



Linda S. Adams
Secretary for
Environmental Protection

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



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

CERTIFIED MAIL

Registration Number: 7099 3400 0015 9997 1184

In reply refer to:
WPS:quacd

February 19, 2008

Mr. Gary McCullough
Area Manager
Lennar Homes - Corona
1525 Faraday Avenue, Suite 300
Carlsbad, CA 92008

RE: NOTICE OF VIOLATION NO. R9-2008-0025 & REQUIRED TECHNICAL REPORT

Dear Mr. McCullough:

Enclosed is **Notice of Violation (NOV) No. R9-2008-0025** for the Sky Ranch project in the City of Santee. The violations specified were identified during a site inspection on January 30, 2008. Corrective measures and Best Management Practices (BMPs) should be implemented by Lennar Homes – Corona (discharger) immediately to address these violations.

Pursuant to California Water Code (CWC) section 13267 and 13383, the San Diego Regional Water Quality Control Board directs you to submit a **Required Technical Report (RTR)** received at the SDRWQCB no later than **5:00 PM, March 7, 2008**. The RTR is required due to the violations noted in the enclosed NOV. The RTR will be reviewed to assess the need for further possible enforcement actions. The RTR shall include the following:

1. A plan to immediately cleanup the waste and abate all effects of the discharge of waste into the parking lot of Pepper Drive School, Marlinda Way, and Pepper Drive, and drainage channels along Graves Avenue.
2. Copies of all work orders, progress report, and any documents related to cleanup sediments at Pepper Drive School and the sediment on Marlinda Way and Pepper Drive.
3. Copies of all work orders, progress report, and any documents related including receipts for erosion control related to erosion and sediment control at the Sky Ranch project.

California Environmental Protection Agency

- RF
4. Copies of all pre, during, and post rain inspection forms done since September 2007 until now.
 5. A plan to Immediately implement, in compliance with all requirements of the State Board Construction Storm Water Permit No. 99-08-DWQ, the following:
 - a. An effective and appropriate combination of sediment and erosion controls on all disturbed areas;
 - b. Specific BMPs to prevent the discharge of sediment, and sediment-laden water off site.
 - c. The removal of sediment from desiltation basins to maintain their capacity;
 - d. The development of a contingency plan to address the need for advanced filtration of any sediment laden water to be discharged from the desiltation basins to waters of the State; and
 - e. A comprehensive maintenance program to ensure continued BMP effectiveness.
 6. If at any time in the future, the capacity of the on-site sedimentation basins becomes overwhelmed, so that it becomes necessary to pump down the accumulated sediment laden runoff and discharge it off-site, the discharge shall be filtered with advanced treatment technologies (i.e. chitosan enhanced sand filtration) to the Best Available Technology Economically Achievable (BAT) and/or the Best Conventional Control Technology (BCT) performance standard. Both BAT as well as BCT are consistent with Order 99-08-DWQ, General Permit for Storm Water Discharges Associated with Construction Activity, which states that all dischargers develop and implement controls to reduce pollutants in storm water discharges from their construction sites to the BAT/BCT performance standard. The *dischargers* will notify the Regional Board prior to initiating the discharge.

In addition to the above RTR, the Lennar Homes - Corona shall :

1. After each significant rainfall event, which is defined as when one or more inches of rain occurs from the start of precipitation to the end of precipitation, followed by three consecutive dry days, conduct an immediate assessment of erosion and sediment control BMPs implemented on the project. This assessment shall:
 - a. Identify the source of the silt and sediment;
 - b. Repair or replace any BMP that has failed;
 - c. Maintain any BMP that is not functioning properly due to lack of maintenance; and
 - d. Evaluate whether additional or alternative BMPs should be implemented to prevent further discharges of sediment.

Rf

2. After each significant rainfall event, which is defined as when 1 or more inches of rain occurs from the start of precipitation to the end of precipitation, followed by three consecutive dry days, submit a status report within 7 days, documenting the subject site's compliance with the General Construction Storm Water Permit and efforts to prevent further discharges and violations of the Basin Plan. Reports shall be submitted until the *dischargers* demonstrate to the satisfaction of the Regional Board that the BMPs are effective in reducing sediment discharges from the subject site during rain events to the BAT/BCT performance standard. The reports shall include and are not limited to:
 - a. Photo documentation of BMPs;
 - b. A narrative description of all actions, BMPs, inspections, and maintenance conducted at the subject site during the reporting period;
 - c. A description of all discharges during the reporting period including photos, estimated amount discharged, measures to prevent similar discharges and a plan to cleanup the discharge;
 - d. Site maps showing final slopes, temporary slopes, drainages, and BMP placement for the reporting period; and
 - e. Photocopies of all subject site inspections reports.

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.

Note: All documents requiring signature shall be signed per the General Construction Permit, Water Quality Order No. 99-08, Section C.9.a (1&2), as follows:

"For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

Mr. Garry McCullough

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February 19, 2008

(b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.”

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Dat Quach at (858) 467-2978 or email: dquach@waterboards.ca.gov. If you feel you received this Notice in error or need clarification on any of the above violations, please contact our office immediately. Written correspondence should be directed to the following address:

Michael P. McCann
Assistant Executive Officer
Attn: Dat Quach
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

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 number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.



