

## **Appendix D**



Linda Adams  
Secretary

California Regional Water Quality Control Board

San Diego Region

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



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

CERTIFIED MAIL – RETURN RECEIPT

7004 0750 0001 2969 2691

November 2, 2006

In reply refer to:

WPN:10-3020657.02,18-2001091.02:schwk

Mr. Peter Olah  
Ashby USA, LLC  
39353 Winchester Road #107-393  
Murrieta, CA 92563

**Subject Site: Roripaugh Ranch Residential Development Project**

**RE: NOTICE OF VIOLATION NO. R9-2006-0135 &  
REQUIRED TECHNICAL REPORT**

Dear Mr. Olah,

Enclosed is **Notice of Violation (NOV) No. R9-2006-0135** for the subject site in the City of Temecula. The violations specified were identified during a site inspection on August 29, 2006. Corrective measures and Best Management Practices (BMPs) should be implemented immediately to address these violations.

Pursuant to California Water Code (CWC) Sections 13267 and 13383, the Regional Water Quality Control Board, San Diego Region (Regional Board) directs you to submit a **Required Technical Report (RTR)** received at the Regional Board no later than **5:00 PM, November 30, 2006**. The RTR is required due to the violations noted in the enclosed NOV and to assess the need for further possible enforcement actions. The RTR shall include the following Sections:

1. An Immediate Actions Section describing the reasons for the discharge of sediment from the subject site into the Municipal Separate Storm Sewer System or Waters of the United States and what immediate steps were taken to prevent future unauthorized discharges.
2. A Storm Water Pollution Prevention Plan (SWPPP) Status Report Section including:
  - a) A site map boldly indicating all flow lines, storm water inlets and outfalls (designate active or inactive), direct discharge (if applicable) to a water of the state, and BMPs (Maps should be no bigger than 11" x 17").

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- b) A statement giving the exact date construction began.
  - c) Photocopies of all annual Compliance Certifications (to date).
  - d) A photocopy of the SWPPP Signatory Requirement page.
3. A Site Status Report Section including photo-documentation of implementation of the SWPPP, including proper installation of BMPs addressing, but not limited to, those specific violations indicated in the attached NOV.
4. A Hydrologic Study Section certified by a Registered Civil Engineer, for each sediment basin serving any tributary area as erosion control. Include:
- a) Site Map delineating topographic tributary area (scaled) with flowlines.
  - b) Basin dimensions and calculated maximum volume.
  - c) Outlet and filtration calculations and specifications.
  - d) Hydrologic calculations based on one of the prescribed methods specified in Order No. 99-08-DWQ.
  - e) All supporting documentation.

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

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

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

Submission of the above listed items does not exempt you from further enforcement action based on prior noted violations.


Mr. Peter Olah  
RTR and NOV R9-2006-135

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November 2, 2006

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Kristin Schwall at 858-467-2345 or [kschwall@waterboards.ca.gov](mailto:kschwall@waterboards.ca.gov). Written correspondence should be directed to the following address:

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

  
\_\_\_\_\_  
John H. Robertus  
Executive Officer

Nov 2, 2006  
Date

Attachments: Notice of Violation  
Facility Inspection Report (w/ site map and photo-documentation)

Cc: Ms. Ellen Blake, US EPA

Aldo Licitra  
City of Temecula  
P.O.Box 9033  
Temecula, CA 92589-9033

File No. 10-3020657.02 and 18-2001091.02

CIWQS Reg measure: 313549  
Violation I: 438464  
Violation II: 438467  
Violation III: 438468  
Violation IV: 438469  
Violation V: 438470

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# California Regional Water Quality Control Board San Diego Region



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November 2, 2006

IN THE MATTER OF: )  
Mr. Peter Olah )  
Ashby USA, LLC )  
39353 Winchester Road #107-393 )  
Murrieta, CA 92563 )  
)  
)  
)  
)

