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Runoff citations from state hit NCTD

Alleged violations at Sprinter sites

By Lola Sherman
UNION-TRIBUNE STAFF WRITER

April 14, 2007

The North County Transit District has received two citations from the state for allegedly dumping sediment illegally into creeks and storm drains along the 22-mile Sprinter rail line now under construction.

The citations from the California Regional Water Quality Control Board listed a dozen alleged violations. Seven were in San Marcos, two each in Vista and Oceanside and one in an unincorporated area under county jurisdiction.

The Sprinter rail runs between Oceanside and Escondido. The transit district began building the \$440 million rail line in 2004 and expects to start running passenger trains by the end of the year.

Karen King, executive director of North County Transit, said yesterday that when a project takes so long, "people get lax."

"They're not as diligent as they need to be," King said.

NCTD stands to be fined \$10,000 a day for each violation. The state board also could seek a court injunction or criminal charges but has not yet taken any action to assess penalties.

NCTD first was cited March 19 for alleged violations when inspectors from the state agency made unannounced visits Feb. 20 to Sprinter construction sites.

That letter noted 10 violations.

In San Marcos, they were at Armolite Drive and around Barham Lane, in Vista at Escondido Avenue and at Mar Vista Drive and in the county at Buena Creek.

The second notice was sent April 3, based on an unannounced March 21 inspection, and specified two alleged violations in Oceanside at El Camino Real and at Union Plaza Court.

Both notices, written by water board engineer Ben Neill, cite lack of erosion control and "overwhelmed" fences designed to keep silt from the construction areas from running into the creek.

The notices say trash, piles of dirt and even gasoline containers were left uncovered so rain water could wash over them and take gas, lime, gypsum and slurry either directly into Loma Alta Creek in Oceanside or into storm sewers.

The runoff that goes into storm drains, Neill said, also eventually flows into Agua Hedionda Creek or

Escondido Creek and the Buena Vista, Agua Hedionda and San Elijo lagoons.

Gravel bags that should have been used to stop the runoff were found in the bottom of Loma Alta Creek, the inspection report says.

City officials have been aware of the violations as well.

"We have had several conversations with them over the course of the construction," San Marcos City Manager Paul Malone said yesterday. "Obviously, we're ultimately responsible for what goes into our storm drain."

Malone said there has been "some response" on the part of transit officials, "but not all issues have been cleared."

Vista city officials could not be reached for comment, but a series of e-mails obtained under the California Public Records Act delineates the city's concern with the erosion and tracked mud at Escondido Avenue and at Phillips Street.

Both letters from Neill, which were accompanied by photos of the construction sites, were addressed to King.

Although the line is being built by an outside contractor, West Coast Rail Constructors, and not by NCTD crews, King said she would not place all the blame on the private company.

It's a partnership, she said, and "it's our responsibility to make sure the project is properly managed."

NCTD filed its reply to the first notification by the required deadline April 6 and will meet its obligation to respond to the second notice by the mandated date of April 24, transit district spokesman Tom Kelleher said.

Kelleher said the responses basically were outlined in a memorandum to the district board from Tom Lichterman, director of rail services.

Lichterman promised immediate improvements such as new gravel bags, straw matting to control erosion, replacement silt fences and "better housekeeping methods."

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Waste violations continuing on Sprinter line, state board says

By Michael Burge
UNION-TRIBUNE STAFF WRITER

November 1, 2007

The staff of the California Regional Water Quality Control Board has told the North County Transit District it is still violating waste-discharge regulations along the Sprinter passenger-rail construction line.

The agency told the transit district Aug. 31 that it was levying a \$160,000 penalty for failing to prevent runoff and falsifying inspection reports. Transit officials responded Oct. 4, saying they had corrected the problems and asking for a lower penalty.

The day after the district filed that response, inspectors for the regional board examined the 22-mile Sprinter construction line and discovered violations at eight locations.

"The timing isn't coincidental," Chiara Clemente, a senior environmental scientist for the regional board, said yesterday. "We received the (transit district) report and it was for validation purposes.

"We did see some of the sites that were previously in noncompliance, and they were still in noncompliance."

She said violations were noticed at some new locations as well.

Don Bullock, the transit district's project manager for the Sprinter project, said some of the alleged violations were "flat-out wrong."

The maximum penalty is \$10,000 per violation. The water-quality board had planned to assess the maximum \$160,000 penalty for the 16 previous violations.

The water-quality board's inspection report cites eight locations along the Sprinter line where it found violations: Washington Avenue and Nordahl Road in Escondido; along Barham and Shelly drives in San Marcos; Palomar College station; the Mar Vista storage yard in Vista; and the Melrose Drive, Rancho del Oro and College Boulevard stations in Oceanside.

