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Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

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April 18, 2008

VIA CERTIFIED MAIL

Karen King, Executive Officer
North County Transit District
810 Mission Avenue
Oceanside, CA 92054-2825

In reply refer to:
CWU: 10-3022900.02:ppeuron

Dear Ms. King:

**ADDENDUM No. 1 TO CLEANUP AND ABATEMENT ORDER NO. R9-2007-0226
FOR NORTH COUNTY TRANSIT DISTRICT, SPRINTER RAIL PROJECT, WDID NO.
9 37C322900**

Enclosed is Addendum No. 1 to Cleanup and Abatement Order (CAO) No. R9-2007-0226 (Order) of the California Regional Water Quality Control Board, San Diego Region (Regional Board). This addendum modifies the frequency of submittal of status reports required in Directive No. 2 of the CAO from once every fifteen days to monthly. The enclosed Order amends and supersedes the previous version of CAO No. R9-2007-0226.

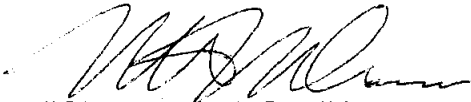
The Order is self-explanatory and effective immediately. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of the enclosed Order.

Any person affected by this action of the Regional Board may also request an evidentiary hearing before the Regional Board. A request for a hearing on the Order will not stay the effective date of the Order nor does it extend the 30-day period to file a petition with the State Board.

The Order is issued pursuant to California Water Code sections 13267 and 13304 and directs you to submit status reports describing "steps that have been taken, steps that will be taken to achieve compliance, and a prioritized schedule to achieve compliance with the Stormwater Permit" (Directive 2 of CAO No. R9-2007-0226) on a monthly basis, instead of once every 15 days. Failure to comply with the Order may subject you to substantial civil liability. I strongly urge a prompt and complete response to each directive in the Order.

Please contact Peter Peuron of my staff at (858) 637-7137 or email ppeuron@waterboards.ca.gov if you have any questions concerning this matter. 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.

Respectfully,



MICHAEL P. McCANN
Assistant Executive Officer

MPM:dwb:cmc:pmp

Attachment: Addendum No. 1 to CAO No. R9-2007-0226

CC: Peggy Strand, Best, Best & Krieger
Don Bullock, North County Transit District
Paul Cline (by E-Mail)

AF

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

**ADDENDUM NO. 1
TO
CLEANUP AND ABATEMENT ORDER NO. R9-2007-0226
FOR
NORTH COUNTY TRANSIT DISTRICT**

**SPRINTER RAIL PROJECT
ALONG THE RAIL CORRIDOR FROM
OCEANSIDE, CA TO ESCONDIDO, CA**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. Except as contradicted or superceded by the findings and directives set forth in this Cleanup and Abatement Order Addendum, (Addendum No. 1) all of the previous findings and directives of Cleanup and Abatement Order (CAO) No. R9-2007-0226 remain in full force and effect.
2. Directive No. 2 of CAO R9-2007-0226 provides:

NCTD shall certify full compliance with the Stormwater Permit requirements in accordance with the SWPPP. Demonstration of compliance shall be by a 'third party or independent' registered professional with expertise in erosion control techniques, and shall be signed under penalty of perjury by the named certified professional with registration number properly affixed. Until full compliance is achieved, NCTD shall submit a series of status reports describing steps that have been taken, steps that will be taken to achieve compliance, and a prioritized schedule to achieve compliance with the Stormwater Permit. The first status report will be due 30 days from issuance of this CAO and subsequent reports submitted every 15 days thereafter.
3. A total of five status reports (as required in Directive No. 2) have been submitted. The most recent report states that discharges from stations and staging areas have been minimized and/or eliminated. The report also indicates that compliance with the Stormwater Permit will be achieved by May 1, 2008. A major portion of the remaining BMPs that are to be implemented entail stabilization activities along the right-of-way. Design, permitting and construction of stabilizing BMPs and post-construction BMPs will entail implementation of corrective measures over a period of at least several months.
4. Whether or not the immediate requirements for coming into compliance with the Stormwater Permit are addressed by May 1, 2008, there will be a protracted period of time during which post-construction BMPs will be implemented. This period will occur after the current rainy season. As such, continuing to submit status reports at a frequency of once per fifteen days will result in an inefficient

use of both NCTD's resources and the resources of the Regional Board. It is desirable to lessen the frequency of submittal of these reports.

5. **CEQA EXEMPTION.** This enforcement action is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15321 (Enforcement Actions by Regulatory Agencies), Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED that CAO R9-2007-0226 is amended as follows:

1. Status reports required in Directive No. 2 shall be submitted monthly instead of once every 15 days. The next status report is due on May 1, 2008.
2. Insert the following verbage at the end of Directive No. 2.

As of April 18, 2008, status reports are due once every 30 days. The next status report shall be due on May 1, 2008.

I, Michael P. McCann, Assistant Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of the Addendum No. 1 to Cleanup and Abatement Order No. R9-2007- 0226 issued on April 18, 2007.



Michael P. McCann
Assistant Executive Officer