

EXECUTIVE OFFICER SUMMARY REPORT  
June 14, 2006

- ITEM: 12
- SUBJECT: Supplemental Environmental Project (SEP): Metropolitan Transit System (MTS), San Diego. The Regional Board will consider funding a \$50,000 SEP proposal. Proposal of a SEP is part of the settlement of the \$150,000 Administrative Civil Liability Order (ACL) No. R9-2005-0173 adopted by the Regional Board on September 14, 2005. (Tentative Resolution R9-2006-0074) (Supporting Document No. 1) (Vicente Rodriguez)
- PURPOSE: Proposal of a SEP is part of the settlement of the \$150,000 Administrative Civil Liability Order (ACL) No. R9-2005-0173 (Supporting Document No. 2) adopted by the Regional Board on September 14, 2005, which allows MTS to satisfy up to \$50,000 of the total liability of \$150,000 with SEPs that are acceptable to the Regional Board as stated in tentative Resolution R9-2006-0074.
- PUBLIC NOTICE: A notice of this action was posted on the Regional Board's website on May 9, 2006 and published in the San Diego Union-Tribune on May 13, 2006.
- DISCUSSION: On September 14, 2005 the Regional Board adopted ACL Order No. R9-2005-0173, which approved the settlement of potential liability against the MTS for discharge violations that occurred during construction of the Mission Valley East Light Rail project.
- The ACL order required MTS to pay \$150,000 to the State Water Resources Control Board (State Board) to be deposited into the Cleanup and Abatement Account (CAA), of which \$50,000 would be set aside for future funding of a Supplemental Environmental Project (SEP) to improve water quality within the San Diego River. The Order also required MTS to commit to ongoing training of their staff for all construction projects annually for at least the next five years; to enhance their staff awareness of storm water quality

issues; and to develop/refine construction contract language for enforcing the storm water permit with their contractors.

In October 2005 the MTS made a full payment of \$150,000 to the State Board. Mr. Jerrel Bolds, Accounting Branch Chief of the Division of Administrative Services at the State Board notified the Regional Board that \$50,000 of the \$150,000 deposited into the CAA would be earmarked as a pending project labeled "MTDB SEP" until the Regional Board receives State Board approval to release the funds.

Subsequently, the MTS considered approximately ten SEP applications from several parties proposing projects in the San Diego River area, including: the Lakeside's River Park Conservancy; the San Diego River Conservancy; the San Diego River Park Foundation; and the Friends of Famosa Slough.

On April 12, 2006, MTS notified the Regional Board (Supporting Document No. 3) that they recommended funding three projects, two downstream and one upstream of the Mission Valley East Light Rail construction site. The three projects are summarized as follows:

Name of Proposal	Project Proponent	Amount of Funding
Mission Valley Preserve Restoration Activities (Supporting Document No. 4)	San Diego Park Foundation	\$16,500
Volunteers in Action Stewardship Trailer (Supporting Document No. 5)	San Diego Park Foundation	\$16,500
Material and Equipment for River Restoration Kit (Supporting Document No. 6)	Lakeside's River Park Conservancy	\$17,000
Total		\$50,000

MTS's recommendations fully fund two SEPs; "Mission Valley Preserve Restoration Activities" at \$16,500 and "Volunteers in Action Stewardship Trailer" at \$16,500, and partially fund "Material and Equipment for River Restoration

Kit” with \$17,000 instead of \$38,876. Lakeside’s River Park Conservancy will use the partial funding to purchase equipment that will remove invasive species (Supporting Document No. 7).

The Regional Board staff has determined the SEPs recommended by MTS comply with the criteria established in the State Board’s Enforcement Policy and, therefore, are acceptable for funding.

The tentative Resolution includes a request for the State Board to release the funds from the Cleanup and Abatement Account. (See Supporting Documents No. 8 and No. 9)

KEY ISSUES: None.

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

1. Tentative Resolution R9-2006-0074
2. ACL No. R9-2005-0173
3. MTS Letter, April 12, 2006
4. San Diego River Park Foundation - Mission Valley Preserve Restoration Activities SEP Proposal
5. San Diego River Park Foundation – Volunteers in Action Stewardship Trailer SEP Proposal
6. Lakeside’s River Park Conservancy SEP Proposal
7. Lakeside’s River Park Conservancy Letter, May 15, 2006
8. Regional Board Memo to Accounting, October 19, 2005
9. Accounting Email to the Regional Board, November 10, 2005.

RECOMMENDATION: Adopt tentative Resolution No. R9-2006-0074.