



California Regional Water Quality Control Board Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

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895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5427
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

February 21, 2003

Handwritten initials

CERTIFIED MAIL: 7002 1000 0004 6879 6655

Haig Kelegian
26 Sunset Cove
Newport Cliffs, CA 92657

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT FOR VIOLATIONS OF THE GENERAL CONSTRUCTION STORM WATER PERMIT; KELEGIAN RANCH PROPERTY, HWY 58, SANTA MARGARITA, SAN LUIS OBISPO COUNTY, WDI# 3 40S319350

Dear Haig Kelegian:

Enclosed is an Administrative Civil Liability Complaint (Complaint No. R3-2003-0020) issued by the Executive Officer of the Regional Water Quality Control Board for violations of the General Construction Storm Water Permit.

Should you choose to waive your right to a public hearing, an authorized agent must sign the waiver form attached to the Complaint, and return it to the Regional Board by March 21, 2003. Should a hearing be necessary, it will occur on March 21, 2003, in the City of San Luis Obispo. At that time the Regional Board could decide to affirm the action of the Executive Officer as stipulated in the Complaint, or refer the matter for judicial civil action.

Should you have questions please contact Ryan Lodge at (805) 542-4642 or Eric Gobler at (805) 549-3467.

Sincerely,

Roger W. Briggs
Executive Officer

Enclosure: Complaint No. R3-2003-0020

cc: See attached list

S:\WB\Central Watershed\Storm Water\Construction\Enforcement\Kelegian\ACL-Cover Letter Kelegian

California Environmental Protection Agency



Kelegian ACL
July 8, 2005 Meeting
Attachment No. 5

cc: Jennifer Soloway
State Water Resources Control Board
Office of Chief Counsel
1001 I Street
Sacramento, CA 95814

Todd Tognazzini
Department of Fish & Game
P.O. Box 2785
Paso Robles, CA 93447

San Luis Obispo County District Attorney
County Government Center, Room 460
San Luis Obispo, CA 93408

James Caruso
San Luis Obispo County Dept. of Planning and
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San Luis Obispo, CA 93408-2040

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Babak Naficy
Law Offices of Babak Naficy
1204 Nipomo Street
San Luis Obispo, CA 93401

Pam Heatherington
Environmental Center of San Luis Obispo
1204 Nipomo Street
San Luis Obispo, California 93401



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

ACL COMPLAINT NO. R3-2003-0020

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
IN THE MATTER OF
HAIG KELEGIAN
KELEGIAN RANCH, HIGHWAY 58, SANTA MARGARITA
SAN LUIS OBISPO COUNTY

HAIG KELEGIAN IS HEREBY GIVEN NOTICE THAT:

Haig Kelegian (hereafter Discharger) is alleged to have violated provisions of law, and an Order of the State Water Resource Control Board (State Board), for which the Regional Water Quality Control Board (Regional Board) may impose civil liability pursuant to Section 13385 of the California Water Code.

Unless waived, a hearing on this matter will be held before the Regional Board on March 21, 2003, at the Regional Water Quality Control Board office, 895 Aerovista Place, Suite 101, San Luis Obispo, California. The Discharger and/or its authorized representative(s) will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board.

An agenda will be mailed to you separately, not less than ten days before the hearing date. At the hearing, the Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the State Attorney General for recovery of judicial civil liability.

ALLEGATIONS

1. The Discharger is the owner of a 412-acre project known as Kelegian Ranch, Santa Margarita, San Luis Obispo County (Site). The Discharger removed vegetation on 199 acres of the Site leaving exposed soil. The Discharger plans to plant olive trees on the cleared areas. The storm water run-off at the Site flows into the Huerhuero Creek and an unnamed blue line creek that transverses the property. The unnamed blue line creek flows into the Huerhuero Creek. The Huerhuero Creek flows into the Salinas River. The Site is in steep hilly terrain.
2. Excessive sediment loading impairs beneficial uses of the Salinas River. The Salinas River is listed on the California and federal 303(d) list of impaired water bodies because of siltation and sediment.
3. On August 19, 1999, the State Water Resources Control Board (SWRCB) adopted Order No. 99-08-DWQ National Pollution Discharge Elimination System (NPDES) General Permit No. CAS000002 (General Permit). This General Permit serves as waste discharge requirements regulating storm water discharges associated with construction activity at sites comprising 5 acres or more in accordance with the federal Clean Water Act (33 U.S.C. secs. 1250 et seq.) and the Porter-Cologne Water Quality Control Act (California Water Code secs. 13000 et seq.).

