CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

IN THE MATTER OF:	)	**COMPLAINT NO. 2003-0227**
	)	**FOR**
ASHBY USA, LLC	)	**ADMINISTRATIVE CIVIL LIABILITY**
RE: RORIPAUGH RANCH	)	
470 E. Harrison Street	)	
Corona, California 92879-1314	)	**May 30, 2003**
	)	
Attn: Richard Ashby	)	

ASHBY USA, LLC IS HEREBY GIVEN NOTICE THAT:

1. Ashby USA, LLC operates an active construction site on 804 acres of land located near Murietta Hot Springs Road and Butterfield Stage Road in Temecula, Riverside County. This facility, referred to as Roripaugh Ranch (WDID No. 9 33S320657), continues to be regulated under the following: *"State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRS) for Discharges of Storm Water Runoff Associated with Construction Activity"* (Order No. 99-08-DWQ).

ALLEGATIONS

2. On or about March 16, 2003 Ashby USA, LLC discharged sediment laden storm water into Santa Gertrudis Creek and tributaries thereto, in violation of Discharge Prohibition A.2 of Order No. 99-08-DWQ.

3. On April 14, 2003 Ashby USA, LLC discharged sediment laden storm water into Santa Gertrudis Creek and tributaries thereto, in violation of Discharge Prohibition A.2 of Order No. 99-08-DWQ.

4. Between March 10, 2003 and April 22, 2003 Ashby USA, LLC failed to develop and implement an adequate Storm Water Pollution Prevention Plan in violation of Special Provisions for Construction Activities C.2 of Order No. 99-08-DWQ.

AUTHORITY TO IMPOSE CIVIL LIABILITY

5. Ashby USA, LLC is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability under §13385 of the California Water Code.

   a. Section (a)(2) provides that any person who violates waste discharge requirements shall be civilly liable.

b. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars ($10,000) for each day the violation occurs and where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars ($10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

PROPOSED CIVIL LIABILITY

6. Based on consideration of the factors listed in §13385 of the California Water Code, civil liability should be imposed on Ashby USA, LLC by the Regional Board in the amount of $84,500 based on the information contained in *Technical Analysis, Proposed Civil Liability Contained in Complaint No. R9-2003-0227, Ashby USA, LLC, Noncompliance with Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated With Construction Activity.*

PUBLIC HEARING

7. A public hearing on this matter has been scheduled at the Regional Board meeting on:

August 13, 2003
at the Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

8. The meeting is scheduled to begin at 9:00 a.m. A copy of the agenda for the August meeting, which provides information pertaining to submittal of information and hearing procedures, will be sent to you under separate cover approximately ten days prior to the meeting.

9. At the hearing, Ashby USA, LLC will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board.

10. At the hearing, the Regional Board will determine the validity of the allegations contained herein, and if the allegations are found to be true, will consider whether or not to assess civil liability in the amount proposed by this Complaint, or in some other amount. The Regional Board may refer the matter to the Attorney General for judicial assessment of civil liability (with higher maximum liabilities for each violation).

Dated this 30th day of May, 2003

By: John H. Robertus
John H. Robertus
Executive Officer