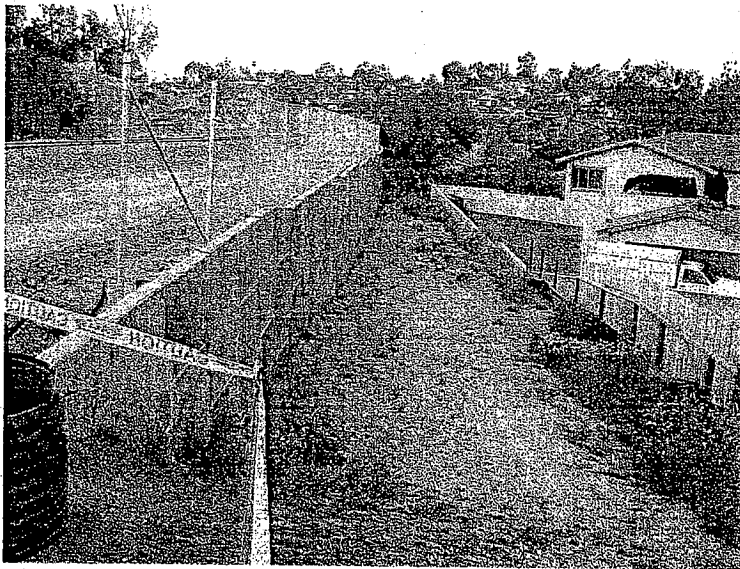


Photo 10
Trash cleaned up. Response to NOV Photo 13.

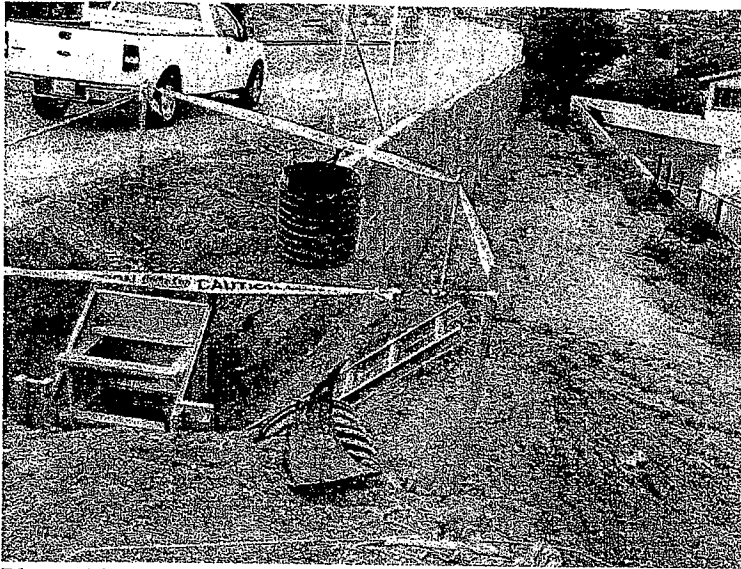


Photo 11
Area where erosion gully was has been excavated for new DI installation. Response to NOV photo 14.



Photo 12
Inactive area sprayed with soil binder. Response to NOV photo 15.

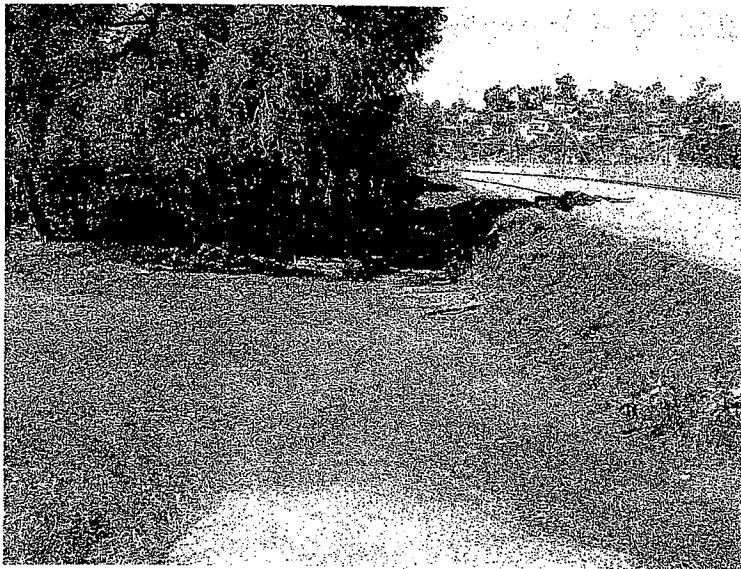


Photo 13
Inactive area sprayed with soil binder. Response to NOV photos 16 & 18.

