

San Diego
Regional Water Quality
Control Board



Executive Officer's
Report

November 8, 2006

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Attachments for B-1, B-2, B-16, B-17, and C-1 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

November 8, 2006

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Orange County Storm Water Construction Inspection Training *(Tony Felix)*

On October 23, 2006, Tony Felix, Water Resource Control Engineer assigned to the Northern Watershed Protection Unit provided general training on construction storm water inspections to the South Orange County Municipal Separate Storm Sewer System (MS4) copermittees. Approximately seventy County and Municipal representatives attended the presentation at the Civic Center in Mission Viejo.

The presentation provided information on the dual roles, responsibilities, and liabilities of the Regional Board and Orange County copermittees. A major purpose of the training was to promote consistency in determining compliance with the general Construction Storm Water permit. Part of the presentation consisted of short training modules that illustrate how the Regional Board conducts and determines non-compliance with the construction permit requirements. Another point of emphasis was the current responsibilities regarding construction storm water under the existing Municipal Storm Water permit.

Overall, the training served to enhance the South Orange County construction storm water inspection programs and to develop consistency in evaluating compliance inspections by the copermittees and the Regional Board.

2. Agency Coordination Meeting County of Orange *(Amy Grove)*

On October 18, 2006 the Regional Board staff attended a semi-annual coordination meeting with the County of Orange Integrated Waste Management Department (IWMD) and Local Enforcement Agency (Orange County LEA) to discuss monitoring, maintenance and compliance issues for the Prima Deshecha and Forster Canyon Landfills. These semi-annual meetings provide a regular forum for discussions among the Regional Board, County IWMD, and local regulatory staffs. The meetings are intended to allow the participants to discuss technical issues and try to resolve compliance issues before they become violations of the applicable requirements.

3. World Water Monitoring Day 2006 *(Lilian Busse and Lesley Dobalian)*

The Fifth Annual World Water Monitoring Day was held at the Old Poway Park on October 13, 2006. This effort was coordinated by the San Diego Citizen

Watershed Monitoring Consortium. The main purpose of the event was to bring together the citizens and students from San Diego and Baja California to:

- Celebrate the 34th anniversary of the Clean Water Act,
- Continue increasing public awareness of the local watersheds,
- Understand that water is a precious resource worldwide, and
- Take a snapshot view of streams, lakes and coastal areas

About 160 Students from the following schools participated in the event: Crawford MVAS High School, Juvenile Court and Community Schools, Midland Elementary, Muirland Middle School, High Tech High International, San Diego High School, Southern Western College, Spenser Valley School, Kearny High School, Twin Peaks Middle School, and CETYS Preparatoria and Preparatoria Xochicalo (both Baja California).

After check-in, a press conference was held at 9.30 am. Badri Badriyha from San Diego State University welcomed all participants, and Merilee Boyack, City Council Member of Poway, gave a short introduction of the event. Erick Burres, Citizen Monitoring Coordinator from the State Water Resources Board, talked to the students about water and pollution, and Wayne Nastri, EPA Region 9 Administrator, concluded with a presentation on general water issues.

After the press conference, the students rotated through 7 stations:

- Water Quality Monitoring (San Diego State University)
- Bioassessment (San Diego Stream Team), *Lilian Busse*
- Edible Aquifer (San Diego Coastkeepers), *Lesley Dobalian*
- Green Machine (County of San Diego)
- San Diego County of Education, Splash Lab (County of San Diego)
- Old Poway Park Museum Tour (Ranger)
- Best Management Practices (Erick Burres, SWRCB Clean Water Team)

Lilian Busse gave a presentation to the students about the use of benthic macroinvertebrates in water quality testing. Students were able to make their own observations on live macroinvertebrates. The students were excited about the hands on activities. They also learned about different ways to test water quality, about water quality issues, and ways to improve water quality in local watersheds.

PART B **SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1. Sanitary Sewer Overflows (SSO) – October 2006 (*Eric Becker, Charles Cheng, Joann Cofrancesco, Michelle Mata, Olufisayo Osibodu, Melissa Valdovinos*) (Attachment B-1)
From October 1 to October 31, 2006, there were 11 sanitary sewer overflows, which included 3 spills greater than 1,000 gallons, reported to the Regional

Board office pursuant to the requirements of Order 96-04 (SSOs) from publicly-owned collection systems. Six of the 11 spills reached surface waters or storm drains, with one spill resulting in closure of recreational waters. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of October, 2006 was 13,822 gallons.

There were also 23 sewage overflows from private property reported in October 2006. Four of these spills reached surface waters or storm drains, none of which resulted in closure of recreational waters. One of the reported sewage spills from private property was greater than 1,000 gallons.

During October 2006, 0.76 inches of rainfall was recorded at San Diego's Lindbergh Field. For comparison, in September 2006, zero rainfall was recorded at Lindbergh Field, and 21 public SSOs were reported. Also for comparison, in October 2005, 0.46 inches of rainfall was recorded at Lindbergh Field, and 15 public SSOs were reported.

Attached is a table titled "Sanitary Sewer Overflow Statistics," updated through October 31, 2006, which contains a summary of all SSOs by fiscal year (FY) from each agency since FY 2002-2003.

It should be noted that the data for spill volume per volume conveyed (GAL/MG) could be easily misinterpreted. For a collection agency that has a relatively small system, a spill of a few hundred gallons or more could result in a high value for spill volume per volume conveyed. On the other hand, a high volume spill event for a large collection system may still result in a low 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 collection agencies. The data does represent a different way to review and analyze SSO volume data as it relates to system size.

As of November 2, 2006, collection agencies in Region 9 are required to be enrolled under State Board Order No. 2006-003-DWQ (General Statewide Waste Discharge Requirements for Collection agencies). Thirty one of the 53 collection agencies in Region 9 have enrolled under the State Board Order. The State and Regional Boards will be contacting the remaining agencies in the near future. Enrollment under State Board Order No. 2006-003 will result in a new electronic reporting system, in which collection agencies will be required to submit electronic SSO reports to the State Board. At this time, the State Board is not prepared to begin receiving SSO reports, so reports will continue to be submitted to the Regional Board until January 1, 2006. The content of the monthly SSO Executive Officer's Report will also change once the new electronic reporting system begins.

Tentative Order No. R9-2006-0121, an Order prohibiting sanitary sewer overflows (which will supersede the current Regional Board Order No. 96-04), was presented to the Regional Board in October 2006. Tentative Order No. R9-2006-0121 has been revised to clarify the findings, definitions, and reporting requirements. Prior to today's Board meeting the Tentative Order was mailed to the collection agencies. Tentative Order No. R9-2006-0121 will be presented to the Regional Board on December 13, 2006.

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>.

No Notices of Violation (NOV) were issued in October 2006 for sanitary sewer overflows.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in October 2006 *(Chiara Clemente) (Attachment B-2)*

Section 401 of the Clean Water Act requires that any person applying for a federal permit which may result in a discharge of pollutants into Waters of the United States must obtain a water quality certification that the discharge complies with all applicable state water quality standards, limitations, requirements, and restrictions. The most common federal permit that requires a 401 Certification is a CWA Section 404 permit, issued by the Army Corps of Engineers, for the placing of fill (sediment, rip rap, concrete, pipes, etc.) in Waters of the U.S. (i.e. Ocean, bays, lagoons, rivers and streams).

Upon receipt of a complete 401 certification application, the Regional Board may either certify the project or deny certification, with or without prejudice. In cases where there are impacts to Waters of the U.S., the Regional Board may issue a conditional certification. The certification can be either in the form of a conditional certification document approved by the Regional Board Executive Office, or Waste Discharge Requirements (WDRs), adopted by the Regional Board. And, in the case where a federal permit is not required because impacts have been determined to be only to Waters of the State, the Regional Board may adopt WDRs. Table B-2 (attached) contains a list of actions taken during the month of October. 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)*

Proposition 40 and Proposition 50 Consolidated Grants Program

Statewide 209 applicants were invited to submit full proposals for the Consolidated Grants programs. Full Proposal applications for the non-ocean protection projects were due to the State Water Resources Control Board (SWRCB) by June 9, 2006. A total of 190 applications were received by SWRCB. In the San Diego region, 27 applicants were selected to submit full

proposals out of the 57 initial concept proposals that were submitted. The invitation lists and other information for all programs are available at: http://www.waterboards.ca.gov/funding/cg_fullproposals.html.

