

State of California
Regional Water Quality Control Board
San Diego Region

SUPPLEMENTAL
ENFORCEMENT SUMMARY REPORT
September 14, 2011

ITEM: 8

SUBJECT: Tentative Investigative Order No. R9-2011-0033, an Order Directing Citizens Development Corporation (CDC), Debtor and Debtor in Possession, to Submit Technical Reports Pertaining to Investigation of Lake San Marcos Nutrient Impairment (Order).

The Order would require CDC to submit a Workplan and an Investigation Report to the San Diego Water Board in accordance with a defined schedule. The work plan would describe CDC's action plan to study Lake water quality and biological conditions, nutrient inputs to and discharges from the Lake, and Lake operations and recreational uses. After sampling and collecting data and monitoring Lake conditions, CDC would evaluate the collected information, assess feasible alternatives to abate nutrient impairment in the Lake, and report their recommendations in the required Investigation Report to the San Diego Water Board. (Tentative Order No. R9-2011-0033) (*Chiara Clemente and Laurie Walsh*)

DISCUSSION: By 5 pm on September 6, 2011, the San Diego Water Board received comment letters from CDC (Supporting Document No. 2), the City of San Marcos (Supporting Document No. 3), the County of San Diego (Supporting Document No. 4), and numerous e-mails from local residents (Supporting Document No. 5). The majority of the comments received were in support of the timely issuance of the Tentative Investigative Order.

On September 2, 2011, CDC was notified by e-mail from Advisory Counsel that CDC's August 29, 2011

request to postpone the hearing had been denied. (Supporting Document No. 6).

All written comments received prior to 5 pm, September 6, 2011 have been reviewed and are included in the Board agenda materials. Prosecutorial responses to comments received are included in Supporting Document No. 7.

Minor revisions and clarifications have been made to the Tentative Investigative Order, to provide accuracy, clarity, and consistency. These changes are made in "redline" and attached (Supporting Document No. 8). Also, because of numerous references to the Participation Agreement, a copy is provided in Supporting Document No. 9.

SUPPORTING DOCS: Supporting Document No. 1 was provided in the first agenda package. The remaining supporting documents are new, and attached as part of the second agenda package.

1. Tentative Order No. R9-2011-0033
2. **CDC comment letters (3)**
3. **City of San Marcos comment letter (1)**
4. **County of San Diego comment letter (1)**
5. **Comments received from local residents**
6. **Advisory Counsel e-mail to CDC**
7. **Prosecutorial responses to comments**
8. **Revised Tentative Order No. R9-2011-0033**
9. **Participation Agreement and Addendum B to the Participation Agreement**

RECOMMENDATION: The Advisory Team and the Executive Officer (Prosecution Team) may provide recommendations at the hearing.