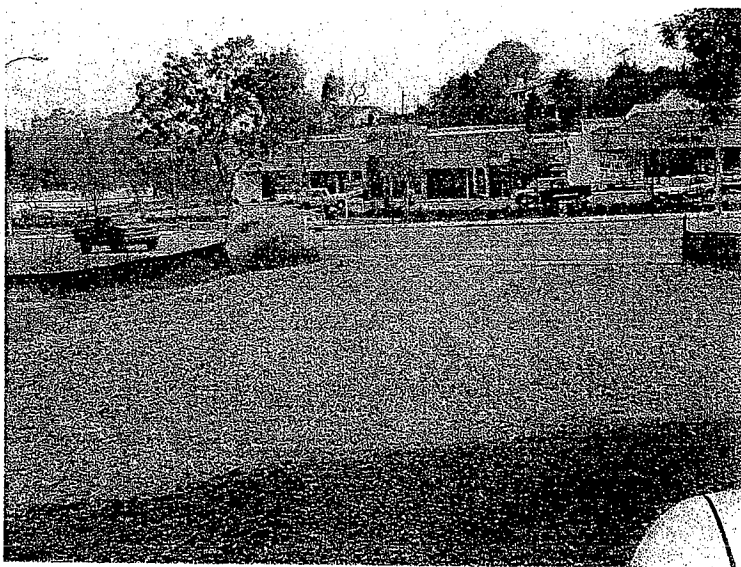


Photo 14
Tracking control BMP installed at the Mar Vista Yard. NOV photo 19.

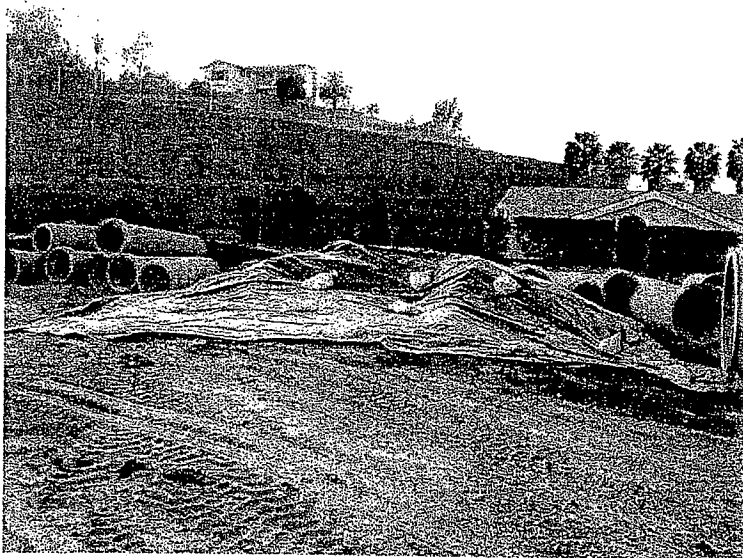


Photo 15
Asphalt stockpile has been completely covered with plastic. Response to NOV photo 21.

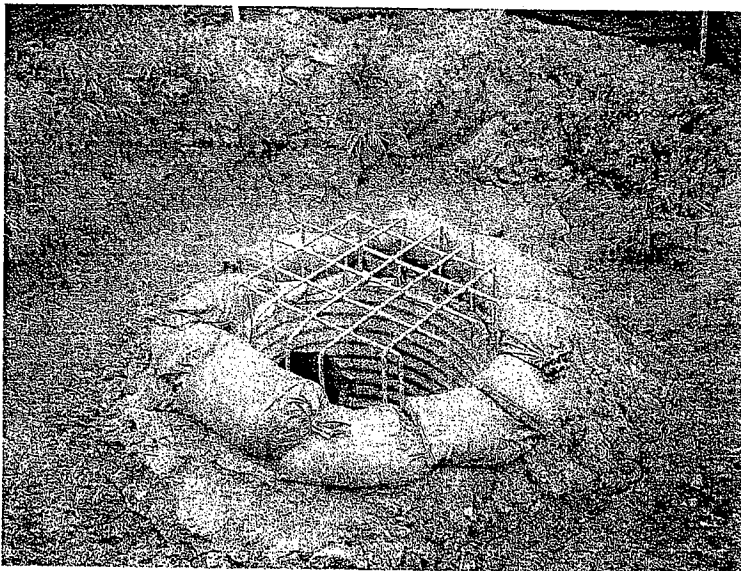


Photo 16
DI protected with gravel bags. NOV photo 22.

