



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

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Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

March 14, 2008

CERTIFIED-RETURN RECEIPT REQUESTED
7007 3020 0001 0040 6648

Mr. Richard Opper, Esq.
Opper and Varco LLP
225 Broadway, 19th Floor
San Diego, California 92101-5005

In reply refer to: CA:14-1411:fmelbourn

Dear Mr. Opper:

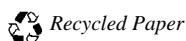
**COMPLAINT NO. R9-2008-0019 FOR ADMINISTRATIVE CIVIL LIABILITY FOR MANDATORY MINIMUM PENALTIES UNDER WATER CODE SECTION 13385, VIOLATION OF ORDER NO. R9-2000-0090, NPDES NO. CAG919001
501 First Street, Coronado, California**

Enclosed is Complaint No. R9-2008-0019, Administrative Civil Liability with Mandatory Minimum Penalties (MMPs) to William and Heidi Dickerson, and Perry & Papenhausen Construction, Inc. for groundwater discharges from 501 First Street, Coronado, California. The Complaint recommends that the Regional Board impose a civil liability of \$45,000 for violations of effluent limitations established by Order No. R9-2000-0090, NPDES No. CAG919001, *General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto*.

Previously on January 26, 2007, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Notice of Violation (NOV) No. R9-2007-0023 to Bill & Heidi Dickerson for violations of copper and flow rate effluent limitations reported in monitoring reports submitted to the Regional Board by your clients in compliance with Order No. 2000-90. The NOV explained that the reported violations are subject to \$3,000 Mandatory Minimum Penalty per violation pursuant to the Water Code Section 13385(h).

If your clients intend to waive their right to a hearing before the Regional Board, you or your clients must sign and return the enclosed waiver form with a \$45,000 cashier's check made out to the "State Water Resources Control Board," by 5:00 p.m. **Monday, April 14, 2008**. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$45,000. In addition, you must publish the enclosed public notice in the San Diego Union-Tribune newspaper no later than **April 26, 2008**.

California Environmental Protection Agency



Mr. Richard Opper, Esq.
501 First Street, Coronado, CA
Complaint for MMPs No. R9-2008-0019

- 2 -

March 14, 2008

Verification that the notice has been published must be submitted to the Regional Board no later than **May 13, 2008**.

Public Hearing

If your clients do not elect to waive their right to a public hearing, or verification that the newspaper notification has not been received by May 13, 2008, a hearing is tentatively scheduled to be held at the Regional Board meeting on **June 11, 2008**. In order for the Regional Board to fully consider any argument on your clients' behalf, you should submit twenty copies of all documents, including exhibits you intend to provide the Regional Board by 5:00 p.m. **Friday, May 16, 2008**. Copies of material submitted will be forwarded to the Regional Board Members. An agenda for the hearing will be mailed to you not less than ten days before the hearing date.

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.

Please contact Frank Melbourn at (858) 467-2973 or via e-mail at fmelbourn@waterboards.ca.gov if you have any questions concerning this matter.

Respectfully,



Michael P. McCann
Assistant Executive Officer

MPM:jro:mja:ftm

- Enclosures:
1. Complaint No. R9-2008-0019
 2. Waiver of Public Hearing Form
 3. Public Hearing Notice

Copies with enclosures to:

1. Ken Greenberg, U.S. EPA, Region 9, greenberg.ken@epa.gov
2. Eileen Maher, San Diego Unified Port District, emaher@portofsandiego.org

Regulatory Measure ID: 342499

California Environmental Protection Agency

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

**WILLIAM AND HEIDI DICKERSON, AND)
PERRY & PAPENHAUSEN)
CONSTRUCTION, INC.)
)
VIOLATIONS OF EFFLUENT LIMITATIONS)
IN ORDER NO. 2000-90, NPDES NO.)
CAG919001, GENERAL WASTE)
DISCHARGE REQUIREMENTS FOR)
TEMPORARY GROUNDWATER)
EXTRACTION AND SIMILAR WASTE)
DISCHARGES TO SAN DIEGO BAY AND)
STORM DRAINS OR OTHER)
CONVEYANCE SYSTEMS TRIBUTARY)
THERE TO)
)
501 FIRST STREET, CORONADO, CA)
WDID NO. 9 000001411)**

