STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:	)	**Complaint No. R8-2003-0100**
	)	**for**
Standard Pacific, Inland Division	)	**Administrative Civil Liability**
255 E. Rincon Street, Suite 200	)	**(amended on September 29, 2003)**
Corona, CA 92879	)	
	)	
Attn: Ray Dorame	)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Standard Pacific, Inland Division (Standard Pacific), is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose liability under Section 13385(c) of the California Water Code.

2. A hearing concerning this Complaint is scheduled for the Board's regular meeting on October 3, 2003, at the City Council Chambers of Loma Linda, 25541 Barton Road, Loma Linda. Standard Pacific or its representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting and the staff report for this item will be mailed to you not less than 10 days prior to the hearing date.

3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

4. Standard Pacific is alleged to have violated Special Provisions C.2, C.3 and C.4 of the General Permit for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ (General Permit). Standard Pacific failed to develop and implement an effective Storm Water Pollution Prevention Plan (SWPPP) and discharged storm water and non-storm water containing pollutants to waters of the United States from the construction site. Pursuant to Water Code Section 13385(a)(2), civil liability may be imposed for the preceding violations.

5. Runoff from the Standard Pacific construction site (Pinehurst West) in the City of Chino Hills is regulated under the State's General Permit, WDID No. 8 36S315544.

6. This complaint is based on the following facts:

   a) Standard Pacific is a developer/construction company with offices at 255 East Rincon Street, Suite 200, Corona, California. It is named in the Notice of Intent (NOI) as the owner and responsible party for Pinehurst West, the construction

site located west of Butterfield Ranch Road, between Pine Avenue and Slate Drive in Chino Hills. Mr. Ray Dorame is the Project Manager for the site.

b) On August 15, 2002, Board staff conducted a routine inspection of the construction site located on Butterfield Ranch Road, between Pine Avenue and Slate Drive in Chino Hills. Sandbags at catch-basin inlets were torn and sediment was migrating into the storm drain inlet. Staff reviewed training and monitoring records on-site. Site supervisors had received recent training. Senior on-site staff had recently received training and the SWPPP documented that training. Staff spoke with Tom Taylor, Superintendent, and requested that the BMPs be maintained.

c) On November 8, 2002, Board staff inspected the site during a rain event. Erosion control BMPs had not been installed on lots, driveway approaches, and graded roads. Sediment control BMPs were inadequate. Sediment-laden storm water was observed entering catch basins throughout the site.

d) On November 14, 2002, Board staff re-inspected the site and spoke with Mr. Tim Hampton, Superintendent, about site conditions during the November 8, 2002, storm event. Board staff requested that Mr. Hampton maintain existing BMPs and implement additional BMPs to effectively control erosion and sediment.

e) On November 27, 2002, Board staff inspected the site. Sediment control BMPs at catch basin inlets were not maintained and sediment was migrating into the inlet.

f) On December 16, 2002, Board staff inspected the site during a rain event. Erosion and sediment controls had not been adequately implemented and maintained. Sediment-laden storm water was observed entering catch basin inlets.

g) On December 20, 2002, Board staff re-inspected the site. A significant amount of sediment had been tracked onto paved streets and sediment at catch basins was migrating into the inlet.

h) On December 26, 2002, Board staff issued Standard Pacific a Notice of Violation (NOV) regarding the lack of an effective combination of erosion and sediment control BMPs, poor housekeeping, and pollutant-laden discharge from the site into waters of the United States based on inspections on November 27, 2002, December 16, 2002, and December 20, 2002. On February 11, 2003, Standard Pacific responded, stating that they had placed sandbags in front of driveway approaches and increased the inspection frequency and required repairs.

i) On March 15, 2003, Board staff inspected the site during a rain event. Erosion and sediment controls were inadequately implemented and maintained. Sediment-laden storm water was observed leaving the site and entering storm drain inlets along Butterfield Ranch Road. Staff spoke to Tom Taylor,

Superintendent, by telephone, and discussed site conditions observed during the inspection.

j) On March 20, 2003, Board staff issued a second NOV noting similar violations as the previous NOV.

