

California Regional Water Quality Control Board, San Diego Region

March 19, 2014

NOTICE OF VIOLATION
No. R9-2014-0036

Thomas Fincher
Chief, Project Management
County of San Diego Department of Public Works
5560 Overland Ave., Suite 410
San Diego, CA 92123

County Administration Center
Waterfront Park

**Violations of Order No. 2009-0009-DWQ,
Statewide Construction General Storm
Water Permit**

PIN No. SM-819111:Carias

THE COUNTY OF SAN DIEGO is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

THE COUNTY OF SAN DIEGO is in violation of State Water Resources Control Board Order No. 2009-0009-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*.

A. Summary of Violations

1. Failure to Comply with Discharge Prohibitions

- a. Pursuant to Provision III A. of Order No. 2009-0009-DWQ:** Dischargers shall not violate any discharge prohibitions contained in applicable Basin Plans or statewide water quality control plans.
- b. Pursuant to Provision III B. of Order No. 2009-0009-DWQ:** All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit.

- c. **Observation:** On March 7, 2014, a San Diego Water Board inspector conducted an inspection of the County Administration Center Waterfront Park construction site in response to a citizen complaint. The inspector observed discharges of sediment beyond the project boundaries, onto the street. See attached Facility Inspection Report (FIR) dated March 7, 2014; photos 2, 17, and 25.

2. Failure to Implement Chemical Storage Best Management Practices (BMPs):

- a. **Pursuant to Provision B.1.c of Attachment C to Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall implement good site management (i.e. “housekeeping”) measures for construction materials that could potentially be a threat to water quality if discharged. At a minimum, Risk Level 1 dischargers shall store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).
- b. **Observation:** During the March 7, 2014 inspection, the San Diego Water Board inspector observed plastic containers and paper bags with chemicals that were stored outdoors and exposed to precipitation, without any secondary containment to prevent spillage or leakage. See FIR; photos 8, 30, 32.

3. Failure to Implement Trash Management BMPs:

- a. **Pursuant to Provision B.2.a of Attachment C to Order No. 2009-0009-DWQ:** Risk Level 1 discharges shall implement good housekeeping measures for waste management, which, at a minimum, shall consist of the following: Prevent disposal of any rinse or wash waters or materials on impervious or pervious site surfaces or into the storm drain system.
- b. **Observation:** During the March 7, 2014 inspection, the San Diego Water Board inspector observed trash, debris, and concrete residue in several areas within the construction site. There was no observable management strategy for trash or construction debris. See FIR; photos 5, 6, 7, 9, 13, 14, 15, 16, 21, 22, 27, 29.

4. Failure to Implement Concrete Washout BMPs:

- a. **Pursuant to Provision B.2.i of Attachment C to Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall implement good housekeeping measures for waste management, which, at a minimum, shall consist of the following: Ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.

- b. **Observation:** During the March 7, 2014 inspection, the San Diego Water Board inspector found concrete rinse material in contact with bare soil and in areas not designated as concrete washout areas. Additionally, the designated concrete washout receptacle was full and required maintenance at the time of the inspection. See FIR; photos 15, 21, 22, 29, 31.

5. Failure to Implement Erosion Control BMPs:

- a. **Pursuant to Provision D.1. of Attachment C to Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall implement effective wind erosion control.
- b. **Pursuant to Provision D.2. of Attachment C to Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.
- c. **Observation:** During the March 7, 2014 inspection, the San Diego Water Board inspector observed that the entire site lacked erosion control BMPs and effective soil cover. In addition, no wind erosion control measures were observed. See FIR; photos 1, 3, 4, 10, 11, 12, 18, 19, 20, 23, 24.

6. Failure to Implement Sediment Control BMPs

- a. **Pursuant to Provision E.1 of Attachment C to Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
- b. **Observation:** During the March 7, 2014 inspection, the San Diego Water Board inspector observed improperly installed linear perimeter controls on some areas of the construction site, and no perimeter controls on other areas. The sediment control BMPs had not been adequately maintained. Additionally, entrance/exit BMPs were not functioning properly and in need of repair or replacement. See FIR; photos 2, 3, 12, 17, 19, 20, 21, 23, 26, 29.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Christina Arias at (619) 521-3361 or christina.arias@waterboards.ca.gov.



Eric Becker, P.E.
Senior Water Resource Control Engineer

ESB:cma

Enclosure: Facility Inspection Report dated March 7, 2014

Tech Staff Info & Use	
Enforcement ID	415052
Violation ID	853544, 853546, 853547, 853548, 853549, 853550
WDID	9 37C365259
NPDES No.	CAS000002
Inspection ID	2021631