

ITEM NO. 12  
SUPPORTING  
DOCUMENT NO. 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

**TENTATIVE**

RESOLUTION NO. R9-2006-0074

SUPPLEMENTAL ENVIRONMENTAL PROJECT  
SAN DIEGO RIVER WATERSHED

METROPOLITAN TRANSIT SYSTEM  
PURSUANT TO  
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R9-2005-0173

*Whereas*, on September 14, 2005 the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Administrative Civil Liability (ACL) Order No. R9-2005-0173 for \$150,000 to Metropolitan Transit System (previously known as Metropolitan Transit Development Board, MTDB) (hereafter MTS). The Regional Board found that MTS violated provisions of the State Water Resources Control Board's (State Board) General Construction Storm Water Permit Order No. 99-08-DWQ.

*Whereas*, ACL Order No. R9-2005-0173 allows MTS to satisfy up to \$50,000 of liability by proposing a Supplemental Environmental Project (SEP) that the Regional Board considers and approves.

*Whereas*, MTS submitted payment of \$150,000 to the Cleanup and Abatement Account; \$100,000 allocated for the Cleanup and Abatement Account and \$50,000 to fund a future SEP.

*Whereas*, the State Board earmarked \$50,000 of the Cleanup and Abatement Account it manages for a pending project labeled "MTDB SEP" until the Regional Board receives State Board approval to release the funds.

*Whereas*, the MTS Executive Committee at their April 6, 2006 meeting approved three different SEPs to receive funding in accordance with a settlement reached with the Regional Board. MTS recommended fully funding two SEPs; Mission Valley Preserve Restoration Activities (\$16,500) and Volunteers in Action Stewardship Trailer (\$16,500) and partially funding one SEP, Material and Equipment for River Restoration Kit SEP to purchase equipment that will remove invasive species (\$17,000).

*Whereas*, the SEP proposed for funding comply with the State Water Resource Control Board's guidance on SEPs contained in the Enforcement Policy adopted on February 19, 2002.

*Whereas*, on May 9, 2006 and May 12, 2006 the Regional Board noticed the public of the Regional Board's consideration of the SEP at the June 14, 2006 Regional Board meeting on the Regional Board's website and the San Diego Union-Tribune newspaper respectively. No written comments were received during the comment period.

***THEREFORE BE IT RESOLVED***, that the California Regional Water Quality Control Board, San Diego Region, hereby;

Approves of the following three SEPs recommended by the MTS:

Name of Proposal	Project Proponent	Amount of Funding
Mission Valley Preserve Restoration Activities	San Diego Park Foundation	\$16,500
Volunteers in Action Stewardship Trailer	San Diego Park Foundation	\$16,500
Material and Equipment for River Restoration Kit	Lakeside's River Park Conservancy	\$17,000
Total		\$50,000

Requests the State Water Resources Control Board to release the \$50,000 identified as a pending project labeled "MTDB SEP" on the Cleanup and Abatement Account to fund the SEPs identified above, and

Requires the San Diego Park Foundation and Lakeside's River Park Conservancy to provide quarterly status to the Regional Board until the funds have been depleted.

I, John H. Robertus, do hereby certify the foregoing is a true, full, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Diego Region on June 14, 2006.

**TENTATIVE**  
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JOHN H. ROBERTUS  
Executive Officer