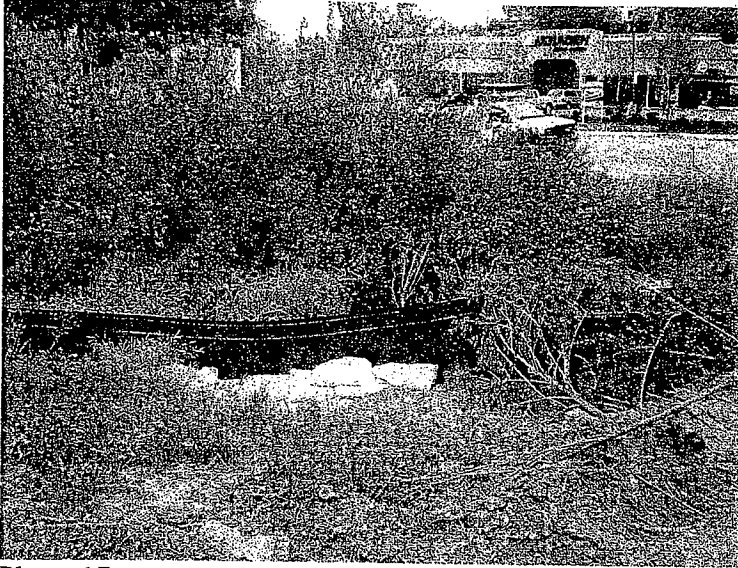


Photo 17

Additional silt fence and gravel bags placed before inlet at the Mar Vista yard. NOV photo 22.



Photo 18

DI at the Mar Vista yard protected with silt fence and gravel bags. Response to NOV photo 22.



Photo 19

Response to NOV photo 23 and 24. Trash has been cleaned up and properly disposed of. Soil stockpiles are active.



Photo 20

Completed slope at the Mar Vista yard sprayed with wood fiber mulch. Response to NOV photo 25.

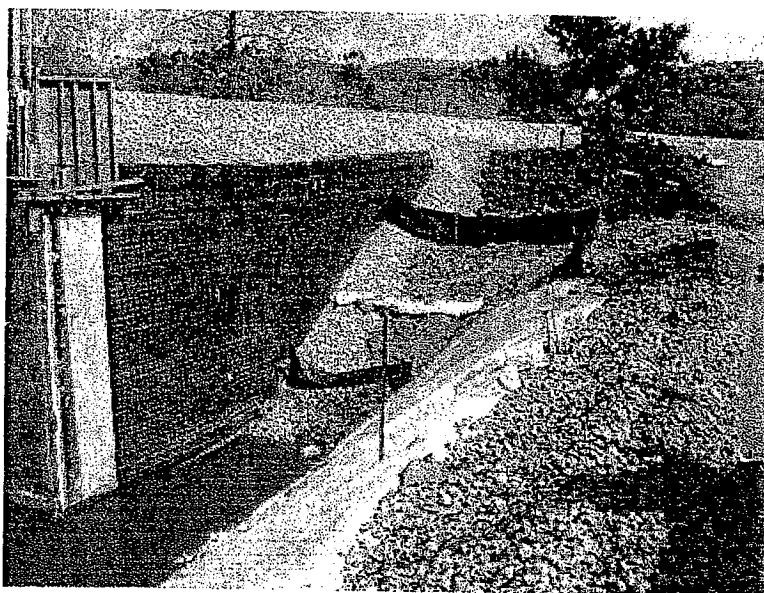


Photo 21

Slope where bridge construction is taking place. NOV photo 26 states that erosion control is needed. Slope is in active construction.

