

SUPPLEMENTAL  
ENFORCEMENT SUMMARY REPORT  
February 11, 2008

ITEM: 9

SUBJECT: FORMAL HEARING: A formal hearing will be held to consider the issuance of Tentative Cleanup and Abatement Order (CAO) No.R9-2008-0152. The proposed CAO would be issued to Dr. William & Lori Moritz for the alleged unauthorized discharge of fill to an unnamed, ephemeral stream that is tributary to Rattlesnake Creek and ultimately Poway Creek in violation of Sections 13260(a) and 13264(a) of the California Water Code, and waste discharge prohibitions 1, 3, and 14 contained in the in the Water Quality Control Plan for the San Diego Basin. (Christopher Means)

PURPOSE: To Consider the Adoption of Tentative Cleanup and Abatement Order No. R9-2008-0152.

DISCUSSION: This supplemental report includes the Prosecution Team's rebuttal to the "Argument, Evidence and Exhibits" submitted on behalf of William and Lori Moritz by their counsel, Douglas Simpson.

SUPPORTING DOCUMENTS:

1. October 3, 2008 SWRCB Moritz Petition Dismissal Letter.
2. Moritz Exhibit 12.
3. Signed & Date Stamped May 21, 2008 Letter from Bill Moritz to City of Poway.
4. May 28, 2008 Second NOV (with City of Poway fax cover to Chris Means).

RECOMMENDATION: The Prosecution Team recommends the adoption of Tentative Cleanup and Abatement Order No. R9-2008-0152.