

RECOMMENDED CIVIL LIABILITY

5. Based on consideration of the factors listed in section 13385(e) of the California Water Code, it is recommended the Regional Board impose civil liability on Ashby USA, LLC in the amount of \$546,250 based on the following:

- a. \$110,000 for disturbances to Long Valley Wash that occurred between August 29, 2006 and March 19, 2007 in violation of Condition No. 10 of Water Quality Certification No. 01C-091.

Pursuant to CWC section 13385, the maximum liability for this violation is \$940,000 for 200 days of violation.

- b. \$56,900 for failing to submit a Mitigation Plan by the due date of December 20, 2005.

Pursuant to CWC section 13385, the maximum liability for this violation is \$5,690,000 for 569 days of violation.

- c. \$331,250 for failing to construct mitigation by October 20, 2006.

Pursuant to CWC section 13385, the maximum liability for this violation is \$2,650,000 for 265 days of violation.

- d. \$47,000 for the inadequately designed detention basin near Pourroy Road.

Pursuant to CWC section 13385, the maximum liability for this violation is \$940,000 for 94 days of violation.

Dated this 31st day of July 2007.



JOHN H. ROBERTUS
Executive Officer

By Direction