

San Diego  
Regional Water Quality  
Control Board



Executive Officer's  
Report

March 8, 2006

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**Attachments** for B-1, B-2, B-11 and B-14 are included at the end of the report. Also included as an attachment are the Significant NPDES Permits, WDRs and RB Actions.

# SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

## EXECUTIVE OFFICER'S REPORT

March 8, 2006

### PART A

#### SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Geographical Information System (GIS) Committee *(Brian McDaniel)*

On February 1, 2006, Regional Board staff attended the quarterly GIS Committee teleconference and webex meeting. The committee includes members from all Regional Boards, Office of Information Technology (OIT) and State Board Division of Water Quality (DWQ) staff. The current agenda of the committee includes discussions regarding license maintenance, software, status of the servers, and member reports. The purpose of the committee is to assess the Water Board's needs for Geographic Information Systems (GIS) software, hardware, maintenance and support, and to improve GIS communication throughout the Regions. Ms. Fiona Renton, who is the GIS Technical Advisor from the Office of Information Technology at the State Water Resources Control Board, chairs the committee. The next meeting will be Wednesday May 3<sup>rd</sup> at the CalEPA building, Sacramento and via teleconference and Webex. The staff will continue to update the Regional Board in future Executive Officer Reports.

2. Landfill Postclosure Land Use Symposium *(John Odermatt)*

During February 15<sup>th</sup> and 16<sup>th</sup>, the Regional Board staff (Mr. John Odermatt) attended the California Integrated Waste Management Board (CIWMB) conference on "Landfill Postclosure Land Use Symposium." The discussion topics were associated with post-closure redevelopment and land use opportunities and included legal issues, economic considerations, methane gas hazards, settlement, project design and approval requirements, liability analysis, public agency roles and responsibilities, and a discussion of lessons learned from successful projects. The CIWMB convened symposia in southern California (February 15-16, 2006 in Ontario) and in northern California events (February 28- March 1, 2006 in Stockton). The Ontario event was well attended by representatives from environmental consulting, the State Water Resources Control Board, CIWMB, several law firms, landfill owners/operators, and statewide local enforcement agencies (LEAs). More information about the symposia can be found on the CIWMB web site at: <http://www.ciwmb.ca.gov/leatraining/closure/PCLU/>.

3. County Department of Environmental Health – SAM Forum *(Jody Ebsen)*

On February 22, 2006, Regional Board staff (Ms. Jody Ebsen, Kelly Dorsey, Sue Pease, and Mr. John Odermatt) attended the Annual Site Assessment and Mitigation (SAM) Forum convened by the County of San Diego Department of Environmental Health (DEH). The event was held at Marina Village near Quivira Basin at Mission Bay. The Regional Board staff provided a regulatory agency update, which included information

about available grant money for Brownfield sites contaminated by leaking petroleum underground storage tanks through the State Board's Orphan Site Cleanup Program (see <http://www.waterboards.ca.gov/cwphome/ustcf/osca.html> for more information) and an update on requirements for submission of electronic data into the Geotracker database. A Regional Board staff member also attended the SAM-DEH steering committee meeting held after the event. The audience at the Annual SAM Forum included a representative from US Environmental Protection Agency- Region IX (Dr. Matt Small), technical consultants, Dischargers, and local regulatory agencies commonly overseeing the investigation and cleanup of contaminated sites. The County DEH has posted information from the event via their web page at: <http://www.sdcountry.ca.gov/deh/lwq/sam/index.html>.

#### 4. Watershed Branch Reorganization and Promotions (*Michael McCann*)

The Board's Watershed Branch has undergone a reorganization that further expands the watershed approach in the administration of five of our major programs. Our two watershed units have expanded to three watershed units in a North, Central, and South configuration of the region to administer program work in 401 Water Quality Certifications, Grants, and Storm Water. The supervisors for the three watershed units are: James Smith—Northern Watershed Unit; Chiara Clemente—Central Watershed Unit; and David Gibson—Southern Watershed Unit.

Core regulatory work consisting of Waste Discharge Requirements and NPDES permits is now shared by two newly formed units in a North and South configuration of the region. Brian Kelley oversees the Southern Regulatory Unit and Bob Morris heads the Northern Regulatory Unit.

As part of this reorganization, two of our Environmental Scientists, Chiara Clemente and James Smith, have been promoted to supervisor positions to oversee two of our new watershed units.

Chiara Clemente started with the Board staff in 1996 as a student assistant and then joined the staff as a permanent employee in 1999. Chiara has worked on a number of special projects including shellfish protection, eradication of *Caulerpa taxifolia*, NPDES, and Grants.

James Smith joined staff in 2001 and has worked on a wide variety of projects: CWA 303 (d) Listing, Shipyard Sediment Cleanup, two TMDLs for Chollas Creek, Surface Water Monitoring Program (SWAMP), and Grants.

#### 5. Workshop on Areas of Special Biological Significance (ASBS)--UCSD Scripps Institution of Oceanography (*Michael McCann*)

On February 28, 2006 Scripps IO convened a workshop to provide an overview of the many activities being conducted by UCSD to protect the ocean environment with the focus of developing a model to address urban run-off and aquaria discharges to

designated ASBS waters. Chairman John Minan, Executive Officer John Robertus, Michael McCann, and Dr. Charles Cheng participated at the workshop.

6. City/County Management Association (CCMA) Meeting (*Michael McCann*)

On March 2, 2006 the CCMA, the local association of city managers and administrators, heard Executive Officer John Robertus report on the status of various Regional Board programs affecting local government, most particularly the status of the municipal storm water permit for San Diego County. John Robertus informed the group that the tentative permit would be released for review on March 10 with the intent of scheduling an initial hearing in June. With John Robertus' invitation, the group agreed that their water subcommittee would review the tentative permit and actively participate in the permitting process.

7. Project POWER (*Dave Gibson*)

Dave Gibson and the San Diego Zoological Society (Zoological Society) have recently been engaged in discussions regarding watershed management and protection, wetlands restoration, and grant solicitations for these types of projects. In December 2005, they formed a regulator/educator team to compete for the funding to participate in a national workshop and training program, "Project POWER" (Protecting Our Wetlands with Educators and Regulators), to develop effective public education programs on wetlands.

The Project POWER program is funded through a US EPA National Leadership grant to the NY State Department of Environmental Conservation and New York Aquarium-Wildlife Conservation Society. The purpose of the workshop is to develop effective public education programs that improve public understanding and acceptance of wetlands and the laws and regulations that protect them. This is a unique program, the first of its kind in the nation, designed to enhance regulatory protection of wetlands and enforcement with an educational component implemented in partnership with major zoos and aquaria that can reach and influence national audiences. A key element of the program is opportunity for the regulatory staff from different states to share with each other and their educator partners their unique experiences and insights regarding wetlands issues, regulatory challenges to protecting wetlands, and recommendations for the content of the local wetlands education programs that will be developed during the workshop.

The joint Regional Board/ Zoological Society team has been selected to participate the March 20-21, 2006 Project POWER workshop program. Eleven teams were competitively selected nationwide to participate. Our team is one of only two regulator/educator teams selected from the Western United States to participate in this program. The outcome of this workshop will include developing and implementing a joint public education program at the San Diego Wild Animal Park. The public training program developed by this team will be implemented by November 2006. Project POWER and this partnership is an invaluable opportunity to advance the protection of these unique habitats and the beneficial uses they support through avoidance of impacts and development of a stewardship ethic and commitment for their protection in local communities.

**PART B**  
**SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1. **Sanitary Sewer Overflows (SSO)** (*Charles Cheng, Cade Johnson, Joann Lim, Melissa Valdivinos, Victor Vasquez*) (*Attachment B-1*)

From February 1 to February 28, 2006, there were 27 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 13 of these spills reached surface waters or storm drains, two of which resulted in closure of recreational waters. Of the total number of overflows from public systems, eight were 1,000 gallons or more. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of February 2006 was 28,123 gallons.

There were also 21 sewage overflows from private property reported in February 2006. Four of these spills reached surface waters or storm drains, one of which resulted in closure of recreational waters. None of the overflows from private property were 1,000 gallons or more.

The total rainfall amount for February 2006 recorded at San Diego's Lindbergh Field was 1.11 inches. For comparison, in January 2006, 0.36 inch of rainfall was recorded at Lindbergh Field, and 13 public SSOs were reported. Also for comparison, in February 2005, 5.83 inches of rainfall was recorded at Lindbergh Field, and 28 public SSOs were reported.

Attached is a table titled "Sanitary Sewer Overflow Statistics," updated through February 28, 2006, which contains a summary of all SSOs by fiscal year (FY) from each agency since FY 2001-2002.