The SWRCB has compiled the recommended funding lists for each program. The SWRCB has approved most of the recommended funding lists for the Consolidated Grants programs. The Coastal Non Point Source Pollution Control Program funding lists will be considered by the SWRCB on November 15, 2006. To date, the following fifteen projects worth \$12.6 million in grant awards in the San Diego region are included in the funding recommendations:

Prop. 40 Non Point Source Pollution Control Program

- PIN 8967 Porous Pavement & Model Municipal Operations Center-Phase II \$1,500,000
- PIN 9401 Los Peñasquitos Sediment Basin \$1,107,000
- PIN 9028 Tijuana River Valley Invasive Plant Control Program - Phase 3 \$719,000

Prop. 40 Urban Storm Water Grants Program

- PIN 9364 Smartimer/Edgescape Evaluation Program (SEEP) \$992,000
- PIN 8966 San Pasqual Academy Water Quality, Stormwater Mgt., Flood Control & Porous Pavement Project \$750,000
- PIN 9140 San Diego County Flinn Springs Regional Park LID Porous Pavement Parks Installation \$798,500

Prop. 40 Integrated Watershed Management Planning

- PIN 9188 Agua Hedionda Watershed Management Project \$500,000

Prop. 40 Integrated Watershed Management Implementation

- PIN 9235 Freshwater Runoff Treatment Ponds \$550,017

Prop. 40 & 50 Agricultural Water Quality Grant Program

- PIN 9208 Nutrient Reduction and Monitoring in Santa Margarita Watershed \$600,000

Prop. 50 Coastal Non Point Source Pollution Control Program

- PIN 9305 Arundo Donax Complete High Resolution Regional Mapping: Salinas to Tijuana \$412,500
- PIN 9031 Development of Multimetric Tools for Setting Numeric Nutrient Targets Including Periphyton Index of Biotic Integrity \$1,476,400
- PIN 9165 Arundo Control San Luis Rey: Water Conservation, Pollution Reduction & Riparian Habitat Restoration \$900,000
- PIN 9515 Ensuring Biological Integrity of Non Perennial Streams \$400,000
- PIN 9426 Development of Tools for Hydromodification Assessment and Management \$907,440

- PIN 9275 Creating Tools for Numeric Nutrient Criteria and TMDL Development in San Diego Coastal Lagoons \$989,000

The approved funding lists for the Consolidated Grants are also posted on the web at: <http://www.waterboards.ca.gov/funding/consolidgrants0506.html>

Statewide Proposition 50 Integrated Regional Water Management (IRWM) Grant Program

The IRWM Step 2 Implementation proposal deadline was June 28, 2006. Approximately \$150 million are available in this round of IRWM grants. Sixteen applicants from Step 1 were invited to submit a full proposal in Step 2 including the South Orange County IRWM group. The 16 proposals submitted by the IRWM groups statewide represent a total of approximately 175 individual projects. Approximately \$382 million in grant funding was requested for proposals. The Step 2 technical consensus reviews were submitted on September 8, 2006. Selection panel reviews were conducted in October 2006. A public meeting will be held in November to announce the Step 2 scores.

Clean Beaches Initiative Grant Program

The SWRCB adopted the Guidelines for the Proposition 50 Clean Beaches Grant Initiative (CBI) Grant Program on October 25, 2006. These Guidelines establish the process that the SWRCB will use to administer grant funds through the CBI Program. The Concept Proposal solicitation period for submission of project proposals via the SWRCB's Financial Assistance Application Submittal Tool (FAAST) starts on Thursday, October 26, 2006 and closes on Wednesday, January 31, 2007. More information can be found on the CBI website: <http://www.waterboards.ca.gov/cwphome/beaches/index.html>

4. Cleanup and Abatement Orders for Unauthorized Seawall Construction at 501 & 505 First Street, Coronado, CA (Christopher Means)

On August 23, 2006 and pursuant to California Water Code section 13304, the Executive Officer issued Cleanup and Abatement Orders (CAO's) No. R9-2006-0101 to Bill & Heidi Dickerson (501 First Street) and R9-2006-0102 to Larry and Penny Gunning (505 First Street) for the unauthorized discharge of fill to San Diego Bay as a result of the construction of a seawall and concrete footing on the shoreline of San Diego Bay. The contractor responsible for the construction of the seawall on the two adjacent properties (Perry and Papenhausen Construction) was also named in both CAOs.

In January, 2006, the resident's contractor removed the existing riprap that was protecting the shoreline from erosion and initiated construction of a 162-foot long, 4 - 5 ft. high stacked, mortarless, concrete block wall (seawall) and a poured concrete footing. The seawall was constructed along the property line of the two residences, and the concrete footing encroached onto State tidelands under the management of the Port of San Diego. The removal of the riprap and subsequent contouring of the underlying sandy material into a beach, de-

stabilized the shoreline, which causes and threatens to cause a condition of pollution by directly affecting the beneficial uses of San Diego Bay. Sensitive Eelgrass beds occur in shallow water directly adjacent to site and shoreline erosion of the unprotected sediments threatens to degrade these beds by reducing the water clarity necessary for the growth of eelgrass, and the redistribution of sediment from shoreline erosion threatens to smother the beds.

The residents of 501 First Street had previously obtained a 401 water quality certification from the Regional Board, a categorical CEQA exemption from the Port District, and an Army Corp of Engineers Section 404 permit for replacement of the existing riprap within the exiting footprint. The unauthorized construction of the seawall seriously deviated from the original project proposal and the permits were revoked by the agencies. The residents of 505 First Street, however, did not apply for any of the necessary permits to construct the project.

The two CAOs direct the residents and their contractor to removing all unauthorized structures (seawall and concrete footing) placed within waters of the State, and return the San Diego Bay shoreline to conditions similar to those that existed prior to the project by stabilization of the shoreline at the site with riprap.

A Regional Board public hearing contesting the issuance of the two CAOs was requested by the dischargers and was originally scheduled for the October 11, 2006 meeting. Prior to that meeting the discharger's legal counsel requested a continuance of the hearing to allow time to resolve outstanding issues, and the request was granted by the Executive Officer.

To date, the dischargers have not complied with the Directives contained in the CAOs. A hearing is pending.

5. 2006 Section 303(d) List of Water Quality Limited Segments Adopted by State Water Board (*Lesley Dobalian*)

The State Water Board adopted the 2006 Clean Water Act Section 303(d) List of Water Quality Limited Segments For California (List) at its October 25, 2006 Board meeting. The State Water Board will submit the final List and associated documents in November 2006 to the US Environmental Protection Agency (USEPA) for final approval. The USEPA may grant a full or partial approval or disapproval of the List.

Under section 303(d) of the Clean Water Act, states, territories, and authorized tribes are required to develop a list of water quality limited segments. The waters on the list do not meet water quality standards, even after point source dischargers of pollution have installed the minimum required levels of pollution control technology. For waters on the list, the law requires that priority rankings be established for the development of action plans, called Total Maximum Daily Loads (TMDLs), to improve the water quality.

Changes to the 2006 List for the San Diego Region from the previous 2002 List include the addition of approximately one hundred new pollutant waterbody combinations, and the delisting of approximately five pollutant waterbody combinations. Exact numbers won't be available until the State Water Board publishes the 2006 list incorporating the changes made at the State Water Board meeting. Three water quality limited segments were moved to the "Being Addressed List" since TMDLs for these segments developed by the San Diego Water Board were approved by the USEPA.

Significant changes to the List include the addition of seven yacht basins in San Diego Bay due to exceedances of dissolved copper. Additionally, six terminal drinking water reservoirs were not listed for total dissolved solids despite exceeding the Basin Plan's water quality objectives (WQOs) because the upstream water concentrations are higher than the WQOs. Two issues of particular concern with the 2006 List are the listing of San Diego Bay in its entirety for impairment due to polychlorinated biphenyls (PCBs) in fish tissue, and the delisting of Mission Bay for indicator bacteria.

During the development of the List, the San Diego Water Board commented to the State Water Board that listing the entire bay for PCBs in fish tissue is inappropriate, based in part on the age of the data and the use of an inappropriate screening level to indicate impairment. Furthermore, all of the major PCB impaired sediment "hot spot" sites in San Diego Bay have been identified, and are either on the 2002 List, or previously cleaned up. The State Water Board responded that listing all of San Diego Bay is appropriate because 1) the screening value was addressed when the State's 303(d) Listing Policy was developed, and 2) the beneficial uses associated with San Diego Bay include Commercial and Sport Fishing, which makes evaluation of the fish tissue data pertinent.

In regards to Mission Bay, the San Diego Water Board recommended that the entirety of Mission Bay not be delisted. Rather, we recommended that individual shoreline segments be listed or delisted based on sampling results from these areas. Although many (but not all) beach segments in Mission Bay meet water quality objectives during dry weather conditions, this is because low-flow diversion structures prevent dry weather flows from reaching the beaches. These controls are not adequate to prevent storm flows from reaching and impairing the beach segments during wet weather. The State Water Board responded that the current listing policy does not define wet and dry weather events individually, and that separating Mission Bay into several shoreline segments could be addressed during the next listing cycle.

The State Water Board is in the process of finalizing the changes to the 2006 List and associated documents. The final 2006 List will be included as an

attachment in a subsequent Executive Officer's Report as soon as the final list is published.

