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Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

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March 12, 2008 RB Meeting
Item No. 7
Supporting Document No. 7

SETTLEMENT AGREEMENT

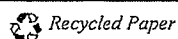
**California Regional Water Quality Control Board, San Diego Region
Settlement of Administrative Civil Liability Order R9-2007-0101
Against
Fallbrook Public Utility District
Fallbrook Creek Sewage Discharge
Fallbrook, California**

The total amount of liability equals the recommended liability of **\$29,300**, with \$20,000 to be paid to the State Water Resources Control Board, within 30 business days of acceptance of the Settlement Agreement by the Regional Board, for deposit in an account administered for Cleanup and Abatement activities. The remaining \$9,300 of the liability is to be suspended pending submission of evidence of satisfactory completion of purchase and installation of three "SmartCover" monitoring units.

The settlement is in accordance with the following additional terms and conditions listed below. This agreement shall serve as the basis for formulation of a tentative Administrative Civil Liability (ACL) Order for approval by the Regional Board following the 30-day public notice period. It is anticipated that the Regional Board will be presented with a tentative Order for its adoption that incorporates the terms of the proposed agreement at the regular meeting tentatively scheduled for March 12, 2008. The tentative Order implementing the settlement agreement will include the following conditions:

- 1) By February 29, 2008 the FPUD shall provide the Regional Board Assistant Executive Officer with a certification report, confirming the completion of implementation of the SmartCover upgrade. The certification report shall be executed by a qualified, licensed professional. Upon acceptance of the certification report, by the Regional Board Assistant Executive Officer, the \$9,300 portion of the assessed liability will be rescinded.
- 2) If, however, the implementation of the SmartCover upgrade is not completed by February 29, 2008, and timely certification report is not submitted, the suspended liability shall become due and payable. In that case, the sum of **\$9,300** will be paid to the State Water Resources Control Board for deposit into the Waste Discharge Permit Fund within 30 days following notification by the Regional Board Assistant Executive Officer that the FPUD failed to comply with this portion of the Order.

California Environmental Protection Agency

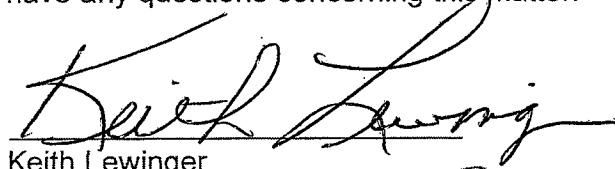


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- 3) Verification that the enclosed public notice has been published in a major newspaper circulated in the FPUD service area. The notice must be published no later than February 4, 2008 to ensure a minimum of 30 days prior to the Regional Board meeting.

By signing this document, the Fallbrook Public Utilities District and Regional Board Assistant Executive Officer agree to the terms and conditions of a settlement concerning ACL Complaint Order No. R9-2007-0101 as described above.

Please contact Mr. Mark Alpert (858) 467-2963 or malpert@waterboards.ca.gov if you have any questions concerning this matter.



Keith Lewinger
FPUD General Manager

Date

1/14/08



Michael McCann
SDRWQCB Assistant Executive Officer

Date

1/14/08