



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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Arnold Schwarzenegger
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<http://www.waterboards.ca.gov/sandiego>

August 31, 2009

Nardy Khan
County of Orange
OC Public Works
300 North Flower Street
Santa Ana, CA 92703-5000

Certified Mail – Return Receipt Requested
7007 0710 0000 5763 4687
In reply refer to:
CIWQS No.: 205029: cloflen

**Subject: Notice of Violation No. R9-2009-0159
Failure to Comply with Clean Water Act Section 401 Certification
05C-009 for the Aliso Creek Outlet Maintenance Program**

Site Location: Aliso Creek Ocean Outlet, Orange County, CA

Dear Nardy Khan:

Enclosed please find Notice of Violation (NOV) No. R9-2009-0159 for alleged violations of Clean Water Act Section 401 Water Quality Certification 05C-009 (hereafter Certification) Conditions B.2 and C.1.a.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Chad Loflen at (858) 467-2727 or cloflen@waterboards.ca.gov.

Respectfully,

David T. Barker, P.E.
Senior Water Resource Control Engineer
Surface Water Basins Branch

Nardy Khan
County of Orange
NOV No. R9-2009-0159

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August 31, 2009

Enclosure: Notice of Violation R9-2009-0159

cc via email: (w/encl.)

Cori Farrar
U.S. Army Corps of Engineers, Regulatory Division
Corice.J.Farrar@usace.army.mil

Certification No.	05C-009
CIWQS Place ID	205029
Reg. Measure No.	176637
Violation No.	836057
	836058
NOV ID No.	370356

Summary of Violations:

I. FAILURE TO SUBMIT THE REQUIRED ANNUAL MONITORING REPORT

➤ Pursuant to Certification Condition C.1.a:

- The County of Orange shall submit monitoring results annually by March 1 of each year.

Violation: To date the Regional Board has not received the annual monitoring report for the 2008 year, which was due on March 01, 2009.

II. FAILURE TO PROVIDE REQUIRED NOTIFICATION OF ACTIVITIES

➤ Pursuant to Certification Condition B.2:

- The County of Orange shall notify the Regional Board in writing at least five days prior to actual start dates for the semi-annual maintenance activities and at least three days prior to the first five routine sand-breaching activities.

Violation: In a June 19, 2009 conference call with the United States Army Corps of Engineers, the County of Orange indicated that they had not notified the Regional Board of any of the first five routine sand-breaching activities already conducted during the 2009 year.

Pursuant to Additional Conditions A.10 of the Certification, in response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. The Regional Board is considering adding to and/or modifying the conditions of the Certification in response to these violations and the continued history of non-compliance with Certification conditions.

You must take all actions necessary to come into compliance with the Certification to avoid further enforcement. Questions pertaining to the issuance of this Notice of Violation should be directed to Chad Loflen at 858-467-2727 or cloflen@waterboards.ca.gov. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

David Barker, Supervising Engineer
Attn: Chad Loflen
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340



David Barker
Supervising Engineer


DATE