4. On November 4, 2002, Discharger filed a Notice of Intent (NOI) to comply with the terms of the General Permit as it applies to construction activities at the Site.
5. General Permit Section C: STANDARD PROVISIONS FOR CONSTRUCTION ACTIVITY, Item 1, Duty to Comply provides, "discharger must 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."
6. The Discharger has violated numerous conditions in the General Permit, which are set forth and incorporated herein by reference in Appendix A attached to this Complaint.
7. Discharger cleared the Site prior to obtaining General Permit coverage. On September 20, 2002, Board Staff accompanied a Department of Fish and Game Warden on Site to follow-up on citizen complaints of illegal grading. On October 8, 2002 Regional Board staff sent a letter to Discharger outlining Regional Board staff concerns about the Site and requiring submission of an erosion and sediment control plan. In response to the October 8, 2002 letter, the Discharger applied for General Construction Storm Water permit coverage.
8. On October 17, 2002 Regional Board staff sent Discharger a Notice of Violation for an unpermitted discharge of drilling mud to the Huerhuero Creek. The Discharger cleaned up the drilling mud discharge to the Huerhuero Creek.
9. On November 8, 2002 and November 14, 2002, Regional Board staff conducted Site inspections. The Discharger had cleared 199 acres of the Site leaving soils vulnerable to erosion. During both inspections, staff saw areas of significant erosion and sediment deposition had occurred across the Site. A significant amount of sediment was discharged from the Site into the Huerhuero Creek and the unnamed blue line creek. There were no effective erosion control measures in place. Erosion was extensive throughout the Site. The Discharger had not installed protective measures to prevent sediment from entering the creek. The Discharger failed to install control measures to prevent the discharge of pollutants (i.e., sediment) to Waters of the State. The Discharger failed to notify Regional Board staff that a sediment discharge occurred. The conditions at the Site during the November 8, 2002 and, November 14, 2002 staff visits constituted violations of General Permit conditions: A. DISCHARGE PROHIBITIONS, Item 2.; C. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY, Item 2.; SECTION A: STORM WATER POLLUTION PREVENTION PLAN, Items 1., 2., 6. and 8.; SECTION B: MONITORING AND REPORTING REQUIREMENTS, Item 5.; and SECTION C; STANDARD PROVISIONS FOR CONSTRUCTION ACTIVITY, Items 1. and 4. The text of these conditions are set for in Appendix A attached to this Complaint.
10. On November 25, 2002, Regional Board staff sent the Discharger a Notice of Violation letter **documenting violations from the November 8 and 14 inspections.** The Discharger installed some sediment control Best Management Practices (BMPs) including silt fences after a November 25, 2002 Notice of Violation outlined BMP deficiencies.

11. Staff re-inspected the Site on December 17, 2002, and again December 20, 2002. At that time, the Discharger had not installed effective erosion control measures to stabilize the Site. Discharger had installed some sediment control BMPs, including hay bale check dams and silt fencing. However, the check dams were overwhelmed with sediment-laden run off and were overtopped allowing sediment to flow into the Huerhuero Creek. Discharger installed a few straw waddles and hay bales installed within the unnamed blue line creek and they were overwhelmed by sediment. Some straw waddles and hay bales were pushed aside by flow in the creek, while others created additional erosion when the creek flowed around them. As of December 20, 2002, the Discharger remained in violation of all the General Permit conditions cited in paragraph 9. of this complaint, above.

12. For the period November 8 through December 20, 2002 (43 days) the Discharger violated all the General Permit conditions cited in paragraph 9. of this complaint, above. The Discharger was in violation for a total of 43 days. These violations are summarized as follows:
 - a. The Discharger violated A. DISCHARGE PROHIBITIONS, Item 2. because the Discharger allowed sediment and other pollutants carried in run-off from the Site to enter the Creek and did not implement BMPs to comply with this prohibition.

 - b. The Discharger violated C. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY, Item 2. because the Discharger failed to implement a SWPPP in compliance with SECTION A: STORM WATER POLLUTION PREVENTION PLAN.

 - c. The Discharger violated SECTION A: STORM WATER POLLUTION PREVENTION PLAN, Items 1., 2., 6. and 8. The Discharger violated item 1. by failing to identify, construct, implement and maintain BMPs (according to a time schedule) to reduce or eliminate pollutants in storm water discharges. The Discharger violated Item 2. by failing to develop and implement the SWPPP concurrent with commencement of soil-disturbing activities. The Discharger violated Item 6. by failing to implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season, including rough graded roadways, and slopes. The Discharger violated Item 8. by failing to implement adequate sediment control BMPs along the Site perimeter.

