

Summary of Violations:

I. FAILURE TO NOTIFY THE REGIONAL BOARD, IN WRITING, OF THE START OF MITIGATION INSTALLATION AND THE COMPLETION OF MITIGATION INSTALLATION

➤ Pursuant to Certification Additional Condition 7:

- Sunny Days Properties, LLC (D.R. Horton is liable for violations under the Certification on and after July 14, 2004) shall notify the Regional Board, in writing, prior to the start of project grading, the start of mitigation installation, and the completion of mitigation installation. All notifications shall be submitted within 3 days of the start of the action, and shall reference File No. 03C-002.

Observation: On August 31, 2005 a notification to commence project grading was submitted to the Regional Board by VCS as required under Additional Condition 7. The submitted grading notification also states that "Notification regarding the commencement and completion of mitigation installation are forthcoming." The Regional Board has no record of receiving a notification of the start of mitigation, though VCS indicated in the October 22, 2008 e-mail correspondence that mitigation has been initiated. In addition, the Regional Board has not received a notice for completion of the mitigation installation.

II. FAILURE TO COMPLETE CONSTRUCTION OF MITIGATION BY THE REQUIRED DATE

➤ Pursuant to Certification Additional Condition 12:

- The construction of the proposed mitigation shall be completed within the same calendar year as impacts to waters of the U.S. occur, or at least no later than 9 months following the close of the calendar year in which impacts first occur (e.g., if impacts occur in June 2003, construction of mitigation for all impacts must be completed no later than September 2004).

Observation: Regional Board staff contacted VCS via e-mail on October 03, 2008 and requested information regarding the status of the mitigation site and the date when impacts to waters of the U.S. first occurred. VCS responded to the Regional Board with the requested information via e-mail on October 22, 2008. According to VCS, impacts to waters of the U.S. occurred on September 05, 2005. According to the October 22, 2008 e-mail correspondence with VCS, construction has begun on the mitigation site but it has not been completed. Pursuant to Certification Additional Condition 13, mitigation completion should have been completed no later than 9 months following the close of 2005, or September 2006.

Mr. Steve Rowland
R9-2008-0160

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Questions pertaining to the issuance of this Notice of Violation should be directed to Chad Loflen at 858-467-2727 or cloflen@waterboards.ca.gov. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

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David Barker
Supervising Engineer