**COMPLAINT NO. R9-2008-0019
FOR
ADMINISTRATIVE CIVIL LIABILITY
WITH
MANDATORY MINIMUM PENALTIES**

March 14, 2008

**WILLIAM AND HEIDI DICKERSON, AND PERRY & PAPENHAUSEN
CONSTRUCTION, INC. ARE HEREBY GIVEN NOTICE THAT:**

1. William and Heidi Dickerson, and Perry & Papenhausen Construction, Inc. (hereinafter Dischargers) are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to Water Code section 13385. The violations alleged herein include violations of effluent limitations prescribed by waste discharge requirements for discharges of pollutants from point sources to navigable waters. The Regional Board must impose mandatory minimum penalties (MMPs) for the violations alleged in this complaint.
2. On September 8, 2005, the Dischargers submitted a signed certification and permit application to the Regional Board to discharge extracted and treated groundwater from their single family residential home construction site to San Diego Bay pursuant Order No. R9-2000-90, NPDES Permit No. CAG919001, *General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto* (Dewatering Permit).
3. On June 22, 2006, the Regional Board enrolled the Dischargers under the Dewatering Permit subject to its numeric effluent limitations and established a groundwater discharge limitation of 500,000 gallons per day.

4. The Water Code includes provisions for MMPs for serious and chronic violations of waste discharge requirements applying to surface water discharges. (Wat. Code, § 13385, subds. (h) & (i).)
5. Each serious violation defined as an exceedance of an effluent limitation for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations (CFR) by 40 percent or more, or for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the (CFR), by 20 percent or more, is subject to a \$3,000 MMP. Furthermore, the occurrence of four or more chronic violations, defined as any effluent limitation violation, in any six-month period triggers the assessment of a \$3,000 MMP for the fourth violation and each subsequent violation during the six-month period.
6. Flowrate is a Group I pollutant, and copper is a Group II pollutant.
7. The Dischargers reported effluent sampling results to the Regional Board pursuant to the Dewatering Permit's Monitoring and Reporting schedule. See Table 1, Summary of Reported Results (attached).

ALLEGATIONS

8. The Dischargers reported to the Regional Board violations of the Dewatering Permit's effluent limitations for copper and flowrate from July 2006 (discharge initiation) until February 2007 (discharge cessation). See attached laboratory results. The Regional Board used these results to calculate the six-month median for copper. See Table 2, Calculation of 6-Month Median for Copper (attached). The Regional Board incorporated these results to determine the total number of MMPs. See Table 3, Summary of Effluent Violations (attached).
9. Under subdivisions (h) and (i) of Section 13385 of the Water Code, the Regional Board must impose MMPs of \$45,000 for the alleged violations of effluent limitations, as determined by the following:
 - a. For September 7, 2006, the reported concentration of copper in monitoring reports submitted by the Dischargers was 6.35 ug/L exceeding the instantaneous maximum effluent limitation for copper of 4.8 ug/L. The reported result exceeds the effluent limit by greater than 20%; therefore this is a serious violation and satisfies the MMP requirements.
 - b. For September 7, 2006, based upon submitted results the six month median concentration for copper was 3.18 ug/L, thus exceeding the six month median effluent limit for copper at 3.1 ug/L.

This was the fourth effluent violation in a six-month period and therefore triggers the assessment of a \$3,000 MMP for the fourth violation. The Dischargers reported three flowrate violations within the preceding six months. These were; On July 9, 2006, the reported flowrate was 510,000 gallons; July 10, 2006, the reported flowrate was 510,000 gallons, and July 11, 2006, the reported flowrate was 500,400 gallons. The permitted flowrate was 500,000 gallons per day.