 - d. The Discharger violated SECTION B: MONITORING AND REPORTING REQUIREMENTS, Item 5. by failing to report violations of the General Permit to Regional Board staff and by failing to timely implement corrective measures.

 - e. The Discharger violated SECTION C: STANDARD PROVISIONS FOR CONSTRUCTION ACTIVITY, Items 1. and 4. The Discharger violated Item 1. by failing to comply with all of the conditions of the General Permit. The Discharger violated Item 4. by failing to take steps to minimize or prevent any discharge in violation of the permit that had a reasonable likelihood of adversely affecting the environment.

PROPOSED CIVIL LIABILITY

Pursuant to California Water Code Sections 13385(a) and (c), the Regional Board can impose civil liability up to \$10,000 per day of violation of waste discharge requirements. Waste discharge requirements include NPDES permits (Water Code section 13374). The Discharger was in violation of the General Permit for a total of 43 days. Therefore maximum liability that may be imposed is \$430,000 (four hundred thirty thousand dollars.)

Section 13385 of the California Water Code states, in part:

"(e) ... At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation."

Regional Board Staff conservatively estimates that Haig Kelegian saved approximately \$11,780 (5% interest) by not implementing adequate BMPs at the site. (Cost estimate is itemized in the "Work Sheet for Assessment of Administrative Civil Liability", attached to this complaint and incorporated herein by reference.) Therefore at a minimum liability must be at least \$11,780.

Regional Board staff costs for investigating this incident and follow-up (technical, legal and administrative) were approximately \$7,500 (calculated from 100 hours at \$75/hour).

When imposing civil liability, California Water Code Section 13385 requires the Regional Board to consider the nature, circumstance, extent, and gravity of the violations, whether the discharge is susceptible to cleanup or abatement, and the degree of toxicity of the discharge. California Water Code section 13385 also requires the Regional Board to consider the violator's ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts, any prior history of violations, the degree of culpability and economic savings, and other matters as justice may require. Consideration of these factors and Calculations of potential civil liability are provided in the "Work Sheet for Assessment of Administrative Civil Liability for Kelegian Ranch.", attached hereto and incorporated herein by reference.

The maximum potential total civil liability amounts to four hundred thirty thousand dollars (\$430,000). Minimum civil liability that can be imposed is \$11,780, the amount of economic savings or benefit to the Discharger. Staff costs are estimated at \$7,500. The Executive Officer of the Regional Board proposes that administrative civil liability be imposed by the Regional Board in the amount of **Seventy-Five Thousand Dollars (\$75,000)**, based on consideration of statutory factors in Section 13385 of the California Water Code.



Roger W. Briggs, Executive Officer

2-21-03

Date

**PROCEDURAL INFORMATION
FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
HEARING AND PAYMENT**


WAIVER OF HEARING

You may waive your right to a hearing. If you wish to waive the hearing, an authorized person must check and sign the waiver and return it to the Regional Water Quality Control Board, Central Coast Region, 895 Aerovista Place, Suite 101, San Luis Obispo, California 93401.

If you choose to waive the right to a hearing, the Executive Officer will present an Order for the amount of liability proposed in the Complaint to the Regional Board at the March 21, 2003 Regional Board meeting. The Regional Board may adopt or reject the Order. If the proposed Order is adopted, payment will be due and payable on April 21, 2003. (Check payable to State Water Resources Control Board, mailed to the Regional Board at the address referenced in above paragraph). If the Order is rejected, the Regional Board may direct the Executive Officer to issue a new complaint and schedule another hearing.

If you do not waive your right to a hearing, the Board will be asked to accept the amount proposed by the Executive Officer. The Regional Board may proceed with the scheduled hearing and consider testimony received from interested persons during the hearing and decide whether to accept the amount proposed by the Executive Officer or increase or decrease the liability. Liability may be increased up to the amount of maximum potential liability stated in this Complaint. The Board may also decide to continue the matter to a future hearing or refer it to the State Attorney General.

If you have any questions regarding this matter please direct them to me at (805) 549-3140 or the Regional Board Counsel, Jennifer Soloway, at (916) 341-3176.



Roger W. Briggs, Executive Officer

Date: 2-21-03

WAIVER OF HEARING

By checking this box, I agree to waive my right for a hearing before the Regional Board with regard to the violations alleged in Administrative Civil Liability Complaint No. R3-2003-0020. Also, I agree to remit payment for the civil liability proposed. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this ACL complaint, and against the imposition of the amount of civil liability proposed.

