

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

**CLEANUP AND ABATEMENT ORDER NO. R9-2003-0178  
FOR**

**SAN DIEGO COUNTRY ESTATES HOME OWNERS ASSOCIATION  
24157 SAN VICENTE ROAD  
RAMONA, CA 92065**

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

1. San Diego Country Estates Home Owners Association (hereafter Discharger) owns a parcel of land bounded by Ramona Oaks Road to the north, Cleveland National Forest to the east, private homeowners and Cleveland National Forest to the south and Pappas Road to the west. The site is located within the Gower Hydrologic Subarea (907.23) of the San Diego Hydrologic Unit (907) as described in the "Water Quality Control Plan, San Diego Basin (9)" (hereafter Basin Plan).
2. San Vicente Creek runs through the parcel described in Finding No. 1 roughly parallel to Ramona Oaks Road. San Vicente Creek drains into the San Vicente Reservoir. The Basin Plan has established the following designated beneficial uses for San Vicente Creek: Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Service Supply (IND), Industrial Process Supply (PROC), Contact Water Recreation (REC-1), Non-contact Water Recreation (REC-2), Warm Freshwater Habitat (WARM), Cold Freshwater Habitat (COLD), and Wildlife Habitat (WILD).
3. On or before March 27, 2003, San Diego Country Estates Home Owners Association caused and/or permitted the damming of San Vicente Creek and the discharge of waste consisting of masonry waste, horse bedding, green waste, and boulders into San Vicente Creek. These activities have obstructed the natural surface flow and eliminated the ability of San Vicente Creek to support water quality functions and beneficial uses in violation of the Basin Plan. Pursuant to California Water Code (CWC) Section 13243, the Basin Plan has specified that "the discharge of waste to inland surface waters, except in cases where the discharge complies with applicable receiving water quality objectives, is prohibited.
4. Pursuant to CWC section 13260, "any person discharging waste or proposing to discharge waste, within any region that could affect the quality of the waters of the state..." shall file a report of waste discharge. The Regional Board received no application/report of waste discharge for wastes documented in San Vicente Creek.

5. A cleanup effort is needed because the discharged waste causes and threatens a condition of pollution and nuisance in San Vicente Creek. The effects of the waste need to be abated to prevent further water quality impacts and beneficial use degradation to San Vicente Creek.
6. An active restoration effort is needed to protect San Vicente Creek from long-term adverse consequences of the discharge and cleanup activities, as well as abate the effects of increased erosion and a discharge of pollutants downstream resulting from the discharge of wastes, and to restore water quality functions and beneficial uses.
7. Pursuant to CWC Section 13304, the Regional Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action required, by this Order.
8. This enforcement action is being taken for the protection of the environment and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 2100 Et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

**IT IS HEREBY ORDERED** that, pursuant to Section 13304 of Division 7 of the California Water Code:

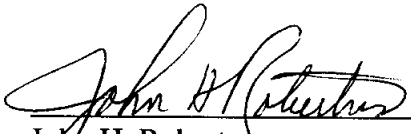
1. The Discharger shall forthwith initiate efforts to cleanup the waste and abate all effects of the discharges of wastes into and near San Vicente Creek, and take any other remedial actions, which may be necessary to abate the effects of the discharged wastes.
2. By June 16, 2003, the Discharger shall develop and submit to this Board a plan to cleanup and abate the waste discharged into San Vicente Creek. The cleanup and abatement plan must include, but not be limited to:
  - a. Identification of specific activities and methodologies that will be used in removing all wastes.
  - b. Measures to prevent additional water quality impacts during the cleanup process.
  - c. A discussion of measures to be taken by the discharger to prevent further discharges of waste to San Vicente Creek. These measures shall include but are not limited to ongoing prevention, education, training, public participation, inspection, and enforcement practices.
3. Upon Regional Board approval of the cleanup and abatement plan, the Discharger shall implement the plan. By August 1, 2003, the Discharger shall submit a report that documents that all required cleanup and abatement activities have been taken in accordance with the Regional Board approved plan and that all necessary approvals for the cleanup and restoration work were obtained.

4. By August 1, 2003, the Discharger shall develop and submit to this Board a restoration plan, by a qualified biologist, that will restore the eroded creek bed and bank, and shall mitigate for unauthorized temporal and spatial impacts to waters of the U.S. A restoration plan must include, but not limited to, the following:
  - a. A description of how the discharger proposes to restore the eroded creek bank and bed. This shall include, but not be limited to, engineering and/or hydrology information that was used in selecting the alternative, and rationale as to why the chosen method is expected to be successful.
  - b. A figure showing the proposed plant layout and plant palette.
  - c. Cross-sections and plan views of the proposed mitigation areas that show how they will be integrated into upstream and downstream areas and adjacent upland areas.
  - d. A time schedule for restoration activities, mitigation implementation (e.g. initial planting, submittal of "as-built" documents, monitoring and reporting periods).
  - e. A discussion of maintenance and monitoring activities and duration.
  - f. Proposed success criteria for the mitigation area(s).
  - g. A conceptual mitigation plan prepared to the Army Corps of Engineers guidelines may be submitted in lieu of the above items.
5. Upon Regional Board approval of the restoration plan, the Discharger shall implement the plan. By January 2, 2004, the discharger shall submit a report that documents that all required restoration activities have been implemented.
6. The discharger shall dispose of all removed waste in a manner that complies with applicable codes and regulations.
7. The discharger shall obtain all necessary approvals from the California Department of Fish and Game, the U. S. Army Corps of Engineers, Regional Water Quality Control Board, and other applicable federal, state, and local authorities for any cleanup and restoration work.
8. If the land disturbance caused by the cleanup or restoration plans is greater than one acre, the discharger shall comply with all requirements of the General Permit for Stormwater Discharges Associated with Construction Activity, Order No. 99-08-DWQ.
9. All documents submitted to the Regional Board shall include the following signed certification:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the*

*information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.*

Pursuant to California Water Code section 13350, any person who intentionally or negligently violates a cleanup and abatement order may be liable civilly in an amount which shall not exceed five thousand dollars (\$5000), but shall not be less than five hundred dollars (\$500), for each day in which the cleanup and abatement order is violated.

  
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John H. Robertus  
Executive Officer

*24 April, 2003*  
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Date