

P.O. Box 120191, San Diego, CA 92112-0191

AFFIDAVIT OF PUBLICATION

CALIFORNIA REGIONAL
WATER QUALITY
CONTROL BOARD
SAN DIEGO REGION

NOTICE OF PROPOSED
SETTLEMENT WITH
William and
Heidi Dickerson,
Larry and Penny Gunning
and Perry and
Papenhausen, Inc.
FOR VIOLATIONS
ALLEGED IN
TENTATIVE ORDER
NO. R9-2009-0004
CORONADO,
CALIFORNIA

WRITTEN COMMENTS
DUE NO LATER THAN
5:00 P.M., AUGUST 5, 2009

On August 12, 2009, the California Regional Water Quality Control Board, San Diego Region (Regional Board) will consider approval of a proposed settlement with William and Heidi Dickerson, Larry and Penny Gunning and Perry & Papenhausen, Inc. (Dischargers), to resolve violations alleged in Tentative Order No. R9-2009-0004. In the Tentative Order, the Regional Board Prosecution Team proposed that the Regional Board impose civil liability in the amount of \$51,200 for alleged violations of the Regional Board Basin Plan Prohibition Nos. 1, 3, and 7, Clean Water Act sections 301 and 401, and Regional Board issued Water Quality Certification associated with Riprap Removal and unauthorized construction of a seawall which allegedly occurred from May 2006 to present. The Dischargers and the Prosecution Team have entered into a tentative settlement for these alleged violations, and have agreed to jointly seek the Regional Board's approval of that settlement through the adoption of an Administrative Civil Liability Order. The proposed Order and related documents are available at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/compliance/Hearing_Schedules.shtml or upon request from the Regional Board.

Persons may comment on the proposed settlement by submitting written comments so that they are received no later than 5:00 p.m. on August 5, 2009. Written comments should include Tentative Order No. R9-2009-0004 in the subject line, and should be submitted to the attention of Frank Melbourne at 9174 Sky Park Court, Suite 100, San Diego, CA 92123 or fmelbourne@waterboards.ca.gov

If the written material is more than five (5) pages or contains foldouts, maps, etc., twenty (20) copies must be submitted for distribution to the Regional Board members and staff, and for distribution to the public at the Regional Board meeting. E-mail comments on this matter will be accepted and provided to the Regional Board as long as the total submittal (including attachments) does not exceed five (5) printed pages in length. If the Regional Board does not adopt the tentative order, the matter may be scheduled for an evidentiary hearing at a subsequent Regional Board meeting. Please check the Regional Board's website for any updates on this matter.

7-409
CNS-1635001#

CALIFORNIA NEWSPAPER SERVICE
P.O. BOX 60460
LOS ANGELES, CA 90060

STATE OF CALIFORNIA) ss.
County of San Diego)

The Undersigned, declares under penalty of perjury under the laws of the State of California: That she is a resident of the County of San Diego. That she is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and that she is not a party to, nor interested in the above entitled matter; that she is Chief Clerk for the publisher of

The San Diego Union-Tribune

a newspaper of general circulation, printed and published daily in the City of San Diego, County of San Diego, and which newspaper is published for the dissemination of local news and intelligence of a general character, and which newspaper at all the times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of San Diego, County of San Diego, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to, and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or any number of same; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit

JULY 4, 2009


Chief Clerk for the Publisher

Affidavit of Publication of

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