California Regional Water Quality Control Board
San Diego Region

Linda Adams Secretary for Environmental Protection Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger

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Certified Mail No. 7088 1440 0004 9971 8344 (return receipt requested)

October 30, 2008

Dr. William & Lori Moritz 14272 Jerome Drive Poway, CA 92064 In reply, refer to: CWU: R9-2008-074:cmeans

SCHEDULED HEARING FOR DECEMBER 10, 2008 AND THE RESCISSION OF CLEANUP AND ABATEMENT ORDER NO. R9-2008-0074

Moritz Residence

Site Location: 14272 Jerome Drive, City Of Poway, San Diego County

Dr. Moritz:

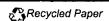
I have received your October 27, 2008 request for an evidentiary hearing before the California Regional Water Quality Control Board, San Diego Region (Regional Board) in response to the issuance of Cleanup and Abatement Order (CAO) No. R9-2008-0074. This is to inform you that I have tentatively scheduled such a hearing for the December 10, 2008 Regional Board Meeting in San Diego.

I believe the hearing you have requested will go a long way in clarifying the issues you have raised concerning the problems that the cleanup and abatement order attempts to address. To obviate the need for you to file for a writ of mandate and the need for a tolling agreement, I am rescinding CAO No. R9-2008-0074 and addendum No. 1 thereto pursuant to California Water Code (CWC) Section 13304.

Prior to the December 10 Regional Board Meeting I intend to issue a new CAO for the Regional Board's consideration at the hearing. You will have the opportunity to comment on the new CAO prior to the hearing.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

California Environmental Protection Agency



Please contact Christopher Means at (858) 637-5581 or cmeans@waterboards.ca.gov if you have any questions regarding this matter.

Respectfully

MICHAEL P. MCCANN

Assistant Executive Officer

MPM:cc:cjm

**CIWQS Entries:** 

Regulatory Measure: 347272

Place: 719044 Party: 472125

CC:

Mr. Douglas J. Simpson The Simpson Law Firm 1224 10<sup>th</sup> Street, Suite 201 Coronado, CA 92118-3420

Mr. Danis Bechter Engineering Inspection Supervisor/NPDES Coordinator City of Poway 13325 Civic Center Drive Poway, CA 92064

Mr. Robert Smith
U.S. Army Corps of Engineers
Regulatory Division
South Coast Branch, San Diego Section
6010 Hidden Valley Road, Ste. 105
Carlsbad, CA 92011

Ms. Kelly Fisher
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – South
4949 Viewridge Avenue
San Diego, CA 92123

Ms. Lisa A. Foster City Attorney of Poway 460 North Magnolia Avenue El Cajon, CA 92020

## ☐ Agent ☐ Addressee 102595-02-M-1540; ☐ Express Mail C. Date of Delivery n Yes □ No □ Yes COMPLETE THIS SECTION ON DELIVERY D. Is delivery address different from item 1? If YES, enter delivery address below: 4. Restricted Delivery? (Extra Fee) 70.08 1.140 0004 9971 8344 □ C.O.D. B. Received by ( Printed Name) Certifled Mail ☐ Insured Mail ☐ Registered Service Type A. Signature Domestic Return Receipt Dr. William & 2001 Host2 14272 Jerome Dive Attach this card to the back of the mailpiece, Print your name and address on the reverse ■ Complete Items 1, 2, and 3. Also complete poway, 14 92004 item 4 if Restricted Delivery is desired. SENDER: COMPLETE THIS SECTION so that we can return the card to you. or on the front if space permits. PS Form 3811, February 2004 (Transfer from service label) 1. Article Addressed to: 2. Article Number

