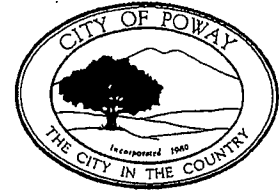


CITY OF POWAY

MICKEY CAFAGNA, Mayor
 BOB EMERY, Deputy Mayor
 MERRILEE BOYACK, Councilmember
 DON HIGGINSON, Councilmember
 BETTY REXFORD, Councilmember

SAN DIEGO REGIONAL
 WATER QUALITY
 CONTROL BOARD

2008 JUN 16 A 8:29



June 12, 2008

Dr. Bill Moritz
 14272 Jerome Drive
 Poway, CA 92064

Subject: Illegal Grading on APN 321-040-49

Dear Dr. Moritz:

This letter will serve as a recap of the meeting with your representative, Stuart J. Sandrock, held on June 9, 2008. In addition to Mr. Sandrock, representatives from the California Department of Fish and Game and the San Diego Regional Water Quality Control Board were present, along with City staff. The following items were discussed with Mr. Sandrock during the meeting:

1. The illegal grading you performed to alter the watercourse on your property. This action was a violation of the following Poway Municipal Code Sections:
 - 16.42.010 Permits required
 - 16.42.030 Grubbing and clearing of land
 - 16.48.050 Haul Route
 - 16.50.040 Fill Materials
 - 16.50.050 Compaction requirements
 - 16.50.170 Erosion control required
 - 16.58.020 Watercourse, alter
 - 16.58.030 Water course, impair, impede
 - You also violated various sections of the State Regional Water Quality Control Board and the California Department of Fish and Game code.

2. The consequences of your violations and the legal aspect of the penalties. Failure to prepare and implement the required restoration plans for the stream could expose you to the following fines and penalties:
 - City of Poway fines, which are \$1,000 per day. These violations are also misdemeanor offenses per Poway Municipal Code Section 16.56.140.
 - The Regional Water Quality Control Board has indicated that they will issue a Clean Up and Abatement Order, which means you have to restore the ephemeral stream to its original configuration. The City of Poway and the property owner are subject to fines of up to \$10,000 per day by the San Diego Regional Water Quality Control Board for non-compliance or any illegal discharge to waters of the State.
 - The California Department of Fish and Game fines and penalties.

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K. Shoemaker Time: 11:02

City Hall Located at 13325 Civic Center Drive
 Mailing Address: P.O. Box 789, Poway, California 92074-0789 • (858) 668-4400

3. Your corrective action plan outline. In order to properly restore the stream to its original condition you must do the following:
- Hire a California licensed civil engineer, as soon as possible, to prepare an erosion control plan that will address potential erosion issues should the stream start to flow as a result of a natural or manmade event.
 - Address all of the habitat and restoration issues. It may be advantageous for you to obtain an environmental consultant.
 - Contact all of the appropriate agencies (including the San Diego Regional Water Quality Control Board, Army Corps of Engineers, California Department of Fish and Game, and the San Diego County Water Authority) to ensure that you address all of their issues.

The City of Poway, the San Diego Regional Water Quality Control Board, the Army Corps of Engineers, the Department of Fish and Game, and the San Diego County Water Authority are all very anxious to see your action plan that will correct this violation in a timely manner.

To avoid or minimize fines and penalties, your engineer should contact City staff for direction regarding the development of a corrective grading plan to restore the ephemeral stream no later than **June 23, 2008**. If correction of this violation is not pursued by June 18, 2008, you will be subject to further legal action.

If you have any questions regarding this matter, please contact me directly at (858) 668-4625 or (858) 668-4600, or e-mail me at stadros@ci.poway.ca.us.

Sincerely,

DEVELOPMENT SERVICES DEPARTMENT

Sam Tadros

Sam Tadros, P.E, CFM
Associate Civil Engineer

c: Lisa Foster, City Attorney
Robert J. Manis, Director of Development Services
Frank Casteleneto, City Engineer
Patti Brindle, City Planner
Jim Lyon, Senior Planner
Marc LeDrew, Code Enforcement Officer
Tomas Borobia, Code Enforcement Officer
Christopher Means, San Diego Regional Water Quality Control Board
Kelly Fisher, California Department of Fish and Game
Ray Carreon, San Diego County Water Authority