6. Leaking UST Case: One Stop Auto Tech (*Jody Ebsen*)

On October 31, 2006, the Regional Board issued Investigative Order No. R9-2006-0140 to Mr. Waddie and Mrs. Akhlas Yaddgo, and Mr. Tony and Mrs. Violet Nasrawi (the Dischargers) for the unauthorized release of petroleum wastes from the underground storage tank system located at 9605 Carlton Hills Road in Santee. The Order requires the Dischargers to submit technical reports including a site conceptual model, a workplan to complete the on and off site assessment, results from groundwater monitoring, and a corrective action plan (CAP) for remediation of the site. A complete copy of Order R9-2006-0140 is available from the Regional Board's Adopted Orders web page at <http://www.waterboards.ca.gov/sandiego/orders/orders.html>. Additional information on the affected leaking UST case may be found on-line in the Geotracker database at: <https://www.geotracker.waterboards.ca.gov/>.

7. Proposed Gregory Canyon Landfill (*Carol Tamaki and John Odermatt*)

This item is provided to update the Regional Board on recent events relating to the proposed Gregory Canyon Landfill.

CEQA Process and Status of Revised EIR

The San Diego County Department of Environmental Health (DEH) web page at <http://www.co.san-diego.ca.us/deh/chd/gchome.html> contains information on the CEQA process for the proposed project. The Regional Board submitted written comments (dated August 23, 2006), concerning various water quality related topics associated with the proposed project, for consideration by the County DEH. As of early October, the County had indicated that their consultant was developing responses to comments received on the RPDEIR. At this time, the Regional Board staff has not been informed of any specific action taken by the Director of DEH (Mr. Gary Erbeck) regarding the Revised Partial Draft EIR.

Public Participation Requirements in CCR Title 27

The Regional Board staff is reviewing State Water Resources Control Board public participation guidance documents to comply with public participation requirements in Title 27, California Code of Regulations, § 21730.

Scheduling an Agenda Item for consideration by the Regional Board

The subscribers were informed that the Regional Board Executive Officer informed the Regional Board members that he preferred not to schedule a public hearing on the proposed Gregory Canyon Landfill project until after the County of San Diego completes its CEQA process. In view of the status of the CEQA document and the uncertainties with the completion date of the CEQA process, the staff cannot be certain when the future agenda item will be scheduled for consideration by our Regional Board.

8. Closure of San Marcos Landfill (Carol Tamaki and John Odermatt)

The Regional Board staff provided a previous Executive Office Report item (dated October 11, 2006) on the closure of the San Marcos Landfill. This information is available on-line at http://www.waterboards.ca.gov/sandiego/eo_report/eoreport.html.

The Regional Board staff completed reviewing the "Final Closure Certification and Construction Quality Assurance Report San Marcos Landfill Closure Project." The CQA Report is incomplete at this time due to the omission of information required by the applicable regulations found in California Code of Regulations (CCR) Title 27 and the County's CQA plan (Addendum No. 1, dated January 2002). On October 30, 2006, the Regional Board staff provided written comments on the final CQA Report (via email) to the County Department of Public Works (DPW), the County Local Enforcement Agency (LEA), and California Integrated Waste Management Board (CIWMB) staffs.

The missing information required by Title 27 is summarized as follows:

- Title 27, Section 20324(c)(1)(B) requires a detailed description of the level of experience and training for personnel
- Title 27, Section 20324(d)(1)(B), requires that the CQA report contain "Acceptance Reports" to verify that materials and construction of the final cover comply with the specified design in accordance with the approved Closure Plan.

This information identified above must be provided to the Regional Board before the CQA Report can be deemed to be complete. Other information related to the actions at the site, the CQA plan, and final CQA Report also requires clarification or explanation as follows:

The CQA Report contains a brief statement about a contractor draining "tanks on the west slopes." The comment requested that the County DPW staff provide information about the nature of the material that was discharged and if that discharge was done in compliance with applicable waste discharge requirements (Order No. R9-2003-0003). The final CQA Report did not provide information regarding the volume of discharge nor whether or not it reached surface waters.

Some pages and information in daily field inspection reports appeared to be missing from the final CQA Report. The comment requested that the County DPW staff provide the missing pages of the final CQA Report, and an explanation regarding the missing information on the daily field reports.

When the final construction of the landfill cover is deemed acceptable; then Order R9-2003-0003 will serve to regulate the post-closure maintenance and monitoring of the San Marcos Landfill, replacing earlier requirements issued to

the County of San Diego as CDO 98-39 and Order 95-112 (corrective action monitoring requirements). The Regional Board staff anticipates preparing a future agenda item for the Regional Board to consider modifying or suspending CDO 98-39.

9. Pulte Homes Enforcement Settlement (*Vicente Rodriguez*)

In November 2004, the Regional Board drafted and was prepared to issue a Complaint for assessment of Administrative of Civil Liability (ACL) against the Pulte Homes Corporation for violations that had occurred in 2003 and 2004 associated with storm water at a construction site known as "Eastlake III Vista's (VR 1)" located at 1312 N. Ridge Way, Chula Vista, CA. On the eve of the issuance of the complaint, however, the Regional Board acceded to a request by USEPA for the Regional Board to withhold issuing the complaint, pending a larger multi-state enforcement action by USEPA against Pulte Homes. In the spirit of cooperation, the Regional Board held in abeyance the issuance of ACL Complaint.

Subsequently, in September 2005, the State Board, on behalf of the Regional Boards with pending enforcement cases against Pulte, declined to have the Regional Board join USEPA in negotiating a settlement. The State Board's decision did not jeopardize the Regional Boards authority to bring enforcement action, independent of USEPA, against Pulte Homes. As of October 2006, a negotiated settlement between USEPA and Pulte Homes has not been finalized.

In March 2006, the San Diego Regional Board's enforcement group deferred indefinitely the Regional Board's enforcement action against Pulte Homes for violations at the Chula Vista site. This decision was based, in large part, on the pending settlement agreement with USEPA, and that considerable time had elapsed since violations at the Pulte Homes site in Chula Vista occurred. Construction was completed at the site approximately 2 years ago. Now or at some later date the Regional Board may wish to resume enforcement action against Pulte Homes for noncompliance at the Chula Vista site, or more likely, use the noncompliance at the Chula Vista site in any future enforcement action against Pulte Homes.

10. Current Petitions at the State Water Resources Control Board

(*Michael McCann*)

Currently there are three active petitions from the San Diego Region under review by the State Board's Office of Chief Counsel. Bajagua LLC filed a petition on Sept. 7, 2006 in response to the Regional Board's refusal to process an application for waste discharge requirements. On Sept. 15, 2006 the Surfrider Foundation filed petitions for the Board's adoption of the waste discharge requirements for Cabrillo Power I LLC and for the Poseidon Resources Corporation desalination project. The Coastkeeper joined with the Surfrider Foundation in the petition against the Poseidon Resources Corp. desalination project. All three petitions are pending further action by the State Board.

11. San Diego River Conservancy Meeting Oct. 13, 2006 *(Michael McCann)*

The Governing Board of the Conservancy met on Oct. 13, 2006 at the City of San Diego Council Chambers. A closed session was conducted to consider the selection of a new Executive Officer. On Oct. 20 it was announced that Michael Nelson of Point Loma was named the new Executive Officer of the Conservancy. Michael Nelson, a former public administrator with a long history in environmental and conservation issues, has most recently worked as a private consultant. Previously, he worked on projects for the American Farmland Trust and Conservation Fund and for a number of years for the State of Maryland. Chairwoman of the Conservancy, Donna Frye, had this to say about the new appointment, "Michael is ideally suited for this position, and his extensive experience in securing funding for natural resources will help ensure the Conservancy's mission."

12. Update on Request for Clean Up Guidelines for Lead Impacted Soil

(John Anderson)

The Regional Board was asked to look into the development of guidelines to address the disposal, and reuse of lead impacted soil. This issue has become very important in recent years due to the increase in redevelopment of the inner city areas and the need for a net export of soils from most of these redevelopment projects. As a follow up, periodic meetings have been set to meet with various parties interested in advancing guidelines to address this issue. A meeting was held at the offices of Earth Tech on October 26, 2006. At this meeting, data was presented from soils collected along an area of the Interstate 5 widening project. The data showed very low lead concentrations in soil and 3 out of 10 ground water samples had detectable lead concentrations. However, no correlation or relationship could be made between soil lead concentrations and ground water lead concentrations. Further analyses would be necessary to determine if a relationship exists.

Another set of data was presented from a shooting range site that showed some relationship between total lead in soil and leachable, soluble lead. In most all cases, leachability of lead from soils showed concentrations above the federal tap water action level of 0.015 mg/L. However, a second set of column soil leachability tests were run and showed that after 2 pore-volumes of water through the soil with total lead concentrations between 92 mg/kg and 771 mg/kg that the leaching results did not exceed the federal tap water action level. Again, more work is needed to describe a total soil lead concentration to leachable lead concentrations.

