

**California Regional Water Quality Control Board
San Diego Region**

David Gibson, Executive Officer



**Executive Officer's Report
June 9, 2010**

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Part A – San Diego Region Staff Activities

1. Personnel Report

Staff Contact: DiAnne Broussard

The Organizational Chart of the California Regional Water Quality Control Board, San Diego Region (Regional Board) can be viewed at http://www.waterboards.ca.gov/sandiego/about_us/org_charts/orgchart.pdf

Retirements

Sylvia Wellnitz retired on May 31, 2010 after more than 32 years of State service. During her career Sylvia has worked for the Department of Corporation, the State Attorney General's Office, the Housing and Finance Agency and the Department of Transportation. She came to work for Region 9 in March 2002 as an Office Technician. Following the implementation of the Electronic Content Management (ECM) system, fondly called Paperless Office, Sylvia was promoted to Digital Composition Specialist I. She has been indexing documents and assisting visitors to the office with public file reviews ever since. We thank her for her years of service and wish her the best of luck as she begins this new chapter.

Vacant positions for the State and Regional Boards are posted on the State Board web page at http://www.waterboards.ca.gov/about_us/employment/

Part B – Significant Regional Water Quality Issues

1. Sanitary Sewer Overflows (SSOs) March - April 2010 (Attachment B-1)

Staff Contact: Christopher Means

The following is a summary of the sewage spills occurring during March and April 2010 and reported and certified by April 30, 2010. Sewage Collection Agencies now report Sanitary Sewer Overflows (SSOs) on-line at the State Water Board's CIWQS database pursuant to the requirements of State Water Board Order No. 2006-0003-DWQ (*General Statewide Waste Discharge Requirements for Sewage Collection Agencies*). Reports on sewage spills are available on a real-time basis to the public from the State Water Board's webpage at: <https://ciwqs.waterboards.ca.gov/>

Public Spills

From March 1 to March 31, 2010, there were 13 SSOs from public systems in the San Diego Region as reported in the on-line State Water Board CIWQS database. These SSOs included 1 spill of 1,000 gallons or more, and 4 spills reaching surface waters, including storm drains. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of March 2010 was 2,297,356 gallons, of which 2,296,921 gallons were the result of a single Santa Margarita Water District Collection System spill into Tijeras Creek in Rancho Santa Margarita, Orange County.

From April 1 to April 30, 2010, there were 4 SSOs from public systems in the San Diego Region as reported in the on-line at the State Water Board's CIWQS database. These SSOs included 1 spill of 1,000 gallons or more, and 2 spills that reached surface waters, including storm drains. The combined total volume of sewage spills, reported from all publicly-owned collection systems for the month of April 2010, was 8,350 gallons.

Reported Private Spills

Nineteen discharges of untreated sewage from private laterals were reported, during March and April 2010, by the collection agencies on-line, pursuant to San Diego Water Board Order No. R9-2007-0005 (*Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*). These private lateral spills included 1 spill of 1,000 gallons or more and 8 of the spills reached surface waters, including storm drains. The combined total volume of reported sewage discharges, reported from private lateral systems for the months of March and April 2010, was 240,385 gallons.

A total of 1.18 and 1.74 inches of rainfall were recorded at San Diego's Lindbergh Field for March and April 2010, respectively. For comparison, during March and April 2009, 18 and 13 SSOs were reported during a period of time when 0.18 and 0.14 inches of rainfall were recorded at Lindbergh Field, respectively. A total of 25 private lateral sewage discharges were reported during March and April 2009.

Attached are three tables titled:

- "March 2010 - Summary of Public Sanitary Sewer Overflows in Region 9"
- "April 2010 - Summary of Public Sanitary Sewer Overflows in Region 9"
- "March and April 2010 - Summary of Private Lateral Sewage Discharges in Region 9."

Additional information about the San Diego Water Board SSO regulatory program is available at: <http://www.waterboards.ca.gov/sandiego/programs/sso.html>.