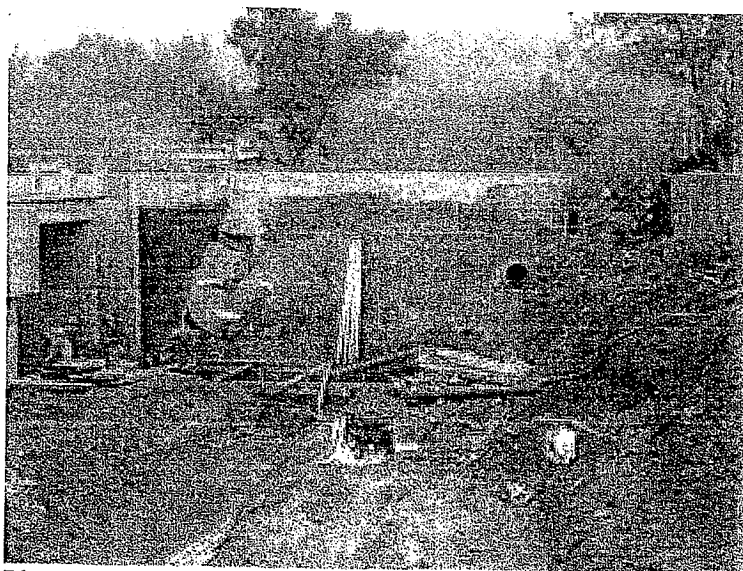


Photo 22

Active bridge construction on slope where it was stated that soil stabilization was needed.



Photo 23-
Trash container at Buena Creek for trash disposal. Response to NOV photo 28.



Photo 24
Area at Buena Creek where trash was piled up. Trash has been placed into the trash container. Response to NOV photo 28.

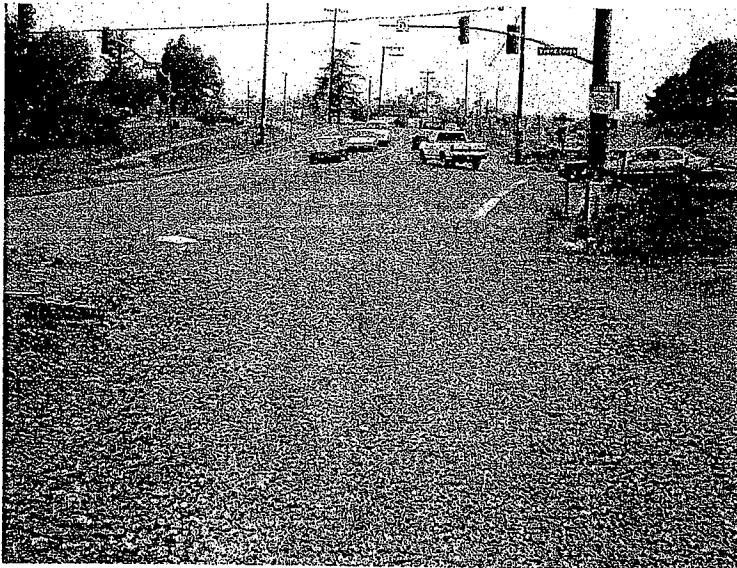


Photo 25
Tracking control BMP installed at Buena Creek. NOV photo 29.

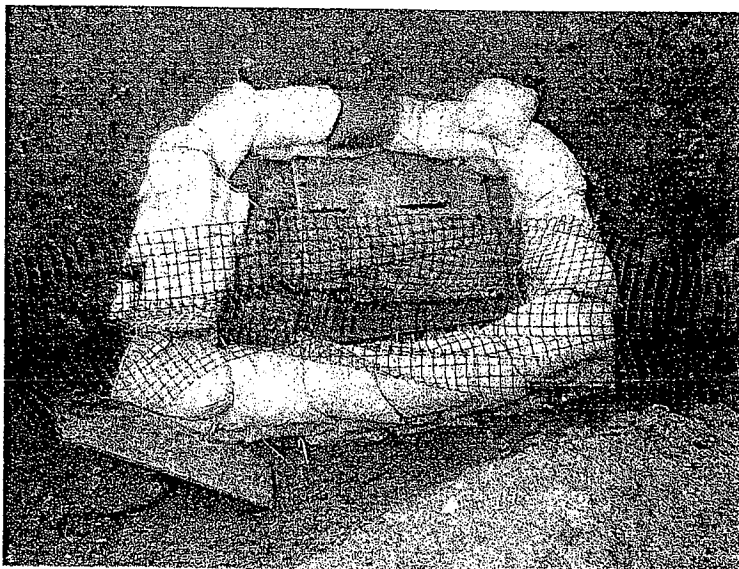


Photo 26
DI in the rear of WCRC yard protected with gravel bags. NOV photo 30.

