



California Regional Water Quality Control Board San Diego Region



RF

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9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

August 21, 2008

USPS CERTIFIED MAIL
7008 0150 0003 7457 7707

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

In reply refer to: Reg. Mes. 349767

**Notice of Violation No. R9-2008-0095
Failure of Dakota Ranch Development Co., LLC, to Comply with Administrative
Civil Liability Order No. R9-2007-0107 and Technically-Conditioned Certification,
File No. 02C-064**

Subject Site: Dakota Ranch Subdivision, Santee, California 92071

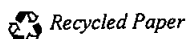
Dear Mr. Tourtellotte:

Enclosed is Notice of Violation (NOV) No. R9-2008-0095 for the Dakota Ranch Subdivision in the City of Santee, County of San Diego. This notice is also being sent to inform Dakota Ranch Development Co., LLC (Dakota Ranch) that the California Regional Water Quality Control Board, San Diego Region (Regional Board) has assigned this matter to the Attorney General of the State of California to pursue judicial collection.

I urge Dakota Ranch to correct these violations immediately. Pursuant to the California Water Code, these violations are subject to additional enforcement action(s) by the Regional Board including issuance of a time schedule order, cease and desist order, cleanup and abatement order, imposition of administrative civil liability, referral to the district attorney for criminal prosecution, or referral to the attorney general. Administrative civil liability amounts that may be imposed by the Regional Board range up to \$10,000 per day, and \$10 per gallon for each gallon of waste discharged.

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 assist us in the processing of your correspondence please

California Environmental Protection Agency



RF

Charles D. Tourtellotte
Dakota Ranch Development Co., LLC
NOV No. R9-2008-0095

- 2 -

August 21, 2008

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,



MICHAEL P. McCANN
Assistant Executive Officer

MPM:mja:ftm

Enclosure: Notice of Violation No. R9-2008-0095

- Copy to:
- | | |
|---|--|
| <p>1. Kari Coler
U.S. Army Corps of Engineers
kari.j.coler@usace.army.mil</p> <p>2. Catherine George, Esq.
San Diego Regional Water Board
cgeorge@waterboards.ca.gov</p> | <p>3. Kevin Mallory
City of Santee
kmallory@ci.santee.ca.us</p> <p>4. Mark Urban, Esq.
Office of the Attorney General
Mark.Urban@doj.ca.gov</p> |
|---|--|

Violation Nos. 267519, 673840, 777085

Regulatory Measure No. 349767

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

IN THE MATTER OF:)

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

NOTICE OF VIOLATION
NO. R9-2008-0095

Failure of Dakota Ranch Development)
Co., LLC, to Comply with)
Administrative Civil Liability Order No.)
R9-2007-0107 and Technically-)
Conditioned Certification, File No. 02C-)
064)

August 21, 2008

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, *Administrative Assessment of Civil Liability Against Dakota Ranch Development Co., LLC*, for failing to remit \$52,100 to the Regional Board no later than September 7, 2007, and for failing to remit \$260,500 to the Regional Board no later than November 6, 2007.

Furthermore, Dakota Ranch continues to be in violation of *Condition No. 7 of Technically-Conditioned Certification, File No. 02C-064* for failing to create 0.26 acres of ephemeral stream channel within the City of Santee no later than September 30, 2004.

Potential Civil Liability

Pursuant to Water Code section 13385(m) any person who fails to pay on a timely basis any liability imposed under section 13385 shall be required to pay, in addition to that liability, interest, attorney's fees, costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which the failure to pay persists. The nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of the person's liability and nonpayment penalties that are unpaid as of the beginning of the quarter.


MICHAEL P. McCANN
Assistant Executive Officer

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Charles D. Tourtellote Dakota Ranch Development 2533 South Highway 101, Suite 240 Cardiff by the Sea, CA 92007	B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7008 0150 0003 7457 7707		
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL™



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U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
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OFFICIAL USE	
Postage \$ 59	Postmark Here
Certified Fee 2.65	
Return Receipt Fee (Endorsement Required) 2.15	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$ 5.39	
Sent To Charles D. Tourtellote Street, Apt. No., or PO Box No. 2533 South Hwy 101, Suite 240 City, State, ZIP+4 Cardiff by the Sea, CA 92007	
PS Form 3800, August 2006	See Reverse for Instructions