k) On March 26, 2003, Board staff re-inspected the site. BMPs had not been maintained and additional BMPs had not been implemented. Staff spoke with Tom Taylor, Superintendent, about site conditions during the March 15, 2003, storm event. Staff also requested that Mr. Taylor redesign the concrete washout pit at Morning Glory Court and Ebony Lane so that it effectively contains the slurry. Monitoring records were available, but did not adequately reflect site conditions and required BMP maintenance.

l) On April 4, 2003, Board staff inspected the site. Sediment control BMPs had not been maintained and sediment had accumulated in v-ditches. The concrete washout pit design at Morning Glory Court and Ebony Lane was unimproved and still did not effectively contain concrete slurry.

m) On April 16, 2003, Board staff inspected the site. No improvements were noted at the concrete washout pit. V-ditches had not been maintained and had accumulated more sediment. Water was observed in the sediment-laden v-ditches. Sediment had accumulated in the streets and gutter from active construction areas and had migrated and tracked on streets and to storm drain inlets. Housekeeping was poor. On April 17, 2003, staff spoke with Ray Dorame, Project Manager, by phone about site conditions.

n) On April 17, 2003, Board staff re-inspected the site during a very light sprinkle. A water truck was watering the street on Morning Glory Court and non-storm water was discharging at a catch basin inlet at northern Carob and Pine. The concrete washout pit at Morning Glory Court and Ebony Lane had not been improved. It was full of solid waste and the exterior was surrounded by slurry. Paint and/or texture coating rinse water had flowed to the street at Pine and Carob. Staff told Tom Taylor, Superintendent, that unauthorized non-storm water discharge is a violation and again requested that improvements be made to the concrete washout area.

o) On April 18, 2003, Board staff re-inspected the site. Slurry from the concrete washout area at Morning Glory Court and Ebony Lane had flowed to Morning Glory Court and subsequently onto Ebony Lane. Stucco washout on Buckeye Court at Pine Avenue had flowed into the street and onto the storm drain inlet.

p) On April 20, 2003, Board staff inspected the site. Soil was stained where 55-gallon drums of fuel were being stored. On April 22, 2003, staff spoke with Tom Taylor, Superintendent, by phone about site conditions observed on April 18, 2003 and April 20, 2003.

q) On May 3, 2003, Board staff inspected the site during a rain event. A trash container was on the site with debris scattered on the ground. Sediment had

tracked onto the streets from lots and there were no BMPs at driveway approaches.

r) On May 9, 2003, Board staff inspected the site. Paint and/or texture coating rinse water had entered the street, flowed to and entered a catch basin inlet.

s) On June 13, 2003, Board staff inspected the site. Streets with cobble-sized sediment were being washed. Sediment-laden discharge was observed entering catch basin inlets along Pine Avenue. On June 18, staff spoke with Ray Dorame, Project Manager, about site conditions during the inspection on July 13, 2003 and requested a copy of the SWPPP.

t) On July 15, 2003, Board staff reviewed the SWPPP for the site and issued comments. Board staff requested an amended SWPPP be submitted by August 15, 2003. An amended SWPPP was received on August 19, 2003.

7. Standard Pacific is alleged to have violated Special Provisions C.2, C.3 and C.4.

A) The General Permit Special Provision C.2 provides:

"All dischargers shall develop and implement a SWPPP in accordance with Section A: Storm Water Pollution Prevention Plan. The discharger shall implement controls to reduce pollutants in storm water discharges from their construction sites to the BAT/BCT[1] performance standard."

Standard Pacific violated this provision by not developing, implementing and maintaining appropriate BMPs.

B) The General Permit Provision C.3 provides:

"Discharges of non-storm water are authorized only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of appropriate BMPs for elimination or reduction of pollutants. Implementation of appropriate BMPs is a condition for authorization of non-storm water discharges. Non-storm water discharges and the BMPs appropriate for their control must be described in the SWPPP. Wherever feasible, alternatives which do not result in discharge of nonstorm water shall be implemented in accordance with Section A.9. of the SWPPP requirements."

Standard Pacific violated this provision by discharging pollutant-laden non-storm water.