Several documents and methodologies were also discussed that may provide a framework to help develop guidelines. The next meeting is scheduled for November 17, 2006 from 12PM to 1PM to further discuss these methodologies. Progress updates will be provided to the Regional Board in subsequent Executive Officer's Reports.

13. Advanced Treatment Systems for Construction Storm Water *(Ben Neill)*

On September 29, 2006, John Robertus, Executive Officer, and Ben Neill, Water Resource Control Engineer of the Central Watershed Unit, attended an educational seminar about advanced treatment systems hosted by Clear Creek Systems, Inc. The seminar's goal was to clear up misconceptions and provide information about using advanced treatment systems to treat construction storm water discharges. Joe Gannon of Clear Creek Systems facilitated the seminar. Many engineers and storm water professionals from consulting firms and local city governments attended the seminar. In addition, a few construction companies sent their superintendents and environmental compliance officers to learn more about advanced treatment systems.

Joe Gannon provided detailed information on advanced treatment systems implemented at construction sites from 1 to 1,500 acres. Topics included descriptions of advanced treatments systems, what they can and cannot do, design considerations, operational environment, and cost. John Robertus spoke on regulatory agency concerns pertaining to advanced treatment systems. These concerns include meeting the Maximum Extent Practicable and Best Available Technology performance standards, complying with water quality objectives and numeric effluent limitations, monitoring for toxicity, and regulating advanced treatment systems in the future through the construction and municipal storm water permits.

14. SANDAG Storm Water Specification Workshop *(Ben Neill)*

On August 17 and September 21, 2006, Mr. Ben Neill, Water Resource Control Engineer of the Central Watershed Unit, attended two workshops held by SANDAG aiming to improve their storm water specifications for construction contracts. The workshops were conducted as a condition of the settlement of civil liability assessed for construction storm water violations at the Metropolitan Transit System's Mission Valley East Light Rail Transit Project (Order No. 2005-0173). As part of that settlement, SANDAG committed to improving staff awareness of storm water regulations including preparation of a one time comprehensive training course for project development staff, and yearly training sessions to update key construction staff.

Michael Broadwater of Vali Cooper & Associates facilitated the workshop. The workshop was attended by approximately 20 engineers and storm water professionals from Caltrans, local city governments, local contracting companies, and consulting firms.

The workshops reviewed several standard storm water specifications from other agencies including local cities, Caltrans, and equivalent departments of transportation from other states. Specific topics discussed included complying with permit requirements, using storm water quality manuals, assessing legal responsibility, sharing risk and liability between agencies and contractors,

enforcing contracts, submitting storm water pollution prevention plans, and developing guidance for implementing best management practices.

The final recommended contract specifications closely resemble the Caltrans specifications with a few changes based on the workshop attendees' comments. Some notable differences from the Caltrans specification include sharing BMP maintenance costs and penalties and developing weather triggered action plans.

15. Status of Kelp Beds Along the Coast of San Diego and Orange Counties

(Bob Morris)

In 1982, this Regional Board initiated a regional kelp monitoring program, which required the participation of point-source dischargers as a monitoring component of their renewed National Pollution Discharge Elimination System (NPDES) permits. Currently the Region Nine Kelp Survey Consortium consists of the Cities of San Diego, Escondido, and Oceanside, Encina Wastewater Authority, International Boundary and Water Commission, San Eilijo Joint Powers Authority, South Orange County Wastewater Authority, NRG Cabrillo Power LLC, and Southern California Edison. On October 24, 2006, MBC Applied Environmental Sciences (MBC), consultants to the Consortium presented a report to Mike McCann and Bob Morris from the Regional Board's Watershed Branch and the representatives of the Consortium on the 2005 kelp bed assessment.

MBC reported that kelp growth within the 24 kelp beds monitored as part of the Region Nine program was generally poor for the year. Exceptions include the Pt. Loma kelp bed, which continued to be similar in size to the previous year, and the beds off San Mateo Point, which generally improved in early 2005. Three factors appear to have impacted kelp health and growth in 2005.

Two of the factors relate to high turbidity, which limits the availability of light necessary for kelp growth. Precipitation during the winter of 2005 was unusually high resulting in sustained turbidity from higher amounts of runoff into the nearshore zone. Secondly, from the beginning of spring through the end of fall, a persistent phytoplankton bloom was present near shore along the entire Region Nine coastline. The dominant bloom species changed throughout the year with diatoms being most abundant in winter and the dinoflagellate *Lingulodinium polyedrum* dominating in the summer. *L. polyedrum*, the causative agent of red tide, peaked in abundance in August and September 2005, with cell counts over 3.5×10^5 per liter, which effectively occluded light below 5 m depth.

The third factor relates to Ocean swells. On December 21, 2005, atypically large swells began impacting the southern California coastline, producing breaking waves occasionally over 15 ft in the northern portion of the region and over 18 ft in the northern portion. Large swells persisted through January 13, 2006. Such swell activity contained ample energy to dislodge kelp from the sea bottom throughout the central region, especially considering the lengthy three-week duration for the event.

MBC concluded that there were no kelp beds that appeared to be responding atypically to environmental inputs when compared to neighboring beds in the region. In general, most of the beds were markedly smaller by year end than at the beginning of the year, indicating that 2005 was a stressful year for the region's kelp beds. None of the data would suggest that any of this variation was caused by any particular outfall. Rather, it would appear that the variation seen is typical of the oceanographical regime in the Southern California Bight which is closely aligned with the California Current and is influenced to varying degrees by larger scale meteorological cycles such as Pacific Decadal Oscillation, Inter-decadal Pacific Oscillation, and El Nino Southern Oscillation.

16. Golden Acorn Casino/Campo Creek (*Art Coe and Brian Kelley*) (*Attachment B-16*)
The Golden Acorn Casino is owned by the Campo Kumeyaay Nation and located on their tribal lands south of I-8 at the Crestwood Road exit northeast of the community of Campo. The casino is situated within the Campo Creek watershed. In 2005, a brief series of articles in the San Diego Union Tribune reported the concerns of neighbors regarding a variety of practices at the Casino, including operation of the sewage treatment and disposal facilities (see attached letter from Backcountry Against Dumps dated July 5, 2005).

The state may decide to conduct a multi-agency inspection to evaluate environmental issues associated with the casino. In response to the concerns expressed by the casino's neighbors, an official with the Governor's Office apparently told a reporter from the San Diego Union Tribune that the state would be conducting an inspection of the facilities. Since early 2006 the Governor's staff has been working with representatives of the Campo Kumeyaay Nation to obtain their consent for such an inspection. The Regional Board has been asked to participate in any inspection that is eventually conducted, with responsibility for looking at the sewage treatment and disposal facilities. The Governor's staff has been provided with proposed inspection protocols that would provide an assessment of the operation of the sewage treatment plant, the adequacy of the sewage disposal facilities, and the potential impact of the sewage disposal on groundwater quality. At this time it is not known if or when an inspection will occur.

The Campo Kumeyaay Nation has initiated a work group to foster better communications with state, local and federal agencies. In January 2006 the Campo Kumeyaay Nation convened the first meeting of the Campo Creek Source Basin Task Force, whose purpose is to promote better understanding and communication on issues of mutual concern for the Campo Creek and neighboring watersheds source basins. Representatives of the Regional Board attended the January 6, 2006 task force meeting and provided input on the Regional Board's regulatory structure as it relates to wastewater treatment plants with discharges to land.

The Regional Board does not have direct regulatory authority over the Campo Kumeyaay Nation. If discharges occur within the tribal lands that impact waters of the state outside of the tribal boundaries, the Regional Board may have some regulatory authority. It is doubtful, however, if there is any effective way to exercise that regulatory authority.

The federal government does have some regulatory authority in water quality matters involving tribal lands. The U.S. EPA has delegated the Campo Environmental Protection Agency authority to implement the Federal Clean Water Act within the tribal boundaries. The U.S. EPA retains oversight authority for this delegation. However, the federal jurisdiction only applies to discharges subject to the National Pollutant Discharge Elimination System and discharges that are directly injected into underground aquifers. In 2005 a U.S. EPA inspector reportedly inspected the Campo sewage treatment and disposal facilities and determined that, since the only discharges were to land disposal areas and not surface waters, there was no federal jurisdiction.

17. Significant Enforcement Actions for October 2006 (Mark Alpert)
(Attachment B-17)

The following is a summary of all enforcement actions during the month of October 2006. During the period the Regional Board initiated 23 enforcement actions (5 Staff Enforcement Letters, 9 Notice of Violations, 2 Investigative Orders, 6 Cleanup and Abatement Orders, 2 Administrative Civil Liability Orders, and 1 Notice of Settlement).

