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NAME	FAX NO.	PHONE NO.
Mark Alpert California Regional Water Quality Control Board	(858) 571-6972	(858) 467-2963 Direct (858) 467-2952 Operator

FROM: Marguerite S. Strand**RE:** Administrative Civil Liability Complaint No. R9-2007-0093

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**ORIGINALS WILL FOLLOW BY REGULAR
MAIL.****MESSAGE:**

Please see the following for your information. Thank you!

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File No. 60172.00003

December 6, 2007

VIA FACSIMILE AND FIRST CLASS MAILMark Alpert
California Regional Water Quality Control Board,
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123Re: Administrative Civil Liability Complaint No. R9-2007-0093

Dear Mr. Alpert:

The North County Transit District ("NCTD") has reviewed and hereby elects to waive its right to a public hearing and to accept the assessment of a civil liability in the amount of \$160,000, as set forth in subject Administrative Civil Liability Complaint ("ACL") issued by the San Diego Regional Water Quality Control Board ("Regional Board") to NCTD on August 31, 2007. I am the attorney-in-fact for NCTD regarding the ACL and am fully authorized to waive the hearing for this matter.

NCTD understands that it is giving up its right to be heard and to argue against the violations in the ACL, against the imposition of civil liability for such violations, or against the amount of civil liability proposed therein. NCTD is processing a check to the Regional Board, and will forward it to the Regional Board prior to the December hearing to adopt the proposed order.

NCTD is continuing to monitor and improve stormwater compliance conditions at the Sprinter Mainline Construction site. Unfortunately, due to the large, linear nature of the site, at this time it appears that NCTD will be unable to fully comply with the terms of the proposed settlement that NCTD and Regional Board staff reached on November 30, 2007. NCTD is putting forth its best efforts to meet the terms of that agreement on or before December 6, 2007, but in all likelihood will be unable to certify that all conditions are met as of that date.

In the mean time, NCTD is giving compliance at the Sprinter site the utmost priority, and will continue to implement stormwater controls throughout the 22-mile long site. Should Regional Board staff decide to inspect the site to confirm these efforts, please do not hesitate to

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contact NCTD staff so that they may also tour the site and remedy any deficiencies that may exist. NCTD is extremely concerned with compliance at the site, and for that reason welcomes the Regional Board's comments and input on stormwater controls at the Sprinter site.

Thank you for your attention to this matter. We appreciate your time and efforts in attempting to reach an agreement with NCTD on the ACL. Please do not hesitate to contact me if you have any further questions.

Sincerely,



Marguarite S. Strand
of BEST BEST & KRIEGER LLP

MSS:AM

cc: Tom Lichterman
Don Bullock
C. Michael Cowett
Paula C.P. de Sousa
Stephen J. O'Neil