



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](http://www.waterboards.ca.gov/sandiego)

August 19, 2008

In reply refer to: Reg. Mes. No. 330135

Mark J. Urban, Esq.
Deputy Attorney General
Office of the Attorney General
Department of Justice
State of California
1300 I Street
Sacramento CA 95814

Dear Mr. Urban:

**In the Matter Of: Dakota Ranch Development Co., LLC for Violation of
Administrative Civil Liability Order No. R9-2007-0107, Dakota Ranch Road,
Santee, California, 92071**

Attached is the transmittal letter with certified copies to the Clerk of the Court for the San Diego Superior Court as requested by Ms. Deidra Shannon.

Please contact me at (858) 467-2973 or by e-mail at fmelbourn@waterboards.ca.gov if you have any questions concerning this matter. 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.

Sincerely,

FRANK T. MELBOURN
Water Resource Control Engineer

FTM:ftm

Enclosure: Clerk of the Court letter with attachments



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](http://www.waterboards.ca.gov/sandiego)

August 19, 2008

In reply refer to: Reg. Mes. No. 330135

Clerk of the Court
County of San Diego
Superior Court of California
330 West Broadway
San Diego, California 92101

Dear Clerk of the Court:

**In the Matter Of: Dakota Ranch Development Co., LLC for Violation of
Administrative Civil Liability Order No. R9-2007-0107, Dakota Ranch Road,
Santee, California, 92071**

I am the custodian of this record for the California Regional Water Quality Control Board, San Diego Region (Regional Board). I hereby certify that the attached document is a true and correct copy of Administrative Civil Liability (ACL) Order No. R9-2007-0107 as adopted by the Regional Board on August 8, 2007, and as certified by its Executive Officer, John H. Robertus. I maintain the original of this order in the Regional Board's official records. I have also attached the Notice of Violation sent to Dakota Ranch informing them of their failure to timely pay the ACL.

Please contact me at (858) 467-2973 or by e-mail at fmelbourn@waterboards.ca.gov if you have any questions concerning this matter. 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.

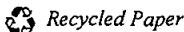
Executed this 19th day of August, 2008, in San Diego, California.

FRANK T. MELBOURN
Water Resource Control Engineer

FTM:ftm

- Enclosure: 1. ACL Order No. R9-2007-0107
2. NOV No. R9-2007-0209

California Environmental Protection Agency



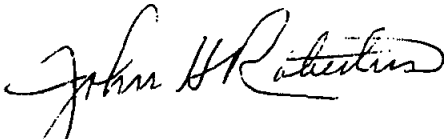
Charles D. Tourtellotte
Dakota Ranch Development Co., LLC

- 2 -

August 9, 2007

Please contact Frank Melbourn of my staff at (858) 467-2973 or fmelbourn@waterboards.ca.gov if you have any questions concerning this matter. 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.

Sincerely,



JOHN H. ROBERTUS
Executive Officer

JHR:mja:jwr:ftm

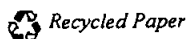
Enclosure: Order No. R9-2007-0107

Copy with enclosure to:

1. Kari Coler
U.S. Army Corps of Engineers
kari.j.coler@usace.army.mil
2. Kevin Mallory
Principal Planner
City of Santee
kmallory@ci.santee.ca.us
3. William Orme
Section 401 Program
State Water Resources Control Board
borme@waterboards.ca.gov

S:\Compliance Assurance\Enforcement Orders\ACL\Dakota Ranch\2007-08-09 ACL Order Transmittal.doc

