



Santa Ana Regional Water Quality Control Board

May 12, 2026

New Legacy Development Corp
PO Box 1917
Rancho Cucamonga, CA 91729
(Via Certified Mail)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jose Carcelen
Jc8020@msn.com
(Via Email)

Jose Luis Carcelen
Agent for Service of Process for New Legacy Development Corp
14040 Slover Avenue
Fontana, CA 92337
(Via Certified Mail)

CONDITIONAL SETTLEMENT OFFER NO. R8-2026-0025 TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF THE GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES (ORDER NO. 2022-0057-DWQ, NPDES NO. CAS000002)

Jose Carcelen:

This letter is to notify New Legacy Development Corp (hereinafter Discharger or you) of alleged violations of the California Water Code (Water Code) described below, and to allow the Discharger the opportunity to participate in the Santa Ana Regional Water Quality Control Board's (Santa Ana Water Board) Expedited Payment Program for Reporting Violations (Expedited Payment Program) to address mandatory minimum penalties that must be assessed pursuant to Water Code section 13399.33.

NOTICE OF VIOLATION:

Based on information in the Stormwater Multiple Application & Report Tracking System (SMARTS), the Santa Ana Water Board Prosecution Team (Prosecution Team) alleges that the Discharger is in violation of the General Permit Associated with Construction and Land Disturbance Activities, Order No. 2022-0057-DWQ, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002 (General Permit), for failure to obtain permit coverage for construction activities located at Merrill Street, east of Palmetto Avenue, in the City of Fontana. You failed to obtain permit coverage as required by the

JOHN SCANDURA, CHAIR | ERIC LINDBERG, EXECUTIVE OFFICER

Water Code and as indicated in the Notices of Non-Compliance (NNCs) issued on October 13, 2025 and November 13, 2025. Per the United States Postal Service website the NNCs were delivered via the certified mail on November 3, 2025 and November 21, 2025, respectively. The Discharger submitted its Notice of Intent (NOI) to obtain coverage under the General Permit on January 28, 2026, forty-seven (47) days after the final deadline of December 12, 2025. The Discharger will have the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY:

Pursuant to Water Code section 13399.33, subdivisions (a)(1) and (d), the Discharger is subject to a mandatory minimum penalty of not less than five thousand dollars (\$5,000) plus staff costs for failing to submit the required NOI in accordance with Water Code section 13399.30 within sixty (60) days after the first NNC was sent. Additionally, pursuant to Water Code section 13385, the Discharger is subject to discretionary administrative civil liabilities of up to ten thousand dollars (\$10,000) for each day in which the violation occurs. These minimum and discretionary administrative civil liabilities may be assessed by the Prosecution Team beginning with the date that the violations first occurred. The formal enforcement action that the Prosecution Team uses to assess such liability is an administrative civil liability complaint (ACLC), although the Prosecution Team may instead refer such matters to the Attorney General's Office for prosecution.

DISCHARGER'S OPTIONS FOR RESPONSE TO OFFER:

You have two options to respond, as outlined below.

1. **Accept the Conditional Settlement Offer**, waive your right to a board hearing, and pay a settlement amount of **five thousand seven hundred and nineteen dollars (\$5,719)**. The minimum administrative civil liability pursuant to California Water Code section 13399.33(a)(1) is \$5,000 per year of noncompliance, or fraction thereof. Staff costs in this matter are \$719. This is a Conditional Settlement Offer subject to certain terms and conditions set forth below. If you choose this option, **you must sign and submit the enclosed Acceptance and Waiver form by June 10, 2026**. The form provides additional details, including details about the check and how to submit it. Final closure on this action is only possible after payment of the settlement amount.

Please submit an original (blue ink) signed Acceptance and Wavier form to:

Ying Zhou, General Stormwater Unit
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348

In response to the Conditional Settlement Offer and payment in settlement of this enforcement action, the Prosecution Team will forego issuance of a formal

administrative complaint, will not refer the violation to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the NNCs.

