

**California Regional Water Quality Control Board
San Diego Region**

IN THE MATTER OF: Dr. William and Lori Moritz CAO No. R9-2008-0152 14272 Jerome Drive Poway, California 92101	NOTICE OF VIOLATION NO. R9-2009-0092 FAILURE TO COMPLY WITH CLEANUP AND ABATEMENT ORDER NO. R9-2008-0152
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YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ALLEGED VIOLATIONS:

Failure to comply with Directives No. 2, 3, 4, and 5 of Cleanup and Abatement Order R9-2008-0152

BASIS FOR ALLEGED VIOLATIONS:

Violation of Directive No. 2

Directive No. 2 required that you:

“By March 20, 2009 apply for and obtain all necessary permits and authorizations (City of Poway grading permit, CDF&G SAA) required to implement the September 18, 2008 *Amended Stream Restoration Plan for Moritz Property* (prepared by Geosyntec Consultants).”

As of this date, you have not obtained the permits necessary to implement the Restoration Plan.

Violation of Directive No. 3

Directive No. 3 required that you:

“By **April 24, 2009** cleanup and abate existing and threatened pollution associated with the unauthorized discharge of waste on your property by:

- a. Removing the waste including sand, silt, clay, rock or other earthen materials previously discharged to waters of the State;
- b. Restoring the elevations of the stream channel bottom and banks and floodplain to pre-discharge conditions;
- c. Realigning the stream channel to its pre-discharge location;

- d. Revegetating the restored stream with native vegetation along the banks in a manner to mimic the diversity and distribution of streams in the vicinity of the affected area;
- e. Removing the 24-inch HDPE drainage pipe and other associated structures; and
- f. Removing the waste including sand, silt, clay, rock or other materials stored on land where it threatens to discharge to waters of the State.”

As of this date, you have not conducted the required cleanup and abatement activities on your property.

Violation of Directive No. 4

Directive No. 4 required that:

“All waste materials including sand, silt, clay, rock or other earthen materials that are removed from the Site (14272 Jerome Drive) shall be disposed of properly at facilities permitted to accept such waste in accordance with all relevant federal, state, and local laws, regulations, orders, resolutions, and ordinances.”

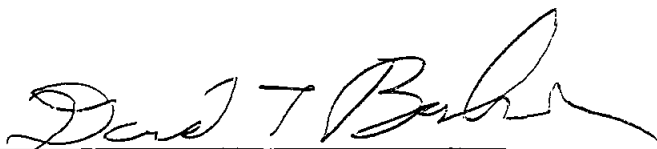
As of this date, no fill materials have been removed from the site.

Violation of Directive No. 5

Directive No. 5 required that you:

“By May 29, 2009, submit a Cleanup and Abatement Report that clearly documents that the required on-site cleanup and abatement actions have been taken and that the stream has been returned to pre-project conditions. The report shall include an estimation of the volume and aerial extent of the discharge and photographs of the remedial activities and completed cleanup conditions.”

As of this date, no report has been received.



David T. Barker, P.E.
Senior Water Resource Control Engineer

June 1, 2009