- c. For October 18, 2006, the reported concentration of copper in monitoring reports submitted by the Dischargers was 116.00 ug/L exceeding the instantaneous maximum effluent limitation for copper of 4.8 ug/L. The reported result exceeds the effluent limitation by greater than 20%; therefore this is a serious violation and satisfies the MMP requirements.
- d. For October 18, 2006, based upon submitted results the six month median concentration for copper was 40.78 ug/L, exceeding the six month median limitation for copper at 3.1 ug/L. The violation is a serious violation because it violates the effluent limitation by more than 20%, and therefore satisfies the MMP requirements.
- e. For October 30, 2006, based upon submitted results the six month median concentration for copper was 30.59 ug/L, exceeding the six month median effluent limitation for copper at 3.1 ug/L. The violation is a serious violation because it violates the limitation by more than 20%, and therefore satisfies the MMP requirements.
- f. For December 1, 2006, the concentration of copper reported by the Dischargers was 13.50 ug/L exceeding the instantaneous maximum effluent limitation for copper at 4.8 ug/L. The result exceeds the effluent limitation by greater than 20%; therefore this is a serious violation and satisfies the MMP requirements.
- g. For December 1, 2006, based upon submitted results the six month median concentration for copper was 27.17 ug/L, exceeding the copper effluent limitation of 3.1 ug/L. The violation is a serious violation because it violates the effluent limitation by more than 20%, and therefore satisfies the MMP requirements.
- h. For December 12, 2006, the concentration of copper reported by the Dischargers was 6.06 ug/L exceeding the instantaneous maximum effluent limitation for copper at 4.8 ug/L. The result exceeds the effluent

limitation by greater than 20%; therefore this is a serious violation and satisfies the MMP requirements.

- i. For December 12, 2006, based upon submitted results the six month median concentration for copper was 23.65 ug/L, exceeding the copper effluent limitation of 3.1 ug/L. The violation is a serious violation because it violates the effluent limitation by more than 20%, and therefore satisfies the MMP requirements.
- j. For December 19, 2006, the concentration of copper reported by the Dischargers was 11.20 ug/L exceeding the instantaneous maximum effluent limitation for copper of 4.8 ug/L. The result exceeds the effluent limitation by greater than 20%; therefore this is a serious violation and satisfies the MMP requirements.
- k. For December 19, 2006, based upon submitted results the six month median concentration for copper concentration was 21.87 ug/L, exceeding the copper effluent limitation at 3.1 ug/L. The violation is a serious violation because it violates the effluent limitation by more than 20%, and therefore satisfies the MMP requirements.
- l. For January 9, 2007, the concentration of copper reported by the Dischargers was 5.66 ug/L exceeding the instantaneous maximum effluent limitation for copper at 4.8 ug/L. Although the result did not exceed the limitation by greater than 20%; the violation was at least the fourth effluent violation in a six-month period and therefore triggers the mandatory assessment of a \$3,000 penalty.
- m. For January 9, 2007, based upon submitted results the six month median concentration for copper was 19.85 ug/L, thus exceeding the copper six month median limitation of 3.1 ug/L. The violation is a serious violation because it violates the limitation by more than 20%, and therefore satisfies the MMP requirements.
- n. For February 6, 2007, the concentration of copper reported by the Dischargers was 5.69 ug/L exceeding the instantaneous maximum effluent limitation for copper at 4.8 ug/L. Although the result did not exceed the limitation by greater than 20%; the violation was at least the fourth effluent violation in a six-month period and therefore triggers the mandatory assessment of a \$3,000 penalty.

- o. For February 6, 2007, based upon submitted results the six month median concentration for copper was 18.27 ug/L, exceeding the copper effluent limitation at 3.1 ug/L. The violation is a serious violation because it violates the limitation by more than 20%, and therefore satisfies the MMP requirements.

PROPOSED CIVIL LIABILITY

10. Pursuant to sections 13385 (h) and (i) of the Water Code, the Regional Board must impose mandatory minimum penalties in the amount of forty-five thousand dollars (\$45,000) (\$3,000 for each of 15 serious and chronic violations) on William and Heidi Dickerson, and Perry & Papenhausen Construction, Inc.

Discretionary civil liability above the mandatory minimum for the violations alleged in this Complaint is not recommended.

Dated this 14th day of March 2008.



MICHAEL P. McCANN
Assistant Executive Officer

Signed pursuant to the Authority
delegated by the Executive Officer
to the Assistant Executive Officer

CIWQS Entries

Party IDs: 339977, 330741

Place ID: 640111

Regulatory Measure ID: 342499

Violation IDs: 434565, 434582, 434583, 458911, 458908, 458912, 458913, 507671,
737060, 737103, 522801, 737112, 737119, 737114, 522803, 737116,
522804, 737117

