



# California Regional Water Quality Control Board

## Santa Ana Region



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

**Gray Davis**  
Governor

July 23, 2001

Mr. Thom Olson  
Standard Pacific Homes  
15326 Alton Parkway  
Irvine, CA 92618

### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 01- 63**

Dear Mr. Olson:

Enclosed please find a copy of the modified waiver for the above-mentioned administrative civil liability. As discussed, the use of \$12,000 as a supplementary environmental project, namely the conduct of a training seminar, and the submittal of a check in the amount of \$3,280 to this Regional Board office is an acceptable alternative to the original waiver conditions.

I apologize for the delay in relaying this modified waiver and offer whatever assistance this office can provide to BIA for this seminar and to Standard Pacific Homes on this and future projects.

If you have any questions, you may contact Mark Smythe at 909-782-4998 or Michael Adackapara at 909-782-3238. All legal questions should be referred to our legal counsel, Ted Cobb, at 916-341-5171.

Sincerely,

Mark E. Smythe  
Chief, Coastal Storm Water Program

Enclosures: Modified Waiver Form

In the matter of: )  
 )  
Standard Pacific Homes )  
1565 West MacArthur Blvd. )  
Costa Mesa, CA 92626 )  
 )  
Attn: Thomas Olsen )

Complaint No. 01-63  
for  
Administrative Civil Liability

I agree to waive Standard Pacific Homes' right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 01-63. I have enclosed a check, made payable to the State Water Resources Control Board, in the amount of \$3,280. In addition, Standard Pacific Homes will provide \$12,000, which will be used to sponsor one or more seminars in Orange County, on the requirements under the new Statewide Construction General Permit. Further, while a nominal fee may be charged for seminar attendance, there should be no fee differential between Building Institute of America (BIA) members and non-members. I understand that I am giving up Standard Pacific Homes' right to be heard and to argue against allegations made by the Executive Officer in this complaint, and against the imposition of, and the amount of, the liability proposed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
for Standard Pacific Homes

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION

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	)	for
Standard Pacific Homes	)	Administrative Civil Liability
1565 West MacArthur Blvd.	)	
Costa Mesa, CA 92626	)	
	)	
<u>Attn: Thomas Olsen</u>	)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Standard Pacific Homes (Standard Pacific) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose liability under Section 13385(c)(2) of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within sixty days of the date of issuance of this Complaint. The hearing in this matter has been scheduled for the Board's regular meeting on June 1, 2001, at the City Council Chambers of Loma Linda. Standard Pacific or its representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. The storm water runoff from Standard Pacific construction site, Tract 14396, in the City of Tustin, is regulated under State's General Permit for Storm Water Runoff Associated with Construction Activities, Order No. 99-08-DWQ, NPDES No. CAS000002 (General Permit), WDID No. 8 30S308071.
5. Standard Pacific is alleged to have violated Provisions A.2, A.3, and B.1, of the General Permit. Standard Pacific failed to properly implement effective Best Management Practices (BMPs) and discharged pollutants to waters of the United States from the construction site. Pursuant to California Water Code Section 13385 (a)(2), civil liability may be imposed for the preceding violations.
6. This complaint is based on the following facts:
  - a) On February 14, 2001, Board staff received a complaint from the City of Tustin regarding a large discharge of sediment -laden water coming from Standard Pacific's

construction site and flowing to the catch basin located at the intersection of Peters Canyon Road and Pioneer Road. The discharge, which lasted for approximately 3 hours, was caused by a breach in Standard Pacific's detention basin located near Peters Canyon Road. Based on the requirements set forth in Section 8 of the General Permit, the detention basin did not have sufficient capacity to contain the amount of surface runoff for the drainage area (approximately 20 acres), allowing an estimated 260,000 gallons of sediment-laden storm water to migrate off the property.

b) On February 21, 2001, Board staff conducted a follow-up investigation and noted that several active slopes at the project site without Best Management Practices (BMPs) showed heavy erosion rills. At other slope areas within the project site, BMPs (jute mats) were installed improperly. Board staff contacted Standard Pacific's Project Manager, who explained that there was such a large amount of rain that fell in such a short period of time that the detention basin was overwhelmed. Upon inspection of the detention basin, there was evidence that the basin capacity had been altered and was inadequate sized to handle the amount of surface runoff during the February 11-12<sup>th</sup> storm event. When questioned about the capacity calculations, employees from Standard Pacific stated that they had just finished storm drain improvements on the project, which had reduced the capacity of the detention basin.

7. Section 13385 (a)(2) provides that any person who violates waste discharge requirements shall be civilly liable. Section 13385 (c) provides that a regional board may administratively impose civil liability in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs. Additional liability, not to exceed \$10 per gallon, may be imposed for each gallon discharged in excess of 1,000 gallons. The flow from the site was estimated to be 260,000 gallons based on the acreage draining to the detention basin and the amount of rainfall.
8. Pursuant to Section 13385(c), Standard Pacific is civilly liable in the amount of \$10,000 (\$10,000 for one day of violation) and an additional \$2,590,000 based on flow (260,000-1000=259,000 gallons @\$10 per gallon) for the violation cited in Paragraph 6, above. The total maximum assessment is \$2,600,000.
9. Regional Board staff spent a total of 4 hours investigating this incident (@\$70.00 per hour, the total cost for staff time is \$280.00). Standard Pacific saved approximately \$5,000 by improperly sizing the detention basin, by not using an alternative BMP, and by failing to maintain the detention basin. These factors were considered in assessing the penalty indicated in Paragraph 10, below.
10. Section 13385 (e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of those factors, the Executive Officer proposes that administrative civil liability be imposed on Standard Pacific by the Board in the amount of \$15,280 for the violations cited above.

### WAIVER OF HEARING

You may waive your right to a hearing. If you choose to do so, please sign the attached waiver and return it, together with a check or money order payable to the State Water Resources Control Board for the amount of civil liability proposed in Paragraph 10, above, to:

Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

If you have any questions, please contact Mark Smythe at (909) 782-4998 or Michael Adackapara (909) 782-3238, or contact the Regional Board's staff counsel, Ted Cobb, at (916) 341-5171.

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Date

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Gerard J. Thibeault  
Executive Officer

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Date

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for Standard Pacific Homes