2. Enforcement Actions for May 2010

Staff Contact: Jeremy Haas

During the month of May 2010, the San Diego Water Board initiated 16 enforcement actions, including: 4 administrative civil liability orders, 1 Investigative Order, 1 Notice of Violation (NOV), 1 NOV with Water Code section 13267 reporting requirements, and 9 Staff Enforcement Letters.

Notably, the Office of Administrative Law approved the Water Quality Enforcement Policy on May 20, 2010. The San Diego Water Board will conduct enforcement activities consistent with the new policy. The State Water Board expects to upgrade administrative databases in July 2010 to reflect the new Policy.

A summary of recent regional enforcement actions is provided below. Additional information on violations, enforcement actions, and mandatory minimum penalties is available to the public from the following on-line sources:

State Water Board Office of Enforcement webpage at:

http://www.waterboards.ca.gov/water_issues/programs/enforcement/

California Integrated Water Quality System (CIWQS):

http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml

State Water Board GeoTracker database:

<https://geotracker.waterboards.ca.gov/>

Administrative Civil Liability (ACL) Orders

County of San Diego, Municipal Storm Water Program

ACL Order No. R9-2010-0025 was adopted on May 12, 2010 for the assessment of \$57,350 against the County of San Diego for violations Order No. R9-2007-0001, the San Diego County municipal storm water NPDES permit.

County of Riverside, Municipal Storm Water Program

ACL Order No. R9-2010-0069 was adopted on May 12, 2010 for the assessment of \$234,291 against the County of Riverside for violations of Order No. R9-2004-0001, the Riverside County municipal storm water NPDES permit.

City of Carlsbad, Agua Hedionda Creek Dredging Project

ACL Order No. R9-2010-0008 was adopted on May 12, 2010 for the assessment of \$47,647 against the City of Carlsbad for failure to conduct timely compensatory mitigation pursuant to Clean Water Act Section 401 Water Quality Certification No. 06C-007 for the Agua Hedionda Creek Emergency Dredge project.

San Diego Unified School District, Bell Junior High Landfill

ACL Order No. R9-2010-0020 was adopted on May 12, 2010 for the assessment of \$155,000 against the San Diego Unified School District for failure to submit five semi-annual monitoring reports required by Order No. 97-11.

Investigative Order (IO)

K Square Financial, Escondido

IO No. R9-2010-0021 was issued on May 17, 2010 to K Square Financial in response to an unauthorized release of petroleum hydrocarbons at a gasoline facility located at 1602 East Valley Parkway, Escondido. The IO requires that a Site Assessment Plan be submitted by June 30, 2010 and a Site Assessment Report be submitted by November 30, 2010.

Notice of Violation (NOV) with Section 13267 Reporting RequirementsCounty of Riverside Municipal Storm Water Copermitees

NOV No. R9-2010-0074 was issued on May 6, 2010 to the Riverside County Flood Control and Water Conservation District, the County of Riverside, the City of Murrieta, and the City of Temecula for violations of Order No. R9-2004-0001, the Riverside County Municipal Storm Water Permit. The NOV cites failure by the Permittees to comply with monitoring requirements for priority pollutants and constituents of concern at triad and tributary stations. The violations were identified during review of the 2008-2009 annual monitoring report. The NOV includes a requirement, pursuant to California Water Code sections 13267 and 13383, for the Permittees to provide an explanation of the monitoring omissions and a corrective action plan by June 7, 2010.

Notice of Violation (NOV)Former Hebdon Electronics Facility, Multiple Parties, Escondido

NOV No. R9-2010-0072 was sent on May 19, 2010 to responsible parties in violation of Cleanup and Abatement Order (CAO) No. R9-2010-0007. The CAO was issued on February 1, 2010 and requires the responsible parties to conduct cleanup and monitoring activities at the former circuit board manufacturing and plating facilities. The NOV cites failure to comply with Directive No. 1 of the CAO, which requires implementation of an Interim Remedial Action Plan at the site.

Staff Enforcement Letters (SEL)City of San Diego, North City Water Reclamation Plant

An SEL was issued to the City of San Diego on May 6, 2010 for 10 violations of the 12-month average discharge specification for manganese in Order No. 97-03 that occurred between June 2009 and March 2010.