ACL Complaint for MMP
R9-2008-0019

Violation Date	Constituent	Effluent Limitation	Unit	Permitted Limit	Reported Value
7/9/2006	flowrate	daily	gallons per day	500,000	510,000
7/10/2006	flowrate	daily	gallons per day	500,000	510,000
7/11/2006	flowrate	daily	gallons per day	500,000	500,400
8/9/2006	Copper	instantaneous maximum	ug/L	4.8	ND
9/7/2006	Copper	instantaneous maximum	ug/L	4.8	6.35
10/18/2006	Copper	instantaneous maximum	ug/L	4.8	116.00
10/30/2006	Copper	instantaneous maximum	ug/L	4.8	ND
12/1/2006	Copper	instantaneous maximum	ug/L	4.8	13.50
12/12/2006	Copper	instantaneous maximum	ug/L	4.8	6.06
12/19/2006	Copper	instantaneous maximum	ug/L	4.8	11.20
1/9/2007	Copper	instantaneous maximum	ug/L	4.8	5.66
2/6/2007	Copper	instantaneous maximum	ug/L	4.8	5.69

ND = Non-Detect

The Reporting Limit (RL) for the copper analysis was 5 ug/L

Table 1. Summary of Reported Results

Dickerson Residence
 501 First St., Coronado, CA
 6-month Median for Copper
 General Dewatering Permit R9-2000-0090

Date	Reported Copper Value (ug/L)	6-month median (ug/L)	Violation >3.1 ug/L
8/9/2006	ND	0.00	No
9/7/2006	6.35	3.18	Yes
10/18/2006	116.00	40.78	Yes
10/30/2006	ND	30.59	Yes
12/1/2006	13.50	27.17	Yes
12/12/2006	6.06	23.65	Yes
12/19/2006	11.20	21.87	Yes
1/9/2007	5.66	19.85	Yes
2/6/2007	5.69	18.27	Yes

Assume Non-Detect (ND) = 0

$$\text{6-month median} = \frac{\text{(Sum of all results during the last 180 day period)}}{\text{(Number of results during the last 180 day period)}}$$

6-month median limit = 3.1 ug/L

Table 2. Calculation of 6-Month Median for Copper
 ACL Complaint for MMP R9-2008-0019

Complaint No. R9-2008-0019
Dickerson Residence
501 First St., Coronado, CA

Violation Date	Constituent	Effluent Limitation	Unit	Permitted Limit	Reported Value*	Serious Violation	Mandatory Minimum Penalty
7/9/2006	flowrate	daily	gallons per day	500,000	510,000	No	\$0
7/10/2006	flowrate	daily	gallons per day	500,000	510,000	No	\$0
7/11/2006	flowrate	daily	gallons per day	500,000	500,400	No	\$0
9/7/2006	Copper	instantaneous max.	ug/L	4.8	6.35	Yes	\$3,000
9/7/2006	Copper	6-month median	ug/L	3.1	3.18	No	\$3,000
10/18/2006	Copper	instantaneous max.	ug/L	4.8	116.00	Yes	\$3,000
10/18/2006	Copper	6-month median	ug/L	3.1	40.78	Yes	\$3,000
10/30/2006	Copper	6-month median	ug/L	3.1	30.59	Yes	\$3,000
12/1/2006	Copper	instantaneous max.	ug/L	4.8	13.50	Yes	\$3,000
12/1/2006	Copper	6-month median	ug/L	3.1	27.17	Yes	\$3,000
12/12/2006	Copper	instantaneous max.	ug/L	4.8	6.06	Yes	\$3,000
12/12/2006	Copper	6-month median	ug/L	3.1	23.65	Yes	\$3,000
12/19/2006	Copper	instantaneous max.	ug/L	4.8	11.20	Yes	\$3,000
12/19/2006	Copper	6-month median	ug/L	3.1	21.87	Yes	\$3,000
1/9/2007	Copper	instantaneous max.	ug/L	4.8	5.66	No	\$3,000
1/9/2007	Copper	6-month median	ug/L	3.1	19.85	Yes	\$3,000
2/6/2007	Copper	instantaneous max.	ug/L	4.8	5.69	No	\$3,000
2/6/2007	Copper	6-month median	ug/L	3.1	18.27	Yes	\$3,000
TOTAL PENALTY							\$45,000

*6-month median values were not reported by the Dischargers. The Regional Board calculated the 6-month median using the Discharger's reported instantaneous values as shown in Table 2.