It should be noted that the data for spill volume per volume conveyed (GAL/MG) could be easily misinterpreted. For a sewer agency that has a small system size, but experienced a spill of a few hundred gallons or more, the value may show high. Also, for a sewer agency that has a large system size, a high volume spill event may not result in a high value for this statistic. Hence, these numbers by themselves are not sufficiently representative of the measures being taken by a sewer agency to prevent SSOs, nor can the numbers be compared directly between agencies. The data does represent a different way to review and analyze SSO volume data as it relates to system size.

Additional information about the Regional Board's SSO regulatory program is available at the Regional Board's website at <http://www.waterboards.ca.gov/sandiego/programs/sso.html>.

One Notice of Violation (NOV) was issued in February for a significant overflow as follows:

***City of Oceanside***

The City of Oceanside (City) reported a 43,000-gallon spill of undisinfected secondary treated effluent that occurred on February 16, 2006. The spill occurred due to a failure in the City's land outfall pipeline, which conveys treated wastewater from the City's San Luis Rey wastewater treatment plant to the Oceanside Ocean Outfall. The spill entered a storm drain, Loma Alta Creek, and Loma Alta Lagoon. The mouth of the lagoon was closed off to prevent the spill from impacting ocean waters, and over 170,000 gallons of water containing the spill was recovered from the lagoon. Signs warning of sewage contamination in the lagoon were posted at Buccaneer Park in Oceanside.

The following significant overflow occurred in the Tijuana River as a result of operation and maintenance problems in Mexico's Tijuana sewage collection system:

***International Boundary and Water Commission***

On February 5, the International Boundary and Water Commission (IBWC) reported a 1,970,987-gallon SSO to the Tijuana River. According to the IBWC, the Mexican agency Comision Internacional de Limites y Aguas (CILA), explained that this SSO was the result of a partial blockage of the intake in the Tijuana River diversion that allowed flow to bypass during the evening of February 4 and early morning hours of February 5. The spill did not reach the Tijuana Estuary or recreational ocean waters.

**2. Clean Water Act Section 401 Water Quality Certification Actions Taken in February 2006 (Bob Morris) (Attachment B-2)**

Section 401 of the Clean Water Act requires that any person applying for a federal permit or license which may result in a discharge of pollutants into waters of the United States, must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. The majority of project applications are submitted because the applicant is also applying for a Section 404 permit from the Army Corps of Engineers, for filling or armoring of creeks and streams. See attached table (B-2).

Public notification of pending 401 Water Quality Certification applications can be found on our web site at: <http://www.waterboards.ca.gov/sandiego/programs/401cert.html>.

**3. Grants Update (David Gibson)****Status of State Bond Act and federal 319(h) Grant Program Projects**

The Regional Board staff is currently managing 37 grant-funded contracts worth approximately \$53 million. Staff is continuing to closely manage these grants to ensure conformance to the grant agreement terms and conditions.

**Proposition 40 and Proposition 50 Consolidated Grants Program**

Approximately \$144 million is available in the six funds included in the Consolidated Grants program. All remaining funds (approximately \$10 million) in the Proposition 13 accounts will also be made available in the Consolidated Grants program.

The Concept Proposal Solicitation Notice was released on January 5, 2006, and Concept Proposal applications were due electronically using the State Water Resources Control Board's (SWRCB) on-line Financial Assistance Application Submittal Tool (FAAST) system 11:59 PM on Thursday, February 9, 2006. Over 470 Concept Proposal applications were received statewide including 57 for projects in the San Diego Region. The SWRCB received significantly more requests for funds in each program than were available, indicating a very high demand for State grant dollars for water quality protection projects. Most proposals, however, also requested funding from more than one program. Below are the estimated totals for each program:

Program	Number of Proposals	Funds Available	Funds Requested	% Subscribed
Integrated Water Management Plan (Prop. 40)	309	\$47.5	\$446.0	939%
Non Point Source Pollution Control (Prop. 40)	196	\$19.0	\$305.0	1605%
Coastal Non Point Source Pollution Control (Prop. 50)	157	\$33.1	\$222.5	672%
Agricultural Water Quality Grant Program (Prop 40 & 50)	95	\$15.2	\$76.0	500%
Federal 319(h) Non Point Source Program	101	\$4.5	\$65.0	1444%
Urban Storm Water Program (Prop. 40)	53	\$14.3	\$32.0	225%

Concept Proposals have been screened for eligibility and are being reviewed and scored by technical reviewers. Invitations to submit full proposals will be sent to selected applicants in mid-March 2006.

A Frequently Asked Questions (FAQs) web page has been added to the 2005-06 Consolidated Grants Program homepage. The address for the FAQs web page is: [http://www.waterboards.ca.gov/funding/cg\\_faqs.html](http://www.waterboards.ca.gov/funding/cg_faqs.html).

#### **Proposition 50 Integrated Regional Water Management (IRWM) Grant Program**

The review panel made recommendations and is awaiting approval of the Step 2 Call-Back List from the SWRCB Executive Officer and Department of Water Resources (DWR) Director. The IRWM public meeting that was tentatively scheduled for February 22 at the Cal EPA Building in Sacramento was postponed. The public meeting will be rescheduled during the week of March 6, after the Call-Back list is finalized.

The SWRCB and DWR are planning to hold applicant workshops the last half of March. Workshops are tentatively scheduled in Riverside and Sacramento the week of March 20-24, 2006 and in Santa Nella during the week of March 27-31, 2006.



**Clean Beaches Initiative Grant Program**

The Clean Beaches Task Force (CBTF) met on February 22, 2006 to review project proposals. To date, 15 projects, totaling approximately \$17.4 million have been recommended for Proposition 40 funding, leaving a balance of approximately \$4.8 million available. The SWRCB continues to accept applications for Proposition 40 funds for projects on the Competitive Location List (CLL) and for projects that provide justification for placement on the CLL. The next CBTF meeting is scheduled for April 4, 2006 in Los Angeles.

**4. Status Report on Rainbow Creek Total Nitrogen and Total Phosphorus TMDLs (Lisa Honma)**

The Regional Water Board adopted the Rainbow Creek Total Nitrogen and Total Phosphorus TMDLs on February 9, 2005. The State Water Board approved the Total Nitrogen and Total Phosphorus TMDLs for Rainbow Creek on November 16, 2005. The Office of Administrative Law (OAL) approved the Basin Plan Amendment incorporating the TMDLs and TMDL Implementation Action Plan into Chapter 4 (Implementation) of the Basin Plan on February 1, 2006. The TMDLs have been forwarded to the U. S. Environmental Protection Agency for final approval.

**5. El Cajon Petroleum Assessment Grant Awarded (John Anderson)**

On December 13, 2005, Mr. Jeff Scott, Director of the Waste Management Division at US EPA Region 9 presented a check to the Mayor of El Cajon recognizing the award of a \$200,000 petroleum assessment grant. El Cajon will use the funds to assess over 100 potential leaking underground storage tank sites within the downtown El Cajon area. Eventual redevelopment of the sites will result in downtown improvements.

The Orphan Site Cleanup Account (OSCA) Program is a new financial assistance program established to provide financial assistance to eligible applicants for the cleanup of Brownfield sites contaminated by leaking petroleum underground storage tanks where there is no financially responsible party.

**6. Follow-up Report on Case Closure Conflict Resolution with County of San Diego, Department of Environmental Health (John Anderson)**

As a follow-up to the November 2005 meeting regarding the Regional Board's issuance of a cleanup and abatement order on the Lovett's Dry Cleaner site (a previously closed case by the County DEH), John Robertus conferred an in-house meeting with Chandra Wallar and Mark McPherson of the County of San Diego, Department of Environmental Health (DEH) on January 9, 2006 to discuss our concerns with regards to the DEH site closure activities. They discussed the advantages of coordinating more closely on these sites. As the next step, we plan to have a follow-up supervisor level meeting with the DEH staff within the next several weeks to discuss site closure criteria currently used by the Regional Board and DEH, clarify Regional Board policies on site closure cleanup criteria, and troubleshoot potential problem areas to avoid future disputes. Periodic progress updates will be provided to the Regional Board in subsequent Executive Officer's Reports.