Date

Discharger

APPENDIX A

Applicable General Permit Provisions

The following sections of the State Water Resources Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CA000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity apply to ACL Complaint No. R3-2003-0020.

A. DISCHARGE PROHIBITIONS:

- ...2. Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited...
-

C. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY:

- ...2. All dischargers shall develop and implement a SWPPP in accordance with Section A: Storm Water Pollution Prevention Plan....
-

SECTION A: STORM WATER POLLUTION PREVENTION PLAN

1. Objectives

- ...c. Identify, construct, implement in accordance with a time schedule, and maintain Best Management Practices (BMPs) to reduce or eliminate pollutants in storm water discharges and authorized nonstorm water discharges from the construction site during construction...

2. Implementation Schedule

- a. For construction activity commencing on or after adoption of this General Permit, the SWPPP shall be developed prior to the start of soil-disturbing activity in accordance with this Section and shall be implemented concurrently with commencement of soil-disturbing activities.

6. Erosion Control

Erosion control, also referred to as "soil stabilization" is the most effective way to retain soil and sediment on the construction site....Particular attention must be paid to large mass-graded sites where the potential for soil exposure to the erosive effects of rainfall and wind is great. Mass graded construction sites may be exposed for several years while the project is being built out. Thus, there is potential for significant sediment discharge from the site to surface waters.

At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads.

8. Sediment Control

...Sediment control BMPs are required at appropriate locations along the site perimeter and at all operational internal inlets to the storm drain system at all times during the rainy season...

During the nonrainy season, the discharger is responsible for ensuring that adequate sediment control materials are available to control sediment discharges at the downgrade perimeter and operational inlets in the event of a predicted storm...At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season.

SECTION B: MONITORING PROGRAM AND REPORTING REQUIREMENTS

5. Noncompliance Reporting

Dischargers who cannot certify compliance, in accordance with Item 4 of this Section and/or who have had other instances of noncompliance excluding exceedances of water quality standards as defined in section B. 3. Receiving Water Limitations Language, shall notify the appropriate RWQCB within 30 days. Corrective measures should be implemented immediately following discovery that water quality standards were exceeded....

SECTION C: STANDARD PROVISIONS FOR CONSTRUCTION ACTIVITY

1. Duty to Comply

The discharger must 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.

4. 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.

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

WORK SHEET FOR ASSESSMENT OF ADMINISTRATIVE CIVIL LIABILITY

**HAIG KELEGIAN
KELEGIAN RANCH, HIGHWAY 58, SANTA MARGARITA
SAN LUIS OBISPO COUNTY**

I. MAXIMUM ALLOWABLE CIVIL LIABILITY

Haig Kelegian (hereafter "Discharger") violated the General Construction Storm Water Permit for 43 days (November 8, 2002 through December 20, 2002). California Water Code Section 13385 allows assessment of up to \$10,000 per day for each day a violation occurs. Therefore, the maximum liability is \$430,000.

II. MINIMUM CIVIL LIABILITY

Section 13385 of the California Water Code provides that, at a minimum, a civil liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation. The estimated economic benefit for violations associated with this complaint was estimated by obtaining quotes from local vendors of sediment and erosion control materials and calculating the cost of purchase and initial installation of the material. The interest saved by not purchasing and installing erosion control measures is the economic benefit derived by the Discharger. The estimate does not include labor for maintenance and monitoring. The least expensive control method was used for calculations. An excel spreadsheet showing those calculations is included as an Attachment to this worksheet. Regional Board Staff conservatively estimates that the Discharger saved approximately \$11,780 (5% interest) by not implementing adequate BMPs at the site.

III. FACTORS TO CONSIDER IN ASSESSMENT OF ADMINISTRATIVE CIVIL LIABILITY (ACL)

A. VIOLATIONS

When imposing civil liability, California Water Code Section 13385 requires the Regional Board to consider the nature, circumstance, extent, and gravity of the violations, whether the discharge is susceptible to cleanup or abatement, and the degree of toxicity of the discharge. These factors are are considered below:

1. The Nature, Circumstance, Extent, and Gravity of the Violations

The Discharger violated Waste Discharge Requirements of the General Construction Storm Water Permit, the Federal Clean Water Act, and the California Water Code by:

- ▶ Discharging polluted storm water to waters of the State;
- ▶ Discharging drilling mud to waters of the State;
- ▶ ~~Failing to notify the Regional Board that polluted storm water discharges had occurred;~~
- ▶ ~~Failing to implement an adequate SWPPP including an effective combination of erosion and sediment control on all disturbed areas;~~

The Kelegian Ranch Property drains to two Salinas River tributaries. The Salinas River has been included on the USEPA 303(d) list of impaired water bodies under the impairment of sedimentation/siltation. The site was cleared of vegetation and left without adequate Best Management Practices (BMPs) to prevent erosion and deposition of sediment off-site. Regional Board staff saw evidence of, and observed, sediment leaving the site and entering the Huerhuero Creek and an unnamed blue line creek tributary to the Huerhuero Creek. Staff also observed the discharge of drilling mud to the Huerhuero Creek. The Huerhuero Creek flows to the Salinas River. Staff sent two letters and a two "Notice of Violation" letters to the Discharger describing water quality concerns resulting from inadequate BMPs and illegal discharges to surface waters. The Discharger did not bring the site into compliance. Significant amounts of sediment were discharged from the site, and entered Waters of the State, and for this reason the violation is considered serious. However, Regional Board staff does not know the extent of the effect this has had on the beneficial uses of these creek drainages or the Salinas River, and therefore the amount of recommended liability is less than the maximum.

2. Susceptibility to Cleanup.

In general, storm water discharge is not susceptible to complete cleanup. Furthermore, cleanup efforts may have secondary adverse impacts on drainage ways and riparian resources. Because these discharges are not susceptible to cleanup, consideration of this factor does not justify liability that is less than maximum.

3. Toxicity of the Discharge

Liabilities, at less than maximum levels are justified based on consideration of this factor, because storm water discharges are seldom toxic. There is no evidence to indicate that in this case, any of the sediments were toxic. Consideration of this factor justifies liability that is less than maximum.

B. VIOLATOR

California Water Code section 13285 also requires the Regional Board to consider the violator's ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts, any prior history of violations, the degree of culpability and economic savings, and other matters as justice may require.

1. Ability to pay;

Haig Kelegian has not provided financial data to the Regional Board to show an inability to pay.

2. Any voluntary clean up efforts undertaken by the violator;

The drilling mud discharge to the Huerhuero Creek was partly cleaned up by hand crews only after notice from Regional Board staff. So this was not voluntary. There is no evidence of voluntary clean up efforts and so consideration of this factor does not justify liability at less than maximum.

3. Prior history of violations;

Regional Board staff became aware of the clearing and grubbing of the Site from a citizen's complaint. Regional Board staff visited the Site on September 20, 2002, and sent a letter to Haig Kelegian on October 8, 2002, expressing staff's concerns about potential Site erosion. Haig Kelegian then submitted a Notice of Intent for General Permit coverage on October 21, 2002. The State Board processed the Discharger's General Permit Notice of Intent on November 4, 2002. Discharger should have submitted the NOI before land disturbance but staff has not documented a discharge prior to submission of the NOI, therefore consideration of this factor justifies liability less than maximum.

4. Degree of culpability;

As the permitted party, and landowner of the site, Haig Kelegian is directly responsible for permit compliance. Haig Kelegian should be aware of permit conditions. Regional Board staff visited the Site on September 20, 2002. On September 24, 2002, Regional Board staff spoke to David Williams, the site developer, on the phone and was assured that a plan was in place to aerial seed and to install sediment control measures prior to the first seasonal rain. A letter was sent to Haig Kelegian on October 8, 2002, expressing Regional Board staff concerns regarding inadequate erosion control plans for the Site. Regional Board staff inspected the site four times between November 8, 2002, and December 20, 2002. Two "Notice of Violation" letters were sent outlining Regional Board staff concerns.

A SWPPP was submitted for Regional Board staff review and was found to be inadequate. A November 12, 2002 letter outlined Regional Board staff concerns over the lack of adequate erosion control measures in the SWPPP.

The first noted sediment release from the site occurred on November 8, 2002. The Discharger was given a month to repair and upgrade existing BMPs and implement the remaining BMPs outlined in the SWPPP, but failed to do either. Regional Board staff observed additional sediment being released during the storms on December 17, 2002, and December 20, 2002.

Because some BMPs have been placed on the site, a liability of less than maximum amount is justified. Because Haig Kelegian failed to make required changes in practices despite having time to repair inadequate BMPs and revise the SWPPP, and was given two "Notice of Violation" letters, phone calls and on-site visits, so there was a significant degree of culpability. However discharger did install some BMPs, which moderates the level of culpability. Consideration of this factor justifies imposing a significant level of liability but less than maximum.