Flowrate is a Group I Pollutant
Copper is a Group II Pollutant

Table 3. Summary of Effluent Violations

July
Daily Discharge Flow Monitoring

Date	Meter Reading	Difference	Gallons/Day
7/7/2006	553008		
7/8/2006	557836	4828	482800
7/9/2006		5100	510000
7/10/2006	568036	5100	510000
7/11/2006	573040	5004	500400
7/12/2006	578000	4960	496000
7/13/2006	582998	4998	499800
7/14/2006	587950	4952	495200
7/15/2006		4384	438400
7/16/2006		4384	438400
7/17/2006	601101	4384	438367
7/18/2006	605232	4131	413100
7/19/2006	609287	4055	405500
7/20/2006	613401	4114	411400
7/21/2006	617090	3689	368900
7/22/2006	621085	3995	399500
7/23/2006		4452	445200
7/24/2006	629988	4452	445150
7/25/2006	634878	4890	489000
7/26/2006	639448	4570	457000
7/27/2006	644423	4975	497500
7/28/2006	649417	4994	499400
7/29/2006		3418	341800
7/30/2006		3418	341800
7/31/2006	659671	3418	341800

501 FIRST ST CORONADO CA

Analytical Report

JNE & Associates, Inc.
 2608 Shelter Island Drive,
 Suite 200
 San Diego, CA 92106-3116

Date Received: 08/09/06
 Work Order No: 06-08-0581
 Preparation: EPA 3005A Filtr. / EPA 7470A Filtr.
 Method: EPA 6010B / EPA 7470A
 Units: mg/L

Project: 501 First St.

Page 1 of 1

Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
501 1st St	06-08-0581-1	08/09/06	Aqueous	08/10/06	08/11/06	060810L12F

Comment(s): -Mercury was analyzed on 8/11/2006 1:33:21 PM with batch 060810L03F

Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Mercury	ND	0.000500	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	0.0108	0.0050	1		Silver	ND	0.00500	1	
Copper	ND	0.00500	1		Zinc	0.0431	0.0100	1	
Lead	ND	0.0100	1						

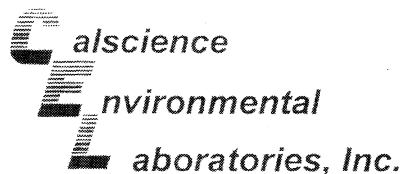
Method Blank	099-04-008-2,607	N/A	Aqueous	08/10/06	08/11/06	060810L03F
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Parameter	Result	RL	DF	Qual
Mercury	ND	0.000500	1	

Method Blank	097-01-003-6,385	N/A	Aqueous	08/10/06	08/11/06	060810L12F
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Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Nickel	ND	0.00500	1	
Cadmium	ND	0.00500	1		Silver	ND	0.00500	1	
Chromium	ND	0.00500	1		Zinc	ND	0.0100	1	
Copper	ND	0.00500	1		Lead	ND	0.0100	1	

RL - Reporting Limit . DF - Dilution Factor . Qual - Qualifiers



Analytical Report

JNE & Associates, Inc.
 2608 Shelter Island Drive,
 Suite 200
 San Diego, CA 92106-3116

Date Received: 09/08/06
 Work Order No: 06-09-0409
 Preparation: EPA 3005A Filt. / EPA 7470A Filt.
 Method: EPA 6010B / EPA 7470A
 Units: mg/L

Project: 501 First St.

Page 1 of 1

Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
501 First St.	06-09-0409-1	09/07/06	Aqueous	09/08/06	09/11/06	060908L04F

Comment(s): -Mercury was analyzed on 9/11/2006 1:46:12 PM with batch 060911L01F

Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Mercury	ND	0.000500	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	0.0190	0.0050	1		Silver	ND	0.00500	1	
Copper	0.00635	0.00500	1		Zinc	0.864	0.010	1	
Lead	ND	0.0100	1						

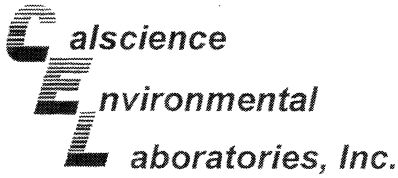
Method Blank	099-04-008-2,646	N/A	Aqueous	09/11/06	09/11/06	060911L01F
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Parameter	Result	RL	DF	Qual
Mercury	ND	0.000500	1	