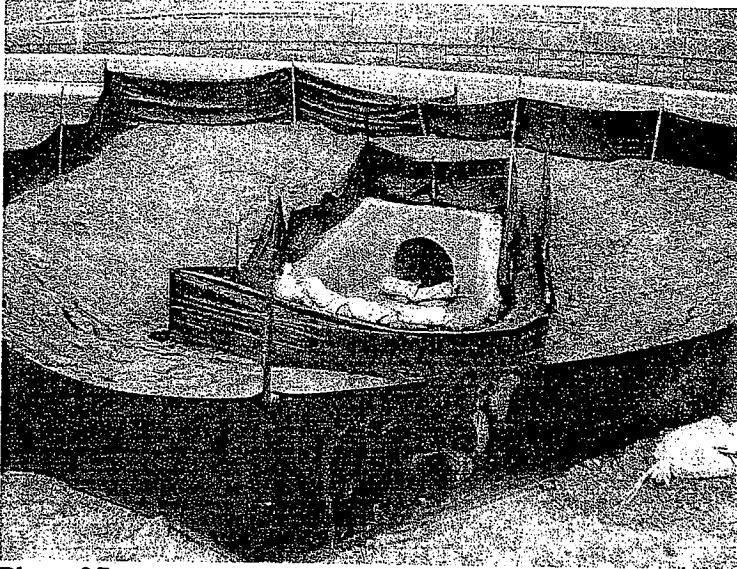


Photo 27

DI on Barham Drive in San Marcos Protected with additional BMPs. This inlet is being replaced with a grated drop inlet, which will eliminate this problem. Photo 31 in the NOV.

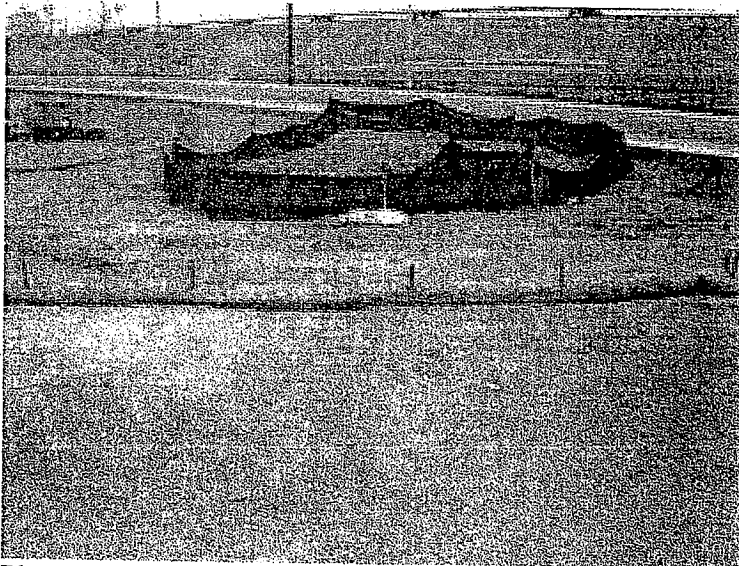


Photo 28

DI on Barham Drive in San Marcos Protected with additional BMPs. Photo 31 in the NOV.

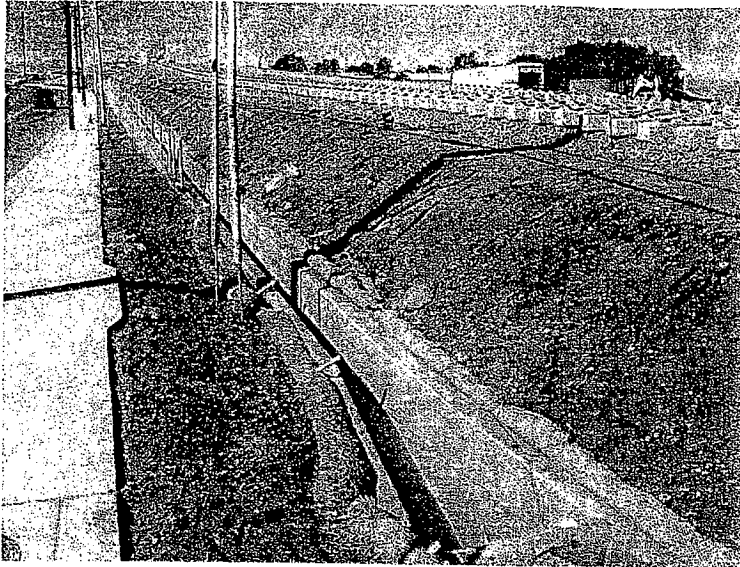


Photo 29

Response to NOV photo 32. New fiber rolls were placed along the channel. Slope was under irrigation construction. Notice the new sprinkler heads. This slope will be scheduled to be stabilized with Hydroseed, a permanent BMP.

