



# California Regional Water Quality Control Board San Diego Region



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

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>  
9174 Sky Park Court, Suite 100, San Diego, California 92123  
Phone (858) 467-2952 • FAX (858) 571-6972

**Gray Davis**  
Governor

November 21, 2002

**CERTIFIED-RETURN RECEIPT REQUESTED**  
7099 3400 0015 9997 0224

Jon Butler  
Richmond American Homes  
104 W. Grand Avenue, Suite A  
Escondido, CA 92025

File No.: 10-010178.02  
File No.: 10-010627.02

Dear Mr. Butler:

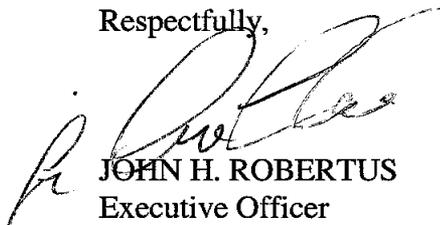
**ADOPTION OF ORDER NOS. R9-2002-0289 AND 0290, "ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY AGAINST RICHMOND AMERICAN HOMES FOR FAILURE TO PAY ANNUAL FEES"**

Enclosed is a copy of Administrative Civil Liability Order Nos. R9-2002-0289 and 0290 adopted by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on November 13, 2002, for the amount of \$719 and \$618 respectively.

The Regional Board has received your payments of \$719 and \$618 dated August 30, 2002, in accordance with the amount proposed in Complaint No. R9-2002-0199 and 0200. The Regional Board considers this matter closed and the assessment of liability in Order No. R9-2002-0289 and 0290 paid.

If you have any questions, please contact Mr. Vicente Rodriguez of my staff at (858) 627-3940.

Respectfully,



**JOHN H. ROBERTUS**  
Executive Officer

Enclosure: Administrative Civil Liability Order No. R9-2002-0289 and 0290

JHR:mpm:mja:vrr

**California Environmental Protection Agency**

*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, see our Web-site at <http://www.swrcb.ca.gov>.*

Recycled Paper



Mr. Butler

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November 21, 2002

cc w/enclosure:

Mr. John Richards, Esq., SWRCB  
P.O. Box 100, Sacramento, CA 95812

WDID: 9 33S310178  
WDID: 9 33S310627

Richmond Amer Homes RB adopted R9-2002-0289 Trans.Ltr.doc

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER NO. R9-2002-0289**

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
AGAINST  
RICHMOND AMERICAN HOMES  
41500 MARAGARITA RD  
TEMECULA, RIVERSIDE COUNTY  
FOR FAILURE TO PAY ANNUAL FEES**

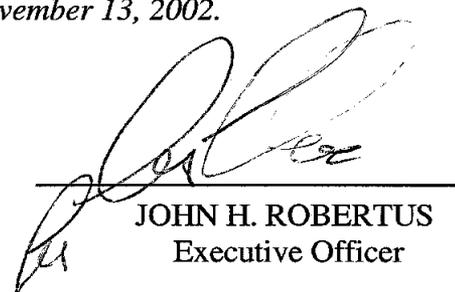
The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds the following:

1. Richmond American Homes violated Section 13260(d) of the California Water Code which requires that each person for whom waste discharge requirements have been prescribed pursuant to Water Code Section 13263 shall pay an annual fee according to a fee schedule established by the State Water Resources Control Board (State Board). Richmond American Homes, hereinafter discharger, is regulated under WQ Order No. 98-07, Construction Storm Water Permit. The discharger's total unpaid annual storm water fees in this matter were in the amount of \$250 for the construction site located at 41500 Maragarita Rd., Temecula, Riverside County.
2. On August 2, 2002, the Executive Officer, in *Complaint No. R9-2002-0199 for Administrative Civil Liability (ACL)*, proposed imposition of civil liability in the amount of \$719 for the violations alleged in Complaint No. R9-2002-0199.
3. The discharger, upon receipt of Complaint No. R9-2002-0199, paid the proposed ACL amount of \$719 for failure to pay the annual storm water fee and waived the right to request a hearing before the Regional Board. The discharger has also paid the outstanding annual storm water fee of \$250.
4. On November 13, 2002, the Regional Board held a hearing to solicit public participation in this matter, and considered the comments of interested persons regarding adoption of this Order.
5. Consideration of the factors prescribed in California Water Code Section 13327 based upon information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2002-0199 supports assessment of civil liability pursuant to Water Code section 13263 in the amount of \$719.
6. The adoption of this Order is an appropriate resolution of the violations alleged in Complaint No. R9-2002-0199 because of the following reasons:

- a. The assessment of \$719 is a sufficient amount of liability to deter this discharger and other dischargers from not paying annual fees in the future.
  - b. The assessment of \$719 is consistent with the State Board enforcement assessment matrix for violations characterized as Minor compliance significance and Minor environmental significance.
7. The Regional Board incurred costs totaling \$1,280, which includes preparation of enforcement documents, and public hearings.
  8. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14 of the California Code of Regulations.

**IT IS HEREBY ORDERED**, that pursuant to Section 13261(b) of the California Water Code, that civil liability be imposed on the discharger, Richmond American Homes in the amount \$719.

*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 November 13, 2002.*



\_\_\_\_\_  
JOHN H. ROBERTUS  
Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER NO. R9-2002-0290**

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
AGAINST  
RICHMOND AMERICAN HOMES  
BUTTERFIELD STATE RD & CROWNE HILL DR  
TEMECULA, RIVERSIDE COUNTY  
FOR FAILURE TO PAY ANNUAL FEES**

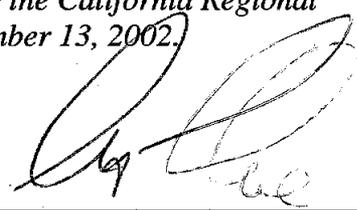
The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds the following:

1. Richmond American Homes violated Section 13260(d) of the California Water Code which requires that each person for whom waste discharge requirements have been prescribed pursuant to Water Code Section 13263 shall pay an annual fee according to a fee schedule established by the State Water Resources Control Board (State Board). Richmond American Homes, hereinafter discharger, is regulated under WQ Order No. 98-07, Construction Storm Water Permit. The discharger's total unpaid annual storm water fees in this matter were in the amount of \$250 for the construction site located at Butterfield State Rd. and Crowne Hill Dr., Temecula, Riverside County.
2. On August 2, 2002, the Executive Officer, in *Complaint No. R9-2002-0200 for Administrative Civil Liability (ACL)*, proposed imposition of civil liability in the amount of \$618 for the violations alleged in Complaint No. R9-2002-0200.
3. The discharger, upon receipt of Complaint No. R9-2002-0200, paid the proposed ACL amount of \$618 for failure to pay the annual storm water fee and waived the right to request a hearing before the Regional Board. The discharger has also paid the outstanding annual storm water fee of \$250.
4. On November 13, 2002, the Regional Board held a hearing to solicit public participation in this matter, and considered the comments of interested persons regarding adoption of this Order.
5. Consideration of the factors prescribed in California Water Code Section 13327 based upon information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2002-0200 supports assessment of civil liability pursuant to Water Code section 13263 in the amount of \$618.
6. The adoption of this Order is an appropriate resolution of the violations alleged in Complaint No. R9-2002-0200 because of the following reasons:

- a. The assessment of \$618 is a sufficient amount of liability to deter this discharger and other dischargers from not paying annual fees in the future.
  - b. The assessment of \$618 is consistent with the State Board enforcement assessment matrix for violations characterized as Minor compliance significance and Minor environmental significance.
7. The Regional Board incurred costs totaling \$1,280, which includes preparation of enforcement documents, and public hearings.
  8. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14 of the California Code of Regulations.

**IT IS HEREBY ORDERED**, that pursuant to Section 13261(b) of the California Water Code, that civil liability be imposed on the discharger, Richmond American Homes in the amount \$618.

*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 November 13, 2002.*



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JOHN H. ROBERTUS  
Executive Officer