Method Blank	097-01-003-6,450	N/A	Aqueous	09/08/06	09/08/06	060908L04F
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Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Lead	ND	0.0100	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	ND	0.00500	1		Silver	ND	0.00500	1	
Copper	ND	0.00500	1		Zinc	ND	0.0100	1	

RL - Reporting Limit DF - Dilution Factor Qual - Qualifiers



Analytical Report

JNE & Associates, Inc.
 2608 Shelter Island Drive,
 Suite 200
 San Diego, CA 92106-3116

Date Received: 10/18/06
 Work Order No: 06-10-1018
 Preparation: EPA 3005A Filt. / EPA 7470A Filt.
 Method: EPA 6010B / EPA 7470A
 Units: mg/L

Project: 501 First

Page 1 of 1

Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
501 First	06-10-1018-1	10/18/06	Aqueous	10/20/06	10/21/06	061020L04F

Comment(s): -Mercury was analyzed on 10/19/2006 1:42:52 PM with batch 061019L02F

Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Mercury	ND	0.000500	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	ND	0.00500	1		Silver	ND	0.00500	1	
Copper	0.116	0.005	1		Zinc	ND	0.0100	1	
Lead	ND	0.0100	1						

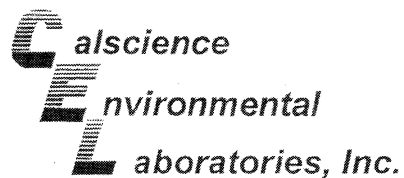
Method Blank	099-04-008-2,699	N/A	Aqueous	10/19/06	10/19/06	061019L02F
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Parameter	Result	RL	DF	Qual
Mercury	ND	0.000500	1	

Method Blank	097-01-003-6,558	N/A	Aqueous	10/20/06	10/20/06	061020L04F
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Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Lead	ND	0.0100	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	ND	0.00500	1		Silver	ND	0.00500	1	
Copper	ND	0.00500	1		Zinc	ND	0.0100	1	

RL - Reporting Limit , DF - Dilution Factor , Qual - Qualifiers



Analytical Report

JNE & Associates, Inc.
2608 Shelter Island Drive,
Suite 200
San Diego, CA 92106-3116

Date Received: 10/30/06
Work Order No: 06-10-1723
Preparation: EPA 3005A Filtr.
Method: EPA 6010B

Project: 501 First

Page 1 of 1

Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
Receiving H2O	06-10-1723-1	10/30/06	Aqueous	11/03/06	11/03/06	061103L08F

Parameter	Result	RL	DF	Qual	Units
Copper	ND	0.00500	1		mg/L

501 First	06-10-1723-2	10/30/06	Aqueous	11/03/06	11/03/06	061103L08F
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Parameter	Result	RL	DF	Qual	Units
Copper	ND	0.00500	1		mg/L

Method Blank	097-01-003-6,602	N/A	Aqueous	11/03/06	11/03/06	061103L08F
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Parameter	Result	RL	DF	Qual	Units
Copper	ND	0.00500	1		mg/L

RL - Reporting Limit , DF - Dilution Factor , Qual - Qualifiers

Analytical Report

JNE & Associates, Inc.
 2608 Shelter Island Drive,
 Suite 200
 San Diego, CA 92106-3116

Date Received: 12/01/06
 Work Order No: 06-12-0068
 Preparation: EPA 3005A Filtr.
 Method: EPA 6010B

Project: 501 First

Page 1 of 1

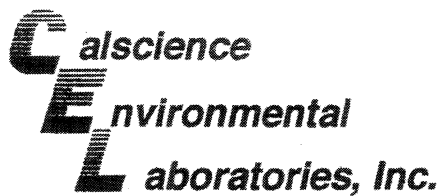
Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
501 First	06-12-0068-1	12/01/06	Aqueous	12/01/06	12/04/06	061201L03F

Parameter	Result	RL	DF	Qual	Units
Copper	0.0135	0.0050	1		mg/L

Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
Method Blank	097-01-003-6,671	N/A	Aqueous	12/01/06	12/01/06	061201L03F

Parameter	Result	RL	DF	Qual	Units
Copper	ND	0.00500	1		mg/L

RL - Reporting Limit, DF - Dilution Factor, Qual - Qualifiers



Analytical Report

JNE & Associates, Inc.
2608 Shelter Island Drive,
Suite 200
San Diego, CA 92106-3116