#### 7. Navy Point Loma Fuel Farm Leak Update (*Laurie Walsh*)

The US Navy continues their pollution characterization and free product extraction efforts to address a plume of fuel that lies beneath the Point Loma Fuel Farm. The Navy personnel at the Fleet Industrial Supply Center (FISC) and Defense Energy Support Center (DESC) are working with Laurie Walsh of the Site Mitigation and Cleanup Unit in the efforts to define, characterize, and remediate the discharge of fuel to soil and ground water. The plume was discovered in 1999. Recent pollution characterization efforts discovered the plume extent had reached the federal property line. FISC and DESC personnel took immediate action to incorporate this investigative well near the federal property line into the existing free product extraction system and will be installing vapor monitoring wells along the federal property line to test soil gas for volatile organics. The public was made aware of the fuel release when recent ground water quality data indicated that the plume had migrated to and probably beyond the federal property line. Laurie Walsh and John Anderson have discussed the status of the site with representatives from Dianne Feinstein's office, Susan Davis' office, the United States Library of Congress, and reporters from the Union-Tribune. The following is a link to the most recent article published in the San Diego Union-Tribune on February 22, 2006. [http://www.signonsandiego.com/uniontrib/20060222/news\\_1n22leak.html](http://www.signonsandiego.com/uniontrib/20060222/news_1n22leak.html)

#### 8. Status Update - Former Teledyne Ryan Facility, Allegheny Technologies Inc., and TDY Industries (*Pete Peuron*)

##### **Background**

Between the early 1940's and mid-1999, Ryan Aeronautical Company and its successors – Teledyne Ryan Aeronautical Company, Teledyne Industries, Inc. (n/k/a TDY Industries, Inc.), and TDY Holdings, LLC (collectively referred to as "TDY"), conducted aerospace component manufacturing operations on 44 acres of land at 2701 North Harbor Drive in San Diego. Manufacturing operations ceased in 1999 and the Site was vacated by 2002. PCB concentrations have been found in the Storm Water Conveyance System (SWCS), which are conveyed and discharged to Convair Lagoon and San Diego Bay during storm events. These discharges are resulting in the accumulation of PCBs on the surface of the Convair Lagoon Sand Cap (previous underwater remediation for PCBs deposited in the Convair Lagoon portion of San Diego Bay and completed in 1998). In addition, threats to the San Diego Bay water quality exist from past discharges of chlorinated solvents (primarily trichloroethylene and tetrachloroethylene) and hexavalent chromium to soil and ground water at the Site. On October 4, 2004 the Executive Officer issued Cleanup and Abatement Order (CAO) No. R9-2004-0258 to TDY. The CAO directs TDY to cleanup and abate the discharges of polychlorinated biphenyls (PCBs), heavy metals, and volatile organic chemicals.

##### **Current Status**

Pursuant to the requirements of Cleanup and Abatement Order (CAO) No. R9-2004-0258, TDY Industries submitted a Site Characterization Report on December 20, 2005, a Western Area Remedial Investigation/Feasibility Study Work Plan (for interim remedial action in an area that is undergoing redevelopment) on January 31, 2006 and a Remedial

Investigation/Feasibility Study (RI/FS) Work Plan on February 17, 2006. TDY has, to date, met compliance dates set forth in the CAO. TDY's current site activities are focused on evaluating remedial options in the Western Area of the site where construction of a parking lot will be initiated in June of 2006. TDY is also implementing interim remedial actions to accelerate removal of polychlorinated biphenyls (PCB) contaminated sediment from several storm drains to reduce continued discharges to San Diego Bay.

The Regional Board is currently evaluating TDY's Site-wide RI/FS work plan, which proposes an approach for evaluating remedial alternatives for the entire Site. Once this document has been reviewed, the Regional Board will set a date for submittal of the RI/FS Report. PCBs have been detected in the Storm Water Conveyance System (SWCS) up-gradient from the Site and the Regional Board is also evaluating information submitted by TDY to support naming additional persons in the CAO as responsible for discharges of PCBs and other waste into the storm drains serving the Site and San Diego Bay.

9. Tanker Truck Spill and Fire at Qualcomm Stadium (*Kelly Dorsey*)

On December 7, 2005, a tanker truck carrying gasoline overturned and caught fire on San Diego Mission Road at the entrance to Qualcomm Stadium (Stadium). Gasoline spilled from the tanker and flowed onto the Stadium property; the spill of approximately 4,000 gallons affected the soil adjacent to the crash site and part of the discharge entered the storm drain system discharging into the San Diego River. Since the spill event, the Responsible Party (Van Dyke Tank Systems) has enrolled in the San Diego County Department of Environmental Health (DEH) Voluntary Assistance Program (VAP). The DEH VAP staff will oversee the investigation and cleanup of the fuel spill to soil in the parking lot area of Qualcomm Stadium. The Discharger has implemented a work plan to investigate the extent of soil contamination from the spill in the parking lot area under the oversight of the DEH VAP staff. However, the results from the soil investigation are not yet available. Additionally, the California Department of Fish and Game (DFG) observed the removal of contaminated debris and sediments from the vicinity of the storm drain outfall into the San Diego River. On December 30, 2005, DFG determined that no further cleanup action was warranted for the San Diego River area. The Regional Board staff will update the Board regarding the tanker spill cleanup in future Executive Officer Reports.

10. Former MCRD/NTC Landfill (*Brian McDaniel*)

On February 2, 2006, the Regional Board staff attended a meeting with the Regional Airport Authority (RAA) and the Local Enforcement Agency (LEA) for the City of San Diego. The meeting was convened to discuss plans by the RAA staff and their technical consultants to clean close a significant portion or all of the former Marine Corps Recruit Depot/Naval Training Center (MCRD/NTC) Landfill. The former landfill is located adjacent to civilian airport operations at Lindbergh Field in the City of San Diego. Because of the age and significant uncertainty about the nature of the wastes discharged into the former MCRD/NTC landfill; the clean closure project may also require that the

RAA remove and properly manage significant volumes of burn-ash wastes, municipal solid wastes, contaminated soils, and possibly liquid hazardous wastes. The Regional Board currently regulates the landfill under general waste discharge requirements for inactive and closed landfills (Order No. 97-11 and addenda thereto). The Regional Board staff anticipates that the RAA will develop a proposed project plan that complies with the applicable clean closure requirements in section 21090(f) and 21810 of Title 27 in the California Code of Regulations (CCR).

11. MTBE Impacts Development in Temecula (*Kelly Dorsey and John Odermatt*) (*Attach. B-11*)

The Regional Board is the lead regulatory agency for the investigation and cleanup of an unauthorized release of fuel from a leaking underground storage tank (LUST) system located at the Shell Oil Station, 44260 Redhawk Parkway in Temecula. The discharge of petroleum fuel has created a condition of groundwater pollution including volatile organic constituents (VOCs) and a fuel oxygenate (methyl-tertiary-butyl-ether or MTBE). On November 8, 2002, the Regional Board issued Cleanup and Abatement Order no. R9-2002-340 to the Discharger (Shell Oil Company) to cleanup and abate the effects of the unauthorized discharge of fuel wastes from the site. The Discharger has complied with applicable State Regulations concerning electronic reporting requirements for LUST cases. Analytical results, and other reporting information for this case, are available in the on-line Geotracker database at:

[https://geotracker.swrcb.ca.gov/reports/luft.asp?global\\_id=T0606597082&assigned\\_name=MAINSITE](https://geotracker.swrcb.ca.gov/reports/luft.asp?global_id=T0606597082&assigned_name=MAINSITE)

The Discharger is in the process of completing the delineation of groundwater pollutants and continues to implement remedial actions using groundwater extraction in compliance with general waste discharge requirements (WDRs) issued by the San Diego Regional Board as Order R9-2003-0111. Two recent articles published in the North County Times are included as Attachment B-11 for this item.

12. El Morro Trailer Park Status Update (*Victor Vasquez*)

The California Department of Parks and Recreation (DPR) has notified the Regional Board that all residents of El Morro Trailer Park (EMTP) have vacated the mobile home park as of March 2, 2006. Consequently, wastewater discharges to the EMTP septic tanks and disposal field, regulated under Waste Discharge Requirements (WDR) Order No. R9-2003-0228, have ceased. With the termination of the discharge, DPR has effectively complied with the WDR and Cease and Desist Order No. R9-2003-0285. The Regional Board will consider requiring DPR to continue monitoring groundwater and Moro Canyon Creek under the terms of the Monitoring and Reporting Program of the WDR to obtain post-closure data and determine if further clean-up measures would be necessary. The mobile home park will be converted by DPR to a public campground, scheduled to open in 2008, as part of Crystal Cove State Park. Currently, wastewater from a state park visitor center at EMTP and adjacent El Morro School are discharged for treatment to the sewage collection system of Orange County Sanitation District (OCSD). Additional expected wastewater flows from public restrooms and other facilities at the

converted campground will also be discharged to OCSD.

### ***Background***

EMTP, located along Pacific Coast Highway immediately north of Laguna Beach, was a private mobile home community within Crystal Cove State Park on lands leased from the State of California through DPR.

On November 11, 2003, the Regional Board adopted Order No. R9-2003-0228, *Waste Discharge Requirements (WDR) for California Department of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, Orange County*, which established requirements for the discharge of domestic wastewater from EMTP by means of subsurface disposal. On the same day, the Regional Board also adopted Cease and Desist Order (CDO) No. R9-2003-0285, which established a time schedule for DPR to comply with Order No. R9-2003-0228, but no later than September 30, 2005. The time schedule provided for the following three alternative means to achieve compliance: providing a new wastewater treatment and disposal system, terminating the discharge from EMTP, or upgrading the existing systems to meet operational standards and discharge specifications contained in Order No. R9-2003-0228.