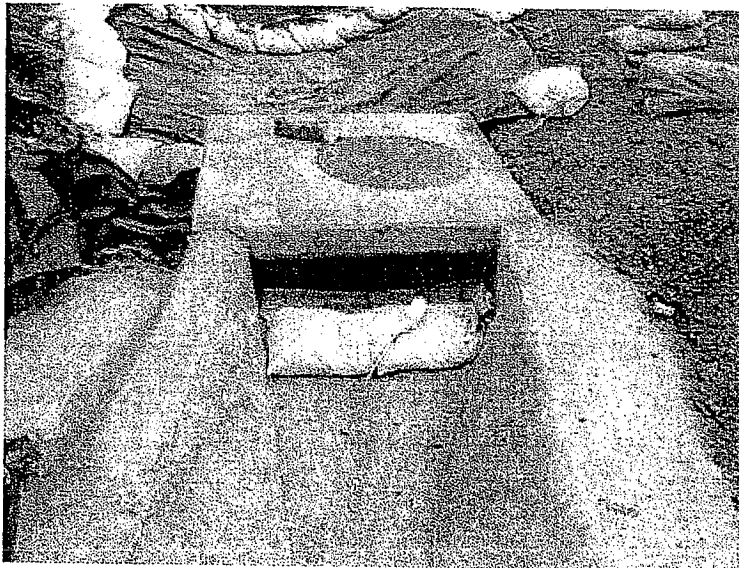


Photo 30

Response to NOV photo 33. New bags have been placed in front of the inlet.

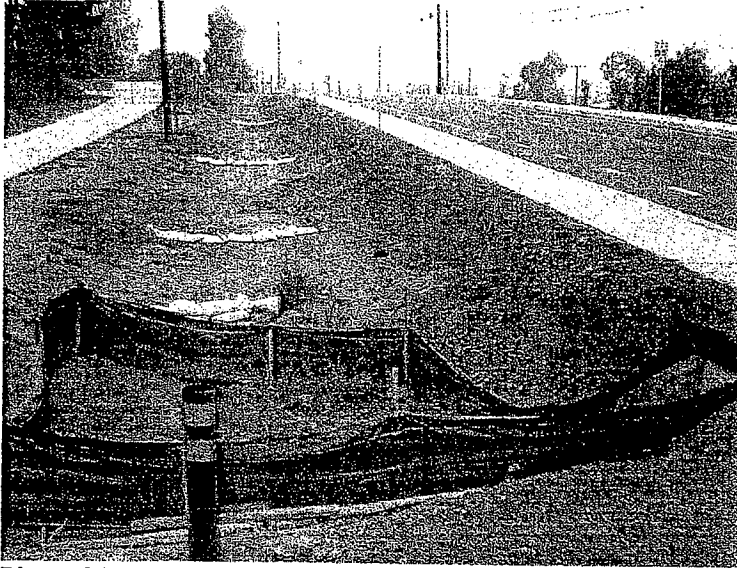


Photo 31
DI with protection of silt fence. Gravel bag check dams placed upstream. NOV photo 34.

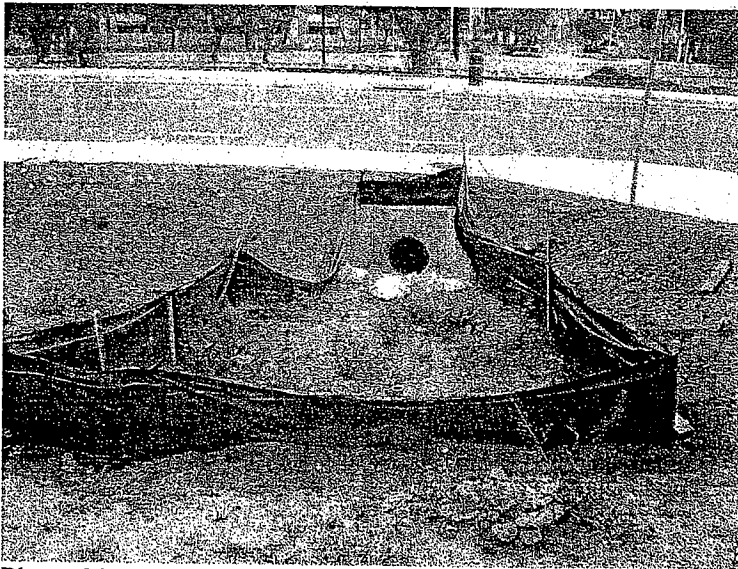


Photo 32
DI with protection of silt fence and gravel bags. NOV photo 34.