A more detailed listing of the most significant enforcement actions undertaken by the Regional Board during the month of October 2006 is attached. Enforcement on sewage spills is discussed in a separate discussion topic entitled "Sewage Spills").

FACILITY NAME	CITY	DATE
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<u>Staff Enforcement Letters</u>		
Outdoor World Retreat	Boulevard	10/9/2006
Skyline Ranch Country Club	Valley Center	10/11/2006
Ralph W Chapman WRF	Spring Valley	10/17/2006
Pine Valley San Sistrict	Pine Valley	10/19/2006
Oceanside Marine Centre	Oceanside	10/20/2006

<u>Notice of Violations</u>		
Anza Landfill	Anza	10/23/2006
Industrial Stormwater Dischargers	8 Region wide	10/26/2006

<u>Cleanup and Abatement Orders (including rescissions, and addenda)</u>		
Plavan Petroleum	Escondido	10/3/2006
Thrifty Oil Company	El Cajon	10/10/2006
City of San Diego	San Diego	10/11/2006
Sea wall Construction	Coronado	10/13/2006
Caltrans District 12	San Juan Capistrano	10/13/2006
Otay Ranch village 11	Chula Vista	10/16/2006

<u>Investigative Orders (WC 13267)</u>		
Ozone Treatment Demonstration Project	Dana Point	10/25/2006
One Stop Auto Tech	Santee	10/31/2006

<u>Notice of Settlement of Potential Liability</u>		
Glenwood Development Company	Murrieta CA	10/5/2006

<u>Administrative Civil Liability Orders</u>		
Excellent Coatings Inc	Vista	10/11/2006
City of Escondido, HARRF	Escondido	10/11/2006

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Biodiversity and Watershed Health (*Bruce Posthumus*) (*Attachment C-1*)

"Biodiversity Along the Border" was the topic of the California Biodiversity Council (CBC) meeting in Coronado on September 27 & 28. On the 27th, the meeting included a full-day field trip highlighting conservation and development issues on both sides of the international border in the watershed of the Tijuana River. On the 28th, the CBC heard several presentations and formed a "Biodiversity on the Border Committee." Representatives of Mexican governmental entities, as well as representatives of CBC members, participated in the meeting.

The CBC was formed in 1991 to improve coordination and cooperation between the various resource management and environmental protection organizations at federal, state, and local levels. The CBC has forty members, including state agencies, federal agencies, regional associations of county supervisors and governments, the University of California, and the California Association of Resource Conservation Districts. The CBC includes the State Water Resources Control Board but not the regional water quality control boards. The South Coast

Bioregion, one of ten California bioregions recognized by the CBC, roughly corresponds to the combined areas of jurisdiction of the San Diego, Santa Ana, and Los Angeles regional water quality control boards.

The term biodiversity (i.e., biological diversity) – refers to the variety of life on Earth, including all natural habitats, communities, and ecosystems in which that life occurs and all associated natural patterns, processes, functions, interactions, and characteristics. Biodiversity refers to the variety of natural ecosystems, species, and genetic material; and to their relative abundance and the variability within and among them.

California – including southern California and the San Diego region - and northern Baja California are considered to be “hotspots” of biodiversity and areas where threats to biodiversity are most severe and most imminent. Threats to and protection of biodiversity have much in common with, respectively, threats to and protection of the health of watersheds (including but not limited to threats to the quality and beneficial uses of waters of the state).

As underscored by the topic of the September 27 & 28 CBC meeting, threats to biodiversity – like threats to the health of watersheds – transcend anthropogenic boundaries. In order to be successful, efforts to protect biodiversity and the health of watersheds must also transcend such boundaries. This will require communication, collaboration, coordination, and cooperation between governmental and nongovernmental entities in different geographic areas, at different levels, and with different interests, responsibilities, and jurisdictions.

The topic of the next CBC meeting, to be held in Sacramento on December 14, is “Ecosystem Services.”

Please see Attachment C-1 for additional information.

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

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

November 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
DECEMBER 13, 2006 RB MEETING San Diego Regional Board Office										
	SAN DIEGO COUNTY MUNICIPAL STORM WATER PERMIT	Adoption: NPDES Permit Reissuance	100%	100%	100%	0%	December 13, 2006	No		Hammer
	HUBBS RESEARCH AGUA HEDIONDA LAGOON PERMIT REISSUANCE	NPDES Permit Reissuance	100%	100%	100%	0%	December 13, 2006	No		Becker
	HUBBS RESEARCH AGUA HEDIONDA LAGOON COMPLIANCE TIMESCHEDULE	Hearing: Cease Desist Order	NA	100%	100%	0%	December 13, 2006	No		Becker
	SANITARY SEWER OVERFLOWS--STATE BOARD GENERAL WDR ORDER No. 2006-003	WDR Adoption	NA	100%	100%	80%	December 13, 2006	Yes		Confrancesco
	JACK AND MARK STIEFEL DAIRY RIVERSIDE COUNTY	NPDES Permit Reissuance	100%	100%	100%	0%	December 13, 2006	Yes	NPDES Workplan FY 2004-05	Morris
	US MARINE CORPS CAMP PENDLETON CLASS II WASTE MGMT UNIT BIOREMEDIATION	WDR Rescission	100%	100%	80%	0%	December 13, 2006	Yes		Grove
	So ORANGE COUNTY WASTEWATER AUTHORITY ALISO CREEK DISCHARGE TO OCEAN OUTFALL	NPDES Permit Revision	100%	100%	90%	0%	December 13, 2006	Yes		Confrancesco
	SAN DIEGO STATE UNIV. RESEARCH COASTAL WATER LABORATORY SAN DIEGO BAY	NPDES New Permit	100%	100%	100%	50%	December 13, 2006	Yes		Vasquez
FEBRUARY 14, 2007 RB MEETING San Diego Regional Board Office										
	CHOLLAS CREEK HEAVY METALS TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	100%	20%	February 14, 2007	No	TMDL Workplan FY 2006-07	Tobler
	REGIONWIDE BACTERIA TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	100%	20%	February 14, 2007	No	TMDL Workplan FY 2005-06	Arias
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR SAN DIEGO BAY	NPDES Permit Reissuance	NA	50%	0%	0%	February 14, 2007	No	NPDES Workplan FY 2004-05	Alpert
	ACTIVE AUTO DISMANTLERS, INC 2812 COMMERCIAL ST. SAN DIEGO	Hearing: Admin. Civil Liability	NA	100%	100%	20%	February 14, 2007	No		Stewart
	KAMPEN BROS. (fmr.DeJAGER/BOERSMA) DAIRY RIVERSIDE COUNTY	NPDES Permit Reissuance	0%	90%	0%	0%	February 14, 2007	Yes	NPDES Workplan FY 2005-06	Morris
	FRANK J. KONYN DAIRY SAN PASQUAL VALLEY SAN DIEGO COUNTY	NPDES Permit Reissuance	80%	90%	0%	0%	February 14, 2007	Yes	NPDES Workplan FY 2005-06	Valdovinos
	T.D. DAIRY (VAN TOL DAIRY) RAMONA	NPDES Permit Reissuance	0%	90%	0%	0%	February 14, 2007	Yes	NPDES Workplan FY 2005-06	Valdovinos
	CITY OF ESCONDIDO HAARF WATER RECLAMATION PROJECT	WDR Revision	100%	50%	0%	0%	February 14, 2007	Yes		Morris

**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
November 8, 2006										
	VALLECITO MUN. WATER DISTRICT MEADOWLARK FACILITY	WDR Update	90%	50%	0%	0%	February 14, 2007	Yes		Becker
	MARCH 14, 2007 RB MEETING San Diego Regional Board Office									
	ORANGE COUNTY MUNICIPAL STORMWATER PERMIT	Hearing: NPDES Permit Reissuance	0%	50%	0%	0%	March 14, 2007	No		Smith
	DAKOTA RANCH DEVELOPMENT CO. 401 WATER QUALITY CERTIFICATION	Hearing: Admin. Civil liability	100%	NA	100%	20%	March 14, 2007	No	ACL COMPLAINT \$140,500	Melbourn
	APRIL 11, 2007 RB MEETING San Diego Regional Board Office									
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR REGION	NPDES Permit Reissuance	NA	50%	0%	0%	February 14, 2007	No	NPDES Workplan FY 2004-05	Alpert
	MAY 9, 2007 RB MEETING San Diego Regional Board Office									
	OCEAN DISCHARGER RECEIVING WATER MONITORING PROGRAM UPDATES	NPDES Permits Revisions	NA	0%	0%	0%	May 9, 2007	No	NPDES Workplan FY 2004-05	Kelley
	PENDING / UNSCHEDULED ACTIONS									
	PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	Hearing: New WDRs	100%	85%	85%	0%		No		Tamaki