Specifically, the CDO required DPR to first select an alternative to achieve compliance by February 1, 2004. DPR submitted its Sewage Disposal Alternative Selection Report in February 2004 which stated that DPR has set aside \$12 million in park bond funds for the conversion of the private EMTP to public park facilities as directed by the Crystal Cove State Park General Plan. The conversion to park land required residents to vacate and remove their mobile homes (originally by the lease termination date of December 31, 2004, which was later extended to March 31, 2005 by DPR). The report stated that the conversion project included the elimination of the existing subsurface sewage treatment system at EMTP and construction of a new sewage collection system, connected to a sanitary sewer line tributary to a publicly-owned sewage treatment plant, to service the new public park facilities. As a consequence of the park conversion, DPR would be able to comply with the CDO and WDR by terminating the discharge to the existing subsurface sewage treatment system. The conversion of EMTP had been delayed by several legal actions taken by various parties against DPR related to the park conversion and eviction of EMTP residents.

### 13. Orange County Municipal NPDES Program Update (*Jeremy Haas*)

The third-term municipal stormwater NPDES requirements for Orange County expire in February 2007 (Regional Board Order No. R9-2002-01, CAS0108740, *Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Incorporated Cities of Orange County, and the Orange County Flood Control District within the San Diego Region*). The Report of Waste Discharge for the NPDES/WDR renewal is due in July 2006. The Northern Watershed Protection Unit has initiated renewal discussions with the Permittees and plans to have additional meetings throughout the renewal process. To date, the Permittees have not suggested significant revisions to the

requirements. Their primary interest has been incorporation of the Bacteria-Impaired Waters TMDL Project I for Beaches and Creeks into the NPDES requirements.

In January 2006, the Northern Watershed Protection Unit met with 11 of the 13 permittees individually to discuss the latest NPDES annual reports and planned activities for the current reporting period. The annual reports continue to demonstrate progress in the stormwater programs since the third-term requirements were issued. In particular, improved internal communication between municipal departments continues to be demonstrated, and there have been improvements in the ability to respond to findings from the dry-weather monitoring program. The Permittees were asked to include the rationale for determining program priorities (e.g., water quality data, inspection findings, incident response, etc.) and also to emphasize assessments of program elements that are intended to address those water quality priorities in the next annual reports.

The next meeting is tentatively scheduled for late March / early April 2006, and is expected to focus on the coming Report of Waste Discharge.

14. San Luis Rey River Vegetation Clearing (*Jeremy Haas*) (*Attachment B-14*)

At the December 14, 2005 Regional Board meeting, the Executive Officer informed the Board that the City of Oceanside (City) and U.S. Army Corps of Engineers (USACE) had publicly announced intentions to conduct vegetation control projects within the lower San Luis Rey River that might violate the California Water Code (CWC). The City and USACE's actions intended to reduce the risk from vegetation being dislodged during heavy storms and carried downstream, clogging the river, potentially damaging bridges, and causing the river to overtop its levees. The Regional Board directed the Executive Officer to make the City aware of potential violations associated with the planned actions. On December 9 and December 20, 2005, the Regional Board's Watershed Protection Unit informed the City and USACE that proposed activities to discharge mowed and chipped vegetation into the San Luis Rey River would be subject to waste discharge requirements pursuant to CWC Section 13260.

On December 12, 2005 the USACE initiated phase one of the project without filing the necessary report with the Regional Board as required by CWC Section 13260. This phase involved mowing isolated patches of invasive species from within a five-mile stretch of the lower San Luis Rey River. That same day the USACE distributed a Draft Mitigated Negative Declaration (MND) document and formally notified interested parties of its intent to mow a 100-foot swath of both exotic and native vegetation within the five-mile stretch (phase two). The Regional Board submitted comments on the Draft MND to the USACE and City, again informing both agencies that without obtaining WDRs or complying with a conditional waiver, the on-site disposal of waste as proposed would constitute a violation of CWC Section 13264.

On December 27, 2005 the USACE and City submitted an application for Section 401 Water Quality Certification for phase two of the project, which may meet the criteria of Waiver Policy No. 17. A biological opinion from the U.S. Fish and Wildlife Service

issued on February 14, 2006 indicated that the project is not likely to result in the destruction or adverse modification of critical habitat for the least Bell's vireo or southwestern willow flycatcher. The 401 Certification application and final CEQA document have been reviewed, and certification was granted on 2 March 2006. The USACE will remain subject to NPDES general permits for construction storm water (SWRCB Water Quality Order No. 99-08-DWQ) and aquatic pesticides (SWRCB Water Quality Order No. 2004-009-DWQ).

15. Status of Reissuance of the Municipal Storm Water Permit for San Diego County  
(Phil Hammer)

The tentative municipal storm water permit for San Diego County will be released to the Copermittees, interested parties, and the public for review and comment on March 10, 2006. The tentative permit will also be available on the Regional Board website the following week. The tentative permit is titled, Tentative Order No. R9-2006-0011, and is a reissuance of Regional Board Order No. 2001-01. The public hearing for the Tentative Order is planned for June 2006. The public comment period on the tentative order is expected to close on the day of the June hearing. A public workshop is also planned for April 2006. In the near future, the date and details for the public workshop will be posted on the website and also be appropriately noticed to the public and all interested parties.

**PART C**

**STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION**

1. Brownfields Statewide Status Update - California Land Reuse and Revitalization Act of 2004 (CLRRA) (former Montanez – AB 389) (John Anderson)

Brownfields cases are included in the Spill, Leaks, Investigation, and Cleanup (SLIC) Program, which is the Regional Water Board's cleanup program where project proponents receive technical oversight and regulatory review of investigation and cleanup plans. The party pursuing the cleanup reimburses staff oversight costs incurred by the Regional Water Board. The outcome of the SLIC program process may range from a No Further Action (NFA) letter indicating cleanup is complete with no land-use restrictions, to the design and implementation of a remedial system.

Currently the San Diego Regional Water Board provides oversight to 11 brownfields/redevelopment cases through our SLIC Program. To date, the San Diego Regional Water Board has not received any CLRRA applications.

**CalEPA Status of Statewide Brownfields Applications Since July 1, 2005**

Memorandum of Agreement Application Statistics

Total Applications Received	111
Applications Received by Regional Boards	63
Applications Received by DTSC	48

Determinations Made	105
Determinations Made to Regional Boards	51
Determinations Made to DTSC	54
Determinations Not Yet Made	2
Applications Not Eligible	4

Current as of 2/14/2006

2. Study Compares State Agencies' Brownfield Cleanups (Excerpt from recent email from the Center for Creative Land Recycling) (John Anderson)

A recently released study finds that the two state governmental entities responsible for oversight of brownfield cleanups in California are equally diligent in their protection of human health and the environment.

Since the early 1990s, the cleanup and redevelopment of environmentally distressed properties, commonly referred to as "brownfields," has gained increased attention across the state as a practice that can have dramatically positive effects on the health of California's communities. As more and more of these properties are being cleaned up for reuse, a question often posed is, "How can we be certain that each site is adequately cleaned up to be protective of human health and the environment?"

The Center for Creative Land Recycling (CCLR or "see clear") addressed this question head-on by analyzing and comparing cleanups overseen by the two state governmental entities responsible for overseeing brownfield remediation in California: the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Boards (Water Boards). The study's findings show that voluntary, residentially driven brownfield cleanups overseen by either DTSC or by a Water Board are equally protective of human health and the environment.

Recently introduced state legislation is anchored in the premise that DTSC's rigorous State Superfund process leads to safer or more protective cleanups than the Water Boards' more flexible process. This study makes it clear that DTSC's additional process does not lead to more protective brownfield cleanups. It does, however, add time and money to community development projects that are often already operating at the margins of economic feasibility. Based on the study's findings, CCLR recommends that California's legislature consider creating a streamlined process for the remediation of brownfields, reserving the State Superfund process for only those sites where exceptionally hazardous conditions meet the threshold for inclusion in the State Superfund program.

CCLR's study can be downloaded at [www.cclr.org/cclr\\_publications.htm](http://www.cclr.org/cclr_publications.htm). Hard copies can be obtained by calling (415) 398-1080. A copy can also be viewed at the Regional Board office.