2. **Contest the alleged non-filing violation** by submitting in writing, the basis of your challenge with supporting evidence. For example, you may have evidence that you timely submitted an NOI to obtain permit coverage, or you are no longer in business. If you choose this option, you must **submit your written documentation by June 10, 2026**. The Prosecution Team will review your submission, and if we agree with you, we will notify you in writing that you are no longer considered in violation of the permit and that our enforcement action has been terminated. All responses should be directed to Ying Zhou.

If you do not choose one of the above listed options, the Prosecution Team will prepare an ACLC for the violation cited in the NNCs. The liability amount sought in the ACLC and/or imposed by the Santa Ana Water Board may be higher than the liability amount set forth in this Conditional Settlement Offer. Moreover, additional staff costs associated with formal enforcement may be considered in the recommended liability amount in an ACLC.

CONDITIONS FOR SANTA ANA WATERBOARD ACCEPTANCE OF RESOLUTION

If you accept the Conditional Settlement Offer, the settlement will be published in the following manner: Federal regulations require the Santa Ana Water Board to publish notice of, and to provide at least thirty (30) days for public comment on, any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the Discharger's Acceptance and Waiver and other requested technical reports on or before **June 10, 2026**, the Prosecution Team will publish a notice of the proposed resolution of the alleged violations.

If no comments are received within the notice period, and unless there are new material facts that become available to the Santa Ana Water Board, the Acceptance and Waiver will be presented to the Executive Officer as a stipulated order for consideration and adoption, pursuant to Water Code section 13399.33. After the adoption of the Acceptance and Waiver you will then be notified that payment is due within thirty (30) days. Failure to pay the penalty within that time frame may result in further liability, referral of the matter to the Attorney General, and/or may void the offer to participate in this Expedited Payment Program.

If, however, significant comments are received in opposition to the settlement, this offer may be withdrawn. In that case, the Discharger's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn, and the violations may be addressed through a formal enforcement action.

This Conditional Settlement Offer does not address or resolve liability for any violation that is not specifically identified in the attached NNCs. The Santa Ana Water Board

reserves the right to pursue formal enforcement of any violations not specifically cited in the attached NNCs.

Should you have any questions about this Conditional Settlement Offer, please contact Ying Zhou via phone at (951) 782-3284 or via email at Ying.Zhou@waterboards.ca.gov.

Sincerely,



Brian M. Covellone, PhD PG
Assistant Executive Officer
Santa Ana Water Board Prosecution Team

enclosures: Notice of Non-Compliance, dated October 13, 2025
Notice of Non-Compliance, dated November 13, 2025

cc: San Bernardino County FCD, NPDES Coordinator – Arlene Chun
City of Fontana, NPDES Coordinator – Gia Kim



Santa Ana Regional Water Quality Control Board

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO A BOARD HEARING: (Proposed) ORDER

New Legacy Development Corp
Settlement Offer No. R8-2026-0025

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to a Board Hearing (Acceptance and Waiver) to the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) Prosecution Team, New Legacy Development Corp (Discharger) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Santa Ana Water Board to dispute the alleged violations pursuant to California Water Code (Water Code) sections 13385 and 13399.33.

The Discharger agrees that the Conditional 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 Santa Ana Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Discharger agrees to pay the administrative civil liability authorized by Water Code sections 13385 and 13399.33, in the sum of \$5,719 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to Water Code sections 13385 and 13399.33 that otherwise might be assessed for the violations described.

The Discharger understands that this Acceptance and Waiver waives its right to contest the violations and the amount of civil liability for such violations. The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Conditional Settlement Offer.

Upon Execution by the Discharger, submit the completed Acceptance and Waiver to:

Ying Zhou, General Stormwater Unit
Conditional Settlement Offer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

The Discharger understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Prosecution Team to publish notice of, and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations, as such in this case. Accordingly, this Acceptance and Waiver, prior to execution by the Santa Ana Water Board Executive Officer, will be published as required by law for public comment.

JOHN SCANDURA, CHAIR | ERIC LINDBERG, EXECUTIVE OFFICER

If no comments are received within the notice period, the Prosecution Team will present this Order to the Santa Ana Water Board Executive Officer to execute the Acceptance and Waiver.