SANITARY SEWER OVERFLOW STATISTICS (Updated through October 31, 2006)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B		NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)				SPILLS PER 100 MILES (LISTED BY FY)				SPILL VOLUME 2006-07 ^A		NO. OF PRIVATE SPILLS ^E 06-07	VOLUME OF PRIVATE SPILLS			
	Miles	MGD	02-03	03-04	04-05 ^A	05-06A	06-07 ^A	02-03	03-04	04-05 ^A	05-06A	06-07 ^A		GAL	GAL/MG ^C	GAL	GAL
ORANGE COUNTY:																	
EL TORO WD	55	2.2	1	3	3	2	0	1.8	5.5	5.5	3.7	0.0	0	0	0	1	8
EMERALD BAY SERVICE DISTRICT	6	0.1	0	0	1	0	0	0.0	0.0	16.7	0.0	0.0	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	0	0
LAGUNA BEACH, CITY OF	95	2.4	27	8	11	5	1	28.4	8.4	12.6	5.3	1.1	300	1	300	7	273
MOULTON NIGUEL WD	530	13.0	1	2	5	1	1	0.2	0.4	0.9	0.2	0.2	600	0	600	0	0
SAN CLEMENTE, CITY OF	179	4.5	7	2	5	2	2	3.9	1.1	2.8	1.1	1.1	250	0	250	3	100
SAN JUAN CAPISTRANO, CITY OF	100	3.4	0	1	2	0	1	0.0	1.0	2.0	0.0	1.0	5300	13	5300	0	0
SANTA MARGARITA WD	546	10.7	4	5	6	4	1	0.7	0.9	1.1	0.7	0.2	0	0	0	1	300
SOUTH COAST CWD	132	4.0	8	7	4	3	0	6.1	5.3	3.0	2.3	0.0	0	0	0	3	80
TRABUCO CANYON WD	43	0.7	0	1	3	0	1	0.0	2.3	7.0	0.0	2.3	0	0	0	0	0
RIVERSIDE COUNTY:																	
EASTERN MWD	421	9.5	3	7	0	0	0	0.7	1.7	0.0	0.0	0.0	0	0	0	0	0
ELSINORE VALLEY MWD	80	2.0	0	1	3	1	0	0.0	1.3	3.8	1.3	0.0	0	0	0	0	0
MURRIETA MWD	25	0.5	0	1	0	0	0	0	4.0	0.0	0.0	0.0	0	0	0	0	0
RANCHO CA WD	71	2.9	0	1	2	1	1	0.0	1.4	2.8	1.4	1.4	600	2	600	0	0
SAN DIEGO COUNTY:																	
BUENA SANITARY DISTRICT	84	1.9	2	1	2	3	0	2.4	1.2	2.4	3.6	0.0	0	0	0	0	0
CARLSBAD MWD	214	7.2	6	6	12	10	5	2.8	2.8	4.7	4.7	2.3	2437	3	2437	3	690
CHULA VISTA, CITY OF	400	16.0	3	1	7	4	0	0.8	0.3	1.3	1.0	0.0	0	0	0	4	367
CORONADO, CITY OF	53	3.8	2	5	0	0	0	3.8	9.4	0.0	0.0	0.0	0	0	0	0	0
DEL MAR, CITY OF	30	1.1	7	1	0	2	0	23.4	3.3	0.0	6.7	0.0	0	0	0	0	0
EL CAJON, CITY OF	198	9.1	3	0	3	0	2	1.5	0.0	1.5	0.0	1.0	4000	4	4000	0	0
ENCINITAS, CITY OF	118	4.1	6	1	5	0	1	5.1	0.8	4.2	0.0	0.8	0	0	0	0	0
ESCONDIDO, CITY OF	350	10.8	3	2	4	4	3	0.9	0.6	1.1	1.1	0.9	60	0	60	3	190
FAIRBANKS RANCH COMM SERV DIST	15	0.2	0	0	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	22	9	10	8	0	30.6	12.5	13.9	11.1	0.0	0	0	0	2	90
IMPERIAL BEACH, CITY OF	84	2.2	14	2	8	2	0	16.7	2.4	9.5	2.4	0.0	0	0	0	0	0
LA MESA, CITY OF	155	5.8	3	4	3	0	0	1.9	2.6	1.9	0.0	0.0	0	0	0	0	0
LEMON GROVE, CITY OF	69	2.4	4	4	3	0	0	5.8	5.8	4.3	0.0	0.0	0	0	0	0	0
SAN DIEGO COUNTY (continued):																	
LEUCADIA CWD	185	4.2	6	1	6	3	0	3.2	0.5	2.7	1.6	0.0	0	0	0	0	0
NATIONAL CITY, CITY OF	97	5.1	1	2	1	4	0	1.0	2.1	1.0	4.1	0.0	0	0	0	0	0
OCEANSIDE, CITY OF, WTR UTIL DEP	446	13.0	23	22	13	7	0	5.2	4.9	3.1	1.6	0.0	0	0	0	1	700
OLIVENHAIN MWD	16	0.4	2	0	3	0	0	12.5	0.0	18.8	0.0	0.0	0	0	0	0	0
OTAY MWD	86	1.4	3	1	0	0	0	3.5	1.2	0.0	0.0	0.0	0	0	0	0	0
PADRE DAM MWD	150	5.1	3	3	1	1	0	2.0	2.0	0.7	0.7	0.0	0	0	0	0	0

SANITARY SEWER OVERFLOW STATISTICS (Updated through October 31, 2006)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B		NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)						SPILLS PER 100 MILES (LISTED BY FY)				SPILL VOLUME 2006-07 ^A		NO. OF PRIVATE SPILLS ^E 06-07	VOLUME OF PRIVATE SPILLS		
	Miles	MGD	02-03	03-04	04-05 ^A	05-06A	06-07 ^A	02-03	03-04	04-05 ^A	05-06A	06-07 ^A	GAL	GAL/MG ^C		06-07	GAL	GAL
			02-03	03-04	04-05 ^A	05-06A	06-07 ^A	02-03	03-04	04-05 ^A	05-06A	06-07 ^A						
PAUMA VALLEY COMM SERVICE DIS	8	0.7	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0	0	
POWAY, CITY OF	170	4.0	5	3	0	5	0	2.9	1.8	0.0	2.9	0.0	0	0	0	0	0	
RAINBOW MWD	54	0.7	2	6	2	0	1	3.7	11.1	3.7	0.0	1.8	3000	33	1	761	0	
RAMONA MWD	83	1.3	2	2	4	4	0	2.4	2.4	3.6	4.8	0.0	0	0	0	0	0	
RANCHO SANTA FE COMM SERV DIST	52	0.4	1	0	2	0	0	1.9	0.0	3.9	0.0	0.0	0	0	0	0	0	
SAN DIEGO CO, PUBLIC WORKS	380	11.0	11	2	2	3	0	2.9	0.5	0.5	0.8	0.0	0	0	0	0	0	
SAN DIEGO, CITY OF, MWWD	2894	170.1	193	115	122	82	30	6.7	4.0	3.3	2.8	1.0	27011	1	41	6332	0	
SOLANA BEACH, CITY OF	52	1.2	1	6	1	1	0	1.9	11.5	0.0	1.9	0.0	0	0	0	0	0	
USMC BASE, CAMP PENDLETON	194	3.1	23	14	12	16	3	11.9	7.2	5.2	8.3	1.5	5250	14	0	0	0	
US NAVY	123	4.0	12	11	13	11	5	9.8	9.0	10.6	9.0	4.1	5240	11	1	50	0	
VALLECITOS WD	202	6.1	5	4	6	7	0	2.5	2.0	2.5	3.5	0.0	0	0	0	0	0	
VALLEY CENTER MWD	48	0.3	3	1	1	0	0	6.3	2.1	2.1	0.0	0.0	0	0	0	0	0	
VISTA, CITY OF	198	6.5	4	7	9	5	1	2.0	3.5	4.6	2.5	0.5	6000	8	0	0	0	
WHISPERING PALMS COMM SERV DIS	17	0.3	1	0	0	0	0	5.8	0.0	0.0	0.0	0.0	0	0	0	0	0	
REGION 9 TOTAL	9615	363	427	275	266	201	59						60048		71	9941		
AVERAGE ¹								4.4	2.9	2.8	2.1	0.6		2				
STANDARD DEVIATION ²								7.0	3.4	4.4	2.6	0.8		6				
MEDIAN ³								2.4	2.0	2.5	1.0	0.0		0				

^A Includes available preliminary data for July 1, 2004 through October 31, 2006, and may not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during this period.

^B As of June 2003.

^C Volume of spills for the period in gallons divided by the amount conveyed for the period in million gallons.

^D Included with Eastern Municipal Water District

^E Private property spills are not the responsibility of the sewer agencies. The private spills are listed here to show locations of these spills from private property systems. Also, it is not a requirement of Order No. 96-04 for Public Sewer Agencies to report private property spills.