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

**SIGNIFICANT NPDES PERMITS, WDRs,  
AND REGIONAL BOARD ACTIONS**

**March 8, 2006**

**APPENDED TO EXECUTIVE OFFICER REPORT**

**SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS**

DATE OF REPORT	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
<b>March 8, 2006</b>										
<b>APRIL 12, 2006 RB MEETING</b>										
	City of Laguna Beach									
	FALLBROOK PUBLIC UTILITY DISTRICT OCEAN OUTFALL DISCHARGE	NPDES Permit Reissuance	100%	100%	90%	50%	April 12, 2006	No	NPDES Workplan FY 2004-05	Vasquez
	OCEANSIDE MARINE CTR. OCEANSIDE HARBOR	NPDES Permit Reissuance	100%	100%	90%	20%	April 12, 2006	No	NPDES Workplan FY 2005-06	Felix
	DRISCOLL MISSION BAY BOATYARD	NPDES Permit Reissuance	100%	100%	90%	20%	April 12, 2006	No	NPDES Workplan FY 2005-06	Felix
	DANA POINT BOATYARD DANA POINT HARBOR	NPDES Permit Reissuance	100%	100%	90%	20%	April 12, 2006	No	NPDES Workplan FY 2005-06	Felix
	BASIN PLAN UPDATE AND DIGITAL REFORMAT	Hearing: Basin Plan Amendment	NA	NA	50%	20%	April 12, 2006	No	Triennial Review Issue No. 1	Pardy
	DAKOTA RANCH DEVELOPMENT CO. 401 WATER QUALITY CERTIFICATION VIOLATION SANTEE	Hearing: Admin. Civil Liability	100%	NA	100%	20%	April 12, 2006	No	ACL COMPLAINT \$140,500	Melbourn
	SOUTHERN CALIF. EDISON SAN ONOFRE POWER PLANT DEWATERING DISCHARGE	NPDES Permit Revision	100%	100%	100%	20%	April 12, 2006	Yes		Kelley
	OAK TREE RANCH MOBILE HOME PARK FACILITY EXPANSION SAN DIEGO COUNTY	WDR Revision	100%	100%	90%	20%	April 12, 2006	Yes		Quach
	RESCISSION OF 7 WASTE DISCHARGE REQUIREMENT ORDERS	WDR Rescission	NA	NA	100%	20%	April 12, 2006	Yes		Ghoram
	<b>MAY 10, 2006 RB MEETING</b>									
	San Diego Regional Board Office									
	CABRILLO LLC ENCINA POWER PLANT CARLSBAD	NPDES Permit Reissuance	100%	100%	75%	0%	May 10, 2006	No	NPDES Workplan FY 2004-05	Kelley
	CITY OF SAN DIEGO SOUTH BAY WATER RECLAMATION FACILITY	NPDES Permit Reissuance	100%	100%	90%	0%	May 10, 2006	No	NPDES Workplan FY 2005-06	Vaidovinos
	SOUTH ORANGE COUNTY WASTEWATER AUTHORITY--ALISO CREEK OCEAN OUTFALL	NPDES Permit Reissuance	100%	100%	90%	0%	May 10, 2006	No	NPDES Workplan FY 2005-06	Vaidovinos
	SOUTH ORANGE COUNTY WASTEWATER AUTHORITY--SAN JUAN CRK. OCEAN OUTFALL	NPDES Permit Reissuance	100%	100%	90%	0%	May 10, 2006	No	NPDES Workplan FY 2005-06	Vaidovinos
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR SAN DIEGO BAY	NPDES Permit Reissuance	NA	50%	0%	0%	May 10, 2006	No	NPDES Workplan FY 2004-05	Albert
	CITY OF CARLSBAD CONSTRUCTION STORMWATER VIOLATIONS	Hearing: Admin. Civil Liability	100%	NA	100%	20%	May 10, 2006	No	ACL Complaint	Melbourn

**SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS**

DATE OF REPORT	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
<b>March 8, 2006</b>										
	CITY OF ESCONDIDO WASTEWATER FACILITY AND DISCHARGE TO OCEAN OUTFALL	Hearing: Admin. Civil Liability	100%	NA	100%	20%	May 10, 2006	No	ACL COMPLAINT \$1,797,150	Stewart
	FALLBROOK PUBLIC UTILITY DISTRICT	WDRs Update	NA	100%	80%	0%	May 10, 2006	Yes	Master Reclamation Req'ts	Vasquez
	FALLBROOK RECLAMATION PROJECT	Mast. Reclamation								
	JACK AND MARK STIEFEL DAIRY RIVERSIDE COUNTY	NPDES Permit Reissuance	80%	90%	90%	0%	May 10, 2006	No	NPDES Workplan FY 2004-05	Ghoram
	FRANK J. KONYN DAIRY SAN PASQUAL VALLEY	NPDES Permit Reissuance	80%	90%	0%	0%	May 10, 2006	No	NPDES Workplan FY 2005-06	Ghoram
	<b>JUNE 14, 2006 RB MEETING</b>									
	<b>San Diego Regional Board Office</b>									
	SAN DIEGO COUNTY MUNICIPAL STORMWATER PERMIT	NPDES Permit Reissuance	100%	90%	50%	0%	June 14, 2006	No	NPDES Workplan FY 2005-06	Hammer
	REGIONWIDE BACTERIA TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	90%	50%	April 12, 2006	No	TMDL Workplan FY 2005-06	Atlas
	POSEIDON RESOURCES DESALINATION PROJECT CARLSBAD	New NPDES Permit	100%	80%	0%	0%	June 14, 2006	No	NPDES Workplan FY 2005-06	Cheng
	OCEAN DISCHARGER RECEIVING WATER MONITORING PROGRAM UPDATES	NPDES Permits	NA	50%	0%	0%	June 14, 2006	No	NPDES Workplan FY 2004-05	Kelley
	USMC CAMP PENDLETON REPLACEMENT OF PLANT NO. 13 DISCHARGE TO OCEAN OUTFALL	NPDES Permit Revision	100%	100%	0%	0%	June 14, 2006	No	NPDES Workplan FY 2005-06	Kelley
	KAMPEN BROS. (fmr. DeJAGER/BOERSMA) DAIRY RIVERSIDE COUNTY	NPDES Permit Reissuance	0%	90%	0%	0%	June 14, 2006	No	NPDES Workplan FY 2005-06	Ghoram
	<b>AUGUST 9, 2006 RB MEETING</b>									
	<b>San Diego Regional Board Office</b>									
	RANCHO MISSION VIEJO DEVELOPMENT SAN JUAN AND SAN MATEO BASINS ORANGE CO.	WDRs and 401 WQ Certification	20%	10%	0%	0%	August 9, 2006	No		Haas
	T.D. DAIRY (VAN TOL DAIRY) RAMONA	NPDES Permit Reissuance	0%	90%	0%	0%	August 9, 2006	No	NPDES Workplan FY 2005-06	Ghoram
	<b>PENDING / UNSCHEDULED ACTIONS</b>									
	PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	New WDRs	100%	20%	30%	10%			Public Workshop scheduled for May 19, 2005	Tamaki

SANITARY SEWER OVERFLOW STATISTICS (Updated through February 28, 2006)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE <sup>B</sup>		NO. OF SEWAGE SPILLS [LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30]					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2005-06 <sup>A</sup>	
	Miles	MGD	01-02	02-03	03-04	04-05 <sup>A</sup>	05-06 <sup>A</sup>	01-02	02-03	03-04	04-05 <sup>A</sup>	05-06 <sup>A</sup>	GAL	GAL/MG <sup>C</sup>
<b>ORANGE COUNTY:</b>														
EL TORO WD	55	2.2	3	1	3	3	2	5.5	1.8	5.5	5.5	3.7	13,506	25.0
EMERALD BAY SERVICE DISTRICT	6	0.09	0	0	0	1	0	0.0	0.0	0.0	16.7	0.0	0	0.0
IRVINE RANCH WD	36	2.0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
LAGUNA BEACH, CITY OF	95	2.4	10	27	8	11	5	10.5	28.4	8.4	12.6	5.3	700	1.2
MOULTON NIGUEL WD	530	13.0	2	1	2	5	1	0.4	0.2	0.4	0.9	0.2	400	0.1
SAN CLEMENTE, CITY OF	179	4.5	6	7	2	5	1	3.3	3.9	1.1	2.8	0.6	125	0.1
SAN JUAN CAPISTRANO, CITY OF	100	3.4	0	0	1	2	0	0.0	0.0	1.0	2.0	0.0	0	0.0
SANTA MARGARITA WD	546	10.7	12	4	5	6	2	2.2	0.7	0.9	1.1	0.4	1,125	0.4
SOUTH COAST CWD	132	4.0	5	8	7	4	3	3.8	6.1	5.3	3.0	2.3	80,720	83.9
TRABUCO CANYON WD	43	0.72	0	0	1	3	0	0.0	0.0	2.3	7.0	0.0	0	0.0
<b>RIVERSIDE COUNTY:</b>														
EASTERN MWD	421	9.5	1	3	7	0	0	0.2	0.7	1.7	0.0	0.0	0	0.0
ELSINORE VALLEY MWD	80	2.0	0	0	1	3	1	0.0	0.0	1.3	3.8	1.3	348	0.7
MURRIETA MWD	25	0.5	0	0	1	0	0	0	0	4.0	0.0	0.0	0	0.0
RANCHO CA WD	71	2.9	2	0	1	2	1	2.8	0.0	1.4	2.8	1.4	1,125	1.6
<b>SAN DIEGO COUNTY:</b>														
BUENA SANITARY DISTRICT	84	1.9	0	2	1	2	2	0.0	2.4	1.2	2.4	2.4	5,250	11.6
CARLSBAD MWD	214	7.2	15	6	6	12	6	7.0	2.8	2.8	4.7	2.8	594	0.3
CHULA VISTA, CITY OF	400	16.0	6	3	1	7	4	1.5	0.8	0.3	1.3	1.0	555	0.1
CORONADO, CITY OF	53	3.8	5	2	5	0	0	9.4	3.8	9.4	0.0	0.0	0	0.0
DEL MAR, CITY OF	30	1.1	2	7	1	0	1	6.7	23.4	3.3	0.0	3.3	3,500	12.7
EL CAJON, CITY OF	198	9.1	2	3	0	3	0	1.0	1.5	0.0	1.5	0.0	0	0.0
ENCINITAS, CITY OF	118	4.1	2	6	1	5	0	1.7	5.1	0.8	4.2	0.0	0	0.0
ESCONDIDO, CITY OF	350	10.8	14	3	2	4	3	4.0	0.9	0.6	1.1	0.9	4,768	1.8
FAIRBANKS RANCH COMM SERV DIST	15	0.21	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
FALLBROOK PUBLIC UTILITY DIST	72	2.0	17	22	9	10	6	23.6	30.6	12.5	13.9	8.3	6,635	13.7
IMPERIAL BEACH, CITY OF	84	2.2	1	14	2	8	2	1.2	16.7	2.4	9.5	2.4	425	0.8
LA MESA, CITY OF	155	5.8	12	3	4	3	0	7.7	1.9	2.6	1.9	0.0	0	0.0
LEMON GROVE, CITY OF	69	2.4	9	4	4	3	0	13.0	5.8	5.8	4.3	0.0	0	0.0

