



California Regional Water Quality Control Board

San Diego Region



Terry Tamminen
Secretary for
Environmental
Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
<http://www.swrcb.ca.gov/rwqcb9>

Arnold Schwarzenegger
Governor

September 10, 2004

Certified Mail Return Receipt Requested
7004 0750 0001 2969 2943

Jason Lee, Vice President of Development
Beazer Homes California Inc.
1100 Town & Country, Suite 100
Orange, California 92868

In reply refer to: **CA:10-3012846.02:melbf**

Dear Mr. Lee:

Administrative Civil Liability Order No. R9-2004-0236

Based upon Beazer Homes California Inc.'s waiver of the right to a hearing, the California Regional Water Quality Control Board, San Diego Region (Regional Board) on September 8, 2004, adopted Order No. R9-2004-0236. The Order assessed a \$960 liability against Beazer Homes California Inc. for failure to timely pay the annual construction storm water permit annual fee for WDID No. 9 33C312846 in violation of Water Code section 13260 as alleged in Complaint No. R9-2004-0164. Pursuant to Water Code section 13323(d), payment of civil liability shall be made not later than thirty (30) days from the date of issuance by means of a cashier or company check made payable to the California State Water Resources Control Board and delivered to the Regional Board. Administrative enforcement for noncompliance with Order No. R9-2004-0236 is severe and includes administrative civil liability of up to \$10,000 for each day in which the violation occurs, criminal prosecution or both.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Please contact Frank Melbourn (858) 467-2973 or via email at melbf@rb9.swrcb.ca.gov if you have any questions concerning this matter.

Sincerely,

JOHN H. ROBERTUS
Executive Officer

California Environmental Protection Agency

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Mr. Jason Lee
Vice President of Development
Beazer Homes California Inc.
ACL Order No. R9-2004-0236

- 2 -

September 10, 2004

JHR:mpm:ftm

Enclosure: 1. Order No. R9-2004-0236
 2. Invoice No. 46761

Enforcement Description	ID No.
ACL	92524

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California Environmental Protection Agency

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2004-0236

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
BEAZER HOMES CALIFORNIA INC.
TRACT 29442
BENTON ROAD & POURROY ROAD
TEMECULA, CALIFORNIA
FOR
FAILURE TO PAY ANNUAL CONSTRUCTION STORM WATER PERMIT FEES**

The California Regional Water Quality Control Board, San Diego Region (Regional Board), finds the following:

Beazer Homes California Inc.(Beazer) violated section 13260(d) of the Water Code which requires that each person for whom waste discharge requirements have been prescribed pursuant to Water Code section 13263 shall pay an annual fee according to a fee schedule established by the California State Water Resources Control Board (State Board). Beazer was or is regulated under *State Board 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* (WDID No. R9 33C312846).

1. Beazer's total unpaid annual storm water fees in this matter were in the amount of \$2,607 for the construction site located at Tract 29442, Benton Road and Pourroy Road, Temecula, California.
2. On May 17, 2004, the Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R9-2004-0164. The Complaint proposed imposition of a \$960 civil liability for the alleged violations.
3. Beazer upon receipt of the Complaint paid the proposed liability amount of \$960 for failure to pay the annual construction storm water permit annual fee, and waived its right to a public hearing before the Regional Board. Beazer has also resolved all other outstanding annual construction storm water permit annual fees in California.
4. On September 8, 2004, the Regional Board held a hearing to solicit public participation in this matter, and considered the comments of interested persons regarding adoption of this Order.

5. Consideration of the factors prescribed in Water Code section 13327 based upon information available to the Regional Board prior to the hearing and described in greater detail in ACL Complaint No. R9-2004-0164 supports assessment of civil liability pursuant to Water Code section 13263 in the amount of \$960.
6. The adoption of this Order is an appropriate resolution of the violations alleged in ACL Complaint No. R9-2004-0164 because the assessment of \$960 is a sufficient amount of liability to deter this discharger and other dischargers from not paying annual fees in the future.
7. The Regional Board incurred costs totaling \$480, which includes preparation of enforcement documents.
8. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to section 13261(b) of the Water Code, that civil liability be imposed on Beazer Homes California Inc. in the amount \$960.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on September 8, 2004.



JOHN H. ROBERTUS
Executive Officer



State Water Resources Control Board



Terry Tamminen
Secretary for
Environmental
Protection

*The energy challenge facing California is real.
Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>*

**Arnold
Schwarzenegger**
Governor

To:
BEAZER HOMES SOUTHERN CA
1100 Town & Country Rd, #100
Orange, CA 92868-4632
ATTN: JASON LEE

Invoice No: 46761
Invoice Date: 09/09/2004
Enforcement Action ID: 92524
Enforcement Order No: R9-2004-0236

INVOICE

Milestone ID	Description	Amount	Due Date
61016	LIABILITY AMOUNT	\$960.00	10/08/2004
TOTAL AMOUNT DUE		\$960.00	

California Environmental Protection Agency



Retain above portion for your records
Please return bottom portion with your payment

BEAZER HOMES SOUTHERN CA
1100 Town & Country Rd, #100
Orange, CA 92868-4632
ATTN: JASON LEE

Milestone ID	Description	Amount	Due Date
61016	LIABDUE	\$960.00	10/08/2004
TOTAL AMOUNT DUE		\$960.00	

Make your check payable to:
State Water Resources Control Board

Mail payment to:
**SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P. O. Box 100
SACRAMENTO, CA 95812-0100**

Amount Enclosed: \$ _____

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: **46761**

Invoice Date: 09/09/2004
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