Michael P. McCann
Assistant Executive Officer

Attachments: Notice of Violation
Facility Inspection Reports

CC: Helen Perry, the City of Santee
Richard Diaz, the County of San Diego
Ms. Debra Simpson, Pepper Drive Elementary School, 1935 Marlinda Way,
El Cajon, CA 92021



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February 19, 2008

IN THE MATTER OF)

Mr. Garry McCullough)

Lennar Homes - Corona)
1525 Faraday Avenue, Suite 300)
Carlsbad, CA 92008)

NOTICE OF VIOLATION
NO. R9-2008-0025

CERTIFIED MAIL
7099 3400 0015 9997 1184

In reply refer to:
WPS:quacd

NPDES General Permit No. CAS000002, SWRCB Order 99-08-DWQ

Subject Site: Sky Ranch in the City of Santee

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, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region, 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 or judicial proceedings for the assessment of civil liability in amounts of up to \$10,000 per day; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

The violations referred to in this Notice of Violation were observed during a Regional Board inspection. responded to a complaint regarding the discharge of storm water laden with sediment from your Sky Ranch construction project located at East Of State Highway 67 & North Of Pepper Drive, within the jurisdiction of the City of Santee on January 30, 2008. Mr. Dat Quach of the Regional Board 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 PROHIBIT ILLICIT/ILLEGAL DISCHARGES**

Lennar Homes – Corona failed to prohibit discharges of non-storm water material to the municipal separate storm sewer system (MS4) or waters of the nation through the implementation of appropriate BMPs in violation of Discharge Prohibition A.2 of Order No. 99-08-DWQ.

1. At 9:25 AM on January 30, 2008, Mr. Dat Quach of the Regional Board arrived at Pepper Drive and observed water laden with sediment coming off a drainage channel next to Pepper Drive School, crossing a school parking lot, flowing south along Marlinda Way, crossing Marlinda Way and flowing west along Pepper Drive, then flowing north into drainage channel along Graves Avenue. The above discharge was shown in photograph No. IMG P 0337, 0338, 0336, 0333, 0339, 0346, and 0359 of the FIR.
2. At 10:30 AM, Mr. Dat Quach went to the Sky Ranch project and met Messieurs Garry McCullough and Mike Dumont of Lennar Homes -Corona, and Mr. Steven Cresswell and Ms. Helen Perry of the City of Santee.
3. At the meeting Mr. McCullough admitted that the water laden with sediment was discharged from Sky Ranch project. He further reported that Sky Ranch tried to seal the leak from the outlet of one of its detention pond but the seal was failed to contain the storm water laden with sediment from leaving the detention pond. At the end of the meeting, Messieurs Quach, McCullough, Dumont and Ms. Perry came to the sediment pond for inspection, and observed that the Sky Ranch staff using an inflatable rubble balloon to block the concrete pipe from the pond, and the discharge was eliminated. Mr. McCullough stated that Sky Ranch will clean up the sediment at Pepper Drive School, along Marlinda Way, Pepper Drive, and Graves Avenue. Mr. McCullough further stated that Sky Ranch will install a filter to filter the storm water down to 0.5 micron before discharging to the drainage channel.
4. The inspection of the site showed that the construction site lacking the BMP for entrance protection at the active construction lots, lacking the BMP of some slopes between the construction lots, and lacking the BMP along the curbs of the active construction lots. The above violation was shown in photograph No. IMG P 0348, and 0351 of the FIR.
5. Mr. Quach was not able to obtain the pre, during and post raining inspection forms reportedly completed by Lennar Homes - Corona.

II. FAILURE TO IMPLEMENT / MAINTAIN BMPs

FF

Lennar Homes - Corona failed to implement an effective combination of erosion and sediment control **on all disturbed areas during the rainy season**. Erosion and sediment control BMPs are required to prevent any dislodged sediment discharged from the project site.

On January 30, 2008, Mr. Quach of the Regional Board observed lack of sediment control BMPs on site. Water laden with sediment was observed coming off a drainage channel next to Pepper Drive School, crossing a school parking lot, flowing south along Marlinda Way, crossing Marlinda Way and flowing west along Pepper Drive, then flowing north into drainage channel along Graves Avenue. The above discharge was shown in photograph No. IMG P 0348, 0351, and 0359 of the FIR.

III. FAILURE TO IMPLEMENT SWPPP

Lennar Homes – Corona failed to implement an adequate Storm Water Pollution Prevention Plan (Order No. 99-08-DWQ; Section A).

Therefore, Lennar Homes - Corona is notified of the alleged violations for discharge of sediment and water laden with sediment to MS4 or waters of the nation, failure to implement/maintain BMPs, and failure to implement SWPPP.

Questions pertaining to the issuance of this Notice of Violation should be directed to Mr. Dat Quach at (858) 467-2978 or email: dquach@waterboards.ca.gov. If you feel you received this Notice in error or need clarification on any of the above violations, please contact our office immediately. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

Michael P. McCann
Assistant Executive Officer
Attn: Dat Quach
California Regional Water Quality Control Board
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San Diego, CA 92123-4340

Mr. McCullough

- 4 -

February 19, 2008

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Michael P. McCann
Assistant Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED MANAGEMENT PROGRAM

FACILITY INSPECTION REPORT

INSPECTION DATE: January 30, 2008 TIME: 10:00AM WDID: 9 37C336088

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: Helen Perry and Steven Cresswell of City of Santee, Garry McCullough and Mike Dumont of Lennar, and Chris Wiley of Pacific Erosion Control, Inc.