Date Received: 12/12/06
Work Order No: 06-12-0759
Preparation: EPA 3005A Filtr.
Method: EPA 6010B

Project: 501 First

Page 1 of 1

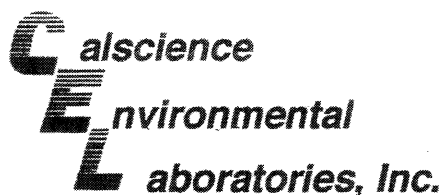
Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
501 First	06-12-0759-1	12/12/06	Aqueous	12/13/06	12/14/06	061213L08F

Parameter	Result	RL	DF	Qual	Units
Copper	0.00606	0.00500	1		mg/L

Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
Method Blank	097-01-003-6,721	N/A	Aqueous	12/13/06	12/14/06	061213L08F

Parameter	Result	RL	DF	Qual	Units
Copper	ND	0.00500	1		mg/L

RL - Reporting Limit DF - Dilution Factor Qual - Qualifiers



Analytical Report

JNE & Associates, Inc.
 2608 Shelter Island Drive,
 Suite 200
 San Diego, CA 92106-3116

Date Received: 12/19/06
 Work Order No: 06-12-1190
 Preparation: EPA 3005A Filt. / EPA 7470A Filt.
 Method: EPA 6010B / EPA 7470A
 Units: mg/L

Project: 501 First

Page 1 of 1

Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
501 First	06-12-1190-1	12/19/06	Aqueous	12/20/06	12/21/06	061220L09F

Comment(s): -Mercury was analyzed on 12/20/2006 3:19:24 PM with batch 061220L04F

Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Mercury	ND	0.000500	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	ND	0.00500	1		Silver	ND	0.00500	1	
Copper	0.0112	0.0050	1		Zinc	0.0802	0.0100	1	
Lead	ND	0.0100	1						

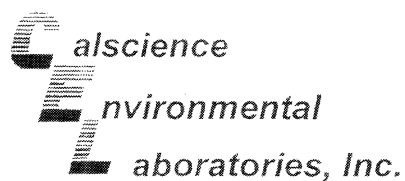
Method Blank	099-04-008-2,779	N/A	Aqueous	12/20/06	12/20/06	061220L04F
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Parameter	Result	RL	DF	Qual
Mercury	ND	0.000500	1	

Method Blank	097-01-003-6,739	N/A	Aqueous	12/20/06	12/20/06	061220L09F
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Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Lead	ND	0.0100	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	ND	0.00500	1		Silver	ND	0.00500	1	
Copper	ND	0.00500	1		Zinc	ND	0.0100	1	

RL - Reporting Limit DF - Dilution Factor Qual - Qualifiers



Analytical Report

JNE & Associates, Inc.
2608 Shelter Island Drive,
Suite 200
San Diego, CA 92106-3116

Date Received: 01/09/07
Work Order No: 07-01-0460
Preparation: EPA 3010A Total / EPA 7470A Total
Method: EPA 6010B / EPA 7470A
Units: mg/L

Project: 501 First

Page 1 of 1

Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
501 First	07-01-0460-1	01/09/07	Aqueous	01/10/07	01/11/07	070110L07

Comment(s): -Mercury was analyzed on 1/10/2007 1:55:49 PM with batch 070110L01A

Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Mercury	ND	0.000500	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	ND	0.00500	1		Silver	ND	0.00500	1	
Copper	0.00566	0.00500	1		Zinc	0.0483	0.0100	1	
Lead	ND	0.0100	1						

Method Blank	099-04-008-2,791	N/A	Aqueous	01/10/07	01/10/07	070110L01A
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Parameter	Result	RL	DF	Qual
Mercury	ND	0.000500	1	

Method Blank	097-01-003-6,784	N/A	Aqueous	01/10/07	01/11/07	070110L07
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Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Lead	ND	0.0100	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	ND	0.00500	1		Silver	ND	0.00500	1	
Copper	ND	0.00500	1		Zinc	ND	0.0100	1	

RL - Reporting Limit DF - Dilution Factor Qual - Qualifiers

Analytical Report

JNE & Associates, Inc.
 2608 Shelter Island Drive,
 Suite 200
 San Diego, CA 92106-3116