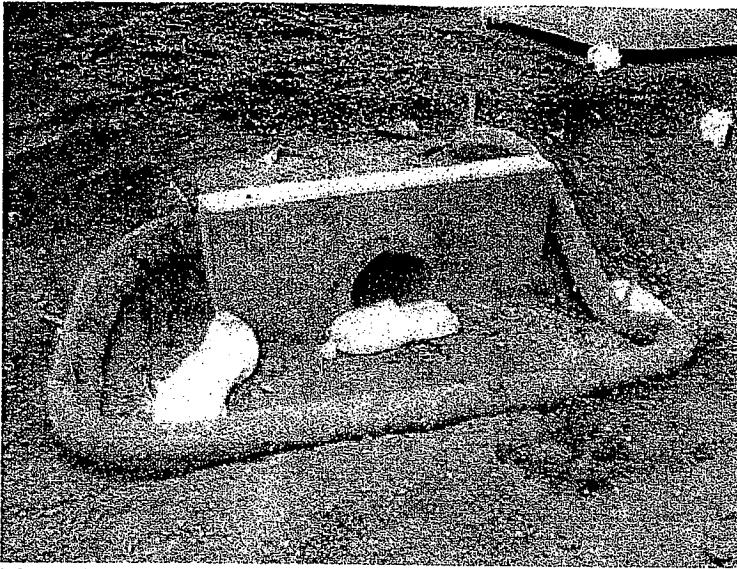


Photo 33

Response to NOV photo 35. Inlet has been protected with gravel bags and fiber rolls.

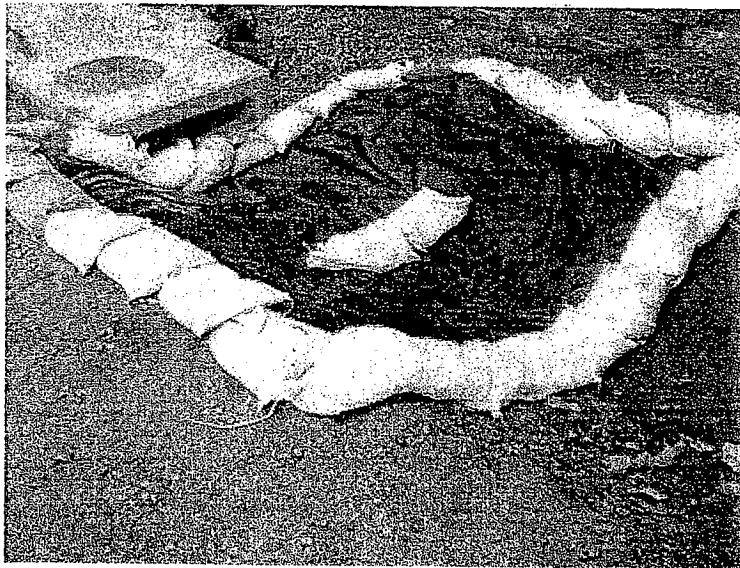


Photo 34

Response to NOV photo 37. Inlet has been well protected.



Photo 35
Inlet with gravel bag protection. NOV photo 38.



Photo 36
Earthen ditch with gravel bag check dams in it.

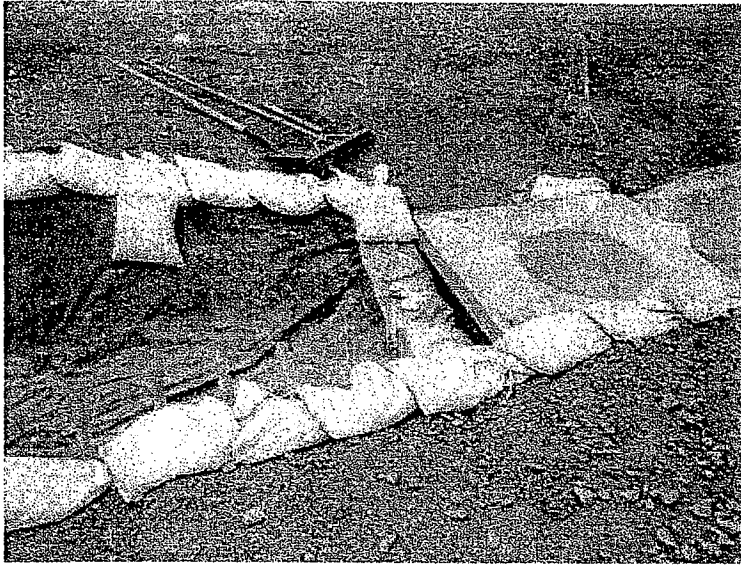


Photo 37
Inlet with gravel bag protection. NOV photo 38.