Lennar Home Garry McCullough (760) 918-7765
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE OWNER CONTACT NAME AND PHONE #
Sky Ranch Same as above
FACILITY OR DEVELOPER NAME (if different from owner) FACILITY OR DEVELOPER CONTACT NAME AND PHONE #
East Of Sr 67 & North Of Pepper Drive Santee CA 92071
FACILITY STREET ADDRESS FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION
- GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS
- GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS
- GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- SECTION 401 WATER QUALITY CERTIFICATION.
- CWC SECTION 13264

INSPECTION TYPE (Check One)

- A1 "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
- B1 "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02 Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
- 03 Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
- 04 Complaint--Inspection made in response to a complaint.
- 05 Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06 No Exposure Certification (NEC) - verification that there is no exposure of industrial activities to storm water.
- 07 Notice of termination request for industrial facilities or construction sites - verification that the facility or construction site is not subject to permit requirements (Type, NOT I or NOT C - circle one).
- 08 Compliance Assistance Inspection - Outreach inspection due to discharger's request for compliance assistance.

INSPECTION FINDINGS

- Y Were violations noted during this inspection? (Yes/No/Pending Sample Results)
- N Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

I. COMPLIANCE HISTORY:

PF

FACILITY: Sky Ranch (WDID) 937C336088 INSPECTION DATE: 1/30/2008

II. FINDINGS

Inspection was performed in response to complaint.

GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION

1. Mr. Dat Quach responded to a complain that the Sky Ranch project discharged water laden with sediment to Pepper Drive.
2. At 9:25 AM on January 30, 2008, Mr Quach arrived Pepper Drive and observed water laden with sediment coming off a drainage channel next to Pepper Drive School, crossing a school parking lot, flowing south along Marlinda, crossing Marlinda and flowing west along Pepper Drive, then flowing north into drainage channel along Graves. The flow was estimated at 30 gallons per minute.
3. Mr. Quach went to Sky Ranch project and had a meeting with Garry McCullough and Mike Dumont of Lennar, Steven Cresswell and Helen Perry of City of Santee to discuss the situation..
4. At the meeting Mr. McCullough admitted that the water laden with sediment was discharged from Sky Ranch project. He further indicated that Sky Ranch tried to plug up the leak from the outlet of one of its detention pond but the plug was failed to contain the storm water laden with sediment from leaving the pond. At the end of the meeting we came to the sediment pond for inspection, and the Sky Ranch using a new method by using a rubble balloon to block the concrete pipe from the pond, and the discharge was eliminated. Mr. McCullough stated that Sky Ranch will clean up the sediment at Pepper Drive School, along Marlinda, Pepper Drive, and Graves streets. Mr. McCullough further states that Sky Ranch will install a filter to filter the storm water down to 0.5 micron.
5. Inspection of the site showed that the slopes of the projects covered with BFM but the construction lacking the BMP for entrance protection and for the discharge of storm water from the active construction lots.
6. Did not find the Pre, during and Post raining inspection done by Sky Ranch.

III. SIGNATURE SECTION

Dat Quach



1/30/08

STAFF INSPECTOR

SIGNATURE

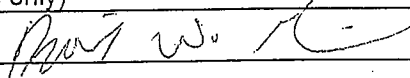
INSPECTION DATE

STAFF INSPECTOR

SIGNATURE

INSPECTION DATE

IV. (For internal use only)

Reviewed by Supervisor: 	31 Jan 2008 Date
cc: Jeremy Johnstone (EPA), John Norton (SWRCB), City	Storm Drain Enforcer
Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____	

C:\My Documents\Forms\Inspection Report.doc(vrs. 04/30/01)
LIS

Image IMG P0337 WDID #9 37C336088;
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-30-
2008

Site: Pepper Drive School
Location: Marlinda Road, San Diego County
Image shows: Water laden with sediment discharged from drainage
channel to parking lot of Pepper Drive School.



Image IMG P0338 WDID #9 37C3336088;
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on
01-30-2008

Site: Pepper Drive School

Location: Marlinda Road, San Diego County

Image shows: Water laden with sediment discharged from
drainage channel crossing parking lot of Pepper Drive School.