[1] BAT is the acronym for Best Available Technology; BCT is the acronym for Best Conventional Technology

C) The General Permit Provision C.4 provides:

"All dischargers shall develop and implement a monitoring program and reporting plan in accordance with Section B: Monitoring Program and Reporting Requirements."

Standard Pacific violated this provision by not conducting pre- and post-storm inspection/monitoring to determine the effectiveness of BMPs and by not keeping inspection records that reflected the site conditions.

8. Standard Pacific violated the General Permit by discharging non-storm water containing pollutants to waters of the United States from the construction site. Standard Pacific also violated the General Permit by failing to develop and properly implement an effective SWPPP and monitoring program which includes BMP maintenance, inspection and repair. Pursuant to Water Code Section 13385(a)(2), civil liability may be imposed for the preceding violations.

9. Section 13385(a)(2) provides that any person who violates waste discharge requirements shall be civilly liable. 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. Additional liability, not to exceed $10 per gallon, may be imposed for each gallon discharged in excess of 1,000 gallons.

11. Pursuant to Section 13385(c), the total maximum assessment for which Standard Pacific is civilly liable is $174,400 (Days of Violations: 15 @ $10,000/day; Water Truck Discharge: ((3440 gallons – first 1000 gallons) x $10/gallon) for the violations cited in Paragraph 7, above.

12. Standard Pacific saved approximately $30,774 by not implementing and maintaining adequate BMPs at the site. Board staff costs for investigating this incident were approximately $2,800 (40 hours at $70/hour). These factors were considered in assessing the penalty proposed in Paragraph 14, below.

13. Section 13385(e) specifies factors that the Board shall consider in establishing the amount of civil liability. These factors include: nature, circumstances, extent, and gravity of the violation, and, with respect to the discharger, the ability to pay, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation. These factors are evaluated in the table below.

Factor	Comment
A. Nature, Circumstances, Extent and Gravity of Violation	A site-specific SWPPP and monitoring program were not developed and implemented. Due to facility's lack of adequate best management practices (BMPs) implementation, storm water containing pollutants was discharged and entered the storm drain system. Photos taken and a sample collected at the site indicated sediment-laden water discharge. The storm drain discharges into San Antonio Channel before entering Prado Basin. Standard Pacific was repeatedly advised to implement corrective measures at the site, but did not do so. Standard Pacific's inaction and failure to provide adequate employee training and oversight of its operations led to inadequate BMP implementation and caused pollutants to be discharged into the waters of the US.
B. Culpability	The discharger did not implement adequate BMPs and discharged storm water containing pollutants. The discharger violated the terms of the General Permit by failing to develop and implement a site-specific SWPPP and monitoring program. Standard Pacific was not responsive to Regional Board staff's efforts to bring the site into compliance. Despite several requests, Standard Pacific was not in compliance during subsequent inspections of the site.
C. Economic Benefit or Savings	Standard Pacific saved approximately $30,774 by not implementing adequate BMPs at the site during the period of construction.
D. Prior History of Violations	At least eight verbal notices and two written notices of violation were issued to the facility for lack of an effective combination of sediment and erosion controls at the site.
E. Staff Costs	Regional Board staff spent approximately 40 hours investigating this incident (@$70.00 per hour, the total cost for staff time is $2,800).
F. Ability to pay	The discharger has not provided any information to indicate that it is unable to pay the proposed amount.

14. The total maximum liability for these violations of the General Permit is $174,400. After consideration of the above factors, the Executive Officer proposes civil liability be imposed on Standard Pacific in the amount of $35,000 for the violations cited above. An invoice for this amount is enclosed.

WAIVER OF HEARING

Standard Pacific may waive its right to a hearing. If you choose to do so, please sign the attached waiver and return it, together with a check or money order for $35,000 and the bottom portion of the invoice, to the State Water Resources Control Board in the enclosed preprinted envelope. If you waive your right to a hearing and pay the assessed amount, the Board may not hold a hearing regarding this complaint.

If you have any questions, please contact Ms. Milasol C. Gaslan at (909) 782-4419 or Mr. Michael Adackapara at (909) 782-3238, or contact the Regional Board's staff counsel, Jorge Leon, at (916) 341-5180.

