



# County of San Diego

## DEPARTMENT OF PUBLIC WORKS

JOHN L. SNYDER  
DIRECTOR

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RICHARD E. CROMPTON  
ASSISTANT DIRECTOR

May 24, 2010

David Gibson, Executive Officer  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego CA 92123-4340

2010 MAY 26 A 8:5  
SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

Dear Mr. Gibson:

### WATER QUALITY IMPAIRMENT IN LAKE SAN MARCOS AND SAN MARCOS CREEK

This letter is regarding the water quality impairment in Lake San Marcos and San Marcos Creek, and the County of San Diego's (County) commitment to addressing that impairment. As you know, both the Lake and the Creek are listed under Section 303(d) of the Federal Clean Water Act as impaired for nutrients. The Lake is listed for ammonia (as nitrogen), nutrients, and phosphorus; the Creek is listed for phosphorus.

The County is committed to the process of investigating and addressing the impairment of the Lake and the Creek. The County has already dedicated substantial staff time and resources to that process and will continue to participate in the process until the impairment is addressed. In addition, the County agrees the City of San Marcos (the City) may act as the lead agency for an application to the State Water Resources Control Board for Cleanup and Abatement Account funds to assist the County, the City, and other public agencies in investigating and addressing the nutrient impairment in the Lake and the Creek.

Please contact Tom Deak, Office of County Counsel, at (619) 531-4810 or [thomas.deak@sdcounty.ca.gov](mailto:thomas.deak@sdcounty.ca.gov), with questions about these comments.

Sincerely,

JOHN L. SNYDER, Director  
Department of Public Works



Lori Vereker  
Utilities Director  
201 North Broadway, Escondido, CA 92025  
Phone: 760-839-4528 Fax: 760-839-4597

2010 MAY 26 A 7:51  
SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

May 25, 2010

Mr. David W. Gibson, Executive Officer  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

RE: *Letter of Commitment Upper San Marcos Creek /  
Lake San Marcos Watershed Nutrient Abatement Project*

Dear Mr. Gibson:

This letter is regarding the water quality impairment in Lake San Marcos (the "Lake") and San Marcos Creek (the "Creek"), and the City of Escondido's (the "City") commitment to addressing that impairment. As you know, both the Lake and the Creek, to the degree it affects the Lake, are listed under Section 303(d) of the federal Clean Water Act as impaired for nutrients. The Lake is listed for ammonia (as nitrogen), nutrients, and phosphorus; the Creek is listed for phosphorus.

The City strongly supports the cooperative efforts undertaken to address the excess nutrient loads in the Lake and the Creek and is committed to the process of investigating and addressing the impairment of the Lake and the Creek to the degree it affects the Lake. To this end, the City has expended significant staff time and resources toward the process and will continue to participate in the process until the impairment in the Lake and the Creek, to the degree it affects the Lake, is addressed.

The City is in full support of the City of San Marcos's request for State Water Cleanup and Abatement Account ("CAA") funding to clean up and abate the nutrient impairment in the Lake and the Creek to the degree it affects the Lake. The City will work with San Marcos to accomplish all aspects of the scope of work included in San Marcos' CAA grant request.

If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

John Burcham  
Deputy Director of Utilities/Wastewater  
City of Escondido

- cc: Chiara Clemente, Senior Environmental Scientist, Central Watershed Unit, San Diego Regional Water Quality Control Board
- Clay Phillips, City Manager
- Jeffrey Epp, City Attorney
- Charlie Grimm, Assistant City Manager
- Lori Vereker, Director of Utilities
- Corrine Neuffer, Deputy City Attorney
- Cheryl Filar, Environmental Programs Manager

**DEPARTMENT OF TRANSPORTATION**

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2010 MAY 25 P 3: 1

May 25, 2010

Mr. David Gibson, Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123

Attn: Chiara Clemente

Dear Mr. Gibson:

SUBJECT: Lake San Marcos and San Marcos Creek Commitment Letter

This letter serves as the California Department of Transportation (Caltrans) commitment for continued involvement in the Stakeholders workgroup to address the water quality impairment in Lake San Marcos (Lake) and San Marcos Creek (Creek). Under the federal Clean Water Act Section 303(d), the Lake is listed for ammonia (as nitrogen), nutrients, and phosphorus; the Creek is listed for phosphorus.

Caltrans is committed to the process of investigation and addressing the impairment of the Lake and the Creek and has been an active volunteer member of the workgroup since April 2009. Over the past year, significant progress has been made in the collection and assessment of available data related to the Lake and Creek. Caltrans is in full support of the City of San Marcos (the City) acting as the lead agency for applying to the State Water Resources Control Board for Cleanup and Abatement Account funds to assist the City and all work parties in investigating and addressing the nutrient impairment of the Lake and Creek. In addition, Caltrans agrees to meaningfully participate until the recommended cleanup and abatement phase of the project for the nutrient impairment of the Lake and Creek is complete.