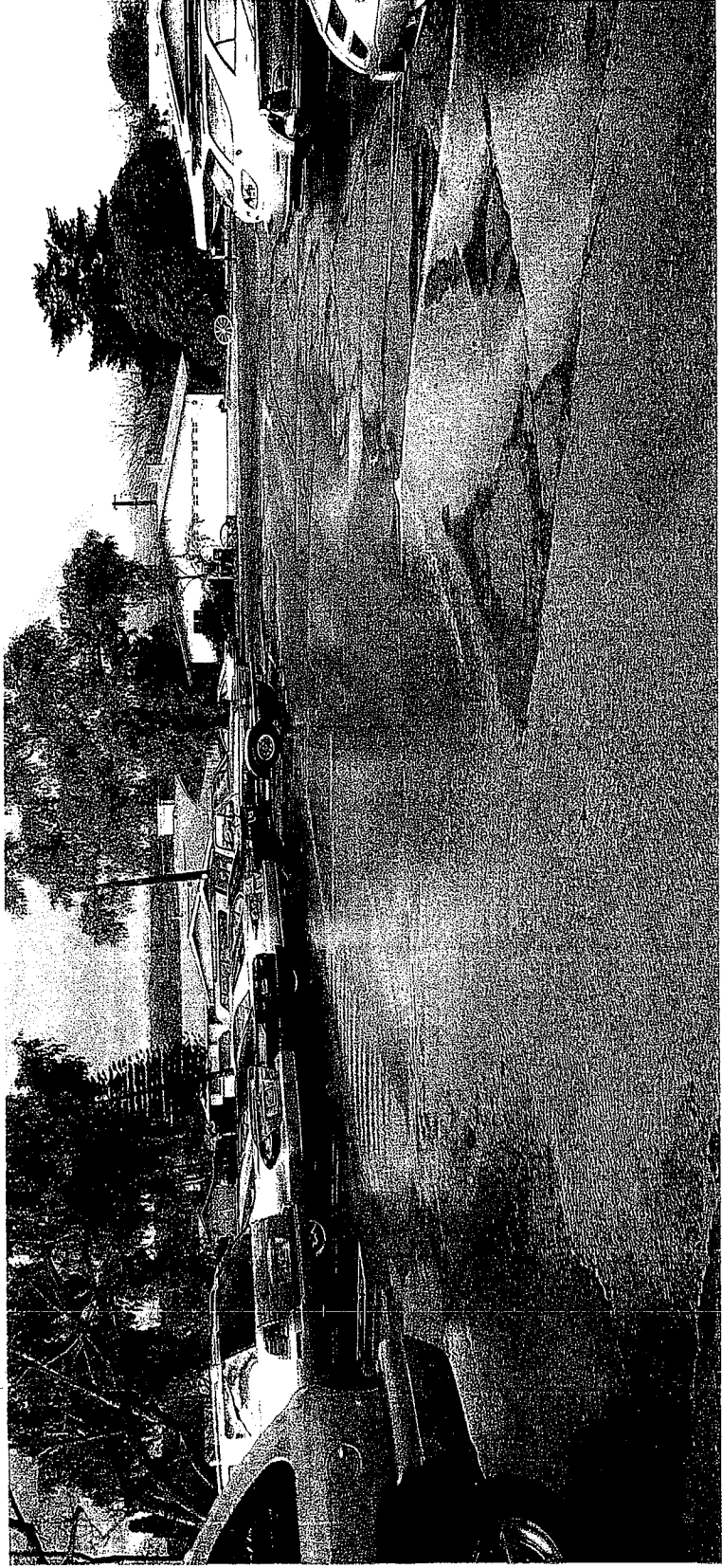


Image IMG P0336 WDID #9 37C336088;
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-30-
2008

Site: Corner of Marlinda and Pepper Drive
Location: Marlinda Road, San Diego County
Image shows: Water laden with sediment flowed south on Marlinda road.