Violations included unprotected storm-drain inlets, trash along inlets, broken gravel bags, fallen silt fences and bare soil with no protection to prevent runoff from flowing into storm drains.

Bullock disputed the allegations, saying that in at least one instance, no discharge was flowing into a natural waterway because the storm drain wasn't connected to anything.

"There's no documented discharges where runoff is going into the water," Bullock said. "There's probably at least 1,000 areas all along this line that have protection.

"That said, we're being very proactive."

He said the district has its own inspector checking on the line and telling the contractor where to correct problems.

He said the project is about to be completed and that the contractor is focusing on getting the train operating so the district can start service by the end of December.

"In the heat to get this done, some of this was overlooked," Bullock said.

Clemente said she recognized the challenge of maintaining all the protective measures, but added that the transit district promised to adhere to the terms of its permit when it undertook the job.

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More North County news

Transit district fined for violations

Runoff along tracks leads to penalties

By Michael Burge
UNION-TRIBUNE STAFF WRITER

September 29, 2007

The North County Transit District stands to pay a \$160,000 penalty for failing to prevent runoff along the Sprinter passenger train tracks from fouling local streams.

The transit district also falsified its inspection reports, according to the San Diego Regional Water Quality Control Board.

The regional board is hitting the transit district with the maximum possible penalty: \$10,000 each for 16 violations.

"It's a considerable amount of money that any entity (or) agency wouldn't want to pay," said Michael McCann, assistant executive officer of the water board.

"I think it's high enough to act as a deterrent in the future," McCann said. "It's about attaining compliance on the part of the discharger."

The agency cited the transit district after following up on public complaints.

The Regional Water Quality Control Board polices state and federal regulations concerning runoff, which can foul streams, lagoons and the ocean with dirt, chemicals and bacteria.

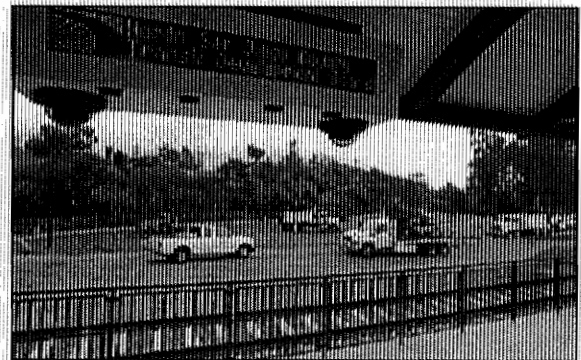
Transit district spokesman Tom Kelleher said the agency will talk to the water quality board about lowering the penalty.

"We do want to have a preliminary meeting to discuss what we've done to remedy the situation and what would be equitable as opposed to the maximum fine," Kelleher said.

"We have a person on staff to make sure we're monitoring the controls all along the right of way, and they're in contact with the contractor to make sure . . . we're not in violation of those rules," he said.

Asked if the rush to complete construction of the Sprinter tracks on schedule contributed to laxity in preventing storm-water runoff, Kelleher said, "Quite possibly."

He said that although the fines were assessed against the district, the contractor, West Coast Rail



SCOTT LINNETT / Union-Tribune
The parking lot near the Buena Creek station in Vista was paved as the transit district gears up for the Sprinter's planned opening around the end of the year. The district was fined for 16 runoff violations, two of which were in Vista.

Constructors, will pay it.

"The contractor was not adhering to the rules of the contract," Kelleher said.

The water board's complaint cites the transit district for two instances of failing to maintain barriers that prevent sediment from running into streams. It also lists four instances when a transit district self-inspection report said those barriers were in place and trash was in closed containers when neither was true.

In addition, it lists 10 instances when sediment ran into streams when it shouldn't have -- nine on Feb. 20 and one on March 21.

Six of those illegal discharges occurred along the San Marcos loop, where the district laid 1.7 miles of track that will serve California State University San Marcos. The district has a history of friction with residents and the city along that loop.

The other San Marcos violation occurred across the tracks from Palomar College, between the tracks and Armorlite Drive. In all cases, the runoff ran through a storm drain into San Marcos Creek.

There were two violations along the tracks in Vista: one near Escondido Avenue and the other near Mar Vista Drive. In those instances, the sediment ran down a drain into Buena Vista Creek.

The Oceanside violation occurred along Loma Alta Creek near El Camino Real and was the only March 21 violation.

The 22-mile Sprinter rail line will link Oceanside and Escondido with passenger train service for the first time in about 60 years. It will serve 15 stations and is expected to open by the end of the year.

The district has been beset by construction-cost increases and pressure from the federal government to complete the job by its scheduled date.

The project was budgeted at \$375.5 million when it went to bid in July 2004. That budget has been revised to \$484.1 million, and its current cost is estimated at \$470 million.

The San Diego Regional Water Quality Control Board has scheduled a hearing on the transit district's penalty on Nov. 14.

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