

**Ben Neill - RWQCB Notification B 10-10-2007**

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**From:** <nadia550@sbcglobal.net>  
**To:** <bneill@waterboards.ca.gov>  
**Date:** 9/22/07 2:37 PM  
**Subject:** RWQCB Notification B 10-10-2007  
**CC:** <mlahsaie@ci.oceanside.ca.us>, "Cynthia Mallett" <CMallett@ci.oceanside.ca.us>

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Dear Mr. Neill,

I am in full agreement with the proposal to assess civil liability against NCTD for their mishandling of the Sprinter Line corridor. This was a continuing problem for a long time.

Perhaps some of this assessment could be separately segregated for mitigation of the negatives effects and considered to support the 'Friends of Loma Alta Creek' in their efforts to help this very ignored creek. We strive to improve its highly degraded water quality which would positively reflect on the 303d segment at its terminus, Buccaneer Beach.

Kindly convey my email to the board and executive officer.

Thank you, for all the hard work that you and the other Regional Board personnel put into this issue.  
Nadine

**Nadine L Scott**  
**Friends of Loma Alta Creek**  
550 Hoover St.  
Oceanside, CA 92054  
760-757-6685  
*Think with Kindness*

The test of courage comes when we are in the minority.  
The test of tolerance comes when we are in the majority.

*Ralph W. Sockman*

[http://www.waterboards.ca.gov/sandiego/units/compliance%20unit/acl\\_complaints.html#r920070093](http://www.waterboards.ca.gov/sandiego/units/compliance%20unit/acl_complaints.html#r920070093)

**B ACL Complaint No. R9-2007-0093 for violations of the Construction Storm Water Permit at the Sprinter Rail Project in North San Diego County**

Administrative Civil Liability Complaint No. R9-2007-0093, issued on August 31, 2007, recommends a \$160,000 assessment of civil liability against the North County Transportation District (NCTD) for violations of California State Water Resources Control Board (State Water Board) No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Storm Water Discharges Associated with Construction Activity (Permit). The Complaint states that NCTD failed to adequately conduct site inspections, failed to implement adequate Best Management Practices, and violated discharge prohibitions of the Permit. A public hearing is scheduled for November 14, 2007.

For more information regarding this matter please contact Ben Neill at (858) 467-2944 or visit the Regional Board's web site at <http://www.waterboards.ca.gov/sandiego>

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>>> "marianne plank" <[mvplank@utm.net](mailto:mvplank@utm.net)> 10/1/2007 4:07 PM >>>  
SignOnSanDiego.com > News > North County -- Transit district fined for  
violations

Hello John, Chiara, and Mike,  
We would like to request that when SDRWQCB approves the Transit District fine,  
that  
the funds be given to install an improved aeration system and a filter basis  
for Lake San Marcos, which is the recipient of the runoff pollution, described  
in this Union-Tribune  
story, Saturday, September 29, 2007, and of all the ongoing pollution the Lake  
receives from San Marcos Creek. Filing the false reports reported in the story  
below should warrant an additional fine. We appreciate your thoughtful  
consideration of our request.  
Marianne V. Plank, CoChair  
Lake San Marcos Task Force  
[savelm@acccom.net](mailto:savelm@acccom.net)

**From:** "Paul Cline Jr." <15pta@sbceo.org>{PRIVATE }  
**To:** <bneill@waterboards.ca.gov>  
**Date:** 10/5/07 9:11:01 AM  
**Subject:** UT Articles states NCTD to seek fine reduction

Ben,

Attached is an article that ran in the San Diego Union Tribune concerning the proposed \$160,000 fine to NCTD. In this article, an NCTD spokesperson states that NCTD will seek a reduction in the amount of the fine to be paid for the water pollution violations committed by NCTD.

I oppose any reduction in penalties to NCTD. NCTD has been notified of their illegal activities by myself in 2005 and by the City of San Marcos in 2006. NCTD has willfully and deliberately violated the laws concerning polluting the waters of the United States. NCTD has willfully and deliberately violated the terms of their Storm Water Permit. NCTD violations of the Storm Water Permit have been continuous for the last 3 years.

In the Union Tribune article, NCTD states that they will not have to pay for the value of the fine because their contractor will have to pay the value of the fine. This fact, puts NCTD in a position of not caring about violations of their Storm Water Permit because they suffer no consequence. I believe that the Water Board should immediately SHUT DOWN the NCTD Sprinter construction project until NCTD is in full and complete compliance with their Storm Water Permit. To date, NCTD has proven itself to be completely unconcerned about their violations of the Storm Water Permit. A STOP WORK ORDER will force full and complete compliance by NCTD for the duration of the Sprinter construction project. Furthermore, a STOP WORK ORDER, will put all agencies and contractors in Region 9 on notice that violations of Storm Water Permits will not be tolerated.

Thanks, Paul

CC: <ppeuron@waterboards.ca.gov>, <CClemente@waterboards.ca.gov>

**From:** <15pta@sbceo.org>  
**To:** <BNeill@waterboards.ca.gov>  
**Date:** 11/27/07 7:23:08 PM  
**Subject:** December 12 Hearing

Ben,

On December 12, 2007, the Regional Water Board will hold a Public Hearing in regards to the Administrative Civil Liability Complaint R9-2007-0093 involving NCTD.

I would like to speak at this Public Hearing and respond to some of the claims made by the lawyers for NCTD. What so I need to know about the Public Hearing so that I can effectively participate?

The NCTD lawyers claim that NCTD did not have prior notification of Storm Water violations and so should not have to pay the maximum penalty. These lawyers are either forgetting that Oceanside, Vista and San Marcos notified NCTD of Storm Water violation or the lawyers are operating under the idea that notification of true Storm Water violations by anyone other than the Regional Water Board can be ignored. Not only did NCTD have prior notification of Storm Water violations, but they occurred during a rainy spring and the violations resulted in the flow of substantial amounts of disturbed soil into the waters of the United States.

The NCTD lawyers claim that NCTD's voluntarily paying for a study that will supposedly help NCTD to better control Storm Water flows should mitigate the fine imposed as supposedly this action shows that NCTD is truly concerned about Storm Water runoff. This claim by the NCTD lawyers is ridiculous. NCTD has shown nothing but contempt for the law in regards to Storm Water violations. At many locations along the 22 mile Sprinter construction site, there have been ongoing long-term violations of the Storm Water Permit. In just the last 3 weeks, NCTD has installed required BMPs in many of the locations in violation - thus demonstrating that they indeed did know what they needed to do.

In one of the appendixes, NCTD provided a copy of the Storm Water workshop slides educating construction workers of BMPs for Storm Water Permit compliance. Interestingly, NCTD continued to commit violations all along the Sprinter construction project with no decrease in violations. Additionally, violations were readily apparent to anyone who cared to look. The actions of NCTD speak much louder than their words.

It is the actions of NCTD that justify the fines. Talk is cheap and the talk by the NCTD lawyers is nothing more than smoke and mirrors. The fact is that NCTD has grossly violated their Storm Water Permit in a manner that shows not only disrespect, but contempt for the law.

I believe that it would be appropriate for the Water Board to fine NCTD \$10,000 per violation per day for each of the rainy season days between the initial violations observed in the Spring and those violations found in October.

Thanks, Paul