

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Diego Regional Water Quality Control Board

October 19, 2015

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 5263

Mr. Ben C. Anderson
San Altos-Lemon Grove, LLC
Suite 225
5780 Fleet Street
Carlsbad, California 92008

In reply refer to: SM-828060:FMelbourn

Notice of Hearing and Issuance of Complaint No. R9-2015-0110 for Administrative Civil Liability Against San Altos-Lemon Grove, LLC for Violations of Order No. 2009-0009-DWQ, as amended.

Mr. Anderson:

Enclosed find Complaint No. R9-2015-0110 (Complaint) for Administrative Civil Liability against San Altos-Lemon Grove, LLC (Discharger) for \$848,374 for violations of State Water Resources Control Board Order No. 2009-0009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, California Water Code (Water Code) section 13376, the Water Quality Control Plan for the San Diego Basin, and federal Clean Water Act section 301. The alleged violations are described in the Complaint and the attached Technical Analysis to the Complaint. Pursuant to Water Code section 13323, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) shall hold a hearing on the Complaint no later than ninety (90) days after it is issued.

Waiver of Hearing

You may elect to waive your right to a hearing before the San Diego Water Board. Waiver of the hearing constitutes admission of the violations alleged in the Complaint and acceptance of the assessment of civil liability as set forth in the Complaint. For the San Diego Water Board to accept the waiver of your right to a public hearing, you must sign, as the Legally Responsible Person for San Altos-Lemon Grove, LLC, the enclosed waiver form with Option 1 selected, and submit it to the San Diego Water Board by 5:00 p.m. on **October 30, 2015**.

Mr. Ben C. Anderson
San Altos-Lemon Grove, LLC
ACL Complaint No. R9-2015-0110

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Public Hearing

Alternatively, if you elect to proceed to a public hearing, a hearing is tentatively scheduled to be held at the San Diego Water Board meeting on **December 16, 2015**. The meeting is scheduled to convene at the San Diego Water Board, 2375 Northside Drive, Suite 100, San Diego, California at 9:00 a.m. At that time, the San Diego Water Board will accept testimony, public comment, and decide whether to affirm, reject, or modify the proposed liability, or whether to refer the matter for judicial civil action.

Enclosed is the recommended hearing procedure for the San Diego Water Board to follow in conducting the hearing. Please note that comments on the proposed procedure are due by **October 26, 2015**, to the San Diego Water Board's advisory attorney, Catherine Hagan, at the address indicated in the hearing procedure.

Please submit all written documents as Portable Document Format (PDF) files to sandiego@waterboards.ca.gov. In the subject line of any response, please include the reference number **SM-828060:FMelbourn**. For questions or comments, please contact Frank Melbourn by telephone at (619) 521-3372, or by email at fmelbourn@waterboards.ca.gov.

Respectfully,



JAMES G. SMITH
Assistant Executive Officer

October 19, 2015

Mr. Ben C. Anderson
San Altos-Lemon Grove, LLC
ACL Complaint No. R9-2015-0110

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JGS:jch:ljd:cmc:ftm

Enclosures:

1. ACL Complaint No. R9-2015-0110 with attached Technical Analysis
2. ACL Complaint Fact Sheet
3. Proposed Hearing Procedure
4. Waiver of Public Hearing Form

cc with enclosures:

David Boyers, State Water Resources Control Board, dboyers@waterboards.ca.gov

Wayne Chiu, San Diego Water Board, wchiu@waterboards.ca.gov

Chiara Clemente, San Diego Water Board, cclemente@waterboards.ca.gov

Laura Drabandt, State Water Resources Control Board, ldrabandt@waterboards.ca.gov

Jeremy Haas, San Diego Water Board, jhaas@waterboards.ca.gov

Catherine Hagan, State Water Resources Control Board, chagan@waterboards.ca.gov

Deborah Jayne, San Diego Water Board, djayne@waterboards.ca.gov

Marc Ozarski, Agent for Service of Process, Ste. 225, 5780 Fleet St., Carlsbad, CA 92008

Malik Tamimi, City of Lemon Grove, mtamimi@lemongrove.ca.gov

Laurie Walsh, San Diego Water Board, lwalsh@waterboards.ca.gov

SMARTS:

Place ID: SM-828060

Violation IDs: 855345, 855346, 857231, 857232, 857243, and 857267

WDID No: 9 37C369143

Enforcement ID: 420236

