California Regional Water Quality Control Board
San Diego Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov/~rwqcb9/
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone (858) 467-2952 • FAX (858) 571-6972

Gray Davis
Governor

23 June 2000

CERTIFIED MAIL NO. Z 390 538 409
RETURN RECEIPT REQUESTED

Mr. Bill Johnson
Subject Site: Vail Lake
29400 Rancho California Road
Temecula, CA 92591

2ND NOTICE OF NONCOMPLIANCE

NO. 2000-141

The California Regional Water Quality Control Board, San Diego Region (SDRWQCB), is a State regulatory agency responsible for protecting the quality of ground waters and surface waters within its jurisdiction. The SDRWQCB has been given authority to require submission of technical reports, establish regulations, direct action, and levy penalties and/or bring legal action when necessary to protect water quality.

As the owner/developer of the Vail Lake Site, you are responsible for obtaining the proper permits for all activities occurring on site. These activities include: clearing, grading, disturbances to ground such as stockpiling, as well as, the discharge of waste or fill to creeks, dry ephemeral washes or other drainage that may be present on the site. Please take note that this is your second notice of noncompliance for the following violations:

1. **Failure to File Notice of Intent**
   You failed to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) to discharge storm water associated with construction activity from your site in compliance with the requirements contained in SWRCB Order No. 99-08-DWQ.

   Any person engaging in construction activity, including clearing, grading, disturbances to ground such as stockpiling, or excavation that results in soil disturbances of at least five acres of total land area (or if the construction activity is less than five acres but part of a larger common plan of development) is subject to regulation under SWRCB Order No. 99-08-DWQ. This order requires the owner or developer of a construction project to file a NOI to discharge storm water pursuant to the conditions set forth in the order. Failure to file the NOI under SWRCB Order No. 99-08-DWQ subjects you to civil liability in an amount that is not less than five thousand dollars ($5,000) per year of noncompliance or fraction thereof pursuant to California Water Code (CWC) § 13399.33.

2. **Unauthorized Fill of "Waters of the State"**
   You failed to file a report of waste discharge with, and receive waste discharge requirements (or a waiver of such requirements) from the SDRWQCB for discharges of trees, brush, or vegetation cleared from a construction site, excess soil or rock from clearing or grading, or

construction debris to a permanent or ephemeral stream, creek, wash, watercourse or drainage within the San Diego Region, in violation of CWC §13376.

Any person who violates any waste discharge requirements or dredged and fill material permit shall be subject to the assessment of civil liability in an amount not to exceed the sum of ten thousand dollars ($10,000) for each day in which the violation occurs, pursuant to CWC § 13385. Furthermore, CWC Section § 13264 requires that any person initiating a new discharge of waste, prior to the filing of the report required by CWC § 13260, is guilty of a misdemeanor. Civil liability may be administratively imposed in an amount which shall not exceed one thousand dollars ($1,000) for each day in which the violation occurs after such violation has been called to his attention in writing by the SDRWQCB (See enclosed Federal Clean Water Act [CWA] § 401 application).

3. **Failure to submit Requested Information**
The SDRWQCD directed you to submit documents and a detailed report containing information with regards to the subject site by May 31, 2000, pursuant to CWC § 13267 & 13383. Your failure to submit the information/documents as required by the SDRWQCB may result in additional enforcement actions including assessment of civil liability in an amount of up to ten thousand dollars ($10,000) for each day in which the violation occurs as set forth in Section 13385 of the CWC.

Your project may subject you to additional regulations. The U.S. Army Corps of Engineers regulates discharges of dredged and fill material to waters of the U.S. under § 404 of the federal Clean Water Act. The California Department of Fish and Game regulates activities altering creeks and uplands under the California Fish and Game Code. The County of Riverside conducts environmental review and issues permits for projects within their jurisdiction. You should contact these agencies to determine any additional requirements for the subject site. Questions pertaining to this Notice of Noncompliance should be directed to Frank Melbourn at (858) 467-2973.

Sincerely,

for

JOHN H. ROBERTUS
Executive Officer

JHR:dsj:mja:ftm:krh

Copies to: John Pourkazemi, City of Temecula
Bruce Fujimoto, SWRCB-DWQ
Christopher Hans, County of Riverside
Terri Dickerson, California Department of Fish and Game
Karen Marzek, U.S. Army Corps of Engineers, San Diego Field Office
Steve Fuller, US EPA

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