County of San Diego, Pine Valley Water Pollution Control Facility

An SEL was issued to the County of San Diego on May 5, 2010 for four violations of the 12-month average discharge specification for total dissolved solids in Order No. 94-161 that occurred between July 2009 and March 2010.

County of San Diego, Julian Water Pollution Control Facility

An SEL was issued to the County of San Diego on May 6, 2010 for twenty violations 12-month average discharge specifications for chloride and total dissolved solids in Order No. 83-09 that occurred between April 2009 and March 2010.

County of San Diego, Dos Picos Park

An SEL was issued to the County of San Diego on May 3, 2010 for three violations of monitoring requirements in Order No. 94-107. The SEL cites a failure to comply with requirements to sample for pH, phenol, and zinc at least once every five years.

Eastern Municipal Water District, Temecula Valley Regional Water Reclamation Facility

An SEL was issued to the Eastern Municipal Water District on May 6, 2010 for three violations of daily effluent discharge specifications for manganese and total dissolved solids in Order No. 2000-165 that occurred between October 2009 and February 2010.

Fallbrook Public Utility District, Treatment Plant No. 1

An SEL was issued to the Fallbrook Public Utility District on May 6, 2010 for two violations of the daily average effluent discharge specifications for turbidity in Order No. 91-39 that occurred in November 2009 and December 2010.

Rancho California Water District, Santa Rosa Water Reclamation Facility, Temecula

An SEL was issued to the Rancho California Water District on May 6, 2010 for two violations discharge specifications for chloride and effluent flow rate in Order No. 94-92 that occurred in January 2009 and March 2010.

Tucalota Springs RV Park & Campground, Hemet

An SEL was issued to Tucalota Springs RV Park & Campground on May 26, 2010 for violations Order No. 95-84. The facility was cited for submitting a late annual report and for failing to comply with requirements to sample septic tank effluent for pH, total dissolved solids, total nitrogen, and methylene blue activated substances at least once every four years.

Prince of Peace Abbey, Oceanside

An SEL was issued to the Prince of Peace Abbey on May 26, 2010 for failing to provide wastewater analysis results for sodium and pH in Order No. 86-24 in the 2009 annual report.

3. Fee Procedures for Federal Facilities

Staff Contact: Jeremy Haas

The State Water Board Division of Administrative Services developed guidelines in 2006 with the Department of Defense to standardize handling of application fees and annual billing practices for federal facilities. Board member Destache inquired about such practices during the San Diego Water Board's May 2010 meeting. The guidelines are based upon a 1978 United States Supreme Court decision, wherein the Supreme Court set forth a three-part test used to distinguish fees from taxes for the purpose of determining whether an intergovernmental immunity applied (*Massachusetts v. United States*, 435 U.S. 444 [1978]).

The procedures and payments vary depending on the water board program as summarized in the following table:

State Water Board Billing Guidelines for Federal Facilities	
Water Board Program	Required Fees
Storm Water General Permits	Application fee only. No annual fees or surcharges.
Dredge and Fill (including Section 401 water quality certifications)	No fees. (Based on State of California vs. U.S. No. 99-0792, 1999)
WDR, including waivers	Annual fee only. No ambient or category surcharges.
NPDES (except storm water)	Annual fee only. No ambient or category surcharges.

There are currently 10 outstanding federal invoices for fiscal year 09/10 annual WDR and NPDES (non-storm water) fees in Region 9 totaling approximately \$16,187. Federal facilities have paid six FY09/10 annual fees for approximately \$126,813. The remaining delinquencies will be referred to the State Water Board Accounting Office for further consideration.

4. Integrated Regional Water Management Grant Program

Staff Contact: Laurie Walsh

The Integrated Regional Water Management Planning Act of 2002 (Act) amended the California Water Code (CWC), commencing with CWC Section 10530, to encourage local water management agencies in California to work cooperatively to manage local and imported water supplies to improve the quality, quantity and reliability of those supplies. To achieve this goal the Act encourages local water management agencies to prepare and adopt Integrated Regional Water Management (IRWM) Plans aimed at promoting integrated regional water management to ensure sustainable water uses, reliable water supplies, better water quality, environmental stewardship, efficient urban development, protection of agriculture, and a strong economy. A key element of the IRWM planning process is that local stakeholders in the IRWM planning region should develop specific objectives that reflect local conditions, priorities and opportunities for their own watershed; while addressing the water management strategies of the California Water Plan and the IRWM grant programs described below.

