

the law. You have the power to assess a \$73 million dollar fine. Clearly the cities can prioritize this matter and do the corrective measures called for much less than this sum.

I strongly encourage you to follow the recommendations of your own engineer's staff report and include within the four corners of the settlement agreement the corrective measures which Mr. Becker states could PREVENT or at the least greatly minimize the damage that could be caused by the next pipe failure.

Obviously the legislature and the governor were concerned when they created code section 13350 that callous indifference by municipalities could lead to 7 million 300 thousand gallons of raw sewage dumping into a lagoon. That is why they decided to make the potential fine large enough to serve as a deterrent. To reduce the fine from \$73 million to basically \$200,000 is to render it meaningless unless the offending cities are spending some serious money to take preventive measures to make sure this does not reoccur. First and foremost the settlement should include the preventative measures your own engineer states is needed.

Your own report states that the Dischargers have a history of other significant discharges of untreated sewage and that their failures to implement the preventative measures, such as relining the sewer pipe, installing a backup system, and having flow meters with alarms could have reduced if not eliminated this spill. Please do not approve this settlement. Please let the Dischargers know they have to take preventative measures immediately if they want you to waive the fine.

Respectfully Submitted,



Steven R. Walder
Resident of San Diego County