¹ The average is the sum of all values divided by the number of values.

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

³ 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 OCTOBER 1, 2006 THROUGH OCTOBER 31, 2006**

DATE	APPLICANT & LOCATION	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
10/03/06	Monte Vista Ranch, LLC, Riverside Co.	Monte Vista Ranch	A residential and commercial development that includes 70 single-family residential units and associated infrastructure on approximately 23 acres of the 40-acre site.	Unnamed drainage to Warm Springs Creek	Streambed 0.04 (P)	Enhance 0.12 of Waters of the U.S.	Time Expired
10/11/06	Rancho Mission Viejo, LLC	Rancho Mission Viejo The Ranch Plan, Planning Area 1	Convert 810 acres into 488 acres (gross) for residential use; 84 acres for an urban activity center; and 238 acres of open space that is anticipated to be dedicated as a habitat reserve area.	San Juan Creek and tributaries	Wetland 0.79 (T) Riparian 2.76 (T) Streambed 0.02 (T) Wetland 0.14 (P) Riparian 1.93 (P) Streambed 0.59 (P)	Create: Wetland 0.25 Riparian 1.96 Enhance: Streambed 0.77	Low Impact Certification and Waste Discharge Requirements

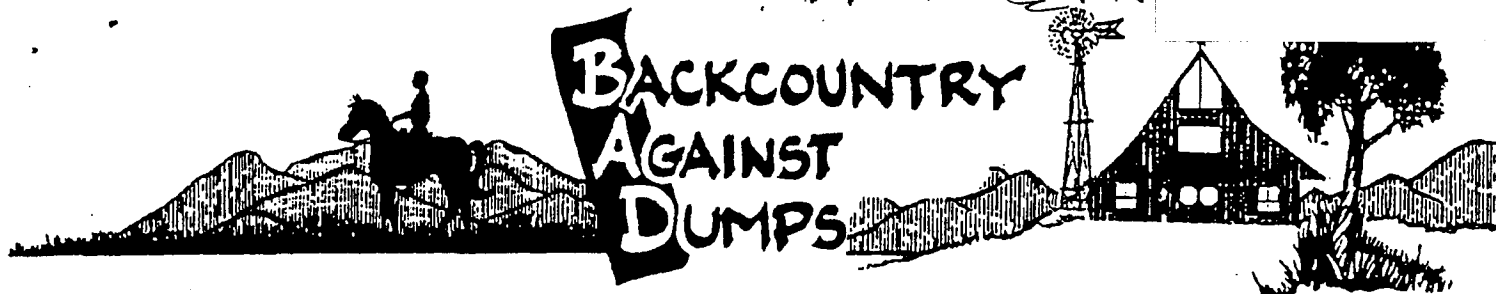
**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF OCTOBER 1, 2006 THROUGH OCTOBER 31, 2006**

DATE	APPLICANT & LOCATION	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
10/12/06	City of Carlsbad & McMillin Companies	Calavera Creek Riprap Installation	Remove temporary riprap and replace with permanent riprap and turf reinforcement matting. Approximately 110 feet of creek bottom and bank will be armored.	Calavera Creek	Streambed 0.146 (T)	Create 0.170 of Southern Willow Scrub	Low Impact Certification
10/17/06	County of Orange, Resources Development and Management Division	Aliso Creek Outlet Maintenance Program Project	Plan for semi-annual maintenance activities to establish a trapezoidal outlet channel and more frequent, routine, berm-breaching activities that would be conducted as needed to prevent the creek from meandering up coast or downcast.	Aliso Creek and Pacific Ocean	Ocean <0.01 (T) Streambed 0.73 (T) Dredge up to 3,000 CY	1:1 Creation, restoration, or enhancement resulting from maintenance activities that interfere with more than 50 linear feet of 0.01 acre of the meandering stream course.	Conditional Certification

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF OCTOBER 1, 2006 THROUGH OCTOBER 31, 2006**

DATE	APPLICANT & LOCATION	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
10/20/06	San Diego Gas and Electric, Chula Vista Bayfront	Silvergate Transmission Substation Project	The under-grounding of SDG&E's 138kv transmission line along the Chula Vista Bay Front, from the South Bay Power Plant to the Sweetwater River, with the subsequent removal of lattice tower structures.	Sweetwater River, Paradise Creek, Sweetwater Marsh	No fill or impacts to waterways or wetland habitat proposed or anticipated.	No compensatory mitigation proposed. Any temporary impacts will be returned to a pre-construction condition.	Conditional Certification

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.



"Don't Trash Our Water"

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

July 5, 2005

RE: CAMPO TRIBAL LEADERSHIP, BIA, AND USEPA FAILED TO PROPERLY REGULATE AND OVERSEE CASINO SEWAGE FIASCO. YOUR IMMEDIATE HELP NEEDED TO PROTECT PUBLIC HEALTH AND SAFETY.

Dear Governor Schwarzenegger,,

Our non-profit grassroots group is asking for your immediate help to rectify the serious mishandling of the sewage disposal at the Golden Acorn Casino on the Campo Reservation in rural East San Diego County. The worst kept secret on the mountain hit the front page of the San Diego Union Tribune on June 26, 2005, in a scathing article by investigative reporter, Brooke Williams.

It is our opinion that the Campo EPA, the BIA and the USEPA Region 9 have failed to provide adequate testing, regulation, and oversight to protect the public health and safety. We know all too well that state and local authorities have no enforcement authority on tribal lands. The Bureau of Indian Affairs has been missing in action. The San Diego Union Tribune (not the tribe, the BIA, or the USEPA) paid for independent testing that showed coliform bacteria levels are at a reported 1600 parts per 100 milliliter which are an alarming 700 % higher than would be allowed by California at a similar facility. The tribal representatives had been claiming that tests for coliform bacteria were negative. Information in the June 26th article is scandalous.

It appears that an actual cover-up of the seriousness, and duration, of the environmental violations was perpetrated by the tribal leadership and some of their employees. If they didn't think they were in violation, why did they reportedly rush to conceal the evidence when the USEPA gave advance notice of their inspection? We also believe that the USEPA, when called on to oversee the fiasco and to enforce regulations, failed to do a legitimate investigation and follow-up, and then purposely turned a blind eye to the threat posed to our federally designated sole source aquifer. Where are the independent water, soil, and effluent tests? There is no indication that the BIA is aware or concerned, which comes as no surprise. According to various applicable reports and studies, our private wells can be impacted through interconnecting water bearing fractures which can carry contaminants off-site at rapid rates. One report on the Campo Landfill, proposed for the same reservation, notes a flow rate of 16,500 feet in a 165 day period (D. Huntley letter to Regional Water Quality Control Board 1-10-93). You see why we are alarmed?

Special Agent Michael Burnett with the USEPA Criminal Investigation Division informed me, personally, that it was not a violation for the tribe to run their inadequately treated effluent out onto the ground and we should ask our elected officials to change the law. He did not seem to want to discuss the coliform levels or what tests they did not do. He also said it was not a crime to lie to the feds unless that lie was connected to a violation of law. How could allowing inadequately treated sewage to run out onto the ground for years, and allegedly lying about it, not be a violation of the law—and a crime? The problem needs to be fixed and those who concealed the evidence and the seriousness of the problem should now be punished. We do not want the casino shut-down, but it is important to note, this is the same Campo tribe that is about to release the SEIS notice in the Federal Register for their highly controversial and strongly opposed Campo Landfill. Due an inadequate, and toothless, tribal/state compact on the landfill issue, the yet-to-be released tribal Permit-to-Operate(PTO) will be reviewed by state agencies for functional equivalency. Their previous Authority to Construct was reviewed in 1993. All critical environmental issues were put off until the PTO review.

A packet of letters, articles, and other background information has been provided. Due to the critical need to protect our federally designated sole source aquifer, and the low-income status of our rural community, this should qualify as an environmental justice issue. Resolution of this issue is so serious we have asked the USEPA if taxpayer funds are available to help rectify the threat to public health and safety posed by the Golden Acorn Casino's scandalous sewage fiasco. Please call me at the number listed below if you need any information, or e-mail me at tisdale@aabol.com. We look forward to your prompt action on our valid request for help.

Sincerely,

Donna Tisdale
Donna Tisdale

CC: elected representatives
Interested parties
Cal/EPA

DONNA TISDALE, PRESIDENT
P.O. BOX 1275 • BOULEVARD, CA 91905 • (619) 766-4170 • FAX: (619) 766-4922

Attachment: Significant Enforcement Actions for October 2006

A. 401 Water Quality Certification

1. Addendum 1
Cleanup and Abatement Orders
(CAOs) R9-2006-0101 and 0102 Date: October 13, 2006

Agency/Entity	Mr. and Mrs. Dickerson and Mr. Fred Perry Mr. and Mrs. Gunning and Mr. Fred Perry
Facility	Sea wall construction project at 501 and 505 First Street, Coronado
Description	These addenda amend the findings and directives contained in the original CAOs to reflect the new circumstance that the dischargers are no longer possess valid 401 water quality certification, which were withdrawn by the Executive Officer. The CAO was issued to direct the Dischargers to bring the site back to a condition consistent with site conditions prior to initiation of the project. This will require the removal of the seawall and footing, and stabilization of the shoreline with riprap in accordance with Port of San Diego specifications and design standards.