California Environmental Protection Agency



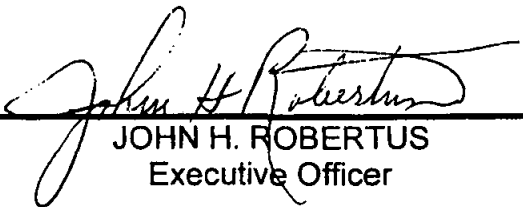
0000N\HN\00

2004. As of August 8, 2007, the mitigation has yet to be completed. Dakota Ranch is in violation of Condition No. 7 for 1,042 days and counting.
4. On December 22, 2004, the Regional Board inspected and confirmed that the 0.26 acre mitigation project in Mast Park in the City of Santee had not been constructed. As a result the Regional Board on January 25, 2005, issued Notice of Violation No. R9-2005-0042 to Dakota Ranch notifying them that Condition No. 7 of File No. 02C-064 had not been completed and that they were subject to possible enforcement action including issuance of administrative civil liability.
 5. On May 27, 2005, the Regional Board issued ACL Complaint Order No. R9-2005-0176 to Dakota Ranch for failing to comply with Condition No. 7 of File No. 02C-064 and scheduled a public hearing for August 10, 2005.
 6. On July 21, 2005, October 23, 2006, and January 29, 2007, Dakota Ranch requested a postponement of the ACL hearing. On July 16, 2007, after failing to hear of any new progress by Dakota Ranch after attempting to contact Dakota Ranch and contacting the City of Santee, the Regional Board notified Dakota Ranch that an ACL hearing would be scheduled for August 8, 2007.
 7. Liability in the amount of \$312,600 is based on consideration of the factors prescribed in Water Code section 13385 (e) as applied to the allegation contained in ACL Complaint No. R9-2005-0176 and described greater in detail in the Technical Analysis for Proposed Administrative Civil Liability Order No. R9-2007-0107. The liability is as follows:
 - \$300 per day for failing to comply with Condition No. 7 of File No. 02C-064 for 1,042 days for a total civil liability of \$312,600.
 - If Dakota Ranch complies with Condition No. 7 of File No. 02C-064 by September 7, 2007, it would be appropriate to reduce liability by \$250 per day.
 8. The Regional Board incurred costs of \$12,348.09 to prosecute this enforcement action, including: investigation; preparation of enforcement documents; communications with the Discharger; and preparation of materials for public review and hearing.
 9. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15521, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the Water Code, civil liability is imposed on Dakota Ranch Development Co., LLC, in the amount of \$312,600. Dakota Ranch Development Co., LLC, shall pay \$52,100 to the Cleanup and Abatement Account by September 7, 2007; payment of the balance of \$260,500 shall be

suspended for 90 days. If Dakota Ranch Development Co., LLC, fails to complete mitigation in accordance with Condition No. 7 of File No. 02C-064 by November 6, 2007, it shall pay the remaining balance of the liability imposed by this Order, \$260,500, by close of business on November 6, 2007. If Dakota Ranch Development Co., LLC, completes mitigation in accordance with Condition No. 7 of File No. 02C-064, the suspended liability shall be deemed satisfied.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on August 8, 2007.



JOHN H. ROBERTUS
Executive Officer

[Track & Confirm](#)

[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7001 2510 0000 0788 3129
Status: Delivered

Your item was delivered at 12:14 pm on August 13, 2007 in CARDIFF BY THE SEA, CA 92007. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

[Restore Offline Details >](#)



[Return to USPS.com Home >](#)

[Track & Confirm](#)

Enter Label/Receipt Number.

[Go >](#)

[e Map](#)

[Contact Us](#)

[Forms](#)

[Gov't Services](#)

[Jobs](#)

[Privacy Policy](#)

[Terms of Use](#)

[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



Equal Opportunity
Notice of Nondiscrimination



Internet Access
Notice of Nondiscrimination



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

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>

October 18, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7006 2760 0000 1615 6007

Charles D. Tourtellotte
Dakota Ranch Development Co., LLC
2533 South Highway 101, Suite 240
Cardiff by the Sea, California 92007

Notice of Violation No. R9-2007-0209

Failure of Dakota Ranch Development Co., LLC, to Remit \$52,100 by September 7, 2007, Pursuant to Administrative Civil Liability Order No. R9-2007-0107

Dear Mr. Tourtellotte:

YOU ARE HEREBY NOTIFIED THAT:

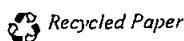
Dakota Ranch Development Co., LLC (Dakota Ranch) is in violation of California Regional Water Quality Control Board, San Diego Region (Regional Board) Order No. R9-2007-0107 (Order), Administrative Assessment of Civil Liability Against Dakota Ranch Development Co., LLC, for Violation of Regional Board Order for Technically-Conditioned Certification, File No. 02C-064 for failure to remit \$52,100 to the Regional Board no later than September 7, 2007.