Date Received: 02/06/07
 Work Order No: 07-02-0317
 Preparation: EPA 3005A Filtr. / EPA 7470A Filtr.
 Method: EPA 6010B / EPA 7470A
 Units: mg/L

Project: 501 First

Page 1 of 1

Client Sample Number	Lab Sample Number	Date Collected	Matrix	Date Prepared	Date Analyzed	QC Batch ID
501 FIRST	07-02-0317-1	02/06/07	Aqueous	02/12/07	02/12/07	070212L05F

Comment(s): -Mercury was analyzed on 2/12/2007 3:09:14 PM with batch 070212L01F

Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Mercury	ND	0.000500	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	ND	0.00500	1		Silver	ND	0.00500	1	
Copper	0.00569	0.00500	1		Zinc	0.0189	0.0100	1	
Lead	ND	0.0100	1						

Method Blank	099-04-008-2,833	N/A	Aqueous	02/12/07	02/12/07	070212L01F
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Parameter	Result	RL	DF	Qual
Mercury	ND	0.000500	1	

Method Blank	097-01-003-6,883	N/A	Aqueous	02/12/07	02/12/07	070212L05F
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Parameter	Result	RL	DF	Qual	Parameter	Result	RL	DF	Qual
Arsenic	ND	0.0100	1		Lead	ND	0.0100	1	
Cadmium	ND	0.00500	1		Nickel	ND	0.00500	1	
Chromium	ND	0.00500	1		Silver	ND	0.00500	1	
Copper	ND	0.00500	1		Zinc	ND	0.0100	1	

RL - Reporting Limit , DF - Dilution Factor , Qual - Qualifiers



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

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



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

WAIVER OF RIGHT TO A PUBLIC HEARING

Mr. Richard Opper, Esq.
Opper and Varco LLP
Representing: William and Heidi Dickerson,
and Perry & Papenhausen Construction, Inc.
225 Broadway, 19th Floor
San Diego, California 92101-5005

Complaint No. R9-2008-0019
for
Administrative Civil Liability
With
Mandatory Minimum Penalties

\$45,000

WDID No. 9 000001411
501 First Street, Coronado, California

By signing below, I agree to waive William and Heidi Dickerson, and Perry & Papenhausen Construction, Inc.'s right to a public hearing before the California Regional Water Quality Control Board, San Diego Region regarding the violations alleged in the above referenced Complaint and to remit payment for the imposed civil liability. I understand that I am authorized to give up William and Heidi Dickerson, and Perry & Papenhausen Construction, Inc.'s right to be heard and to argue against the allegations made by the Assistant Executive Officer in the Complaint, and against the imposition of, or the amount of, the proposed civil liability. I have enclosed a cashier's check or money order made payable to the State Water Resources Control Board for the imposed civil liability.

Signature Title Date

Print your name

Send this signed form to:
Michael P. McCann, Assistant Executive Officer
C/O Compliance Assurance
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

NOTICE OF WAIVER OF PUBLIC HEARING

**California Regional Water Quality Control Board, San Diego Region
Issuance of Administrative Civil Liability (ACL) Order
With Mandatory Minimum Penalties against
William and Heidi Dickerson, and Perry & Papenhausen Construction, Inc.
501 First Street, Coronado, California**

On March 14, 2008, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Complaint No. R9-2008-0019 to William and Heidi Dickerson, and Perry & Papenhausen Construction, Inc. in the amount of \$45,000 for alleged violations of Regional Board Order No. R9-2000-0090, NPDES Permit No. CAG919001 *Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto*. William and Heidi Dickerson, and Perry & Papenhausen Construction, Inc. have elected to waive their right to a public hearing in this matter. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$45,000 as set forth in the Complaint. The Regional Board will consider accepting the waiver at its June 11, 2008 meeting.

Written comments regarding the allegations contained in Complaint No. R9-2008-0019, and/or acceptance of the waiver, will be accepted through Monday, May 26, 2008.

The Regional Board's June 11, 2008 meeting will be at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00. a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak slip. For more information regarding this matter please call Frank Melbourn at (858) 467-2952 or visit the Regional Board's web site at www.waterboards.ca.gov/sandiego/

Michael P. McCann
Assistant Executive Officer