

First Notice of Noncompliance



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

November 23, 2021

Jim Guthrie
AFG Development LLC
PO Box 52049
Riverside, California 92517

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 33C392836

Dear Jim:

Regional Board records indicate that AFG Development LLC is operating a construction site identified as The Exchange, located at East of North Orange and North of Highway 60, in the City of Riverside. This site is identified in our records by WDID: 8 33C392836. 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

LANA ONG PETERSON, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

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

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,



Adam Fischer, Chief
Inland Stormwater Unit

7016 2070 0000 6806 0285

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For delivery information, visit our website at www.usps.com ®.	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total	\$
Jim Guthrie	
AFG Development LLC	
PO Box 52049	
Riverside, California 92517	
WDID No: 8 33C392836	
City	
PS Form 3800, April 2015 PSN 7500-01-000-9047 See reverse for instructions	

USPS Tracking®

Track Another Package

Tracking Number: 70162070000068060285

Your item was picked up at the post office at 12:49 pm on November 27, 2021 in RIVERSIDE, CA 92507.

USPS Tracking Plus™ Available

Delivered, Individual Picked Up at Post Office
November 27, 2021 at 12:49 pm
RIVERSIDE, CA 92507

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November 27, 2021 12 49 pm

Delivered, Individual Picked Up at Post Office RIVERSIDE, CA 92507
Your item was picked up at the post office at 12:49 pm on November 27, 2021 in RIVERSIDE, CA 92507.

November 26, 2021
Available for Pickup
10:50 am
RIVERSIDE, CA 92507

1/11/22, 5:13 PM USPS.com® - USPS Tracking® Results
November 26, 2021 4:53 am Arrived at Post Office RIVERSIDE, CA 92507
November 26, 2021, 4:53 am

November 25 2021

In Transit to Next Facility
November 24 2021 12 12 pm Arrived at USPS Regional Facility

MORENO VALLEY CA DISTRIBUTION CENTER

November 23 2021 8 58 pm Departed
USPS Regional Facility
SAN BERNARDINO CA DISTRIBUTION CENTER
November 23 2021 8 29 pm Arrived at USPS Regional Facility

SAN BERNARDINO CA DISTRIBUTION CENTER

Second Notice of Noncompliance



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

January 13, 2022

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim Guthrie
AFG Development LLC
PO Box 52049
Riverside, California 92517

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 33C392836

Dear Jim:

Regional Board records indicate that AFG Development LLC is operating a construction site identified as The Exchange, located at East of North Orange and North of Highway 60 in the City of Riverside. This site is regulated under the Construction General Permit and is identified by WDID 8 33C392836- Application ID:531765. 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 AFG Development LLC's annual report for the July 1, 2020 to June 30, 2021 reporting period was not submitted by September 1, 2021. AFG Development LLC is consequently in violation of Section XVI.A. of the General Permit for failure to submit a complete 2020-2021 Annual Report. AFG Development LLC 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

7019 1120 0002 2919 1371

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Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	\$ _____
To: Jim Guthrie	
AFG Development LLC	
PO Box 52049	
Riverside, California 92517	
8 33C392836 2020-21 AR 2 nd NNC	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>DEBBI GUTHRIE 1/20/2021</p>
<p>1. Article Addressed to:</p> <p>Jim Guthrie AFG Development LLC PO Box 52049 Riverside, California 92517</p> <p>8 33C392836 2020-21 AR 2nd NNC</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> 
 <p>9590 9402 5053 9092 5640 44</p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<p>2. Article Number (Transfer from service label)</p> <p>7019 1120 0002 2919 1371</p>	

Waiver