



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger
Governor

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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

March 9, 2010

CERTIFIED MAIL NO. 7009 1410 0002 2000 0866
(Return receipt requested)

In reply refer to:
SMARTS-2 App. ID: 303186
NWPU: tfelix

Kevin Merlo
Transit America Services Inc.
P.O.Box 2480
Oceanside, CA 92051

**Subject: 2nd Notice of Violation No. R9-2010-0047: Order No. 97-03-DWQ,
NPDES No. CAS000001 to San Diego Northern Railway, WDID No. 9
371020245: Failure to Submit 2008-2009 Industrial Storm Water
Annual Report**

**Facility: San Diego Northern Railway
1 Coaster Way
MCB Camp Pendleton, CA 92051**

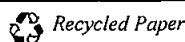
YOU ARE HEREBY NOTIFIED THAT:

On December 1, 2009, you were notified that you are in violation of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) for failure to submit the 2008-2009 Annual Report. The Annual Report was due to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) by July 1, 2009 as required by Section B.14 of the Order.

Pursuant to California Water Code (CWC) Sections 13399.33 and 13385, your continued noncompliance for failure to submit the Annual Report may subject you to escalated enforcement actions by the San Diego Water Board. Civil liability could range from a minimum of \$1,000 and up to \$10,000 a day for each day of violation, or up to \$25,000 a day if the liability is assessed by a court. You may also be subject to criminal prosecution under Section 13387 of the CWC. The number of days of violation would be counted from July 1, 2009, up to the date the 2008-2009 Annual Report is received. To date, we have not received a report or response to this notification and the report is 251 days late.

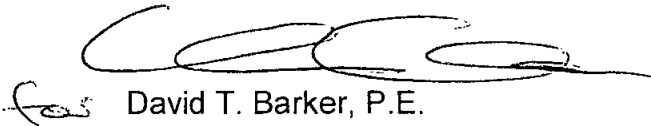
To minimize the potential liability assessed, please submit the Annual Report immediately. Mail the Annual Report to the address at the top of this page.

California Environmental Protection Agency



If you have any questions pertaining to the submission of the Annual Report, and or the issuance of this NOV, please contact Mr. Tony Felix at (858) 636-3134, or by email at TFelix@waterboards.ca.gov. If you feel you have received this NOV in error, please contact our office immediately.

Respectfully,



David T. Barker, P.E.
Supervising Water Resources Control Engineer
Surface Water Basins Branch

DTB:esb:aaf

SMARTS-2:

Violation ID	841037
Enforcement ID	401211

S:\Surface Waters Basins Branch\Northern Watershed Unit\Tony\Storm Water Program\Industrial SW2nd NOV\San Diego_Northern.doc

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**KEVIN MERLO
PO BOX 2480
OCEANSIDE, CA 92051**

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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Domestic Return Receipt

102595-02-M-1540

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Sent To **KEVIN MERLO**
 Street, Apt. No.;
 or PO Box No. **PO Box 2480**
 City, State, ZIP+4 **OCEANSIDE, CA 92051**

PS Form 3800, August 2006

See Reverse for Instructions