9/29/03
Date

Gerard J. Thibeault
Executive Officer

In the matter of: Standard Pacific, Inland Division 255 E. Rincon Street, Suite 200 Corona, CA 92879 Attn: Ray Dormane	)))))))	Complaint No. R8-2003-0100 for Administrative Civil Liability

WAIVER OF HEARING

I agree to waive the right of Standard Pacific to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2003-0100. I have enclosed a check, made payable to the State Water Resources Control Board, in the amount of $35,000. I understand that I am giving up the right of Standard Pacific to be heard and to argue against allegations made by the Executive Officer in this complaint, and against the imposition of, and the amount of, the liability proposed.

_____ _____

Date for Standard Pacific

State Water Resources Control Board

Winston H. Hickox
Secretary for Environmental Protection

The energy challenge facing California is real.
Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at http://www.swrcb.ca.gov

Gray Davis
Governor

To:
STANDARD PACIFIC HOMES-CORONA
255 E RINCON ST STE 200
CORONA, CA 92879
ATTN: Mr. Ray Dorame

Invoice No: 36239
Invoice Date: 09/15/2003
Enforcement Action ID: 77134
Enforcement Order No: R8-2003-0100

INVOICE

ACLCOMP

Milestone ID	Description	Amount	Due Date
50086	LIABILITY AMOUNT	$35,000.00	

TOTAL AMOUNT DUE **$35,000.00**

California Environmental Protection Agency

Recycled Paper

Retain above portion for your records

Please return bottom portion with your payment

STANDARD PACIFIC HOMES-CORONA
255 E RINCON ST STE 200
CORONA, CA 92879
ATTN: Mr. Ray Dorame

Milestone ID Description	Amount	Due Date
50086 LIABDUE	$35,000.00	

TOTAL AMOUNT DUE **$35,000.00**

Make your check payable to:
State Water Resources Control Board

Mail payment to:
SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P. O. Box 100
SACRAMENTO, CA 95812-0100

Amount Enclosed: $_____

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **36239**

Invoice Date: 09/15/2003
Enforcement Action ID: 77134
Enforcement Order No.: R8-2003-0100

California Regional Water Quality Control Board

Santa Ana Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov/rwqcb8
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

September 29, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ray Dorame
Standard Pacific, Inland Division
255 East Rincon Street, Suite 200
Corona, CA 92879

REVISED ADMINISTRATIVE CIVIL LIABILITY (ACL) COMPLAINT NO. R8-2003-0100, PINEHURST WEST, CHINO HILLS, SAN BERNARDINO COUNTY

Dear Mr. Dorame:

This is to confirm the agreement we reached during our meeting on September 11, 2003 regarding the above referenced ACL. Based on information provided to us during that meeting, the assessed amount has been reduced to $35,000 from the original $50,000. In subsequent discussions with Mike Adackapara of this office, you agreed to waive your right to a hearing.

We have amended the ACL, the Waiver Form and the invoice to reflect these changes and copies of these documents are enclosed. Please sign the enclosed waiver form and submit the form with a check for $35,000. The check or money order should be made payable to the State Water Resources Control Board. The payment, the Waiver Form and the bottom portion of the invoice should be mailed to the State Board in the enclosed preprinted envelope.

If you have any questions regarding this complaint, you may contact Ms. Milasol C. Gaslan at 909-782-4419 or Mr. Michael Adackapara at 909-782-3238. All legal questions should be referred to our legal counsel, Mr. Jorge Leon, at 916-341-5180.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosures: Complaint No. R8-2003-0100 (amended September 29, 2003)
Waiver Form
Invoice and Envelope

Cc with enclosures:

Regional Board
Bruce Fujimoto, State Water Resources Control Board, Division of Water Quality
Jorge Leon, State Water Resources Control Board, Office of the Chief Counsel
Kathy Moore, US-EPA, Region 9 (WTR-7)
Naresh Varma, San Bernardino County, Storm Water Program – NPDES Coordinator
Tad Garrety, City of Chino Hills, NPDES Coordinator