5. Economic savings resulting from the violation; and,

Regional Board staff have contacted local sediment and erosion control product vendors and obtained a conservative estimate for minimal Best Management Practices (BMPs) on the site. On a mass cleared, 199-acre project, estimated interest savings of not using effective BMPs is at least \$11,780 (5% interest). A detailed analysis of economic savings is set forth above, and in Appendix 1.

6. Other matters as justice may require.

Regional Board staff have spent time responding to the incident and preparing the administrative civil liability. Estimated staff costs for preparation of this complaint are \$7,500.

A CONSERVATIVE ESTIMATE OF STAFF COSTS FOR ENFORCEMENT			
	Hours	Rate (\$/hr)	Amount (\$)
Regional Board Staff time	100	75	\$7,500

IV. RECOMMENDATION

TOTAL RECOMMENDED LIABILITY \$ 75,000

Staff recommends assessment of **Seventy-Five Thousand Dollars (\$75,000)** in administrative civil liability against Haig Kelegian.

Appendix 1: Spreadsheet Cost Estimate of Savings

APPENDIX 1

Kelegian Ranch Cost Estimate for Erosion/Sediment Control

	Calculated Values	Cost \$
<u>Site information taken from site map</u>		
cleared area	199.00 ac	
slope >12%		
2200 ft per area with 14 areas	30,800.00 ft	
4200 ft per area near Huerhuero	4,200.00 ft	
Total length of straw waddles	35,000.00 ft	
<u>Complete site estimate: hydroseeding, and straw waddles</u>		
Hydroseeding (\$1,000/ac)		199,000
Straw Waddles (use \$24/25 ft plus freight charge)		36,600
Savings by not installing adequate BMPs		235,600
interest (5%) on money not spent on BMPs		11,780
TOTAL INTEREST SAVED BY DISCHARGER on BMPs		11,780

IMPORTANT NOTE: This estimate does not include cost of training crews in inspection and maintenance of BMP's. Costs could not be estimated for having crews working during emergency response in rainy season. The least expensive of erosion and sediment control methods were used for this estimate.

Estimates of BMP cost above is based on the lowest price quotes from the following vendors:

Karleskint-Crum Inc.

Cost est. Value used
for A.C.L.

Hydroseeding cost seed + install \$900 - 1500/ac county seed mix installed \$1000/ac		199,000	199,000
Blankets \$6085 installed straw-coconut blend			
Straw+seed+fertilizer+punch \$1200-\$1800/ac (use \$1500/ac)			
Straw waddles installed \$3/ft			
straw waddles on interior roads			
straw waddles on perimeter			
straw waddles on perimeter and interior			
Silt fence installed \$2 - \$2.50/ft			
silt fence on interior roads (use \$2.5/ft.)			
silt fence on perimeter (use \$2.5/ft)			
silt fence on perimeter and interior			

Reed & Graham Inc. Geosynthetics

Silt sack for drainage inlets \$95/sack

Pacific Coast Soil Stabilization

WADDLES

\$21/25 ft + \$3.24 stakes/waddle = \$24/25 ft 33,600 33,600

Freight = 180 pieces @ \$375
 Number of pieces required 1400
 Loads required 8

Freight Total 3,000 3,000

Cost for installation not included
 waddles + freight 36,600 36,600

Blankets

straw blanket S150 \$36/720 sq ft roll



State Water Resources Control Board



Winston H. Hickox
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>*

Gray Davis
Governor

To:
HAIG KELEGIAN
26 Sunset Cv
Newport Coast, CA 92657-1901
ATTN: DAVE WILLIAMS

Invoice No: 32812
Invoice Date: 02/21/2003
Enforcement Action ID: 67730
Enforcement Order No: R3-2003-0020

INVOICE

ACLCOMP

Description	Amount	Due Date
40935 LIABILITY AMOUNT	\$75,000.00	

TOTAL AMOUNT DUE \$75,000.00

California Environmental Protection Agency



Retain above portion for your records

Please return bottom portion with your payment

HAIG KELEGIAN
26 Sunset Cv
Newport Coast, CA 92657-1901
ATTN: DAVE WILLIAMS

Description	Amount	Due Date
40935 LIABDUE	\$75,000.00	

TOTAL AMOUNT DUE \$75,000.00

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: **32812**

Invoice Date: 02/21/2003
Enforcement Action ID: 67730
Enforcement Order No.: R3-2003-0020