



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

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Arnold Schwarzenegger  
Governor

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March 4, 2008

VIA CERTIFIED MAIL

Karen King, Executive Officer  
North County Transit District  
810 Mission Avenue  
Oceanside, CA 92054-2825

In reply refer to:  
CWU: 10-3022900.02:ppeuron

Dear Ms. King:

**COMPLAINT NO. R9-2008-0021 FOR ADMINISTRATIVE CIVIL LIABILITY IN THE AMOUNT of \$685,000 AGAINST NORTH COUNTY TRANSIT DISTRICT FOR VIOLATION OF STATE BOARD ORDER NO. 99-08-DWQ, SPRINTER RAIL PROJECT, WDID NO. 9 37C322900**

Enclosed find Administrative Civil Liability Complaint No. R9-2007-0093 against the North County Transit District (NCTD) for the Sprinter Rail construction project from Oceanside to Escondido, WDID No. 9 37C322900. The Complaint in the amount of \$686,000 is for violations of California State Water Resources Control Board (State Board) Order No. 99-08-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity* (General Permit). A Technical Analysis explaining the basis for the issuance of the Complaint is also included.

**Waiver of Hearing**

The NCTD may elect to waive its right to a hearing before the California Regional Water Quality Control Board, San Diego Region (Regional Board). Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$685,000 as set forth in the Complaint. The Regional Board requests that the waiver of NCTD's right to a public hearing be submitted with the following by 5 P.M., April 5, 2008:

1. The enclosed waiver form signed by an authorized agent of NCTD;
2. A check for the full amount of civil liability of \$685,000 made out to the "California State Water Resources Control Board;" and
3. Verification that the enclosed notice has been published in a newspaper circulated in the project's area.

*California Environmental Protection Agency*

Please note that any waiver will not be effective until reasonable opportunity for public participation has been provided for pursuant to federal NPDES regulations (40 Code of Federal Regulations [CFR] Parts 122, 123, and 124).

**Public Hearing**

If NCTD does not elect to waive its right to a public hearing, a hearing is tentatively scheduled to be held at the Regional Board meeting on May 14, 2008. The meeting is scheduled to begin at 9 A.M. If the District intends to present any written exculpatory evidence, or written evidence in mitigation at the hearing in response to Complaint No. R9-2007-0093, it must be received by 5 P.M. April 14, 2008 in order to be considered by the Regional Board at the public hearing.

The *Submittal of Written Information Procedures* further describing the written materials and prescribed submittal dates required by the Regional Board and *Hearing Procedures* for the public hearing will be mailed to you not less than 30 days before the hearing date. An agenda for the hearing will also be mailed to you approximately ten days before the hearing date.

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.

The Regional Board has no other comments on the above-mentioned complaint at this time. Please contact Peter Peuron of my staff at (858) 637-7137 or email ppeuron@waterboards.ca.gov if you have any questions concerning this matter.

Respectfully,



MICHAEL P. McCANN  
Assistant Executive Officer

MPM:mja:pmp

- Attachments: 1. ACL Complaint No. R9-2008-0021  
2. Technical Analysis  
3. Waiver of Hearing Form  
4. Public Notice of Waiver of Hearing

Copy without Enclosures:

Name	Email or mailing address
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