



Central Valley Regional Water Quality Control Board

23 June 2017

Ryan Voorhees
Gold Creek Homes
9880 Orr Road
Galt, CA 95632

CERTIFIED MAIL
91 7199 9991 7036 6990 3285

via email: ryan@crvonline.com

FINALIZED ORDER AND INVOICE FOR PAYMENT, GOLD CREEK HOMES, WOODGATE ESTATES, CALAVERAS COUNTY, WDID 5S05C376000

Enclosed for your records is a signed copy of Central Valley Water Board Order R5-2017-0532. As described below, this Order memorializes the settlement reached between the Board and Gold Creek Homes for violations of the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order 2009-0009 DWQ* at the Woodgate Estates construction project in Calaveras County. This letter also serves as your invoice for payment of the agreed-upon administrative civil liability.

On 17 April 2017, Gold Creek Homes accepted the Settlement Offer in the amount of \$63,971 and waived its right to a hearing before the Central Valley Water Board by signing the *Acceptance of Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver)* document. On 26 April 2017, the Prosecution Team posted the Settlement Offer and signed *Acceptance and Waiver* on the Water Board's website for a 30-day public comment period as required by federal regulations. The comment period ended on 26 May 2017 and no comments were received. The Prosecution Team subsequently presented the *Acceptance and Waiver* to the Central Valley Water Board's Executive Officer (acting as head of the Advisory Team) for formal endorsement of the Order on behalf of the Central Valley Water Board. A copy of the endorsed *Acceptance and Waiver, Order R5-2017-0532*, is enclosed.

As a condition of the *Acceptance and Waiver*, Gold Creek Homes agreed to full payment of the \$63,971 administrative civil liability within 30 days of the date of an invoice from the Water Board. This letter is your invoice as described in the *Acceptance and Waiver*.

Please remit payment of **sixty three thousand nine hundred seventy one dollars (\$63,971)** by cashier's check or certified check that references *ACL Order R5-2017-0532, WDID 5S05C376000*, made payable to the *State Water Resources Control Board Cleanup and Abatement Account*. Please send the payment to:

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



Accounting Office, Attn: ACL Payment
State Water Resources Control Board
P.O. Box 1888
Sacramento, CA 95812-1888

The payment must be received by **23 July 2017**.

In addition, a copy of the check must be mailed to:

Howard Hold
Central Valley Water Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Late payment will result in this matter being referred to a collection agency or to the Attorney General's office for prosecution resulting in a judgment to collect from the appropriate superior court. Alternatively, the Central Valley Water Board may obtain a judgment directly from the superior court pursuant to Water Code section 13328.

If you have any questions, please contact Howard Hold at (916) 464-4679 or howard.hold@waterboards.ca.gov.



HOWARD HOLD, P.G. #7466
Acting Supervisor
Compliance and Enforcement Section

Enclosure: Order R5-2017-0532

cc: Greg Gholson, U.S. Environmental Protection Agency, Region IX, San Francisco
Adam Laputz, Central Valley Water Board, Sacramento
David Boyers, Office of Enforcement, State Water Resources Control Board, Sacramento
Brenda Johnson, Calaveras County Public Works, San Andreas

ORDER NO. R5-2017-0532
ACCEPTANCE OF SETTLEMENT OFFER AND WAIVER OF RIGHT TO A HEARING
FOR
GOLD CREEK HOMES
WOODGATE ESTATES
CALAVERAS COUNTY

By signing below and returning this *Acceptance of Settlement Offer and Waiver of Right to Hearing (Acceptance and Waiver)* to the Central Valley Water Board, Gold Creek Homes (Discharger) hereby accepts the Settlement Offer described in the letter dated 22 March 2017 and titled *Offer to Settle Administrative Civil Liability, Gold Creek Homes, Woodgate Estates, Calaveras County, WDID # 5S05C376000* and waives the right to a hearing before the Central Valley Water Board to dispute the alleged violations described in the Settlement Offer and its enclosures.

The Discharger agrees that the Settlement Offer shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Central Valley Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to perform the following:

- Pay an administrative civil liability in the sum of sixty three thousand nine hundred seventy one dollars (\$63,971) by cashier's check or certified check made payable to the "State Water Resources Control Board Cleanup and Abatement Account". This payment shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that might otherwise be assessed for violations described in the Settlement Offer and its enclosures.
- Fully comply with the conditions of the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order 2009-0009 DWQ* (General Permit) at the Woodgate Estates construction site in Valley Springs.

The Discharger understands that by signing this *Acceptance and Waiver*, the Discharger has waived its right to contest the allegations in the Settlement Offer and the civil liability amount for the alleged violation(s). The Discharger understands that this *Acceptance and Waiver* does not address or resolve any liability for any violation not specifically identified in the Settlement Offer and its enclosures.

Upon execution by the Discharger, the *Acceptance and Waiver* shall be returned to the following address:

Central Valley Regional Water Quality Control Board
Attention: Wendy Wyels, Supervisor, Enforcement Section
11020 Sun Center Drive, Suite A
Rancho Cordova, CA 95670

The Discharger understands that federal regulations require the Prosecution Team to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action for violations of an NPDES permit. Accordingly, this *Acceptance and*

Waiver, prior to being formally endorsed by the Central Valley Water Board Executive Officer (acting as head of the Advisory Team), will be published as required by law for public comment

If no comments are received within the notice period that cause the Prosecution Team to reconsider the Settlement Offer, then the Prosecution Team will present this *Acceptance and Waiver* to the Central Valley Water Board's Executive Officer for formal endorsement on behalf of the Central Valley Water Board.

The Discharger understands that if significant comments are received in opposition to the settlement, then the offer may be withdrawn by the Prosecution Team. If the Settlement Offer is withdrawn, then the Discharger will be notified and the Discharger's waiver pursuant to the *Acceptance and Waiver* will also be treated as withdrawn. The unresolved violation(s) will be addressed in a formal enforcement action. An administrative civil liability complaint may be issued and the matter may be set for a hearing.

The Discharger understands that once this *Acceptance and Waiver* is formally endorsed and an Order Number is inserted, then the full payment is a condition of this *Acceptance and Waiver*. An invoice will be sent upon endorsement, and full payment will be due within 30 days of the date of the invoice.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Discharger in the making and giving of this *Acceptance and Waiver*.

GOLD CREEK HOMES

By:  _____

Title: President _____

Date: 4/17/17 _____

IT IS SO ORDERED, pursuant to California Water Code section 13385.

By: _____
Pamela Creedon, Executive Officer

Date: _____

Waiver, prior to being formally endorsed by the Central Valley Water Board Executive Officer (acting as head of the Advisory Team), will be published as required by law for public comment

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The Discharger understands that if significant comments are received in opposition to the settlement, then the offer may be withdrawn by the Prosecution Team. If the Settlement Offer is withdrawn, then the Discharger will be notified and the Discharger's waiver pursuant to the *Acceptance and Waiver* will also be treated as withdrawn. The unresolved violation(s) will be addressed in a formal enforcement action. An administrative civil liability complaint may be issued and the matter may be set for a hearing.

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I hereby affirm that I am duly authorized to act on behalf of and to bind the Discharger in the making and giving of this *Acceptance and Waiver*.

GOLD CREEK HOMES

By: _____

Title: _____

Date: _____

IT IS SO ORDERED, pursuant to California Water Code section 13385.

By:  _____
Patrick Pulupa, Esq., Acting Executive Officer

Date: June 20, 2017 _____