



California Regional Water Quality Control Board

San Diego Region



Winston H. Hickox
Secretary for
Environmental
Protection

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February 6, 2003

Certified Mail – Return Receipt Requested
7002 2410 0004 0597 4658

Rich Simons
Legacy Partners (previously known as Lincoln Property Co.)
30 Executive Park, Ste 100
Irvine, CA 92614

File No.: 10-309498.02

Dear Mr. Simons:

ADOPTION OF ORDER NO. R9-2003-0012, "ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY AGAINST LEGACY PARTNERS (PREVIOUSLY KNOWN AS LINCOLN PROPERTY COMPANY), PUERTA REAL MISSION VIEJO, ORANGE COUNTY, FOR FAILURE TO PAY ANNUAL FEES"

Enclosed is a copy of Administrative Civil Liability Order No. R9-2003-0012 adopted by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on February 5, 2003, for the amount of \$882.

The Regional Board has received your payment of \$882 dated November 15, 2002, in accordance with the amount proposed in Complaint No. R9-2002-0349. The Regional Board considers the matter regarding the violations cited in Complaint No. R9-2002-0349 closed and the assessment of liability in Order No. R9-2003-0012 paid.

If you have any questions, please contact Mr. Vicente Rodriguez of my staff at (858) 627-3940.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

JHR:mja:vrr

Enclosure: Administrative Civil Liability Order No. R9-2003-0012

WDID: 9 30S309498

V: (FY01) 102871
E: (ACL) 66870

Legacy Partners (Lincoln Property) Transmittal Letter R9-2003-0012 [adopted].doc

California Environmental Protection Agency

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 Web-site at <http://www.swrcb.ca.gov>.

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

ORDER NO. R9-2003-0012

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST**

**LEGACY PARTNERS
(PREVIOUSLY KNOWN AS LINCOLN PROPERTY COMPANY)**

**PUERTA REAL
MISSION VIEJO, ORANGE COUNTY
FOR FAILURE TO PAY ANNUAL FEES**

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

1. Legacy Partners violated Section 13260(d) of the California 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 State Water Resources Control Board (State Board). Legacy Partners, hereinafter discharger, is regulated under WQ Order No. 92-08, Construction Storm Water Permit. The discharger's total unpaid annual storm water fees in this matter were in the amount of \$250 for the construction site located at Puerta Real, Mission Viejo in Orange County.
2. On November 1, 2002, the Executive Officer, in *Complaint No. R9-2002-0349 for Administrative Civil Liability (ACL)*, proposed imposition of civil liability in the amount of \$882 for the violations alleged in Complaint No. R9-2002-0349.
3. The discharger, upon receipt of Complaint No. R9-2002-0349, paid the proposed ACL amount of \$882 for failure to pay the annual storm water fee and waived the right to request a hearing before the Regional Board. The discharger has also paid the outstanding annual storm water fee of \$250.
4. On February 5, 2003, 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 California Water Code Section 13327 based upon information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2003-0349 supports assessment of civil liability pursuant to Water Code section 13263 in the amount of \$882.

6. The adoption of this Order is an appropriate resolution of the violations alleged in Complaint No. R9-2002-0349 because of the following reasons:
 - a. The assessment of \$882 is a sufficient amount of liability to deter this discharger and other dischargers from not paying annual fees in the future.
 - b. The assessment of \$882 is consistent with the State Board enforcement assessment matrix for violations characterized as Minor compliance significance and Minor environmental significance.
7. The Regional Board incurred costs totaling \$330, which includes preparation of enforcement documents, and public hearings.
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 California Water Code, that civil liability be imposed on the discharger, Legacy Partners in the amount \$882.

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 February 5, 2003.



JOHN H. ROBERTUS
Executive Officer