If you have any questions, please feel free to contact me at (619) 688-0100.

Sincerely,

A handwritten signature in black ink that reads "Susanne Glasgow".

SUSANNE GLASGOW  
Deputy District Director, Environmental



FOLEY & LARDNER LLP

SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

May 25, 2010

2010 MAY 26 A 8:5

ATTORNEYS AT LAW

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CLIENT/MATTER NUMBER  
096383-0101

David Gibson  
Executive Officer  
San Diego Regional Water Quality Control San  
Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA. 92123-4340

Re: Lake San Marcos and San Marcos Creek Water Quality  
Impairment

Dear Mr. Gibson:

This firm represents Citizen's Development Corporation ("CDC") in the above referenced matter. This letter is regarding the water quality impairment in Lake San Marcos and San Marcos Creek, and Citizen's Development Corporation ("CDC") commitment to addressing that impairment. As you know, both the Lake and the Creek are listed under Section 303(d) of the federal Clean Water Act as impaired for nutrients. The Lake is listed for ammonia (as nitrogen), nutrients, and phosphorus; the Creek is listed for phosphorus.

The CDC is committed to the process of investigating and addressing the impairment of the Lake and the Creek. The CDC has already dedicated substantial staff time and resources to that process and will continue to participate in the process until the impairment is addressed. In addition, CDC agrees the City of San Marcos (the "City") may act as the lead agency for an application to the State Water Resources Control Board for Cleanup and Abatement Account funds to assist the County, the City, and other public agencies in investigating and addressing the nutrient impairment in the Lake and the Creek.

Please contact me should you have any questions in this matter

Sincerely,

S. Wayne Rosenbaum

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2010 MAY 27 P 1:31

May 21, 2010

Mr. Dave Gibson  
 Executive Director  
 California Regional Water Quality Control Board  
 San Diego Region  
 9174 Sky Park Court, Suite 100  
 San Diego, CA 92123-4340

Re: Commitment to support cleanup and abatement of excess nutrient levels in San Marcos Creek and Lake San Marcos

Dear Mr. Gibson:

The San Marcos Unified School District ("SMUSD") owns and operates several school facilities in the San Marcos Creek Watershed. As a member of the community, SMUSD has an obligation to be a good environmental steward, and ensure that its facilities do not cause or contribute to poor water quality conditions in the San Marcos Creek Watershed.

To that end, the purpose of this letter is to express SMUSD's support for current efforts by the City of San Marcos, Vallecitos Water District, the City of Escondido, the County of San Diego, the lake's owner, the surrounding community, and others, to cleanup and abate excess nutrient levels in San Marcos Creek and Lake San Marcos. SMUSD further supports the City of San Marcos' decision to act as the Lead Agency for the application of cleanup and abatement funds for the development of a diagnostic study of San Marcos Creek and Lake San Marcos, and for the potential subsequent remediation work.

SMUSD has been involved in cleanup and abatement efforts to date, donating funds and hours of staff time to the development of an initial report by Dr. Michael Anderson, and to the development of a subsequent scope of work based on Dr. Anderson's report. To the extent feasible, considering both budgetary constraints and SMUSD's contribution of constituents of concern, SMUSD is committed to continued participation in the process of addressing nutrient levels of concern in San Marcos Creek and Lake San Marcos.

Mr. Dave Gibson, Executive Director  
May 21, 2010  
Page 2

Thank you for your attention to this matter. If you have any questions or comments regarding SMUSD's support for cleanup and abatement efforts in the San Marcos Creek Watershed or any other related matters, please do not hesitate to contact me.

Sincerely,



Katherine Tanner  
Executive Director  
Facilities Planning and Development

KT/dps

C: Kevin D. Holt, SMUSD  
Gary M. Hamels, SMUSD  
Erica Ryan, City of San Marcos  
Andre Monette, BBK  
Tyree Dorward, BBK  
Chiara Clemente, San Diego Regional Water Quality Control Board

**LOUNSBERY FERGUSON  
ALTONA & PEAK LLP**

SAN DIEGO REGIONAL  
WATER QUALITY  
CONTROL BOARD

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2010 MAY 27 P 1:55

OF COUNSEL:  
JAMES P. LOUGH  
GARTH O. REID

SPECIAL COUNSEL:  
JOHN W. WITT

Date: May 26, 2010

To: Chiara Clemente, Sr. Environmental Specialist  
Regional Water Quality Control Board

File Name: LSMCA: RWQCB  
File Number:

Subject: LSMCA Letter of Commitment

Enclosures:

Requested Action:

The signed original Letter of Commitment, which was emailed to you on March 26, 2010, is enclosed.

