



County of San Diego

DEPARTMENT OF PUBLIC WORKS

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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, 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 7:5
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 26 A 11: 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
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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 26 A 9: 2

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.

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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.

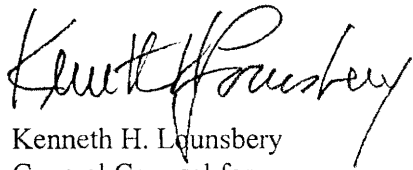
The Association is in full support of the City of San Marcos' request for State Water Cleanup and Abatement Account ("CAA") funding to clean up and abate the nutrient impairment in the Lake and the Creek to the degree it affects the Lake. The Association commits to work with the Applicant to accomplish 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

LOUNSBERY FERGUSON ALTONA & PEAK LLP

Letter of Commitment
May 26, 2010
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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