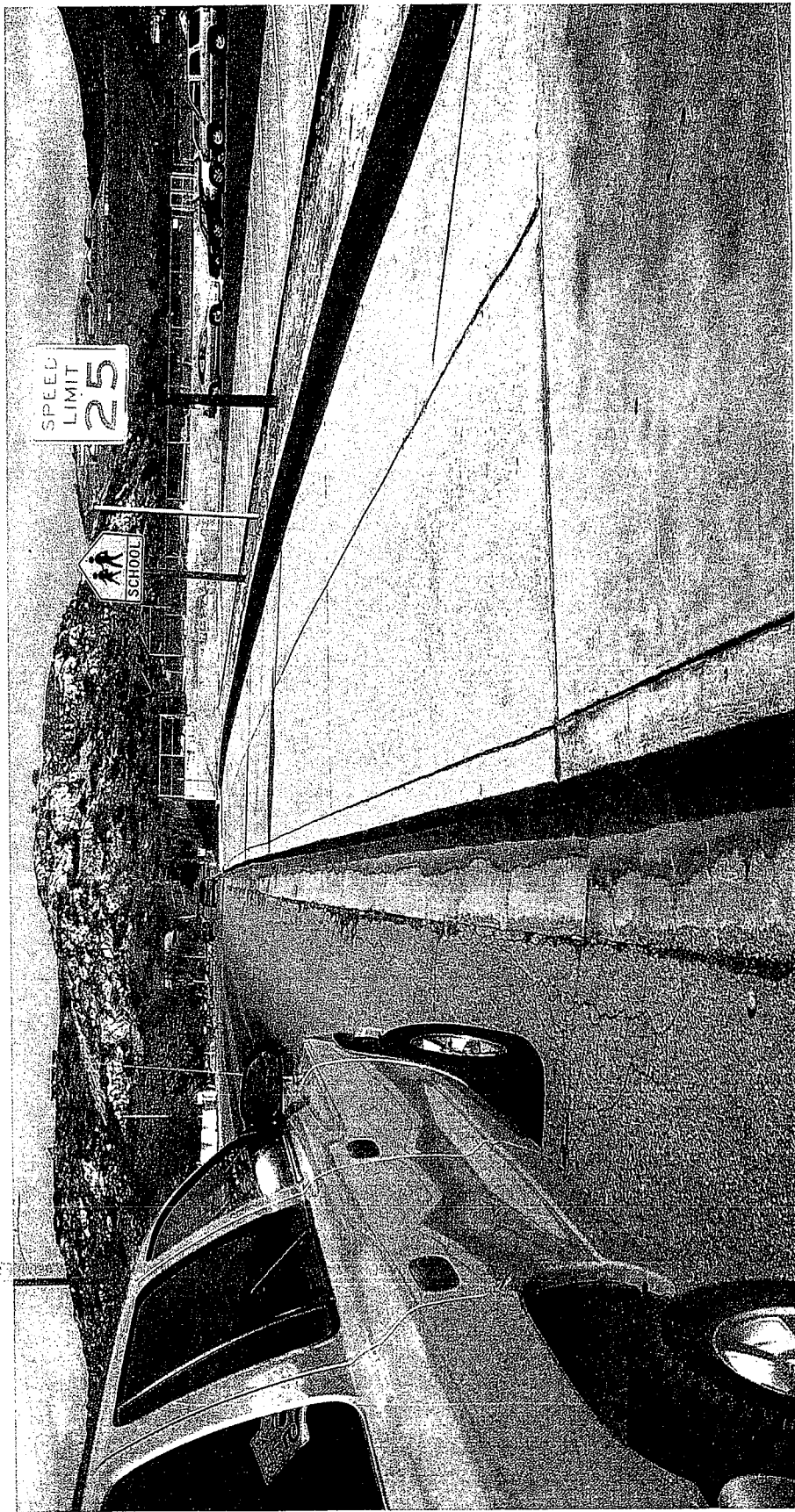


Image IMG P0333 WDID #9 37C336088;
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-30-
2008

Site: Pepper Drive School

Location: Marlinda Road, San Diego County

Image shows: Water laden with sediment crossing Marlinda to flow west
on Pepper Drive.

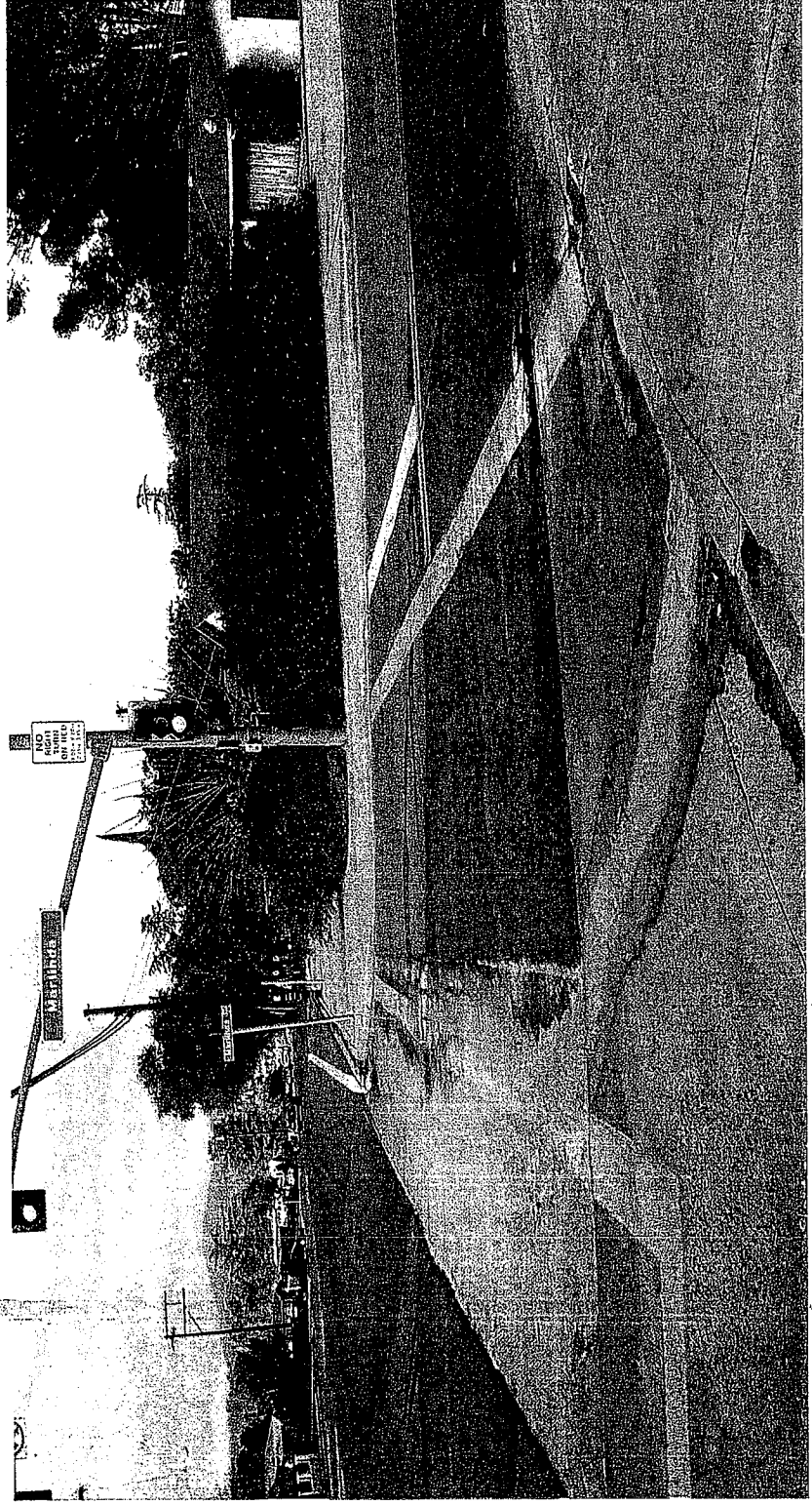


Image IMG P0339 WDID #9 37C3336088;
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on
01-30-2008
Site: Pepper Drive School
Location: Pepper Drive, San Diego County
Image shows: Water laden with sediment flowed west on Pepper
Drive.

