

San Diego Regional Water Quality Control Board

April 22, 2016

**Certified Mail – Return Receipt Requested**

Article Number: 7010 1060 0000 4953 0921

Mr. Ron Mertz, VP of Land Planning  
KB Home  
36310 Inland Valley Drive  
Wildomar, CA 92595-7511

**In reply refer to:** CW-826199:cmeans

**Notice of Hearing and Issuance of Complaint No. R9-2016-0092 for Administrative Civil Liability Against KB Home for Violations of Clean Water Act Section 301 and California Water Code Section 13376**

Mr. Mertz:

Enclosed find Complaint No. R9-2016-0092 (Complaint) for Administrative Civil Liability against KB Home (Discharger) for **\$875,166** for violations of California Water Code section 13376 and federal Clean Water Act section 301. The alleged violations are described in the Complaint and the attached Technical Analysis to the Complaint. Pursuant to Water Code section 13323, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) shall hold a hearing on the Complaint no later than ninety (90) days after it is issued.

Waiver of Hearing

You may elect to waive your right to a hearing before the San Diego Water Board. Waiver of the hearing constitutes admission of the violations alleged in the Complaint and the acceptance of the assessment of civil liability as set forth in the Complaint. For the San Diego Water Board to accept the waiver of your right to a public hearing, you must sign, as the Legally Responsible Person for KB Home, the enclosed waiver form with Option 1 selected, and submit it to the San Diego Water Board by 5:00 p.m. on **May 2, 2016**.

Public Hearing

Alternatively, if you elect to proceed to a public hearing, a hearing is tentatively scheduled to be held at the San Diego Water Board meeting on **June 22, 2016**. The meeting is scheduled to convene at the San Diego Water Board, 2375 Northside Drive, Suite 100, San Diego, California at 9:00 a.m. At that time, the San Diego Water Board will accept testimony, public comment, and decide whether to affirm, reject, or modify the proposed liability, or whether to refer the matter for judicial civil action.

Enclosed is the recommended hearing procedure for the San Diego Water Board to follow in conducting the hearing. Please note that comments on the proposed procedure are due by **May 2, 2016**, to the San Diego Water Board's advisory attorney, Catherine Hagan, at the address indicated in the hearing procedure.

Please submit all written documents as Portable Document Format (PDF) files to [sandiego@waterboards.ca.gov](mailto:sandiego@waterboards.ca.gov). In the subject line of any response, please include the reference number **CW-826199:cmmeans**. For questions or comments, please contact Christopher Means by telephone at (619) 521-3365, or by email at [Christopher.Means@waterboards.ca.gov](mailto:Christopher.Means@waterboards.ca.gov).

Respectfully,



JAMES G. SMITH  
Assistant Executive Officer

JGS:cmc:cjm

Enclosures:

1. ACL Complaint No. R9-2016-0092 with attached Technical Analysis and Appendices
2. ACL Complaint Fact Sheet
3. Proposed Hearing Procedure
4. Waiver of Public Hearing Form

cc: sent via email:

David Boyers, State Water Resources Control Board, [David.Boyers@waterboards.ca.gov](mailto:David.Boyers@waterboards.ca.gov)  
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CIWQS:

Party ID: 358094  
Place ID: CW-826199  
Violation IDs: 994273  
WDID No: 9 37C0552  
Enforcement ID: 405422