



# California Regional Water Quality Control Board San Diego Region

RF



Alan C. Lloyd, Ph.D.  
Secretary for  
Environmental  
Protection

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

Arnold Schwarzenegger  
Governor

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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

In reply refer to:  
10-3020081.02:melbf  
10-5007.02:melbf

December 21, 2005

Clay Phillips, City Manager  
City of Escondido  
201 North Broadway  
Escondido, California 92029

James R. McCann, President  
JRMC Real Estate, Inc.  
1040 S. Andreasan Drive, Suite 200  
Escondido, California 92029

Dear Mr. Phillips and Mr. McCann:

**Resolution No. R9-2005-0262 Approving Proposed Supplemental Environmental Project Pursuant to Administrative Civil Liability Order No. R9-2005-0237**

Enclosed is a signed copy of Resolution No. R9-2005-0262 approved by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on December 14, 2005. The Resolution authorizes the funding of the Escondido Creek Watershed Invasive Species/Erosion Control Program (ISECP) – Stormwater SEP dated November 28, 2005 with the modification that the final program is nonproprietary.

Immediately following the approval of Resolution No. R9-2005-0262, the Regional Board received a check from JRMC Real Estate, Inc. for \$4,200 made payable to the California State Water Resources Control Board to cover the cost of Regional Board oversight of the SEP. Furthermore the Regional Board witnessed Keith Merkel, Merkel and Associates Inc. receiving a check for \$155,000 from JRMC Real Estate, Inc. for implementation of the SEP. A third check from JRMC Real Estate, Inc. was made out for \$70,000 for the San Elijo Lagoon Conservancy.

The Regional Board looks forward to reviewing the SEP progress reports. Please contact Frank Melbourn of my staff at (619) 467-2973 if you have any questions regarding 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.

Sincerely,

JOHN H. ROBERTUS  
Executive Officer

JHR:alc:mja:ftm

Enclosure: Resolution No. R9-2005-0262

CC: Interested Party list with enclosure:

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

RESOLUTION NO. R9-2005-0262

SUPPLEMENTAL ENVIRONMENTAL PROJECT  
ESCONDIDO CREEK WATERSHED  
INVASIVE SPECIES/EROSION CONTROL PROGRAM – STORMWATER SEP

JRMC REAL ESTATE, INC. AND CITY OF ESCONDIDO  
PURSUANT TO  
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R9-2005-0237

*Whereas*, on September 14, 2005 the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Administrative Civil Liability (ACL) Order No. R9-2005-0237 for \$1.25 million to JRMC Real Estate, Inc. (hereafter JRMC) and the City of Escondido. The Regional Board found that JRMC violated State Water Resources Control Board Order No. 99-08-DWQ for 93 days of sediment discharges to Escondido Creek, 217 days of inadequate Best Management Practices (BMPs), and 16 days of failing to assess BMPs, monitor storm water runoff and report results pursuant to Cleanup and Abatement Order No. R9-2004-0420 from the Escondido Research and Technology Center (ERTC) development. In addition, the Regional Board found that the City of Escondido violated Order No. 2001-01 for 481 days for failing to reduced the pollutant discharges from JRMC's construction activity into City's MS4 to the Maximum Extent Practicable (MEP) performance standard; and

*Whereas*, ACL Order No. R9-2005-0237 allows JRMC to satisfy up to \$200,000 of liability, and the City of Escondido to satisfy up to \$25,000 of liability by proposing a Supplemental Environmental Project (SEP) that the Regional Board considers and approves by December 14, 2005; and

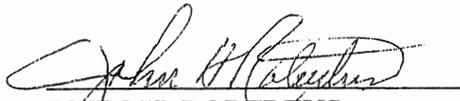
*Whereas*, on November 9, 2005 JRMC and the City of Escondido submitted a \$225,000 SEP entitled "Escondido Creek Watershed Invasive Species/Erosion Control Program (ISECP) – Stormwater SEP" to the Regional Board for consideration; and

*Whereas*, on November 10, 2005 JRMC noticed the public of the Regional Board's consideration of the SEP in the North County Times newspaper at the December 14, 2005 Regional Board Meeting, and no comments were received during the 30-day public comment period.

***THEREFORE BE IT RESOLVED***, that the California Regional Water Quality Control Board, San Diego Region, approves of JRMC Real Estate, Inc. directing \$200,000, and the City of Escondido directing \$25,000 into the November 28, 2005 revised version of the "Escondido Creek Watershed Invasive Species/Erosion Control Program (ISECP) – Stormwater SEP" with modification that the "Stream Erosion Problems Inventory and

Tool Kit Development” will be nonproprietary, in satisfaction of \$225,000 of liability under Administrative Civil Liability Order No. R9-2005-0237.

This Resolution was adopted by the California Regional Water Quality Control Board, San Diego Region on December 14, 2005.



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JOHN H. ROBERTUS  
Executive Officer