

First Notice of Noncompliance



Santa Ana Regional Water Quality Control Board

November 23, 2021

Enrique Terrazas
Pacifica Companies
1775 Hancock Street, Suite 200
San Diego, California 92110

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Notice of Noncompliance: Failure to Comply with the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES NO. CAS000002 (General Permit), WDID No. 8 36C384878

Dear Enrique:

Regional Board records indicate that Pacifica Companies is operating a construction site identified as Pacifica Rialto, located at 1610 S Riverside Avenue, in the City of Rialto. This site is identified in our records by WDID: 8 36C384878. Section XVI.A of the Construction General Permit requires that an Annual Report be submitted by September 1st of each year via the online SMARTS database.

Over 90% of regulated facilities comply with this requirement. Our records show that your annual report for the July 1, 2020 to June 30, 2021 reporting period is one of the few that have not been submitted. We request that you submit a complete 2020-2021 Annual Report via the online SMARTS database no later than **December 27, 2021**.

The online SMARTS database is available at: <https://smarts.waterboards.ca.gov>

The following links are to assist you with the online SMARTS database system:

Main page for the SMARTS guides:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/const_help_guides.html

How to submit an Annual Report guide:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/docs/cgp_ar_helpguide.pdf

You must also provide a statement along with the Annual Report as an Attachment. The statement must explain why the Annual Report was not submitted by the September 1st deadline and the measures you have taken to ensure timely submittals in the future.

Failure to submit the 2020-2021 Annual Report via the online SMARTS database may result in an enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

Should you need assistance in completing the Annual Report or have any questions relating to SMARTS, please contact the SMARTS Helpdesk at stormwater@waterboards.ca.gov; or Keith Elliott at keith.elliott@waterboards.ca.gov or 951-782-4925.

Sincerely,

Original Signed by

Adam Fischer, Chief
Inland Stormwater Unit

The image shows two forms from the U.S. Postal Service. The top form is a 'CERTIFIED MAIL RECEIPT' (PS Form 3800) with a green header and 'OFFICIAL USE' stamp. It includes fields for 'Control Mail Piece', 'Postmark Here', and 'Permittee'. The bottom form is 'PS Form 3811, July 2015' (Domestic Return Receipt) with a green header. It is divided into 'SENDER: COMPLETE THIS SECTION' and 'COMPLETE THIS SECTION ON DELIVERY'. The 'SENDER' section contains instructions and the sender's address: Enrique Terrazas, Pacifica Companies, 1775 Hancock Street, Suite 200, San Diego, California 92110, WDD No: 8 36C384878. The 'DELIVERY' section contains fields for signature (Ben H. R...), date of delivery (11/23/21), and service type (Restricted Delivery). A red circular postmark from San Diego, CA, dated DEC 23 2021, is stamped over the delivery information.

Second Notice of Noncompliance



Santa Ana Regional Water Quality Control Board

January 13, 2022

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Enrique Terrazas
Pacifica Companies
1775 Hancock Street, Suite 200
San Diego, California 92110

FINAL NOTICE OF NON-COMPLIANCE - GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES, ORDER NO. 2009-0009-DWQ, NPDES NO. CAS000002 WDID NO. 8 36C384878

Dear Enrique:

Regional Board records indicate that Pacifica Companies is operating a construction site identified as Pacifica Rialto, located at 1610 South Riverside Avenue in the City of Rialto. This site is regulated under the Construction General Permit and is identified by WDID 8 36C384878- Application ID:502172. Section XVI.A. of the General Permit requires that an Annual Report be submitted by September 1st each year via the online SMARTS database.

The first Notice of Non-compliance (NNC) was sent to you on November 23, 2021. In the November 23, 2021 NNC, we requested that you submit the 2020-21 Annual Report via the online SMARTS database no later than December 27, 2021.

Our records show that Pacifica Companies' annual report for the July 1, 2020 to June 30, 2021 reporting period was not submitted by September 1, 2021. Pacifica Companies is consequently in violation of Section XVI.A. of the General Permit for failure to submit a complete 2020-2021 Annual Report. Pacifica Companies has also not submitted the late annual report by December 27, 2021 as requested in the November 23, 2021 NNC.

The online SMARTS database is available at: <https://smarts.waterboards.ca.gov>

The following link may assist you with submitting the Annual Report and if applicable, a Notice of Termination:

KRISTINE MURRAY, ACTING CHAIR | JAYNE JOY, EXECUTIVE OFFICER

3737 Main Street, Suite 500, Riverside, CA 92501-3348 | www.waterboards.ca.gov/santaana

https://www.waterboards.ca.gov/water_issues/programs/stormwater/smarts/construction/const_help_guides.shtml

Please submit the annual report via SMARTS by January 24, 2022. You must also provide a statement explaining why the annual report was not submitted by the September 1 deadline, propose the measures you will take to ensure timely submittals in the future, and upload the statement as part of SMARTS annual report Attachments.

This is your second and final notice. Failure to submit the 2020-2021 Annual Report via the online SMARTS database by **January 24, 2022**, may result in an enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation. Please note that Section 13399.33 of the California Water Code stipulates a minimum penalty of \$1,000 to those permittees that do not submit their annual reports after notification.

Should you need assistance in completing the Annual Report or have any questions relating to SMARTS, please contact the SMARTS Helpdesk at stormwater@waterboards.ca.gov. You may also contact Keith Elliott at 951-782-4925 or keith.elliott@waterboards.ca.gov.

Sincerely,



Adam Fischer, Chief
Inland Storm Water Unit



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Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Cash Signature Required \$

Adult Signature/Restricted Delivery \$

Postmark Here

Postage

Origin
Enrique Terrazas
Pacifica Companies
775 Hancock Street, Suite 200
San Diego, California 92110

Destination
WDID 8 36C384878 2020-21 AR 2nd NNC

PS Form 3825, 2017 (N) (5/16) PSN 7530-02-000-9001


Track Another Package +

Tracking Number: 70183090000109203380

Remove X

Your item was delivered to an individual at the address at 1:50 pm on January 15, 2022 in SAN DIEGO, CA 92110.

USPS Tracking Plus™ Available ▾

 **Delivered, Left with Individual**

January 15, 2022 at 1:50 pm
SAN DIEGO, CA 92110

Feedback

Get Updates ▾

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January 15, 2022, 1:50 pm
Delivered, Left with Individual
SAN DIEGO, CA 92110
Your item was delivered to an individual at the address at 1:50 pm on January 15, 2022 in SAN DIEGO, CA 92110.

January 15, 2022, 1:00 am
Departed USPS Regional Facility
SAN DIEGO CA DISTRIBUTION CENTER

January 14, 2022, 9:52 am
Arrived at USPS Regional Facility

<https://tools.usps.com/go/TrackConfirmAction?Ref=fullpage&L=2&tx=28777-5&Labels=70183090000109203380%2C&IAB=false>

1/2

2/9/22, 11:51 AM

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SAN DIEGO CA DISTRIBUTION CENTER

January 13, 2022, 11:01 pm
Arrived at USPS Regional Facility
SAN BERNARDINO CA DISTRIBUTION CENTER

Waiver