Exhibit 1

Prosecution Team Evidence List Exhibits for:

Rocklin Crossings

CALIFORNIA
Water Boards

SMARTS
CIWQS Entry
ID No.
Date
By

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

APPROVED
author SER for WMH
senior SER

21 December 2012

CERTIFIED MAIL
7009 1410 0000 7143 1437

Rocklin Crossings, LLC,
Rocklin Holdings, LLC, and
Donahue Schriber Asset Management Corporation
Janet Petersen, Vice President
Donahue Schriber
200 East Baker Street, Suite 100
Costa Mesa, CA 92626

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7009 1410 0000 7143 1451

Bob Aroyan, Vice President
S.D. Deacon Corporation of ~~America~~ CA
7745 Greenback Lane, Suite 250
Citrus Heights, CA 95610

NOTICE OF VIOLATION AND WATER CODE SECTION 13267 ORDER FOR TECHNICAL AND MONITORING REPORTS, ROCKLIN CROSSINGS CONSTRUCTION SITE, SOUTHEAST CORNER OF I-80 AND SIERRA COLLEGE BOULEVARD, ROCKLIN, PLACER COUNTY, WDID #5S31C364098, #5S31C364108, #5S31C364102, and #5S31C364105

On 30 November 2012, Central Valley Water Board staff inspected the Rocklin Crossings construction site located at the southeast corner of Interstate 80 and Sierra College Boulevard to evaluate compliance with the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order 2009-0009 DWQ* (General Permit). The Rocklin Crossings construction site consists of four properties with separate Waste Discharge Identification Numbers (WDIDs) and two different owners as shown in the table below. Collectively, all four construction sites will be referred to as the Rocklin Crossings construction sites or Site(s) in this letter.

Site Name	WDID #	Owner Name
Rocklin Crossings	5S31C364098	Rocklin Crossings LLC and Rocklin Holdings LLC
Rocklin Crossings Detention Basin	5S31C364108	Rocklin Crossings LLC and Rocklin Holdings LLC
Dominguez Loop Road	5S31C364102	Donahue Schriber Asset Management Corp
Center at Secret Ravine	5S31C364105	Donahue Schriber Asset Management Corp

As the owner representative of all four Sites and the legally responsible person (LRP) enrolled in the General Permit for each project, Donahue Schriber Asset Management Corporation (Donahue Schriber) is responsible for complying with all elements of the General Permit. All four Rocklin Crossings construction sites are identified as Risk Level 2 sites under the terms of the General Permit.

This Notice of Violation is issued to the property owners, Rocklin Crossings, LLC, Rocklin Holdings, LLC and Donahue Schriber, through the owners' representative and LRP, Donahue

Schriber, and to the construction contractor, S.D. Deacon Corporation of America (S.D. Deacon), because each of their actions or inactions has contributed to violations of the General Permit.

From 28 November 2012 through 5 December 2012, a rainfall event occurred throughout northern and central California. In the Rocklin area, the heaviest rainfall occurred on Friday, November 30 and Sunday, December 2. This storm was forecast by NOAA (National Oceanic and Atmospheric Administration) National Weather Service a minimum of five days prior to the first rainfall on 28 November.

During the 30 November 2012 inspection, Water Board staff observed significant storm water management issues at the Site including failure to implement appropriate erosion and sediment control Best Management Practices (BMPs) in the active work area and a discharge of turbid water from the Site. Erosion controls were not installed on all disturbed soil areas across the active Site and turbid storm water accumulated in low areas and eventually flowed off the construction site where it entered Secret Ravine at two locations. Secret Ravine is a water of the United States. Based on staff's field measurements, turbid storm water discharges from the Rocklin Crossings construction sites to Secret Ravine were at least six times greater than the turbidity of surface waters in Secret Ravine during this storm event (see attached 30 November 2012 inspection report).

Violations

The owner representative and LRP, Donahue Schriber, and the contractor, S.D. Deacon, have failed to fully implement appropriate erosion and sediment control BMPs, failed to minimize or prevent sediment discharges from the Site, and failed to take all responsible steps to minimize or prevent discharges in violation of the General Permit. Therefore, Donahue Schriber and S.D. Deacon are in violation of the following General Permit sections:

- Attachment D, Part E. Sediment Controls, which states in part:

E. 3. Additional Risk Level 2 Requirement: Risk Level 2 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction. [Active areas of construction are areas undergoing land surface disturbance. This includes construction activity during the preliminary stage, mass grading stage, streets and utilities stage, and the vertical construction stage.]

- Section IV. Special Provisions, which states in part:

A. Duty to Comply:

1. The discharger shall comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal from General Permit coverage.

D. Duty to Mitigate:

The discharger shall take all responsible steps to minimize or prevent any discharge in violation of this General Permit, which has a reasonable likelihood of adversely affecting human health or the environment.