In November 2002, California voters passed Proposition 50, the *Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002*, which provided \$500 million (CWC sections 79560- 79565) to fund competitive grants for projects consistent with an approved IRWM plan. The Department of Water Resources (DWR) and the State Water Resources Control Board (State Water Board) jointly administer the Proposition 50 IRWM grant program to provide both planning and implementation grants to IRWM efforts. DWR and the State Water Board have previously awarded funds for both types of grants in two funding cycles and a third limited funding cycle is currently underway for certain projects not already funded. The incentives provided by this funding, as well as the direction provided in grant program guidelines, were major drivers for progress in IRWM planning over the last several years.

In December 2005, DWR released the California Water Plan (CWP) Update, 2005, which names the IRWM as a key initiative to ensure reliable water supplies and emphasizes the need for integrated regional water management.

In November 2006, California voters passed Proposition 84, the *Safe Drinking Water, Water Quality, and Supply, Flood Control, River and Coastal Protection Bond Act of 2006*. Proposition 84 provides \$1 billion in grant funds for IRWM planning and implementation. At the same time, California voters also passed Proposition 1E, the *Disaster Preparedness and Flood Prevention Bond Act of 2006*, which provides, among other actions, \$300 million for storm water projects that reduce flood damage and are consistent with an IRWM plan. DWR has recently released draft guidelines to begin the process of allocating of Proposition 84 and 1E grant funds for IRWM planning and implementation efforts. The first round of grants is expected this summer. Round 2 may occur in 2011, with Round 3 to follow in 2013.

Examples of projects that may be supported by the IRWM grant program include

- Water conservation programs;
- Programs for water supply reliability, water conservation, and water use efficiency;
- Storm water capture, storage, treatment, and management;
- Removal of invasive non-native plants, the creation and enhancement of wetlands, and the acquisition, protection, and restoration of open space and watershed lands;
- Non-Point Source (NPS) pollution reduction, management, and monitoring;
- Groundwater recharge and management projects;
- Contaminant and salt removal through reclamation, desalting, and other treatment technologies;
- Water banking, water exchange, water reclamation, and improvement of water quality;
- Planning and implementation of multipurpose flood control programs that protect property; and improve water quality, storm water capture and percolation; and protect or improve wildlife habitat;
- Watershed management planning and implementation; and

- Demonstration projects to develop new drinking water treatment and distribution methods.

Information resources on the IRWM grant program can be obtained at:

Department of Water Resources: <http://www.water.ca.gov/irwm/>

State Water Board: http://www.waterboards.ca.gov/water_issues/programs/grants_loans

California Water Plan and Updates: <http://www.waterplan.water.ca.gov/>

FloodSafe: <http://www.water.ca.gov/floodsafe/>

California IRWM Regions

There are now approximately 46 IRWM regions designated as appropriate for integrated watershed planning in California. The IRWM regions cover approximately 82% of the area of the State of California and include approximately 98% of the population. At a minimum, an IRWM region 1) is defined as a contiguous geographic area encompassing the service areas of multiple local agencies; 2) is defined to maximize the opportunities to integrate water management activities; and 3) effectively integrates water management programs and projects within a hydrologic region defined in the California Water Plan, the Regional Water Quality Control Board (RWQCB) region, or subdivision or other region specifically identified by DWR (Public Resource Code Sec 75026.(b)(1)).

IRWM planning activities in the designated regions are conducted by Regional Water Management Group (RMWG) consisting of a group of three or more local agencies, at least two of which have statutory authority over water supply or management, as well as those other persons necessary for the development and implementation of a plan. The RMWG is advised by a Regional Advisory Committee (RAC) composed of an interdisciplinary group of water retailers, wastewater agencies, storm water and flood managers, watershed groups, the business community, tribes, agriculture, and non-profit stakeholders.

