

California Regional Water Quality Control Board
San Diego Region

TENTATIVE ADDENDUM NO. 1
TO
CLEANUP AND ABATEMENT ORDER NO. R9-2005-0259
FOR
GLENWOOD DEVELOPMENT COMPANY
PALMILLA, LLC
AND
DENDY REAL ESTATE AND INVESTMENT COMPANY, INC.

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

1. On or about January 13, 2006, Glenwood Development Company (hereinafter Glenwood) obtained all interest in the Palmilla site from Palmilla, LLC and Dendy Real Estate and Investment Company, Inc.
2. It is appropriate to delay the restoration and mitigation requirements to coordinate construction of the project and to minimize damage to the area.
3. A thirty (30) month extension of the deadline for Directive No. 3 is reasonable and the delay should not pose an imminent threat to public health and the environment.
4. 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 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.
5. Glenwood has notified the City of Murrieta and all known interested parties of the extension of the deadlines specified in this Addendum.

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

1. Glenwood Development Company shall be named as a discharger and added to the title of this Cleanup and Abatement Order.
2. Directive No. 3 is superseded by the following:
 3. By July 31, 2008 Glenwood Development Company shall have completed on-site restoration of no less than 1,045 linear feet of wetlands/waters of the State.

3. The following directives shall be added to this Cleanup and Abatement Order under the heading "REPORTING REQUIREMENTS:"
 6. ***Signatory Requirements.*** All reports required under this Cleanup and Abatement Order shall be signed and certified by the Discharger(s) or by a duly authorized representative of the Discharger(s) and submitted to the Regional Board. ***Duly Authorized Representative.*** A person is a duly authorized representative only if: 1) The authorization is made in writing by the Discharger; and 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.).
 7. ***Certification.*** Include the following signed certification with all reports submitted pursuant to this Order:

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 (\$5,000), but shall not be less than five hundred dollars (\$500), for each day in which the cleanup and abatement order is violated.
 8. ***Electronic and Paper Media Reporting Requirements.*** The Discharger shall submit both electronic and paper copies of all workplans, technical reports, and monitoring reports required under this Cleanup and Abatement Order. Electronic submission shall be in PDF format, and include the signed transmittal letter and professional certification.
 9. ***Report Submittals.*** All monitoring and technical reports required under this Cleanup and Abatement Order shall be submitted to:

Executive Officer
Attn: Northern Watershed Unit
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340
4. The following Directives shall be added to this Cleanup and Abatement Order under the heading "NOTIFICATIONS:"
 10. ***Enforceability.*** The Regional Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Cleanup and Abatement Order.

11. ***Applicability.*** Requirements established pursuant to Water Code Sections 13304 and 13267(b) are enforceable when signed by the Executive Officer of the Regional Board.
12. ***Potential Liability.*** 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 (\$5,000), but shall not be less than five hundred dollars (\$500), for each day in which the cleanup and abatement order is violated.

Pursuant to California Water Code section 13268, any person failing or refusing to furnish technical or monitoring program reports as required by Section 13267, or falsifying any information provided therein, is guilty of a misdemeanor, and may be liable civilly in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

13. ***Cost Reimbursement.*** The Discharger shall reimburse the State of California 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 Cleanup and Abatement Order, according to billing statements prepared from time to time by the State Water Resources Control Board.
14. ***Waste Management.*** The Discharger shall properly manage, store, treat, and dispose of contaminated soils and ground water in accordance with applicable federal, state, and local laws and regulations. The storage, handling, treatment, or disposal of soil containing waste constituents and polluted groundwater shall not create conditions of pollution, contamination or nuisance as defined in California Water Code section 13050(m). The Discharger shall, obtain, or apply for coverage under waste discharge requirements or a conditional waiver of waste discharge requirements for any discharge of the waste to (a) land for treatment, storage, or disposal or (b) waters of the state.
15. ***Duty to Use Qualified Professionals.*** The Discharger(s) shall provide documentation that plans and reports required under this Cleanup and Abatement Order are prepared under the direction of appropriately qualified professionals. California Business and Professions Code Sections 6735, 7835 and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals. The Discharger(s) shall include a statement of qualifications and registration numbers, if applicable, of the responsible

lead professionals in all plans and reports required under this Cleanup and Abatement Order. The lead professional shall sign and affix their registration stamp, as applicable, to the report, plan, or document.

Tentative

JOHN H. ROBERTUS
Executive Officer