LOUNSBERY FERGUSON ALTONA & PEAK, LLP

By: /s/ Kathleen Day  
KATHLEEN DAY  
Legal Assistant to Kenneth H. Lounsbery

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PHONENET

ALTONA

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ALTONA & PEAK LLP**

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OF COUNSEL:  
JAMES P. LOUGH  
GARTH O. REID

SPECIAL COUNSEL:  
JOHN W. WITT

May 26, 2010

David Gibson, Executive Director  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Ste. 100  
San Diego, CA 92123-4340

Re: *Letter of Commitment Upper San Marcos Creek /  
Lake San Marcos Watershed Nutrient Abatement Project*

Dear Mr. Gibson:

This office is retained as General Counsel to assist the Lake San Marcos Community Association ("the Association") as it participates in the process of addressing and resolving the water quality impairment issues in Lake San Marcos and San Marcos Creek.

The Board of Directors of the Association has, by a unanimous vote, authorized its joinder of the Participation Agreement signed by the City of San Marcos, subject to appropriate stipulations. Consistent with that stipulated authorization, the Association is committed to participate in all diagnostic, feasibility and cleanup and abatement work required to remove the Clean Water Act section 303(d) listing of nutrient impairment at Lake San Marcos ("Lake").

Since April 2009, the Association has been working on a voluntary basis with the San Diego Regional Water Quality Control Board, the City of San Marcos and other stakeholders to address the nutrient impairments in the Lake and Creek upstream of the Lake dam. Over the past year, significant progress has been made in the collection and assessment of all available data related to the Lake and Creek, and in the development of a participation agreement that provides the architecture which allows this voluntary process to function. The project is an important and unique opportunity to cleanup and abate the effects of the nutrient impairment in the Lake and Creek and to remedy a significant water pollution problem for the San Diego Region.

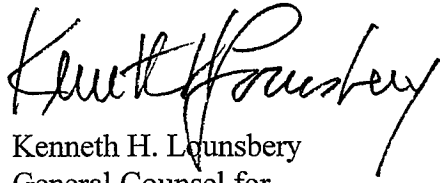
The Association is in full support of the City of San Marcos' request for State Water Cleanup and Abatement Account ("CAA") funding to clean up and abate the nutrient impairment in the Lake and the Creek to the degree it affects the Lake. The Association commits to work with the Applicant to accomplish all aspects of the scope of work included in the City's CAA grant request. In addition, subject to the terms of its commitment to become a party to the



Letter of Commitment  
May 26, 2010  
Page 2

Participation Agreement, the Association shall participate as directed by the Regional Board or as agreed to by the work parties, until the recommended cleanup and abatement phase of the project for the nutrient impairment of the Lake and the Creek is completed.

Sincerely,  
LOUNSBERY FERGUSON ALTONA & PEAK, LLP



Kenneth H. Lounsbery  
General Counsel for  
Lake San Marcos Community Association

:kld

cc: John Lorman  
Ken Davis



SAN DIEGO REGIONAL  
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# VALLECITOS WATER DISTRICT

A PUBLIC AGENCY

201 Vallecitos de Oro • San Marcos, California • 92069-1453 Telephone (760) 744-0460

June 7, 2010

Mr. David Gibson, Executive Officer  
San Diego Regional Water Quality Control Board  
9174 Skyline Park Court, Suite 100  
San Diego, CA 92123-4340

DWG-6/14/10  
CC

**RE: Lake San Marcos Commitment Letter**

Dear Mr. Gibson,

Please accept this letter as Vallecitos' commitment to continued support in the efforts of the interested stakeholders, including the City of San Marcos, County of San Diego, City of Escondido and others to determine the sources of nutrient impairment in Lake San Marcos. Vallecitos supports the application for funds from the Cleanup and Abatement Account filed by the City of San Marcos, as lead agency, with the Regional and State Boards, for the diagnostic study of Lake San Marcos.

Vallecitos has been at the forefront of the development of the voluntary Participation Agreement, the engagement of Dr. Michael Anderson to perform the initial study, subsequent scope of work for the diagnostic phase, and support for the Cleanup and Abatement Account application. In doing so, Vallecitos has expended significant funds and resources despite the fact that, in its judgment, it is a *de minimis* party. Vallecitos strongly supports the Participation Agreement as the operative structure for interested stakeholders and will consider approval of the agreement as additional stakeholders join, giving the agreement's working group a functional critical mass.

In addition, to the extent of Vallecitos' legal responsibility for acts or omissions that may have contributed to the listing of Lake San Marcos for nutrients under CWA Section 303(d), and to the extent feasible from a budgetary perspective, Vallecitos is committed to continued participation in the voluntary process for conducting diagnostic, feasibility, and planning and cleanup work to abate such conditions.

Vallecitos appreciates the dedication and commitment you and your staff have shown to make this voluntary approach a successful model for future projects.

Please give me a call if you have any questions.

Dennis O. Lamb  
General Manager

Cc: Board of Directors  
Counsel

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