



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



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7 May 2008

CERTIFIED MAIL
7005 0390 0005 5502 2841

Chip Horton
TML Development LLC
1211 East Howell Street
Seattle, WA 98122

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0528, TML DEVELOPMENT LLC, THUNDER MOUNTAIN LODGE, AMADOR COUNTY

Enclosed is Administrative Civil Liability (ACL) Complaint No. R5-2008-0528 (Complaint), issued pursuant to California Water Code (CWC) section 13385 for violations of the Construction Storm Water General Permit. This Complaint charges TML Development LLC (hereafter Discharger) with civil liability in the amount of **ten thousand dollars (\$10,000)** for the aforementioned violations.

Pursuant to CWC section 13323, the Discharger may either pay the civil liability and waive its right to a hearing before the Regional Water Board, or may contest the Complaint and exercise its right to a hearing. The Discharger has the right to a hearing before the Regional Water Board within 90 days of the service of the Complaint. If the Discharger chooses to waive this right and settle the Complaint without a hearing, then a duly authorized agent must sign the enclosed waiver and submit it to this office, along with a check payable to the "*State Water Pollution Cleanup and Abatement Account*" in the full amount of the civil liability. The check must contain a reference to "ACL Complaint No. R5-2008-0528". The waiver and payment will be considered effective pending a 30-day period, tolled from the date of the Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Sue McConnell.

If the Regional Water Board does not receive a waiver and a check for the full amount by **9 June 2008**, then a hearing will be scheduled for the **31 July/1 August 2008** Regional Water Board meeting in Rancho Cordova. Specific notice about this hearing and its procedures will be provided under separate cover.

If you intend to proceed to a hearing on this matter, you must submit written comments and evidence to the Regional Water Board by **9 June 2008**. Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Sue McConnell, no later than **5 p.m. on 9 June 2008**. Written comments must describe any disagreements with the findings in the Complaint. Written materials received after **5 p.m. on 9 June 2008** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

California Environmental Protection Agency

To claim an inability to pay this Administrative Civil Liability Complaint, the Discharger must submit a statement of financial conditions by **9 June 2008** that substantiates its claim.

As a courtesy, we have attached a description of the factors that were considered, pursuant to CWC section 13385(e), in assessing this civil liability.

If you have any questions, please contact Sue McConnell at (916) 464-4798.

WENDY WYELS
Chief, Compliance and Enforcement Section

Enc: Factors Considered in Assessing Liability
Administrative Civil Liability Complaint No. R5-2008-0528

cc w/enc: Pamela Creedon, Executive Officer, RWQCB, Sacramento

cc w/o enc: Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Reed Sato, Enforcement Unit, SWRCB, Sacramento
Eugene Bromley, U.S. EPA, Region IX, San Francisco
Bill Smiley, Amador County Public Works, Jackson
Scott Hunter, Palisade Builders Inc, Palo Alto
Michael Richter, Kirkwood Mountain Resort, Kirkwood
Ed Phariss, MACTEC, Reno