**NOTICE OF VIOLATION**  
**NO. R9-2006-0135**  
**WDID NOs. 9 33C320657**  
**9 00001C091**

In reply refer to:  
WPS:10-3020657.02,18-  
2001091.02:schwkw

**NPDES Permit No. CAS000002, SWRCB Order 99-08-DWQ and  
Clean Water Act Section 401 Water Quality Certification 01C-091**

**Subject Site: Roripaugh Ranch Residential Development Project  
39600 Pourroy Road, Temecula**

**YOU ARE HEREBY NOTIFIED THAT:**

You are in violation of waste discharge requirements contained in State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* and Clean Water Act Section 401 Water Quality Certification 01C-091. Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region (Regional Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

On August 29, 2006, Kristin Schwall and Tony Felix of the Regional Board conducted an inspection of subject site and observed, documented, and photo-documented evidence of specific violations indicated in the attached Facility Inspection Report (FIR) incorporated herein by reference.

### Summary of Violations:

#### I. FAILURE TO CONSTRUCT AS REQUIRED BY 401 CERTIFICATION 01C-091

➤ Pursuant to 401 Certification 01C-091 Condition 8:

- The existing low flow wash will remain in its natural condition ...

**Observation:** Your site was documented as having disturbed Long Valley Wash from its natural conditions.

#### II. FAILURE TO SUBMIT A CONSERVATION EASEMENT OR DEED RESTRICTION THAT PROHIBITS THE REMOVAL OF VEGETATION

➤ Pursuant to 401 Certification 01C-091 Condition 10:

- Ashby USA, LLC shall submit, within 90 days of the issuance of this certification, a draft conservation easement or deed restriction that prohibits the removal of native vegetation including, but not limited to, mowing, pruning, and spraying, in Santa Gertrudis Creek and Long Valley Wash on the project site.
- Ashby USA, LLC shall submit proof of a completed conservation easement or deed restriction within one year of the issuance of this certification.
- Ashby USA, LLC shall also provide written verification that Riverside County Flood Control and Water Conservation District (RCFCWCD) agree to the prohibition.

**Observations:** No draft or final easement or deed restriction has been developed. RCFCWCD has not agreed to the prohibition.

#### III. FAILURE TO COMPLETE MITIGATION

➤ Pursuant to Condition 1 of Minor Modification 2 to 401 Certification 01C-091:

- A revised mitigation plan shall be submitted to this office for approval within 60 days of the date of the modification letter, October 20, 2005.

**Observation:** A mitigation plan was not submitted by December 20, 2005, as required and has not been submitted to date.

➤ Pursuant to Condition 2 of Minor Modification 2 to 401 Certification 01C-091:

- Mitigation shall be constructed within 1 year that impacts occur, or additional mitigation acreage may be required.

**Observation:** The impacts occurred prior to the issuance of Minor Modification 2 on October 20, 2005, so the date of impacts for the purpose of Minor Modification 2 is established as the issuance date of Minor Modification 2. The mitigation is required to be implemented by one year from October 20, 2005 which is October 20, 2006.

#### IV. FAILURE TO PROPERLY IMPLEMENT POST-CONSTRUCTION BMP

➤ Pursuant to 401 Certification 01C-091 Condition 16:

- Post-construction Best Management Practices (BMPs) that will be implemented to treat and control urban and storm water runoff ... These BMPs will be implemented and maintained as described in the Water Quality Management Plan (WQMP).

- The WQMP says "As much as possible, the 4 detention basins shall be designed to function similar to "constructed wetlands" or "enhanced wet ponds" ... While their primary function is to temporarily detain 100-year storm runoff to prevent down stream impacts, these basins shall also be designed to help maintain local water quality..."

**Observation:** The detention basin outlet design fails to detain and treat the water quality volume and the basin was not designed to function as much as possible like "constructed wetlands" or "enhanced wet ponds."

