



South Orange County Wastewater Authority

June 17, 2009

Mr. John Robertus, Executive Officer  
C/O Compliance Assurance Unit  
Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

Re: Tentative Order R9-2009-0048

Dear Mr. Robertus:

As you are aware, the settlement of water quality violations related to Administrative Civil Liability Complaint R9-2009-0028 may allow for directing a portion of the fines toward a Supplemental Environmental Project (SEP). The proposed SEP would provide funding in the amount of \$109,500 to the Southern California Coastal Water Research Project's (SCCWRP) Bight 08 Rocky Reef Study which is estimated to cost in excess of two million dollars.

We request that provision number three in the tentative ACL Order No. R9-2009-0048 be omitted from the settlement. This provision would require SOCWA to provide a total of five semi-annual and one final SEP progress report to the Regional Board.

SOCWA believes that the settlement order's reporting provision is unnecessary for the following reasons:

- o SOCWA will make a one lump sum payment to SCCWRP for the project
- o The amount of the SEP funds represents a small portion of the overall Rocky Reef Study costs
- o SCCWRP is a well known highly respected entity with a great deal of experience executing research and supplemental environmental projects
- o SOCWA would be required to obtain any substantive reporting information included in the proposed reports directly from SCCWRP
- o Regional Board executive staff sits on the SCCWRP Commission and would have direct access to the status of the Rocky Reef Study project

We appreciate your consideration on this matter and if you have any questions or comments, please feel free to contact me at (949) 234-5421.

South Orange County Wastewater Authority

Tom R. Rosales  
General Manager

TR/bf

cc: Jeremy Hass