This payment is now 41 days past due and must be paid immediately. This notice is being sent to you to inform you that in the near future the Regional Board will consider pursuing judicial collection by assigning this matter to the Attorney General of the State of California. In addition to the penalty, Dakota Ranch would also be liable for interest, attorney's fees, cost for collection proceedings and potential nonpayment penalties pursuant to California Water Code section 13385, subdivision (m).

In order to avoid further action I urge you to remit a cashier's check for \$52,100, made payable to the State Water Resources Control Board, to the California Regional Water Quality Control Board, San Diego Region at 9174 Sky Park Court, Suite 100, San Diego, California 92123.

On August 8, 2007, the Regional Board adopted the Order that assessed a civil liability of \$300 per day for failing to comply with Condition No. 7 of File No. 02C-064 for 1,042 days for a total liability of \$312,600. Pursuant to the Order you were required to remit \$52,100 to the Regional Board no later than September 7, 2007. Payment of the balance of \$260,500 is suspended until November 6, 2007. If Dakota Ranch fails to complete the mitigation in accordance with Condition No. 7 of File No. 02C-064 by

California Environmental Protection Agency



Charles D. Tourtellotte
Dakota Ranch Development Co., LLC
NOV No. R9-2007-0209

- 2 -

October 18, 2007

November 6, 2007, it shall pay the remaining balance of the liability imposed by the Order, \$260,500, by 5 PM on November 6, 2007. If Dakota Ranch completes the mitigation in accordance with Condition No. 7 of File No. 02C-064, the suspended liability shall be deemed satisfied.

The Regional Board has made several attempts to contact your representative for this matter, Jeff Schieferstein via telephone (September 10 and October 10, 2007) and e-mail messages (September 12 and October 11, 2007) to no avail. The Regional Board requests that you update the Regional Board on the status of compliance with the Order as soon as possible. In particular, has Dakota Ranch completed the required mitigation project within the City of Santee's Mast Park?

Please contact Frank Melbourn of my staff at (858) 467-2973 or fmelbourn@waterboards.ca.gov if you have any questions concerning this matter.

Sincerely,



MICHAEL P. McCANN
Assistant Executive Officer (Acting)

MPM:cmg:mja:ftm

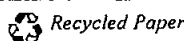
Copy to:

1. Kari Coler
U.S. Army Corps of Engineers
kari.j.coler@usace.army.mil
2. Catherine George
Regional Board Staff Counsel
cgeorge@waterboards.ca.gov
3. Kevin Mallory
Principal Planner
City of Santee
kmallory@ci.santee.ca.us

Violation No. 673840
Regulatory Measure No. 333824

S:\Compliance Assurance\Enforcement Orders\ACL\Dakota Ranch\2007-10-18 NOV Transmittal.doc

California Environmental Protection Agency



COBON\HN\00

[Track & Confirm](#)

[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7006 2760 0000 1615 6007
Status: Delivered

Your item was delivered at 10:44 am on October 26, 2007 in CARDIFF
BY THE SEA, CA 92007. A proof of delivery record may be available
through your local Post Office for a fee.

Additional information for this item is stored in files offline.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

[Restore Offline Details >](#)



[Return to USPS.com Home >](#)

[e Map](#)

[Contact Us](#)

[Forms](#)

[Gov't Services](#)

[Jobs](#)

[Privacy Policy](#)

[Terms of Use](#)

[National & Premier Accounts](#)

Copyright © 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



Equal Opportunity
Notice of Nondiscrimination



Internet Access
Accessibility Statement