CALIFORNIA REGIONIAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

IN THE MATTER OF:) COMPLAINT NO. R9-2007-0064
) FOR
ASHBY USA, LLC) ADMINISTRATIVE CIVIL LIABILITY
RORIPAUGH RANCH	
470 E. Harrison Street	
Corona, California 92879-1314) July 31, 2007
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 a Roripaugh Ranch (WDID 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). In addition, Roripaugh Ranch is also regulated under section 401 Water Quality Certification No. 01C-091.

ALLEGATIONS

- Between August 29, 2006 and March 19, 2007, for a total of 202 days, Ashby USA, LLC disturbed Long Valley Wash from its natural condition in violation of Condition No. 10 of Water Quality Certification 01C-091.
- 2. Ashby USA, LLC failed to submit a mitigation plan by December 20, 2005 as required by Condition No. 3 of Minor Modification No. 2 to Water Quality Certification 01C-091. This is an ongoing violation that has occurred for 569 days as of July 12, 2007.
- 3. Ashby USA, LLC failed to implement mitigation for impacts to Santa Gertrudis Creek and Long Valley Wash by October 20, 2006 as required by Condition No. 2 of Minor Modification No. 2 to Water Quality Certification 01C-091. This is an ongoing violation that has occurred for 265 days as of July 12, 2007.
- 4. Ashby USA, LLC failed to design a detention basin implementing post-construction best management practices from August 29, 2006 to November 30, 2006) for a total of 94 days, as required by Condition No. 16 of Water Quality Certification 01C-091.

RECOMMENDED CIVIL LIABILITY

- 5. Based on consideration of the factors listed in section 13385(e) of the California Water Code, it is recommended the Regional Board impose civil liability on Ashby USA, LLC in the amount of \$546,250 based on the following:
 - \$110,000 for disturbances to Long Valley Wash that occurred between August 29, 2006 and March 19, 2007 in violation of Condition No. 10 of Water Quality Certification No. 01C-091.

Pursuant to CWC section 13385, the maximum liability for this violation is \$940,000 for 200 days of violation.

b. \$56,900 for failing to submit a Mitigation Plan by the due date of December 20, 2005.

Pursuant to CWC section 13385, the maximum liability for this violation is \$5,690,000 for 569 days of violation.

c. \$331,250 for failing to construct mitigation by October 20, 2006.

Pursuant to CWC section 13385, the maximum liability for this violation is \$2,650,000 for 265 days of violation.

d. \$47,000 for the inadequately designed detention basin near Pourroy Road.

By DIRECTION

Pursuant to CWC section 13385, the maximum liability for this violation is \$940,000 for 94 days of violation.

Dated this 31st day of July 2007

JÓHN H. ROBERTUS

Executive Officer