

Attachment No. 6

City of San Marcos Correspondence with
The San Diego Regional Board
Dated June 19, 2008

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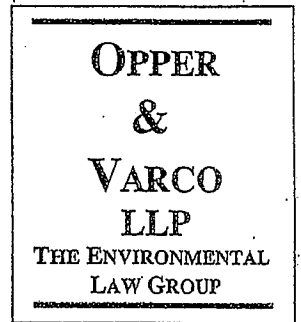
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2008 JUN 23 June 19, 2008



Ms. Julie Chan
Supervising Engineering Geologist
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-43530

Re: Bradley Park Landfill Notice of Violation No. R9-2008-0051

Dear Ms. Chan,

The City of San Marcos recently received Notice of Violation No. R9-2008-0051 as well as the Regional Board's comments to the City's Report of Waste Discharge for Bradley Park, both of which you signed on May 30, 2008. The City appreciates that, as the RWQCB comments suggest, additional information and rationale could improve the City's RoWD and, therefore, enable the RWQCB to engage in a more informed consideration of the City's corrective action proposals. With this in mind, the City has undertaken a close review of the RWQCB's comments and is currently fashioning its strategy for responding.

At the same time, the City and County of San Diego have engaged in meaningful settlement discussions concerning their lawsuit over Bradley Park landfill issues. We realize that the RWQCB identified the City as the "discharger" and, therefore, does not feel directly concerned with the City and County legal dispute. But as a practical matter, a City and County settlement could directly impact the City's efforts to respond to the RWQCB's demands. If the parties do reach a settlement, it is extremely likely that the County will participate and cooperate with the City's efforts to respond to the NOV, to update the City's RoWD as necessary, and to propose corrective action measures.

The City and County set July 1, 2008 as a target date for settlement agreement. Given this potentiality, it seems reasonable, and we hope you agree, that the City should wait until after July 1, 2008 before completing its strategy for responding to the RWQCB's comments. Procedurally, we envision the response will first draft a letter describing the additional efforts that the City believes would be necessary to address the RWQCB's comments. Next, we envision an in-person meeting to clarify any issues or the scope of anticipated efforts. Finally, we envision additional field investigation efforts, if necessary, and the preparation of an updated RoWD.

Even though the City fully intends to satisfy the concerns expressed by the RWQCB's comments, the City does not admit that these concerns qualify as

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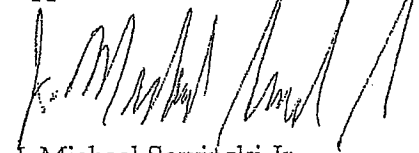
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violations that would subject the City to enforcement action. For example, Cal. Water Code § 13268 authorizes administratively-imposed civil liability for "failing or refusing to furnish technical or monitoring program reports...." Cal. Water Code § 13268(a)-(b). The City did not fail to provide a RoWD, nor do any shortcomings of the City's RoWD qualify as substantial problems. Nearly all technical reports can be improved with additional information and rationale. While the concerns noted by the RWQCB could improve the RoWD, the City's RoWD provides a detailed environmental assessment and well-reasoned corrective action proposals.

The City truly felt surprised by the RWQCB's comments, given the magnitude of effort that went into its RoWD. Nonetheless, the City appreciates the position of the RWQCB, its mission, and its comments. We feel encouraged that we have come as far as we have, and we remain anxious to both settle upon and implement corrective action measures at Bradley Park. We also feel very encouraged by the prospect of County participation in this regard. We truly look forward to a continued and healthy dialogue with the RWQCB, as we move forward towards the improved environmental management of Bradley Park.

Sincerely,

Opper & Varco LLP



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/jms

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