

# **First Notice of Noncompliance**



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## Santa Ana Regional Water Quality Control Board

November 23, 2021

Jim Guthrie  
AFG Development LLC  
PO Box 52049  
Riverside, California 92517

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**Notice of Noncompliance: Failure to Comply with the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES NO. CAS000002 (General Permit), WDID No. 8 33C393223**

Dear Jim:

Regional Board records indicate that AFG Development LLC is operating a construction site identified as The Exchange Offsite Improvements, located at Main Street Off Ramp WB SR60, in the City of Riverside. This site is identified in our records by WDID: 8 33C393223. Section XVI.A of the Construction General Permit requires that an Annual Report be submitted by September 1<sup>st</sup> of each year via the online SMARTS database.

Over 90% of regulated facilities comply with this requirement. Our records show that your annual report for the July 1, 2020 to June 30, 2021 reporting period is one of the few that have not been submitted. We request that you submit a complete 2020-2021 Annual Report via the online SMARTS database no later than **December 27, 2021**.

**The online SMARTS database is available at: <https://smarts.waterboards.ca.gov>**

The following links are to assist you with the online SMARTS database system:

Main page for the SMARTS guides:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/construction/const\\_help\\_guides.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/const_help_guides.html)

How to submit an Annual Report guide:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/construction/docs/cgp\\_ar\\_helpguide.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/docs/cgp_ar_helpguide.pdf)

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LANA ONG PETERSON, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

You must also provide a statement along with the Annual Report as an Attachment. The statement must explain why the Annual Report was not submitted by the September 1st deadline and the measures you have taken to ensure timely submittals in the future.

Failure to submit the 2020-2021 Annual Report via the online SMARTS database may result in an enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

Should you need assistance in completing the Annual Report or have any questions relating to SMARTS, please contact the SMARTS Helpdesk at [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov); or Keith Elliott at [keith.elliott@waterboards.ca.gov](mailto:keith.elliott@waterboards.ca.gov) or 951-782-4925.

Sincerely,



Adam Fischer, Chief  
Inland Stormwater Unit

7016 2070 0000 6806 0339

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<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$ _____
Total	\$ _____
Sent to: Jim Guthrie	
AFG Development LLC	
PO Box 52049	
Riverside, California 92517	
WDID No: 8 33C393223	
City: _____	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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Your item was picked up at the post office at 12:49 pm on November 27, 2021 in RIVERSIDE, CA 92507.

## USPS Tracking Plus™ Available

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November 27, 2021 at 12:49 pm  
RIVERSIDE, CA 92507

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### Tracking History

N mb 2 2022 9 pm  
Delivered, Individual Picked Up at Post Office RIVERSIDE, CA 92507  
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N mb 26 2020 50 am Available for Pickup RIVERSIDE, CA 92507

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1/11/22, 5:25 PM USPS.com® - USPS Tracking® Results  
N mb 26 202 53 am Arrived at Post Office RIVERSIDE, CA 92507

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November 25, 2021  
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12 59 pm Arrived at USPS Regional Facility  
MORENO VALLEY CA DISTRIBUTION CENTER

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November 23, 2021, 10:50 pm Departed USPS Regional Facility  
SAN BERNARDINO CA DISTRIBUTION CENTER

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November 23, 2021, 3pm Arrived at USPS Regional Facility  
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**FAQs**

# **Second Notice of Noncompliance**



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## Santa Ana Regional Water Quality Control Board

January 13, 2022

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Jim Guthrie  
AFG Development LLC  
PO Box 52049  
Riverside, California 92517

**FINAL NOTICE OF NON-COMPLIANCE - GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES, ORDER NO. 2009-0009-DWQ, NPDES NO. CAS000002 WDID NO. 8 33C393223**

Dear Jim:

Regional Board records indicate that AFG Development LLC is operating a construction site identified as The Exchange Offsite Improvements, located at Main Street Off Ramp Westbound SR60 in the City of Riverside. This site is regulated under the Construction General Permit and is identified by WDID 8 33C393223- Application ID:533291. Section XVI.A. of the General Permit requires that an Annual Report be submitted by September 1st each year via the online SMARTS database.

The first Notice of Non-compliance (NNC) was sent to you on November 23, 2021. In the November 23, 2021 NNC, we requested that you submit the 2020-21 Annual Report via the online SMARTS database no later than December 27, 2021.

Our records show that AFG Development LLC's annual report for the July 1, 2020 to June 30, 2021 reporting period was not submitted by September 1, 2021. AFG Development LLC is consequently in violation of Section XVI.A. of the General Permit for failure to submit a complete 2020-2021 Annual Report. AFG Development LLC has also not submitted the late annual report by December 27, 2021 as requested in the November 23, 2021 NNC.

**The online SMARTS database is available at:**

<https://smarts.waterboards.ca.gov>

The following link may assist you with submitting the Annual Report and if applicable, a Notice of Termination:

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KRISTINE MURRAY, ACTING CHAIR | JAYNE JOY, EXECUTIVE OFFICER

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/smarts/construction/const\\_help\\_guides.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/const_help_guides.shtml)

Please submit the annual report via SMARTS by January 24, 2022. You must also provide a statement explaining why the annual report was not submitted by the September 1 deadline, propose the measures you will take to ensure timely submittals in the future, and upload the statement as part of SMARTS annual report Attachments.

**This is your second and final notice.** Failure to submit the 2020-2021 Annual Report via the online SMARTS database by **January 24, 2022**, may result in an enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

Should you need assistance in completing the Annual Report or have any questions relating to SMARTS, please contact the SMARTS Helpdesk at [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov). You may also contact Keith Elliott at 951-782-4925 or [keith.elliott@waterboards.ca.gov](mailto:keith.elliott@waterboards.ca.gov).

Sincerely,



Adam Fischer, Chief  
Inland Storm Water Unit

7019 1120 0002 2919 1340

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Certified Mail Fee \$ _____	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Required \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
To: Jim Guthrie	
AFG Development LLC	
PO Box 52049	
Riverside, California 92517	
City: 8 33C393223 2020-21 AR 2 <sup>nd</sup> NNC	
PS: See Reverse for Instructions	



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January 20, 2022 at 1:00 pm  
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### Tracking History

January 20, 2022, 1:00 pm  
Delivered, Individual Picked Up at Post Office RIVERSIDE, CA 92507  
Your item was picked up at the post office at 1:00 pm on January 20, 2022 in RIVERSIDE, CA 92507.

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Reminder to Schedule Redelivery of your item

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January 14, 2022 8:14 am Available for Pickup RIVERSIDE, CA 92517

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3/7/22, 6:41 AM USPS.com® - USPS Tracking® Results  
January 14, 2022 7:59 am Out for Delivery RIVERSIDE, CA 92507

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8 am Arrived at Post Office RIVERSIDE, CA 92507

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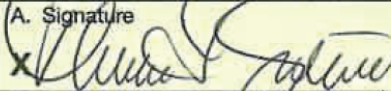
January 13, 2022, 7:46 pm Arrived at USPS Regional Facility  
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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature   Agent  
 Addressee

B. Received by (Printed Name) **DEBBI H GUTHRIE** C. Date of Delivery **1-20-22**

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

1. Article Addressed to:  
Jim Guthrie  
AFG Development LLC  
PO Box 52049  
Riverside, California 92517  
  
8 33C393223 2020-21 AR 2<sup>nd</sup> NNC



9590 9402 5053 9092 5640 75

2. Article Number (Transfer from service label)

7019 1120 0002 2919 1340

3. Service Type
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  - Adult Signature Restricted Delivery
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  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
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  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
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# Waiver