2. Notice of Settlement of Potential
Liability Date: October 5, 2006

Agency/Entity:	Glenwood Development Comp
Facility:	Pamilla construction site, Murrieta CA
Description	Provides a notice that the Regional Board will consider Glenwood's Dev. settlement offer of \$15,000 to settle a potential liability for delayed implementation of mitigation required in CAO no. R9-2005-0259. The Regional Board is tentatively scheduled to consider the settlement offer at the December 13, 2006 Regional Board meeting.

3. Cleanup and Abatement Order No. R9-
2006-131 Date: October 13, 2006

Agency/Entity	Caltrans District 12
Facility	Northbound Interstate 5, Camino Capistrano/ Stonehill Drive, San Juan Capistrano
Description	The CAO requires Caltrans to: cleanup and abate the effects of soil and fill material discharged into waters of the State/U.S. without submitting a report of waste discharge or applying for a section 401 water quality certification; and to implement adequate best management practices to reduce erosion. Future action is expected to include oversight of restoration activities conducted at the site.

B. Industrial Stormwater ProgramNotice of Violation

Date October 26, 2006

Agency/Entity Industrial Stormwater dischargers
Facility Varied locations within the San Diego Region

Eight NOVs are the second and final notice to dischargers that failed to submit annual monitoring reports due on June 30, 2006, required under the Industrial Stormwater programs. Those dischargers that fail to submit within 60 days will be subject to mandatory minimum penalties (MMP) pursuant to Water Code Section 13399.31. The MMP is an amount that is not less than one thousand dollars (\$1,000) in addition to the costs incurred by the Regional Board with regard to the action.

C. Municipal Stormwater ProgramAddendum No. 1

Date: October 25, 2006

Investigative Order R9-2006-0039

Agency/Entity Quantum Ozone, Inc.
Facility Ozone Treatment Demonstration Project, Doheny Beach, City of Dana Point

The addendum to this Order extends the monitoring period for a demonstration of ozone-based urban runoff treatment. Future Regional Board action will include review of quarterly and final monitoring reports in order to determine whether future discharges will require waste discharge requirements.

D. Underground Storage Tank Program (UST)Addendum No. 2 to Cleanup and Abatement Order 91-47

Date: October 10, 2006

Agency/Entity: Thrifty Oil Company
Facility: Thrifty Oil Station 1484 East Washington, El Cajon

Description This addendum was issued to effect necessary modifications to the groundwater monitoring and reporting requirements for the facility. The Order was issued to cleanup effects of a release of fuel pollutants to soil and groundwater from an underground tank system.

E. Spills Leak Investigation Cleanup Program (SLIC)

1. Addendum No. 2
Cleanup and Abatement Order 97-33 Date: October 3, 2006

Agency/Entity Plavan Petroleum
Facility Plavan Petroleum, Escondido

Description: Added Electronic Reporting Requirements to existing cleanup order. The CAO was issued to cleanup effects of a release of fuel (including MTBE and other pollutants to soil and groundwater from beneath the above ground fuel tanks at the facility.

2. Investigative Order No. R9-2006-0140 Date: October 31, 2006

Agency/Entity Mr. Waddie, Mrs. Akhlas Yaddgo, Mr. Tony and Mrs. Violet
Facility Nasraw, and Mr. Emilio and Mrs. Judith Gonzales
One Stop Auto Tech in Santee

Description Order was issued to compel the dischargers to investigate and evaluate corrective action alternatives to cleanup of fuel pollutants to soil and groundwater from a LUST system, as required by State requirements in Article 11 of Chapter 16, CCR

F. Waste Discharge to Land (CH15 WDR) Program

Notice of Violation Date: October 23, 2006

Agency/Entity County of Riverside
Facility Anza Landfill

Description Failure to provide Regional Board access to the Anza Landfill to conduct a scheduled compliance inspection.

Biodiversity and Watershed Health

Many threats to biodiversity are also threats to the health of watersheds – and vice versa. Both biodiversity and the health of watersheds can be significantly damaged by the same kinds of changes to lands and waters. Such damage can result from the cumulative effects of individually small incremental changes over time, as well as from the effects of large, rapid changes. Efforts to repair damage to biodiversity and/or the health of watersheds can be extremely difficult, time consuming, and expensive, but undertaking such efforts does not ensure that what was damaged will be fully restored. In some cases, repair of damage to biodiversity and/or the health of watersheds is impossible. Consequently, prevention of damage to – i.e., protection of – both biodiversity and the health of watersheds is critical.

Due to the rate, scale, and characteristics of growth, land development, and sprawl in southern California and northern Baja California, there is an urgent need for effective action to protect both biodiversity and the health of watersheds in this area. Protection of biodiversity is not only consistent with protection of the health of watersheds, but, in many cases, actions that are necessary and appropriate to protect biodiversity are also necessary and appropriate to protect the health of watersheds – and vice versa. Preservation of lands and waters in their natural state is critical to protection of both biodiversity and the health of watersheds. Good land use planning, appropriate land uses, effective land management, and sound land use practices are essential in order to protect both biodiversity and the health of watersheds. Recognizing, understanding, and effectively dealing with interconnections and the sources and causes of threats (including social, political, and economic sources and causes) are necessary to protect both biodiversity and the health of watersheds. Simultaneously addressing an array of interrelated societal issues in a manner that avoids and solves problems without creating or exacerbating other problems (i.e., “solving multiple equations simultaneously”) is important for protection of both biodiversity and the health of watersheds.

Additional biodiversity information is available at the following websites:

Biodiversity in the Southern California / San Diego / border region
San Diego Field Station - U.S. Geological Survey Western Ecological Research Center

<http://www.werc.usgs.gov/sandiego/>

notable quotation:

“Southern California is a region characterized by both unparalleled natural biodiversity and an enormous human population whose continued growth and expansion threaten many native species and habitats. As a result, this region has more endangered and threatened species than any other area in the continental United States, and once extensive natural communities have been reduced to mere remnants. It is thus essential to manage biodiversity in remaining habitats while providing opportunities for other appropriate uses of the land.”

San Diego Association of Governments – Open Space / Habitat Preservation

<http://www.sandag.org/index.asp?subclassid=31&fuseaction=home.subclasshome>

notable quotation:

“The San Diego region is a “hot spot” for biodiversity and species endangerment, containing more rare, threatened, and endangered species than any comparable land area in the continental United States.”

San Diego Wildfires Education Project – Overview of San Diego’s Biological Diversity

http://interwork.sdsu.edu/fire/resources/overview_biodiversity.htm

San Diego Union Tribune – article on biodiversity meeting at UCSD

http://www.signonsandiego.com/news/science/20020405-9999_6m5bio.html

Las Californias Binational Conservation Initiative

<http://www.consbio.org/cbi/projects/show.php?page=lcbi>

<http://www.signonsandiego.com/articlelink/nature/nature.html>

<http://www.signonsandiego.com/news/metro/louv/20050301-9999-lz1e1louv.html>

Conservation International

http://www.biodiversityhotspots.org/xp/Hotspots/california_floristic/index.xml

Biodiversity – general

Wikipedia

<http://en.wikipedia.org/wiki/Category:Biodiversity>

Stanford Encyclopedia of Philosophy

<http://plato.stanford.edu/entries/biodiversity/>

National Biological Information Infrastructure

<http://www.nbi.gov/issues/biodiversity/>

Convention on Biological Diversity

<http://www.biodiv.org/default.shtml>

American Museum of Natural History

http://www.amnh.org/nationalcenter/it_takes_all_kinds/

California Biodiversity Council

CBC homepage

<http://ceres.ca.gov/biodiversity/>

CBC September 27 & 28, 2006 meeting

<http://ceres.ca.gov/biodiv/alongtheborder.html>

http://news.yahoo.com/s/sddt/20060929/lo_sddt/newcrossborderbiodiversitycouncilformed

<http://www.signonsandiego.com/news/mexico/tijuana/20060930-9999-1m30coop.html>

<http://www.signonsandiego.com/news/mexico/tijuana/20060928-9999-1m28tjtour.html>

CBC Newsletter – “California Biodiversity News”

<http://ceres.ca.gov/biodiversity/newsletter.html>

CBC memorandum of understanding

<http://ceres.ca.gov/biodiversity/mou.html>

CBC policy for admitting new members

http://ceres.ca.gov/biodiversity/Meetings/Policy_NewMembers.pdf