DOCUMENT 1

California Regional Water Quality Control Board

San Diego Region

Terry Tamminen
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, visit our website.

January 26, 2005

CERTIFIED MAIL
7004 2510 0004 5831 1346

In reply refer to: **WPN:10-3021382.02:meanc**

Mr. Mike Bingham
Fieldstone Communities Inc..
5465 Morehouse Drive, #250
San Diego, CA 92121

Dear: Mr. Bingham:

SUBJECT: CLEANUP AND ABATEMENT ORDER NO. R9-2005-0033 FOR DISCHARGE OF WASTE TO CITY OF OCEANSIDE MS4, AND PILGRIM CREEK IN VIOLATION OF CONSTRUCTION STORM WATER ORDER NO. 99-08-DWQ AND WASTE DISCHARGE REQUIREMENTS ORDER NO. 2001-184. MORRO HILLS VILLAGES C, D, E AND G, OCEANSIDE, SAN DIEGO COUNTY

Enclosed is California Regional Water Quality Control Board, San Diego Region (Regional Board) Cleanup and Abatement Order (CAO) No. R9-2005-0033. This CAO addresses the illegal discharge of waste into the City of Oceanside MS4 and into Pilgrim Creek from the Morro Hills Villages C, D, E, and G construction project located at the intersection of Vandergrift Blvd. and Douglas Dr. in the City of Oceanside.

The CAO is issued pursuant to California Water Code (CWC) section 13304 and directs you to cleanup and abate the effects of these wastes. Please note the deadlines contained within the CAO. Failure to meet the deadlines may subject you to further enforcement action by the Regional Board, including administrative or judicial proceedings for the assessment of civil liability in amounts of up to $10,000.00 per day; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Please note that pursuant to CWC section 13304, the Regional Board is entitled to reimbursement for all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action required, by this Order. Please be aware that you may receive future invoices for costs incurred by the Regional Board in overseeing implementation of the requirements of this Order.

You may contest the issuance of this CAO by requesting a public hearing on the matter before the Regional Board within 30 days of the issue date. However, in order to request a public hearing for the next scheduled meeting of the Regional Board on March 9, 2005, this office must receive a written request no later than 5 PM on February 15, 2005. Be aware that a request for a hearing does not stay any of the deadlines in the CAO.

I strongly urge a complete and prompt response to each directive in CAO No. R9-2005-0033. If you have any questions regarding this matter, please contact Christopher Means at 858-637-5581.

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.

Respectively,

JOHN H. ROBERTUS
Executive Officer
San Diego Regional Water Quality Control Board

JHR:rwm:cjm

Enclosures: (1) Cleanup and Abatement Order No. R9-2004-0033
(2) Inspection reports for 1/4/05, 1/12/05

CC (with enclosures):

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