

State of California
California Regional Water Quality Control Board Santa Ana Region

October 15, 2021

ITEM: 13

SUBJECT: Executive Officer's Report

Exeter Property Group, LLC and Exeter Alessandro Land, LLC Settlement Agreement and Stipulated for Entry of Administrative Civil Liability for the Alessandro Commerce Center, Riverside, California Order R8-2021-0031

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Order) has been adopted by settlement between Exeter Property Group, LLC and Exeter Alessandro Land, LLC (Dischargers) and the Santa Ana Water Board, pursuant to California Water Code section 13323 and Government Code section 11415.60. The Order includes payment of an administrative civil liability of \$565,304 to resolve alleged violations of the Construction Stormwater General Permit (General Permit) associated with the development of the Alessandro Commerce Center located in Riverside, California.

The construction activities associated with the Alessandro Commerce Center are regulated by the General Permit. This permit regulates stormwater discharges to water of the United States from construction sites that disturb one or more acres of land surface. The Discharger submitted a Notice of Intent to comply with the General Permit and was issued a waste discharge identification number upon permit enrollment.

During site inspections in April to July of 2020, the Santa Ana Water Board staff observed General Permit violations. The General Permit violations included observed discharges of sediment-laden stormwater and non-stormwater, failure to establish and maintain effective perimeter controls and stabilize all construction entrances and exits, failure to apply best management practices for erosion control for at least 84 days, and failure to specify erosion, sediment, or perimeter controls for a portion of the project along Brown Street. These types of the violations threaten the beneficial uses of Sycamore Creek that then becomes Tequesquite Arroyo.

The State Water Board's Water Quality Enforcement Policy effective as of October 5, 2017 provides guidance to calculate penalties for these types of violations taking into account various factors. The Santa Ana Water Board's prosecution team engaged in settlement negotiations and have agreed to an imposition of an administrative civil liability of \$565,304. This settlement agreed was adopted on September 24, 2021.