San Diego Region IRWM Regions

There are currently three designated IRWM planning areas in the San Diego Region:

- San Diego IRWM Region
- South Orange County IRWM Region
- Upper Santa Margarita IRWM Region

DWR's recently released draft guidelines for allocation of Proposition 84 and 1E grant funds provide for at least \$91 million in grant funding for these IRWM regions over the next several years. Additional information on the status of IRWM planning and implementation efforts in these regions is provided below:

San Diego IRWM Region

In 2007, the San Diego County Water Authority, City of San Diego, and County of San Diego formed a RWMG for the purpose of developing an IRWM plan. This San Diego IRWM Region includes the portion of San Diego County that is comprised of eleven westward draining, parallel and similar watersheds that discharge to coastal bays, estuaries, lagoons and the ocean. The RWMG adopted and issued the San Diego Region IRWM Plan in 2007. The IRWM Plan provides a mechanism for: 1) coordinating, refining, and integrating existing planning efforts within a comprehensive, regional context; 2) identifying specific regional and watershed-based priorities for implementation projects; and 3) providing funding support for the plans, programs, projects, and priorities of existing agencies and stakeholders. The San Diego RWMG has received \$25 million in grant funding for projects identified as priorities in the IRWM Plan from DWR during the first cycle of Proposition 50 funding. The San Diego Region IRWM Program is now accepting applications for projects that contribute to IRWM objectives for Proposition 84 grant funding through June 30, 2010. The San Diego IRWM Plan and other information on projects where grant funding has been awarded or proposed can be viewed at www.sdirwmp.org.

South Orange County IRWM Region

In 2004 the South Orange County RWMG (Group) was formed to develop an IRWM Plan for the South Orange County Watershed Management Area. The Group is comprised of the County of Orange and the cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano along with seven water and wastewater agencies. The South Orange County IRWM Planning Region includes the area that encompasses the San Juan Hydrologic Unit in South Orange County as defined by the San Diego Water Board's Basin Plan. The watersheds include the Newport Coast (southern, San Diego Water Board portion), Laguna Coastal Streams, Aliso Creek, Dana Point Coastal Streams, San Juan Creek, San Clemente Coastal Streams, and San Mateo Creek. The basins include the San Juan Groundwater Basin and a small portion of the San Mateo Groundwater Basin.

The Group adopted and issued the South Orange County IRWM Plan in 2005. In January 2007, the South Orange County IRWM Plan was one of seven statewide proposals recommended for funding. As a result, South Orange County will ultimately receive \$25,000,000 in Proposition 50 grant funds for seven projects included in the IRWM Plan. In September 2009, Orange County received notice from DWR that the South Orange County IRWM region will be eligible to compete for Proposition 84 grant funds. The South Orange County IRWM Plan and other information on projects where grant funding has been awarded or proposed can be viewed at www.ocwatersheds.com.

Upper Santa Margarita IRWM Region Plan

In 2007 the Rancho County Flood Control and Water Conservation District, County of Riverside, and the Rancho California Water District formed a RWMG to develop an IRWM Plan for the Upper Santa Margarita Watershed. The Upper Santa Margarita Watershed IRWM Planning area includes the region that encompasses the portions of the Santa Margarita Hydrologic Unit within western Riverside County as defined by the San Diego Water Board Basin Plan. This area of the Upper Santa Margarita Watershed includes approximately 548 square miles and a vast network of ephemeral streams with two main drainage basins, Temecula

and Murrieta Creeks. (The southern lower portion of the Santa Margarita Watershed is within San Diego County and is incorporated in the San Diego IRWM Plan.) The first Upper Santa Margarita IRWM Plan was issued in 2007. DWR accepted the plan but did not provide any Proposition 50 grant funding to implement the projects identified in the IRWM Plan because of concerns with the need for additional engagement of disadvantaged communities and further development monitoring and data management. In September 2009, the RWMG received notice from DWR that the Upper Santa Margarita IRWM Region will be eligible to compete for Proposition 84 grant funds. The Upper Santa Margarita IRWM Plan and other information on projects where grant funding is proposed can be viewed at www.ranchowater.com.

