



March 2, 2009

Michael P. McCann  
 Assistant Executive Director  
 San Diego Regional Water Quality Control Board

C/O Jeremy Haas  
 Environmental Scientist  
 San Diego Regional Water Quality Control Board  
 Compliance Assurance Unit  
 9174 Sky Park Court, Suite 100  
 San Diego CA 92123

Re: North County Transit District Mandatory Minimum Penalties Complaint No. R9-2009-0020; CAU: 633406; jhaas; RM:360462

Dear Mr. Haas:

Enclosed please find a check in the amount of \$15,000 made payable to the San Diego Regional Water Quality Control Board. The check represents full payment of Administrative Civil Liability complaint R9-2009-0020 ("ACL") issued to the North County Transit District ("NCTD") on February 2, 2009. Also attached is a signed copy of the hearing waiver form that accompanied the ACL. As stated on that form, NCTD hereby waives its right to a hearing on the ACL. NCTD representatives will be in attendance at the April 8, 2009, San Diego Regional Water Quality Control Board meeting, and if necessary, will be available to answer any questions on NCTD's position on the ACL.

Thank you for your attention to this matter. If you have any questions or comments please do not hesitate to contact me.

SAN DIEGO REGIONAL  
 WATER QUALITY  
 CONTROL BOARD

2009 MAR -4 P 1:3

Sincerely,

Tom Lichterman  
 Director of Operations  
 North County Transit District

NORTH COUNTY TRANSIT DISTRICT  
 810 Mission Avenue, Oceanside, CA 92054  
 760-967-2828

3 / 4 / 2009

**WAIVER OF 90-DAY HEARING REQUIREMENT FOR  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

1. I am duly authorized to represent North County Transit District (hereinafter "Discharger") in connection with Amended Administrative Civil Liability Complaint No. R9-2009-0020 (hereinafter the "Complaint");
  2. I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within ninety (90) days after the party has been served with the Complaint;
  3. I hereby waive any right the Discharger may have to a hearing before the California Regional Water Quality Control Board, San Diego Region (Regional Board) within ninety (90) days of service of the Complaint; and
  4.  (Check here if the Discharger will waive the hearing requirement and will pay the fine)
    - a. I certify that the Discharger will remit payment for the civil liability imposed in the amount of fifteen thousand dollars (\$15,000) by check, which contains a reference to "ACL Complaint No. R9-2009-0020" and is made payable to the "State Water Resources Control Board Cleanup and Abatement Account" Payment must be received by the Regional Board by February 27, 2009, unless this waiver is accompanied by a written explanation as to when payment is likely to be received.
    - b. I understand the payment of the above amount constitutes a settlement of the Complaint for all known violations as of the date of this waiver, and that any settlement will not become final until after the thirty (30) day public notice and comment period mandated by federal regulations (40 CFR 123.27) expires. Should the Regional Board receive new information or comments during this comment period, the Regional Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint. New information or comments include those submitted by personnel of the Regional Board who are not associated with the enforcement team's issuance of the Complaint.
    - c. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.
- or-
5.  (Check here if the Discharger will waive the ninety (90) day hearing requirement, but will not pay at the current time) I certify that the Discharger will promptly engage the Regional Board staff in discussions to resolve the outstanding violation(s). By checking this box, the Discharger is not waiving its right to a hearing on this matter. I understand that this waiver is a request to delay the hearing so the Discharger and Regional Board staff can discuss settlement. It does not constitute the Regional Water Board's agreement to delay the hearing. A hearing on the matter may be held before the Regional Board if these discussions do not resolve the liability proposed in the Complaint. The Discharger agrees that this hearing may be held after the ninety (90) day period referenced in Water Code section 13323 has elapsed.
  6. If a hearing on this matter is held, the Regional Board will consider whether to issue, reject, or modify the proposed Administrative Civil Liability Order, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

THOMAS LICHTERMAN, DIR. OPERATIONS

(Print Name and Title)

*Thomas Lichterman*  
(Signature)

3-2-09

(Date)