**SANITARY SEWER OVERFLOW STATISTICS (Updated through February 28, 2006)**

SEWAGE COLLECTION AGENCY	SYSTEM SIZE <sup>B</sup>		NO. OF SEWAGE SPILLS [LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30]					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2005-06 <sup>A</sup>	
	Miles	MGD	01-02	02-03	03-04	04-05 <sup>A</sup>	05-06 <sup>A</sup>	01-02	02-03	03-04	04-05 <sup>A</sup>	05-06 <sup>A</sup>	GAL	GAL/MG <sup>C</sup>
<b>SAN DIEGO COUNTY (continued):</b>														
LEUCADIA CWD	185	4.2	5	6	1	6	2	2.7	3.2	0.5	2.7	1.1	1,400	1.4
NATIONAL CITY, CITY OF	.97	5.1	0	1	2	1	3	0.0	1.0	2.1	1.0	3.1	3,100	2.5
OCEANSIDE, CITY OF, WTR UTIL DEP	446	13.0	17	23	22	13	6	3.8	5.2	4.9	3.1	1.3	2,935	0.9
OLIVENHAIN MWD	16	0.39	1	2	0	3	0	6.3	12.5	0.0	18.8	0.0	0	0.0
OTAY MWD	86	1.4	0	3	1	0	0	0.0	3.5	1.2	0.0	0.0	0	0.0
PADRE DAM MWD	150	5.1	4	3	3	1	1	2.7	2.0	2.0	0.7	0.7	1,200	1.0
PAUMA VALLEY COMM SERVICE DIS	8	0.07	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
POWAY, CITY OF	170	4.0	1	5	3	0	4	0.6	2.9	1.8	0.0	2.4	3,250	3.3
RAINBOW MWD	54	0.74	2	2	6	2	0	3.7	3.7	11.1	3.7	0.0	0	0.0
RAMONA MWD	83	1.3	5	2	2	4	3	6.0	2.4	2.4	3.6	3.6	5,150	16.3
RANCHO SANTA FE COMM SERV DIST	52	0.44	1	1	0	2	0	1.9	1.9	0.0	3.9	0.0	0	0.0
SAN DIEGO CO, PUBLIC WORKS	380	11.0	4	11	2	2	3	1.1	2.9	0.5	0.5	0.8	33,900	12.7
SAN DIEGO, CITY OF, MWWD	2,894	170	226	193	115	122	58	7.8	6.7	4.0	3.3	2.0	73,835	1.8
SOLANA BEACH, CITY OF	52	1.2	2	1	6	1	0	3.8	1.9	11.5	0.0	0.0	0	0.0
USMC BASE, CAMP PENDLETON	194	3.1	18	23	14	12	11	9.3	11.9	7.2	5.2	5.7	50,370	68.0
US NAVY	123	4.0	24	12	11	13	8	19.5	9.8	9.0	10.6	6.5	19,320	19.9
VALLECITOS WD	202	6.1	4	5	4	6	3	2.0	2.5	2.0	2.5	1.5	612	0.4
VALLEY CENTER MWD	48	0.32	0	3	1	1	0	0.0	6.3	2.1	2.1	0.0	0	0.0
VISTA, CITY OF	198	6.5	4	4	7	9	3	2.0	2.0	3.5	4.6	1.5	3,300	2.1
WHISPERING PALMS COMM SERV DIS	17	0.26	1	1	0	0	0	5.8	5.8	0.0	0.0	0.0	0	0.0
REGION 9 TOTAL	9615	363	445	427	275	266	145						318,147	
AVERAGE <sup>1</sup>								4.6	4.4	2.9	2.8	1.5		6
STANDARD DEVIATION <sup>2</sup>								5.0	7.0	3.4	4.4	1.9		16
MEDIAN <sup>3</sup>								2.4	2.4	2.0	2.5	0.7		0

<sup>A</sup> Includes available preliminary data for July 1, 2004 through February 28, 2006, and may not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during this period.

<sup>B</sup> As of June 2003.

<sup>C</sup> Volume of spills for the period in gallons divided by the amount conveyed for the period in million gallons.

<sup>D</sup> Included with Eastern Municipal Water District

<sup>1</sup> The average is the sum of all values divided by the number of values.

<sup>2</sup> In a normally distributed set of values, 68% of the values are within one standard deviation either above or below the average value.

<sup>3</sup> The median is the middle value in a set; half the values are above the median, and half are below the median.

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS  
FOR THE PERIOD OF FEBRUARY 1, 2006 THROUGH FEBRUARY 28, 2006**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) <sup>1</sup>	MITIGATION	CERTIFICATION ACTION <sup>2</sup>
2/1/06	City of San Diego	Chollas Creek Water Quality Protection and Habitat Enhancement Project	Partial restoration of a 4.2-acre reach of the Encanto branch of Chollas Creek..	Encanto Branch of Chollas Creek	Permanent impact 0.29-acre and temporary impact to 0.60 acre of unvegetated waters	Restoration project is self-mitigating and 4.2-acres of open water and riparian scrub.	Technically-Conditioned and Waiver of Waste Discharge Requirements.
2/3/06	William Lyons Home, Inc.	Altair	17.6-acres site is proposed to be developed into 20 multi-family row-type townhomes.	Unnamed, unvegetated, upland, ephemeral streams tributary to San Diego River	Permanently impact (fill) 0.04 acre of unvegetated waters	3.5:1 creation (0.14 acre) of facultative transitional wetlands.	Technically-Conditioned and Waiver of Waste Discharge Requirements
2/7/06	Mr. Bob Tag & Mr. Abe Talebi	Tentative Tract 26372	Construction of 68 residential units and associated infrastructure, one open space lot of approx. 11 acres, and one lot comprised of a natural treatment system.	Bundy Canyon Creek, tributary to Murrieta Creek, Wildomar HSA	0.19 acre of Bundy Canyon Creek and 0.03 acre of unnamed ephemeral drainages permanently impacted	2.5:1 ratio by the restoration of 0.61 acres of Bundy Canyon Creek on site	Technically-Conditioned and Waiver of Waste Discharge Requirements
2/16/06	BAE Systems, Inc.	Southwest Marine Bulkhead Extension	Removal of an existing bulkhead at SW Marine, removal of sediment from behind the bulkhead, transport and reconstruction of a larger bulkhead filling with sediment.	Intertidal and subtidal areas of San Diego Bay	Permanently impact (fill) 0.77-acre of waters of the U.S. with 9000 cubic yds of fill.	1:1.2 ratio through the creation of eelgrass habitat within the SW Marine leasehold N of Pier 3.	Technically-Conditioned and Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS  
FOR THE PERIOD OF FEBRUARY 1, 2006 THROUGH FEBRUARY 28, 2006**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) <sup>1</sup>	MITIGATION	CERTIFICATION ACTION <sup>2</sup>
2/27/06	California Department of Transportation	Route 905	345.9 acres site is proposed to be developed into a six-lane freeway commencing just east of Interstate 805 in San Ysidro and ending at Airway Road in Otay Mesa.	Spring Canyon and unnamed ephemeral and intermittent streams tributary to the Tijuana River.	Permanently impact (fill) 1.57-acre of unvegetated waters of the U.S. and 3.66-acres of wetland waters of the U.S.	Onsite creation of 3.26 acres riparian, offsite creation of 3.73 acres of enhancement of 5.91 acres of riparian.	Technically-Conditioned and Waiver of Waste Discharge Requirements

1. Wetland refers to vegetated waters of the U.S. and streambed refers to unvegetated waters of the U.S. (P) = permanent impacts, (T) = temporary impacts.
2. Low impact certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the project will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines. Withdrawn refers to projects that the applicant or Regional Board have withdrawn due to procedural problems that have not been corrected within one year.



