California Regional Water Quality Control Board
San Diego Region

Terry Tamminen
Secretary for Environmental Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
http://www.swrcb.ca.gov/rwqcb9

Arnold Schwarzenegger
Governor

September 14, 2004

Certified Mail Return Receipt Requested
7004 0750 0001 2969 2981

Deborah Van Huis, Director of Forward Planning
KB Home Coastal Inc.
12235 El Camino Real Suite 100
San Diego, California 92130-2006

In reply refer to: **CA:10-3015265.02:melbf**

Dear Ms. Van Huis:

Acceptance of Payment of Administrative Civil Liability

On September 8, 2004, the California Regional Water Quality Control Board, San Diego Region (Regional Board) accepted your payment of the proposed liability in Complaint No. R9-2004-0180 regarding the violation of California Water Code section 13260, failure to pay annual fees. As a result, your payment of $960 has been deposited in the State Water Pollution Cleanup and Abatement Account. The enclosed Order No. R9-2004-0245, adopted by the Regional Board on September 8, 2004, documents the conclusion of the administrative civil liability proceedings relating to this matter.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Please contact Frank Melbourn (858) 467-2973 or via email at melbf@rb9.swrcb.ca.gov if you have any questions concerning this matter.

Sincerely,

JOHN H. ROBERTUS
Executive Officer

JHR:mpm:ftm

Enclosure: Order No. R9-2004-0245

Enforcement Description	ID No.
ACL	89444

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2004-0245

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
KB HOME COASTAL INC.
BRIDLEWOOD 2
HUNTE PARKWAY AND KING CREEK DRIVE
CHULA VISTA, CALIFORNIA
FOR
FAILURE TO PAY ANNUAL CONSTRUCTION STORM WATER PERMIT FEES

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

KB Home Coastal Inc. (KB Home) violated section 13260(d) of the 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 California State Water Resources Control Board (State Board). KB Home was or is regulated under *State Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRs) For Discharges Of Storm Water Runoff Associated With Construction Activity* (WDID No. R9 37C315265).

1. KB Home's total unpaid annual storm water fees in this matter were in the amount of $569 for the construction site located at Hunte Parkway and King Creek Drive, Chula Vista, California.

2. On May 17, 2004, the Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R9-2004-0180. The Complaint proposed imposition of a $960 civil liability for the alleged violations.

3. KB Home upon receipt of the Complaint paid the proposed liability amount of $960 for failure to pay the annual construction storm water permit annual fee, and waived its right to a public hearing before the Regional Board. KB Home has also resolved all other outstanding annual construction storm water permit annual fees in California.

4. On September 8, 2004, 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 Water Code section 13327 based upon information available to the Regional Board prior to the hearing and described in greater detail in ACL Complaint No. R9-2004-0180 supports assessment of civil liability pursuant to Water Code section 13263 in the amount of $960.

6. The adoption of this Order is an appropriate resolution of the violations alleged in ACL Complaint No. R9-2004-0180 because the assessment of $960 is a sufficient amount of liability to deter this discharger and other dischargers from not paying annual fees in the future.

7. The Regional Board incurred costs totaling $480, which includes preparation of enforcement documents.

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 Water Code, that civil liability be imposed on KB Home Coastal Inc. in the amount $960.

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 September 8, 2004.

JOHN H. ROBERTUS
Executive Officer