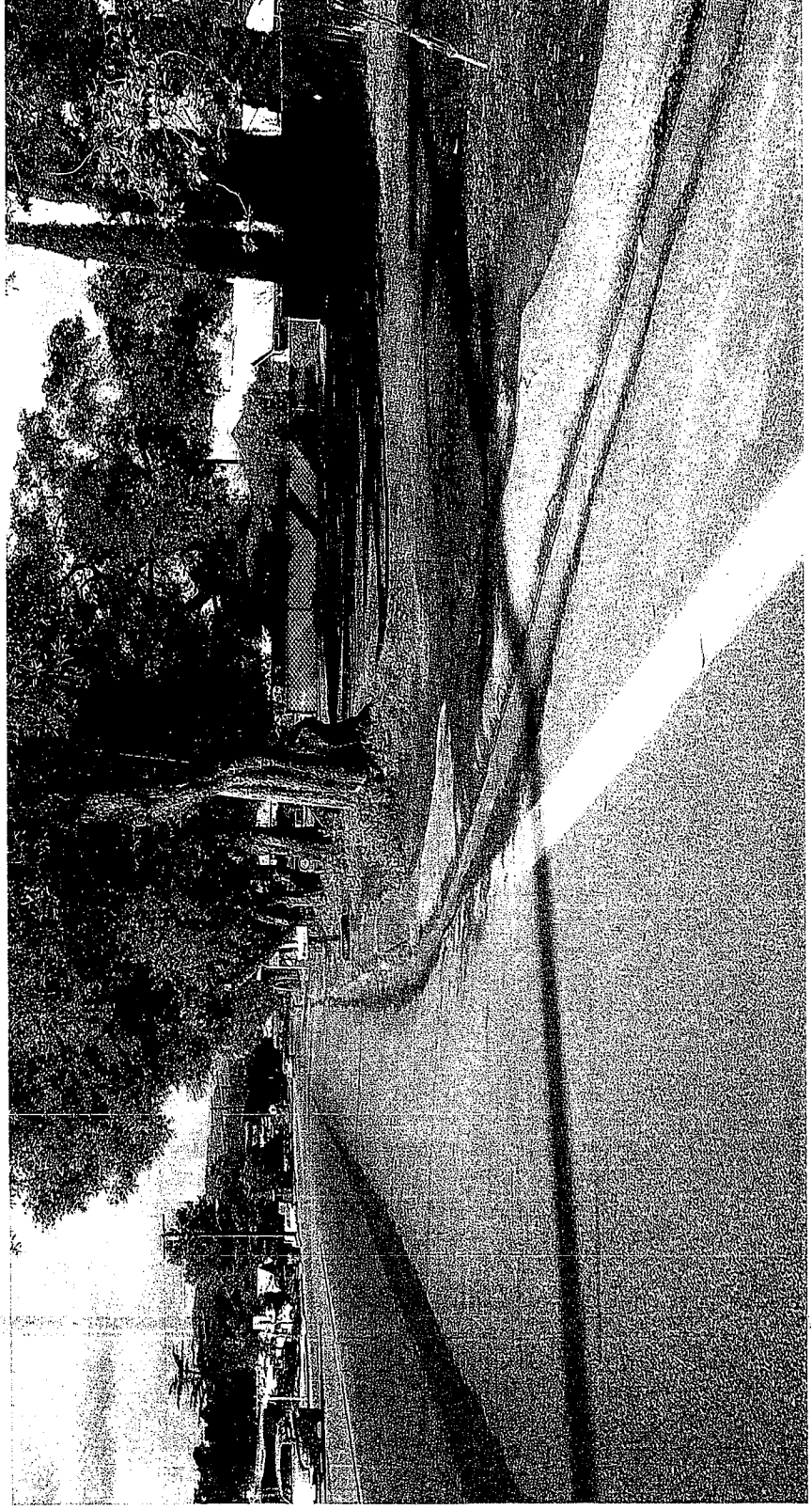
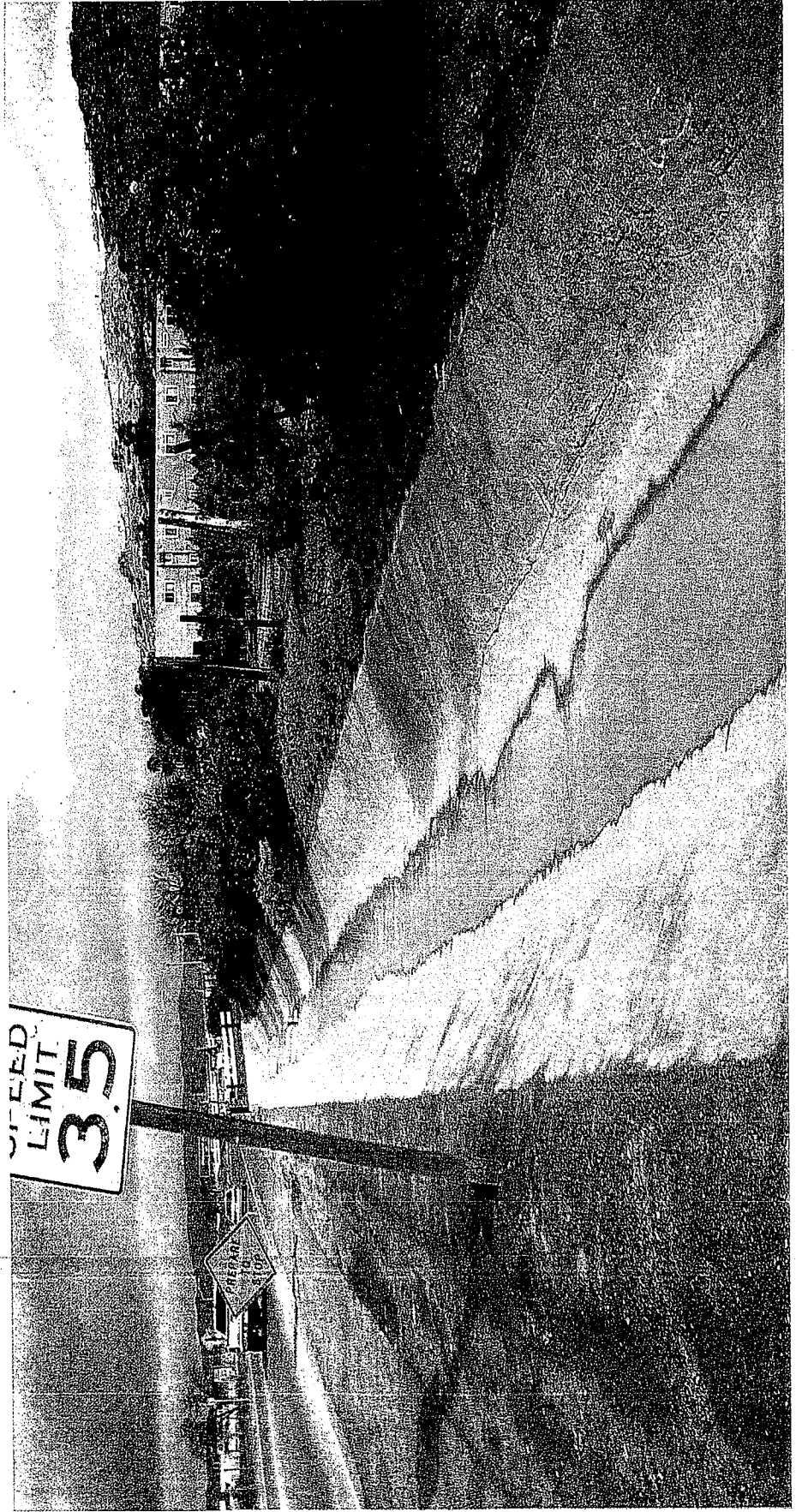