#### V. FAILURE TO PREVENT DOWNSTREAM EROSION

➤ **Pursuant to Pursuant to 401 Certification 01C-091 Condition 16:**

- These BMPs will be implemented and maintained as described in the WQMP.
- The WQMP discusses the potential for development to cause "water traveling at higher speeds which can erode or scour more soil away when it discharges into natural channels." The WQMP also says "Sedimentation and urban pollutants from this development can generally be controlled with a combination of special design features and Best Management Practices (BMPs), most of which control erosion during and after construction. Section F of this report outlines the BMPs recommended for this project."

**Observation:** The detention basin outlet is causing downstream erosion. The WQMP includes only preliminary designs of the basins and not a detailed design of the outlet and erosion control measures, but the intent to control downstream erosion is clear in the WQMP. Erosion control should have been addressed in the final design and installation of the detention basin.

➤ **Pursuant to Water Quality Order No. 99-08-DWQ, Section A.5.a.2(c) and A.8:**

- Temporary on-site drainages to carry concentrated flow shall be selected to comply with local ordinances, to control erosion, to return flows to their natural drainage courses, and to prevent damage to downstream properties.
- The outflow from a sediment basin that discharges into a natural drainage shall be provided with outlet protection to prevent erosion and scour of the embankment and channel.

**Observations:** The detention basin drains areas which are still under construction and could be considered a sediment basin under the General Construction Permit. The basin is temporarily being used to carry concentrated flows from the construction area. There were significant deposits of sediment and erosion observed downstream of the basin. There was scouring of the embankment from erosion caused by low and high velocity flows within the natural waterway down stream of the sediment basin. These effects have the potential to be more pronounced during the wet season.

#### VI. FAILURE TO MAINTAIN AND REPAIR BEST MANAGEMENT PRACTICES (BMPs) TO REDUCE OR ELIMINATE SEDIMENT DISCHARGES IN STORM WATER RUNOFF.

➤ **Pursuant to Water Quality Order No. 99-08-DWQ, Section A.11:**

- Inspections will be performed before and after storm events...to identify BMP effectiveness and implement repairs or design changes as soon as feasible.

**Observation:** The basin is erroneously designed as a flow-through system eliminating sediment settling time. It is probable that offsite storm water discharges from the basin are sediment-laden because the sediment is not allowed to settle before discharging. This is the likely cause of the sediment depositions noted above.

- Pursuant to Water Quality Order No. 99-08-DWQ, Section A.8:
- The discharger must consider any additional site-specific and seasonal conditions...when designing sediment control BMPs.

**Observation:** The riprap at the headwall appears ineffective in minimizing downstream erosion. The riprap was covered with sediment eliminating its usefulness in reducing the velocity and energy of concentrated storm water flows from the sediment basin.

#### VII. FAILURE TO PREVENT DISCHARGES OF NON-STORM WATER

- Pursuant to Water Quality Order NO. 99-08-DWQ, Special Provision C.3:
- Discharges of non-storm water are authorized only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of appropriate BMPs for elimination or reduction of pollutants. Implementation of appropriate BMPs is a condition of authorization of non-storm water discharges.

**Observations:** A discharge from an irrigation pipe break was observed carrying sediment to the storm drain. BMPs were being removed at the time of Regional Board arrival.

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

Questions pertaining to the issuance of this Notice of Violation should be directed to Kristin K. Schwall at (858) 467-2345 or [schwkk@rb9.swrcb.ca.gov](mailto:schwkk@rb9.swrcb.ca.gov). Written correspondence pertaining to this Notice of Violation should be directed to the following address:

Michael P. McCann, Supervising Water Resource Control Engineer  
Attn: Kristin Schwall WPS:10-1014.02:schwkk  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340



Michael P. McCann  
Supervising Water Resource Control Engineer

Nov 2, 2006

DATE




Mr. Peter Olah  
Ashby USA, LLC  
Roripaugh Ranch Residential Development Project

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November 2, 2006

CIWQS Reg measure: 313546  
Violation I: 438464  
Violation II: 439165  
Violation III: 438467  
Violation IV: 438468  
Violation V: 438469  
Violation VI: 438816  
Violation VII: 438470

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