The Discharger understands that if significant comments are received in opposition to the Conditional Settlement Offer, the offer on behalf of the Santa Ana Water Board to resolve the violations may be withdrawn. In that circumstance, the Discharger will be advised of that withdrawal, and an administrative civil liability complaint may be issued, and the matter may be set for a hearing before the Santa Ana Water Board. In the event that this matter proceeds to hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will be treated as a settlement communication and will not be used as evidence in that hearing.

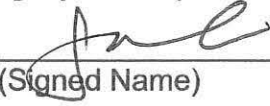
The Discharger further understands that once this Acceptance and Waiver is executed by the Santa Ana Water Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385, subdivision (n), funds collected for violations pursuant to section 13385 shall be deposited in the Waste Discharge Permit Fund. The \$5,719 liability shall be paid by a cashiers or certified check made out to the "State Water Resources Control Board" referencing the above Order number for deposit into the Waste Discharge Permit Fund. The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Santa Ana Water Board Executive Officer.

Please mail the check to:

State Water Resources Control Board
Re: Order No. R8-2026-0025
Division of Administrative Services, Accounting Branch
P.O. Box 1888
Sacramento, CA 95812-1888

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.

New Legacy Development Corp

By:  6.10.26
(Signed Name) (Date)
Jose Carceban CEO
(Printed or Typed Name) (Title)

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13323 AND GOVERNMENT CODE SECTION 11415.60.

By: _____
Eric T. Lindberg, PG CHG
Executive Officer

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2026 JUN 29 PM 3:19
Santa Ana Region 8

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

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MRB, PB-2024-0025

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$

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Postage \$

Total P&C \$

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Street a

City, Sta

JOSE LUIS CARCELEN
AGENT FOR SERVICE OF PROCESS FOR
NEW LEGACY DEVELOPMENT CORP
14040 SLOVER AVE
FONTANA CA 92337

MRB, R8-2026-0025



Santa Ana Regional Water Quality Control Board

October 13, 2025

New Legacy Development Corp
Po Box 1917
Rancho Cucamonga, CA 91729

CERTIFIED MAIL
RETURN RECEIPT REQUIRED
9589 0710 5270 0843 5742 53

Jose Carcelen
jc8020@msn.com

NOTICE OF NON-COMPLIANCE: FAILURE TO OBTAIN PERMIT COVERAGE UNDER THE 2022 NPDES CONSTRUCTION GENERAL PERMIT ORDER NO. 2022-0057-DWQ (2022 CGP)

Dear Jose Carcelen:

The construction site located at Merrill St east of Palmetto Ave in the city of Fontana, previously regulated under the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit Order Number 2009-0009-DWQ (2009 CGP) and identified by WDID 8 36C393886, was required to obtain coverage under the 2022-0057-DWQ (2022 CGP) by September 1, 2025. According to our records, New Legacy Development Corp has not yet obtained the required permit coverage.

Four courtesy reminder emails were sent on February 6, 2025, July 2, 2025, August 1, 2025, and August 25, 2025. In addition, a Notice of Violation was issued on September 5, 2025. You are required to obtain coverage under the 2022 CGP by submitting a Notice of Intent (NOI) via the Stormwater Multiple Application and Report Tracking System (SMARTS) no later than **November 11, 2025**. If construction is complete and the site is fully stabilized, coverage may no longer be necessary. Please contact Nilwala Abeysekara to verify permit coverage is no longer required. SMARTS help guides are available: https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/const_help_guides.html.

Failing to obtain permit coverage under the 2022 CGP, as requested, will result in a mandatory minimum penalty of \$5,000 under Section 13399.33(a)(1) of the California Water Code. Furthermore, continued violations of the 2022 CGP may result in the imposition of administrative civil liability in an amount of up to \$10,000 for each day of violation under Section 13385 of the California Water Code.