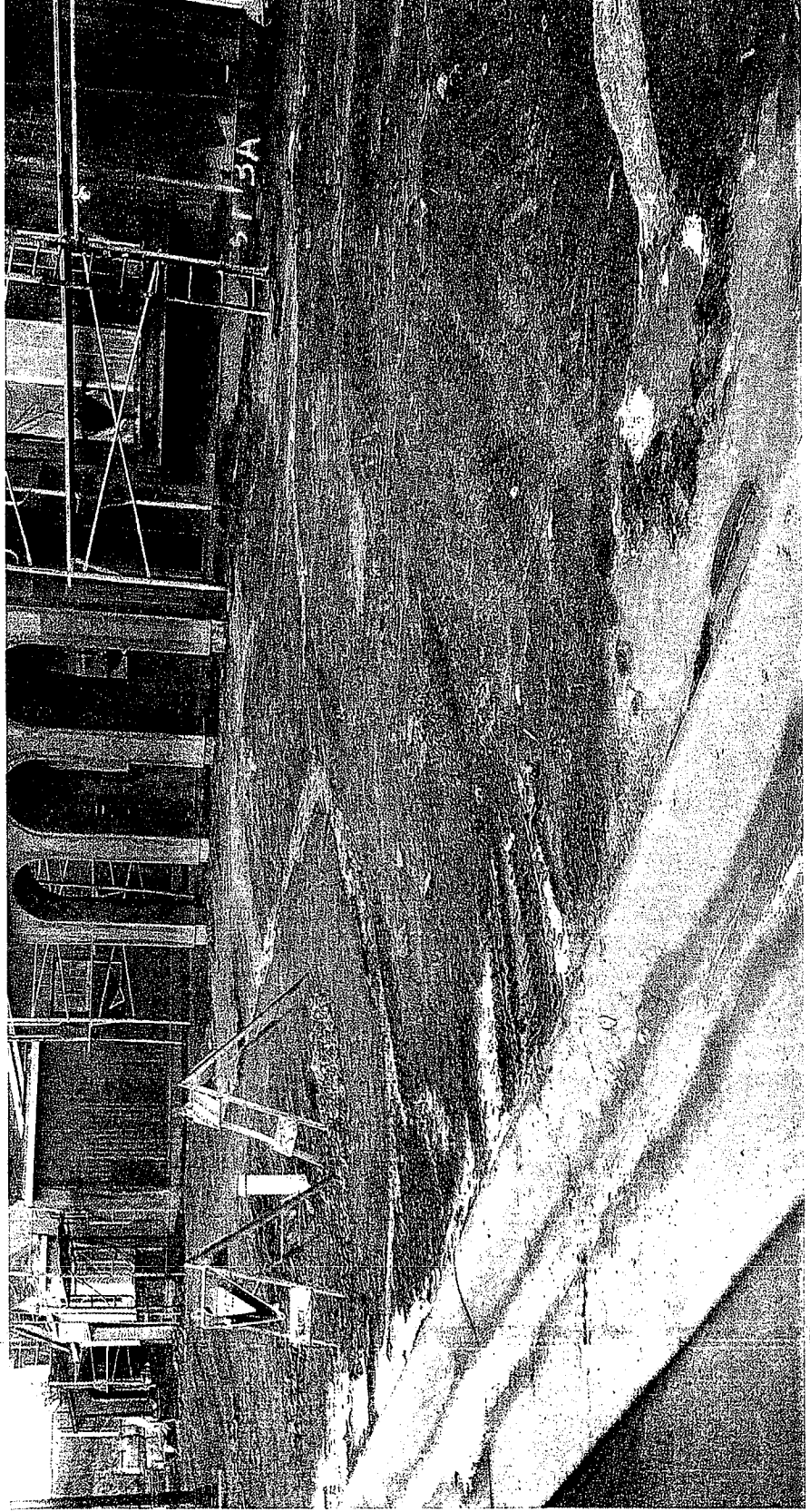
Image IMG P0346 WDID #9 37C336088;
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on 01-30-
2008

Site: Graves street
Location: Graves street, San Diego County
Image shows: Water laden with sediment flowed north in a drainage
channel along Graves street.