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## Lawsuits take aim at hospital

By: WAYNE HALBERG and JENNIFER KABBANY - Staff Writers

**TEMECULA** ---- The California Nurses Association and a group of Temecula residents have filed separate lawsuits to stop construction of a hospital in southern Temecula.

The suit filed late Friday by the union alleges the city failed to follow state environmental law when it approved the hospital, despite the presence of a harmful gasoline additive in the ground on the site of the proposed 320-bed hospital. In addition, it alleges the city did not adequately study the effects the hospital would have on air quality and traffic.

The lawsuit filed late Thursday against the city by a group calling itself Citizens Against Noise and Traffic accused City Council members of approving the plans for the hospital without adequately compensating for traffic, noise, air pollution and other impacts.

The CNA lawsuit filed against the city of Temecula and Universal Health Services, the hospital developer, does not seek any monetary damages, but asks the judge to throw out the city's approval of the project and require it to redo the environmental analysis. The suit by the residents group asks for the same thing, plus unspecified damages greater than \$25,000.

In January, the City Council voted to approve the proposed hospital, capping a five-year effort by Universal from the time the Pennsylvania company first started buying chunks of what became an approximate 35-acre property on Highway 79 South, just west of Margarita Road. The project includes two hospital towers, a cancer treatment center and a fitness center.

The sentiment of the council was that the benefits of the project far outweighed its effects on the surrounding area.

### Gasoline contamination

The nurses union lawsuit alleges that even though city officials for years had been aware that gasoline had leaked from tanks in the area, they failed to consider the potential effects of ground or water contamination before approving the hospital. The lawsuit quotes an April 20, 2005, staff memo, stating the contamination issues would be analyzed in the city's environmental report, but it wasn't.

"This is a case of a city rushing to approve a much-needed hospital project," the lawsuit states.

City officials later maintained that owners of the gas stations whose tanks leaked would be required to clean up any contamination in accordance with state guidelines. The possible presence of an underground gas plume wasn't included in the environmental study because such studies only have to include the direct effects of the hospital project, Planning Director Debbie Ubnoske said.



Sean Fulkerson, a nurses union organizer and spokesman, said that in its rush to approve the hospital without a complete analysis, the city is risking the health of its residents, as well as future patients and employees of the hospital. Allowing building to move forward on the property will make it that much harder to clean up the contamination, Fulkerson said.

"For political reasons, the city ignored advice from its own staff (to study the contamination question)," he said Friday. "We find that troubling."

Officials with Universal declined comment on either lawsuit, but said in a prepared statement that they are a "further attempt to delay the badly needed new hospital in Temecula."

Linda Bradley, the CEO of Universal subsidiary Southwest Healthcare Systems, is quoted in the statement saying that "All of the potential environmental impacts of this project were fully reviewed and addressed in public hearings over the last year."

Southwest operates two other hospitals in Southwest County ---- Inland Valley Medical Center in Wildomar and Rancho Springs Medical Center in Murrieta.

City officials also declined comment on the lawsuits, but the city released an unsigned statement saying it would "vigorously defend the approval" of the hospital, and that it fully complied with the California Environmental Quality Act.

According to the statement, the city "forcefully addressed" the questions of the gasoline plume. A "highly qualified expert" reported that there was no sign of any gasoline vapors on the property, and that Rancho California Water District wells adjacent to the hospital site showed no contamination.

But earlier this month, a test by Shell Oil ---- whose station at the corner of Margarita Road and Highway 79 South leaked in 2001 ---- found MTBE, an additive used in gasoline until 2003, in the ground on the site at concentrations as much as six times the level the federal government says is acceptable.

Kelly Dorsey, an engineering geologist with the San Diego branch of the California Regional Water Quality Control Board, said it was too early to tell how much of a problem, if any, the discovery of MTBE could pose to drinking water. Rancho Water officials have said the MTBE does not pose a threat to its water because it is not threatening any wells.

#### **'Old traditions'**

The residents' suit also accuses city officials of not studying the effects the region's population growth would have on traffic and other environmental issues.

"The bottom line is there probably was some inadequate analysis, but more than that there was probably feasible mitigation that could have been adopted, and should have been adopted, but was not," said Raymond Johnson, an attorney for the citizen's group.

Johnson said he was unsure Friday how many residents were members of Citizens Against Noise and Traffic.

Brad Stormon, one of the plaintiffs who lives on a 3-acre parcel on Pio Pico Road directly across De Portola Road from the planned hospital, said that in his opinion not nearly enough was done by the City Council to diminish the negative effects the hospital would have on the surrounding community.

"They don't want to protect the homeowners," Stormon said. "That area where I live was the first home in Los Ranchitos, lot No. 1. The city says 'Old Traditions,' but they are not protecting that. ... All I am looking for is for the city to say, 'Hey Brad, we'll take care of your street.'"

City Councilman Chuck Washington said Friday that council members took great pains to ensure measures were in place to protect nearby residents, including requiring a 150-foot buffer with a trail lined with trees and shrubs between the hospital and nearby homes, and requiring the hospital's outdoor lighting to face downward.

Washington added that the land the hospital is to be built on was zoned for commercial use, and a retail center

there would have created as much as three times the amount of traffic and noise the hospital is expected to generate. Furthermore, he said, the council set up a monitoring program to make sure hospital officials do what they said they were going to do.

"This is so badly needed for tens of thousands of people," Washington said. "That's not to belittle the concerns of the people who live nearby, but I think we did a good job of mitigating (the hospital's affects)."

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### Chemical found in ground water

By: DEIRDRE NEWMAN - Staff Writer

TEMECULA ---- An oil company investigating how far a leak from an underground fuel tank has extended has found the presence of a possible carcinogen in the groundwater on a site where a new hospital will be built.

It's too early to tell how much of a problem, if any, the discovery of MTBE could pose to drinking water, said Kelly Dorsey, an engineering geologist with the San Diego branch of the California Regional Water Quality Control Board. She declined to comment on the risk at this time.

Shell's data from its investigation is just preliminary at this time and it's up to the company to eventually present a risk assessment to the water board after it determines the full extent of the contamination, Dorsey said. That can't be done until Shell finds the end of the MTBE plume, which hasn't happened yet, she said.

What it does mean is that Shell will be installing permanent monitoring wells on the westernmost portion of the site, said Shawn Frederick, a Shell spokesman, via e-mail.

"Once they get the permanent wells in and monitor it, we'll really know what's going on," Dorsey said.

Shell is investigating the extent of the plume as part of its cleanup from a 2001 leak at its gas station at the southeast corner of Redhawk Parkway and Highway 79 South. The hospital will be built by Universal Health Services on a 35-acre property on Highway 79 South west of Margarita Road.

The oil company tested the groundwater on the hospital site from Jan. 30 through Feb. 2, according to Frederick. Shell took samples of the groundwater at various depths, moving from near Highway 79 South near Redhawk toward Interstate 15, Dorsey said. When it found MTBE, it went further downstream and tested again. Shell repeated this procedure three times, she added.

Twelve locations were tested and sampled, according to Frederick. Out of 40 samples taken, 14 showed the presence of MTBE. The levels ranged from

1.1 to 77 parts per billion, he wrote via e-mail.

The highest level of MTBE ---- 77 parts per billion ---- was found on the southern part of the property, along Highway 79 South, Dorsey said.

MTBE ---- methyl tertiary butyl ether---- is a fuel additive in gas that raises its oxygen content. Its use has been discontinued, but it forced the shutdown of hundreds of wells around the nation in the 1990s.

The MTBE plume has drifted farther than the rest of the gasoline contents because it dissolves into water quickly while some of the other ingredients tend to stick to the soil, Dorsey explained. As it flows farther away from the source of a leak, MTBE tends to disperse, and therefore, degrade, she said.