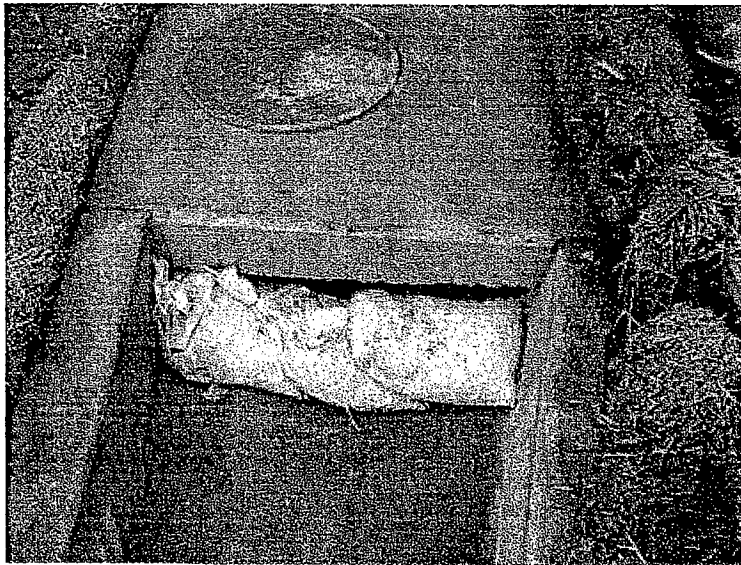


Photo 38
Inlet with gravel bag protection. NOV photo 38.

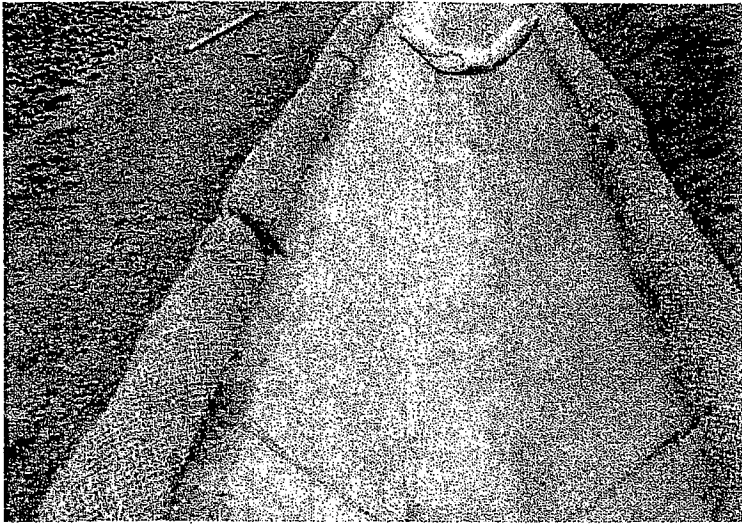


Photo 39

Concrete channel with gravel bag check dams in the channel and fiber rolls along the edge. Photo 39 of the NOV.

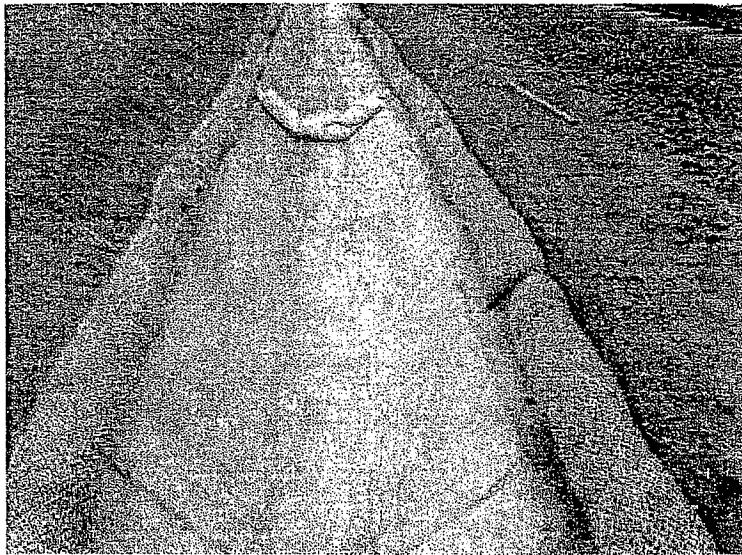


Photo 40

Concrete channel with gravel bag check dams in the channel. Photo 39 of the NOV.

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