RE

Image IMG P0348 WDID #9 37C336088;
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on
01-30-2008
Site: Crest View
Location: Sky Ranch, San Diego County
Image shows: No BMPs along the curb and at front entrance.
Showed evidence that sediment and stucco material discharged
to street.



RF

Image IMG P0351 WDID #9 37C336088;
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200 on
01-30-2008
Site: Crest View
Location: Sky Ranch, San Diego County
Image shows: No BMPs along the curb and at front entrance.
Showed evidence that sediment and stucco material discharged
to street.

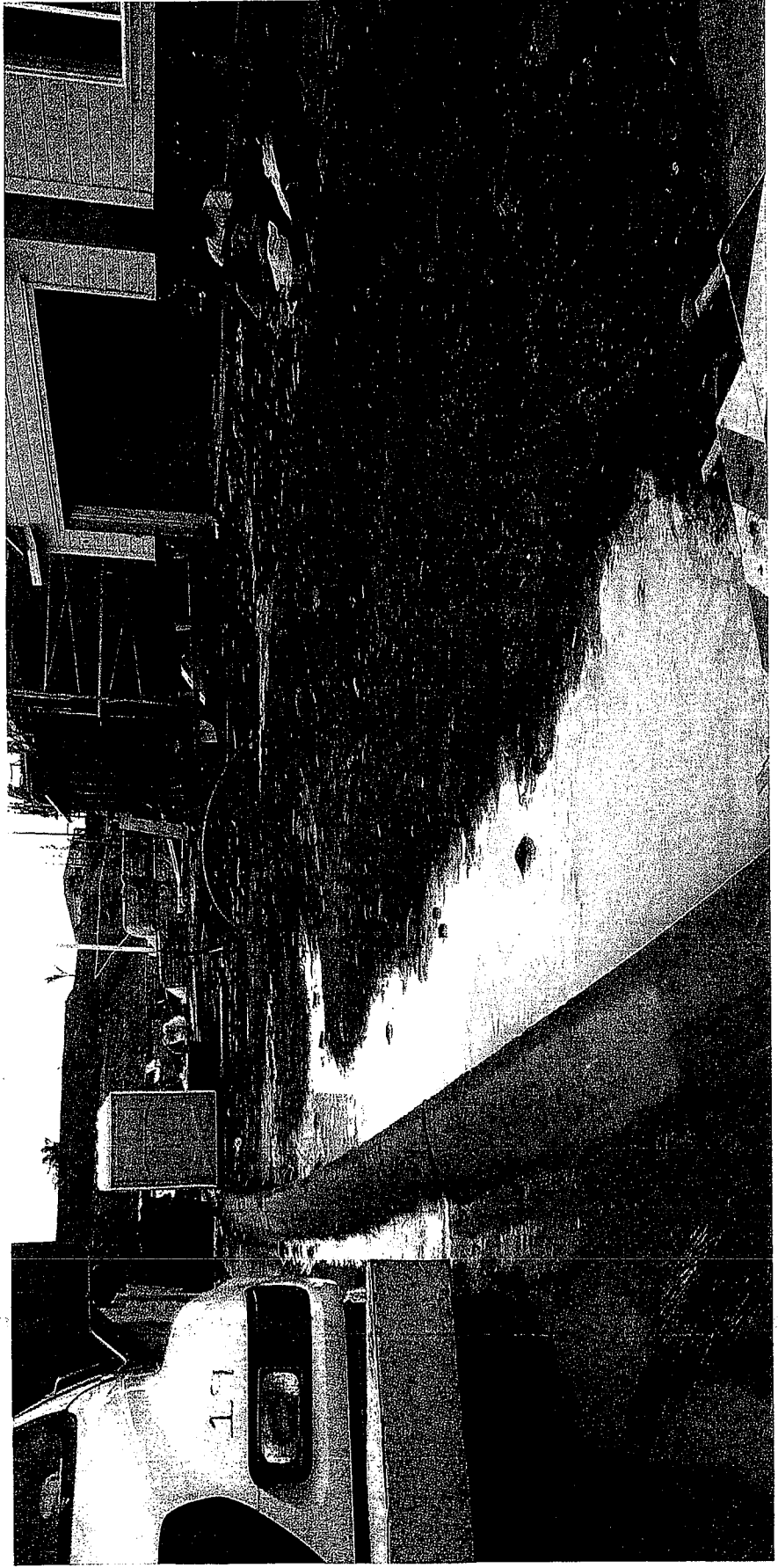


Image IMG P0359 WDID #9 37C336088;
Taken by Dat Quach, RWQCB-SD, between 0930 and 1200
on 01-30-2008

Site: Sediment basin outlet to the drainage channel
Location: Sky Ranch, San Diego County
Image shows: sediment get out from detention basin and
discharged to the drainage ditch.