The state water quality control board uses two maximum levels of MTBE for drinking water ---- for toxicity it's 13 parts per billion, and for taste and odor it's five parts per billion; the state uses whatever number is lowest, Dorsey has said.

Shell will be putting its two monitoring wells even further downstream than its last testing spot, Dorsey said.

"So if those wells suddenly get MTBE, we'll know MTBE is moving in that direction and need to (go farther downstream) to keep monitoring," she said.

She lauded Shell for its efforts to stay on top of the situation.

The monitoring wells will not conflict with the buildings on the property because the westernmost portion of the site is designated for parking, according to a site plan. Universal's executive director of development for Riverside County, Scott Crane, said he didn't know anything about the MTBE plume and referred calls to the company's construction and design department in Philadelphia. Universal's assistant vice president in that city, Jay Hornung, could not be reached for comment.

Universal has approved the installation of the monitoring wells, according to Frederick. The two wells will each be able to monitor the groundwater at shallow and deep depths, Dorsey said.

Temecula Planning Director Debbie Ubnoske reiterated that the MTBE plume is not a city issue. She has said previously that it's not because it is not a direct impact created by the hospital project.

Sean Fulkerson, an organizer with the California Nurses Association, said the city abdicated its responsibility under the California Environmental Quality Act in not having the soil and water independently tested as part of its environmental review.

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**INTERNAL MEMO**  
**California Regional Water Quality Control Board, San Diego Region**

**TO:** John Robertus  
Executive Officer

**FROM:** Jeremy Haas  
Environmental Scientist, Watershed Protection Northern Unit

**DATE:** March 3, 2006

**RE: INVASIVE VEGETATION REMOVAL IN THE LOWER SAN LUIS REY RIVER**

Non-native invasive vegetation has seriously degraded the beneficial uses of many streams and rivers of the San Diego Region. Introduction and perpetuation of non-native invasive plants associated with hydromodification, agriculture, and urbanization result in adverse impacts to water quality and beneficial uses. Control or eradication is crucial to preserve, protect, and restore natural resources, including viable populations of native plants and animals. A current Federal project illustrates some of the challenges faced by the California Regional Water Quality Control Board (Regional Board) when considering Reports of Waste Discharge or Section 401 Water Quality Certification applications for projects to manage invasive species.

**Invasive vegetation threatens critical habitat in the lower San Luis Rey River.**

*Arundo donax* is the primary non-native invasive plant that threatens habitat for the federally endangered least Bell's vireo and southwestern willow flycatcher in the San Luis Rey River. In 2002 *A. donax* comprised five percent of the riparian area within the lower seven miles of the River. This portion of the river is also known as the San Luis Rey Flood Control Channel because of a levee system constructed by the U.S. Army Corps of Engineers (Corps) from 1988 to 2000. Mitigation required by the U.S. Fish and Wildlife Service (Service) placed responsibility on the Corps and the City of Oceanside (City) for controlling exotic species within the Flood Control Channel. No control activities, however, had been considered until a hastened project was initiated in December 2005.

**Delays in developing long term maintenance plans exacerbate conflict.**

In order to provide adequate flood capacity within the newly constructed levee system, the Corps was to develop a long-term operations and maintenance plan (O&M Plan) in coordination with the Service. As originally envisioned, this plan would involve periodic mowing of contiguous swaths of vegetation within portions of the channel, while providing sufficient habitat for long-term protection of endangered species. Those plans, however, were never finalized because of disagreements between the two Federal agencies. Meanwhile, vegetation has reached maturity, resulting in larger populations of least Bell's vireo and also spreading exotic vegetation that is increasingly threatening vireo habitat. The extent of mature vegetation, however, has restricted the flood capacity of the channel to well below the original design.

**“Emergency” projects lack resources to fully protect beneficial uses.**

In Winter 2005, the City and its Congressional Representative convinced the Corps to hasten efforts to finalize the long-term O&M plan and to conduct interim risk reduction vegetation clearing. Although the Corps concluded the proposed risk reduction vegetation clearing activity did not qualify for emergency authorization, the Corps agreed to immediately conduct five acres of *A. donax* management within a five-mile area of the River. Although input was solicited from the Regional Board, the Corps did not use generally accepted *A. donax* removal procedures because limited funds were available for the project. Instead, the Corps mowed and chipped the vegetation, and left the mulched vegetation debris in the River. Despite being notified by the Regional Board that the planned disposal method could be subject to enforcement, the Corps instead implemented their project and prepared for the larger vegetation clearing activity using similar methods. The Regional Board raised concerns because the procedures used by the Corps may increase the potential for *A. donax*, a very aggressive colonizer, to spread over a greater area of the river. Mowed, but viable, pieces of *A. donax* may be washed downstream where they could become established and smother native vegetation (Figure 1). Furthermore, the cleared areas will be more susceptible to colonization by *A. donax* because it will resprout from the mowed stands (Figure 2) and could propagate into cleared areas.

**Removing invasive vegetation requires management measures to protect water quality.**

The Corps’ recent *A. donax* removal is part of a short-term Risk Reduction Mowing and Chipping Project, currently being reviewed by the Regional Board, that is intended to reduce the risk of floodwaters overtopping the River’s levees during the 2006 rainy season. The risk reduction activity is intended to precede development of a long-term O&M plan. California Environmental Quality Act documents prepared for the Risk Reduction Project describe several actual and potential threats to water quality and beneficial uses from the same vegetation removal activities that were conducted for the December 2005 *A. donax* clearing. These include physical disturbance to benthic, wetland, and riparian habitats; short-term effects to water quality from incidental spills; sediment disturbance, erosion, and increased turbidity. Another concern is colonization of invasive *A. donax* in and downstream of disturbed habitat areas. The severity and extent of degradation would depend upon the magnitude and duration of storm flows, and is, therefore, difficult to predict.

**Regulatory processes for exotic species removal.**

There are at least four programs under which the Regional Board would participate in regulatory oversight of activities to remove invasive vegetation.

1. Waste Discharge Requirements. Invasive plant removal may involve discharges associated with vegetation waste and/or stream channel alteration. The proposed Corps project involves the discharge of waste material (mowed, chipped vegetation) to waters of the State and, therefore, would be subject to waste discharge requirements. Waiver Policy no. 24 applies to green waste composting, mulching and grinding facilities, but

prohibits discharges within creeks and 25-year flow lines. Waiver Policy no. 17 applies to stream channel alteration projects receiving Section 401 water quality certification.

2. Section 401 Water Quality Certification. The Corps determined that discharges of cut vegetation, using mechanized equipment, constitutes a fill activity subject to Section 404 of the Clean Water Act. The Corps has also issued Section 404 Regional General Permits (RGP) for removal of invasive vegetation (RGP no. 41) and for emergency situations (RGP no. 63). The State Water Resources Control Board has certified both. The Corps and City have applied for 401 Certification from the Regional Board for the Risk Reduction Mowing and Chipping project because it does not qualify for either RGP.
3. Construction Stormwater NPDES. Dischargers whose projects disturb one or more acres of soil, or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 *Waste Discharge Requirements (WDRs) For Discharges Of Storm Water Runoff Associated With Construction Activity*. Although erosion and deposition are inherent to dynamic river channels during storm events, projects removing significant stands of invasive species may require coverage under Order no. 99-08-DWQ. The Corps intends to file for coverage for the Risk Reduction Mowing and Chipping project.
4. Aquatic Weed Control NPDES Requirements. The point source discharge of aquatic pesticides to waters of the U.S. requires coverage under the SWRCB Water Quality Order No. 2004-009-DWQ, *Statewide General NPDES Permit for the Discharge of Aquatic Pesticides for Aquatic Weed Control in Waters of the United States* (NPDES General Permit No. CAG990005). Standard practices for controlling *A. donax* include foliar spraying of aquatic herbicides to prevent *A. donax* from resprouting from cuttings and buried root mass before physical removal of the plant. The Corps intends to conduct herbicide spraying following mowing activities and may be subject to the Order.

### **Conclusion**

*Arundo donax* and other exotic, invasive vegetation are major threats to habitat and associated beneficial uses in the San Luis Rey River and other surface waters throughout the San Diego Region. Removal activities are crucial, but can be problematic when poor management measures are employed. The situation in the San Luis Rey River has been complicated by the presence of a Federal flood control project and prolonged negotiations by Federal agencies. Although this case is not representative of most invasive vegetation removal projects in the region, the Regional Board may have several regulatory responsibilities depending on the practices involved in any specific invasive species removal project.

**Figures**

**Figure 1.** The Corps claimed that mowed *Arundo donax* would be cut to less than 2 inches to prevent its ability to take hold in downstream areas. Larger pieces, however, like these are present throughout the December project area, questioning the ability of contractors to meet specifications.



**Figure 2.** *Arundo donax* resprouting 60 days after mowing activities in project area.

