

EXECUTIVE OFFICER SUMMARY REPORT  
**August 12, 2005**

ITEM: **20**

SUBJECT: **POTENTIAL \$50,000 SEP FROM METROPOLITAN TRANSIT SYSTEM (MTS)**

Consideration and possible adoption of a resolution (*tentative Resolution 05-24*) authorizing the Executive Officer to compete for a \$50,000 Supplemental Environmental Project (SEP) award from MTS. The SEP is part of a larger settlement between the California Regional Water Quality Control Board, San Diego Region and MTS for discharges to the San Diego River associated with construction activity at MTS' Mission Valley East Light Rail Transit Project. (*Deborah Jayne*)

PURPOSE: Consideration and possible adoption of tentative Resolution 05-24.

DISCUSSION:

Background

Beginning May 2001 through June 2005, the Metropolitan Transit System (MTS) owned and operated a construction site known as the Mission Valley East Light Rail Transit (MVE LRT) Project. The MVE LRT project consists of a relatively narrow six-mile long, 134-acre rail line, constructed within and adjacent to the San Diego River, Alvarado Creek, and other lesser tributaries to the San Diego River. The new rail line section begins in the Grantville community (east of Qualcomm Stadium), then continues underground through San Diego State University, and terminates aboveground at the western side of La Mesa near Interstate 8. Pursuant to the State's General Construction NPDES Storm Water Permit, MTS was required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) and implement Best Management Practices (BMPs) to reduce pollutants in storm water and non-storm water discharges from the construction site.

On March 17, 2005, the San Diego Regional Water Quality Control Board issued Administrative Civil Liability (ACL) Complaint No. R9-2005-0062 to the MTS in the amount of

\$500,000. The complaint alleged a wide variety of violations including chronic failure to implement and/or maintain BMPs over two wet weather seasons (499 days); at least 27 days of sediment discharges into Alvarado Creek (a tributary to the San Diego River); and the discharge of sewage from a construction trailer directly into Alvarado Creek.

On August 10, 2005 the Regional Water Quality Control Board is scheduled to consider a settlement offer proposed by MTS. The offer currently consists of a total payment of \$150,000, with \$100,000 to the State Water Resources Control Board's Cleanup and Abatement Account and \$50,000 for a Supplemental Environmental Project (SEP) to improve water quality within the San Diego River.

In the event the Regional Board accepts the settlement offer, the MTS may initiate a solicitation period to receive project applications for SEP funding. Assuming MTS selects a project for funding, the project would likely then go back to the Regional Board for final approval. If MTS does not propose a specific SEP to the Regional Board, the Regional Board may recommend a project for SEP funding.

The Executive Officer is seeking authorization to submit an application to MTS (and/or the Regional Board) for a water quality related SEP in the San Diego River.

LEGAL CONCERNS: None.

FISCAL IMPACT: None.

SUPPORTING DOCUMENTS: Tentative Resolution 05-24.

RECOMMENDATION: Adopt tentative Resolution 05-24.