If you need assistance in completing the NOI, please contact the SMARTS Help Desk at stormwater@waterboards.ca.gov. If you have any questions specific to your site, please contact Nilwala Abeysekara via email at nilwala.abeysekara@waterboards.ca.gov or via phone at (951) 782-7959.

Sincerely,

Michelle R. Beckwith, Supervisor
Senior Environmental Scientist
General Stormwater Unit

KRIS MURRAY, CHAIR | ERIC LINDBERG, EXECUTIVE OFFICER

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- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

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City, State, ZIP+4®

New Legacy Development Corp
Po Box 1917
Rancho Cucamonga, CA 91729

PS Form 3800, January 2023 PSN 7530-02-000-90

8 36C393886
MRB/NSA

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

New Legacy Development Corp
 Po Box 1917
 Rancho Cucamonga, CA 91729



9590 9402 8280 3094 1008 69

2. Article Number (Transfer from service label)

9589 0710 5270 0843 5742 53

PS Form 3811, July 2020 PSN 7530-02-000-9053

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A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below No

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 2020 NOV 17 PM 3:42

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- Insured Mail
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SANTA ANA CA 926



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CA REGIONAL WATER QUALITY CONTROL BOARD
 SANTA ANA REGION
 3737 MAIN STREET, SUITE 500
 RIVERSIDE, CA 92501-3348

8 36C393886 - NSA
 1st N/C

334825





Santa Ana Regional Water Quality Control Board

November 13, 2025

New Legacy Development Corp
Po Box 1917
Rancho Cucamonga, CA 91729

CERTIFIED MAIL
RETURN RECEIPT REQUIRED
9589 0710 5270 1145 7222 67

Jose Carcelen
ic8020@msn.com

NOTICE OF NON-COMPLIANCE: FAILURE TO OBTAIN PERMIT COVERAGE UNDER THE 2022 NPDES CONSTRUCTION GENERAL PERMIT ORDER NO. 2022-0057-DWQ (2022 CGP). FINAL NOTICE

Dear Jose Carcelen:

The construction site located at Merrill Street East of Palmetto Avenue in the city of Fontana, previously regulated under the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit Order Number 2009-0009-DWQ (2009 CGP) and identified by WDID 8 36C393886, was required to obtain coverage under the 2022-0057-DWQ (2022 CGP) by September 1, 2025. According to our records, New Legacy Development Corp has not yet obtained the required permit coverage.

This is your final notice. The first Notice of Non-Compliance was sent on October 13, 2025, and to date, we have not received an adequate response to that notice. You are required to obtain coverage under the 2022 CGP by submitting a Notice of Intent (NOI) via the Stormwater Multiple Application and Report Tracking System (SMARTS) no later than **December 12, 2025**. If construction is complete and the site is fully stabilized, coverage may no longer be necessary. Please contact Nilwala Abeysekara to verify permit coverage is no longer required. SMARTS help guides are available: https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/const_help_guides.html.

Failing to obtain permit coverage under the 2022 CGP, as requested, will result in a mandatory minimum penalty of \$5,000 under Section 13399.33(a)(1) of the California Water Code. Furthermore, continued violations of the 2022 CGP may result in the imposition of administrative civil liability in an amount of up to \$10,000 for each day of violation under Section 13385 of the California Water Code.

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Sincerely,

Michelle R. Beckwith, Supervisor
Senior Environmental Scientist
General Stormwater Unit

KRIS MURRAY, CHAIR | ERIC LINDBERG, EXECUTIVE OFFICER

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PS Form 3800, January 2023 PSN 7530-0

8 36C393886
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- Complete items 1, 2, and 3.
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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

New Legacy Development Corp
 Po Box 1917
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9590 9402 9023 4122 4136 96

2. Article Number (Transfer from service label)

9589 0710 5270 1145 7222 67

PS Form 3811, July 2020 PSN 7530-02-000-9053

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A. Signature

X

[Handwritten Signature]

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

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- Yes
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Santa Ana Region
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- Signature Confirmation Restricted Delivery

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United States Postal Service

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CA REGIONAL WATER QUALITY CONTROL BOARD
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8 36C393886 - NSA