- Section VI. Receiving Water Limitations, Part C., which states:

The discharger shall ensure that storm water discharges and authorized non-storm water discharges will not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards (collectively, WQS) contained in a Statewide Water Quality Control Plan, the California Toxics Rule, the National Toxics Rule, or the applicable Regional Water Board's Water Quality Control Plan (Basin Plan).

The Water Quality Control Plan for the Sacramento and San Joaquin River Basins identifies water quality standards for turbidity as follows:

> *Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributable to controllable water quality factors shall not exceed the following limits:*
>
> - *Where natural turbidity is less than 1 Nephelometric Turbidity Unit (NTU), controllable factors shall not cause downstream turbidity to exceed 2*
> - *Where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU.*
> - *Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.*
> - *Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.*
> - *Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.*
>
> *In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.*

Response

In response to this Notice of Violation, owner representative and LRP, Donahue Schriber, and contractor S.D. Deacon must complete the following:

- Install appropriate erosion and sediment control BMPs throughout the Rocklin Crossings construction site in conjunction with your SWPPP and amendments. This includes effectively stabilizing disturbed soil areas and maintaining erosion and sediment control BMPs across the site.

- Ensure that site BMPs are effective and result in the reduction or elimination of pollutants in storm water discharges and authorized non-storm water discharges from construction activity to the Best Available Technology Economically Achievable/Best Conventional Pollutant Control Technology BAT/BCT standard.

Water Code Section 13267 Requirement for Technical Reports

Section 13267 of the California Water Code states, in part:

> *In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. . .*

Section 13268 of the California Water Code states, in part:

> *(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267. . . or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).*
>
> *(b)(1) Civil liability may be administratively imposed by a regional board . . . for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars ($1,000) for each day in which the violation occurs.*

The owner representative and LRP, Donahue Schriber, and the contractor, S.D. Deacon have failed to comply with the General Permit to implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active construction, and as a result of this failure, turbid storm water discharged to waters of the United States.

Pursuant to Water Code section 13627, Rocklin Crossings, LLC, Rocklin Holdings, LLC and Donahue Schriber, through the property owners' representative and LRP, Donahue Schriber and the construction contractor, S.D. Deacon Corporation of America are directed to submit a technical report containing the following information by **18 January 2013:**

1) A complete Numeric Action Level (NAL) Exceedance Report as outlined in Attachment D, Section I.15. in the General Permit for the 28 November 2012 to 5 December 2012 storm event. In addition, the NAL Exceedance Report must include:

   a) An estimate of the volume of sediment laden water discharged from the construction site,
   b) An estimate of sediment laden water discharged into Secret Ravine,

c) Copies of all water quality sampling results with sampling locations identified on a site map,
d) An updated SWPPP map showing current BMPs installed across the site,
e) Representative photographs showing current site conditions and how the site has been effectively stabilized with both sediment and erosion control BMPs, and
f) A narrative explanation of how the structural BMPs were installed and will be maintained throughout the construction site, and how the active treatment system will be operated to prevent future turbid storm water discharges to Secret Ravine.

The burden, including the costs, of producing this technical report bears a reasonable relationship to the need for the report since the report is necessary to determine the impact to water quality and assess whether further action is required to protect beneficial uses.

If preparation of the technical report involves planning, investigation, evaluation, engineering design, or other work requiring interpretation and proper application of engineering or geologic sciences, the report shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

In addition to the above technical report, Donahue Schriber and S.D. Deacon are requested to submit copies of all contracts between Rocklin Crossings, LLC, Rocklin Holdings, LLC, Donahue Schriber, and S.D. Deacon, in regard to the Rocklin Crossings construction site. Failure to submit these contracts will result in the Regional Water Board issuing a subpoena commanding their production.

Under Section 13385 of the Water Code, the Central Valley Water Board may impose administrative civil liabilities (monetary fines) for violations of the General Permit. The maximum administrative civil liability for each violation is ten thousand dollars ($10,000) per day and ten dollars ($10) per gallon of polluted storm water discharged in excess of 1,000 gallons. Failure to comply with reporting requirements contained in this Notice of Violation and Order to submit Technical Reports may result in further enforcement action, including civil liabilities of up $1,000 per day pursuant to Water Code section 13268.

Please contact Marty Hartzell at (916) 464-4630 or Steve Rosenbaum at (916) 464-4631 with any questions.

PAMELA C. CREEDON
Executive Officer

Enclosures: 30 November 2012 inspection report with site photographs

cc: Eugene Bromley, U.S. Environmental Protection Agency, Region IX, San Francisco
Donald Tanner, National Marine Fisheries Service, Sacramento
Mayumi Okamoto, Office of Enforcement, State Water Board, Sacramento
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