Tri-County Funding Area Coordinating Committee (Tri-County FACC)

The San Diego RWMG, Upper Santa Margarita RWMG, and South Orange County RWMG collaborate in an inter-regional body known as the Tri-County FACC. The Tri-County FACC enables the three RWMGs to balance the necessary autonomy of each IRWM planning region to plan at the appropriate scale with the need to improve inter-regional cooperation and efficiency. It ensures close coordination of the three planning regions to improve the quality and reliability of water in the San Diego, Upper Santa Margarita and South Orange County IRWM Regions. The Tri-County FACC coordinates and works together with their advisory groups to address issues and conflicts across planning regions, identify common objectives and projects that address those needs, and provide general planning cooperation for shared watersheds. The Tri-County FACC meets on an as-needed basis.

5. Water Quality Status in Lake Hodges

Staff Contact: Charles Cheng and Deborah Jayne

This report provides a summary of the Clean Water Act Section 303(d) water quality impairments in Lake Hodges, including the State Water Board's recent proposal to add mercury to the list of impairing pollutants. Also discussed are the San Diego Water Board's future plans for addressing these impairments.

Lake Hodges Beneficial Uses

Lake Hodges, a drinking water reservoir located within the San Dieguito Hydrologic Unit, has the following ten designated beneficial uses: Municipal and Domestic Supply (MUN); Agricultural Supply (AGR); Industrial Process Supply (PROC); Industrial Service Supply (IND); Contact Water Recreation (REC-1) (fishing from shore or boat permitted, but other water contact recreational uses are prohibited); Non-contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Wildlife Habitat (WILD); and Rare, Threatened, or Endangered Species (RARE).

Lake Hodges Clean Water Act Section 303(d) Water Quality Impairments

The San Diego Water Board's recently adopted 2008 Clean Water Act Sections 305(b) and 303(d) Integrated Report indicates that Lake Hodges is currently not meeting water quality objectives for the following five parameters: Manganese, Nitrogen, Phosphorus, Turbidity and pH. This means that one or more of the Lake's beneficial uses are no longer fully supported. Detailed information about these impairments can be accessed at

http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/docs/updates_020910/App_B_All_Decisions.pdf.

In addition, in its Draft Statewide 2010 Integrated Report, the State Water Board has proposed the addition of mercury to the list of pollutants causing impairments in Lake Hodges. The proposed mercury listing is based on findings in the 2009 Surface Water Ambient Monitoring Program (SWAMP) report entitled "*Contaminants in Fish from the California Lakes and Reservoirs, 2009.*" This report, which provides information about the presence of the potent neurotoxin, methylmercury, was not available to the San Diego Water Board during the development of its 2008 Integrated Report.

The public review and comment period for the draft statewide report has just closed and the State Water Board will consider adoption of the final Statewide 2010 Integrated Report on June 15, 2010. Information about the proposed mercury listing for Lake Hodges can be accessed at

http://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/2010ir0419.pdf.

Potential Pollutant Sources to Lake Hodges

The draft 2010 Integrated Report lists the following as "Potential Sources" of pollutants to Lake Hodges: unknown nonpoint source; unknown point source, urban runoff/storm sewers, and source unknown. Agriculture and dairies are also listed as additional sources of nitrogen and phosphorus. The source of mercury is listed as unknown, but may originate largely from aerial deposition.

One common source of impairment to drinking water reservoirs throughout the Region is inherent in the water quality composition of the imported water itself, which comprises the vast majority of water supply to the area. Imported water from the State Water Project and the Colorado River often exceed water quality objectives for certain constituents (e.g., total dissolved solids, nutrients, minerals, etc.) before arriving and mixing with reservoir water.

With the exception of the *San Diego Municipal Storm Water Permit* (MS4 Permit), which regulates the discharge of urban runoff from the watershed to Lake Hodges, there are no known permitted point source discharges to the lake. Under the MS4 Permit, the City of San Diego is required to implement best management practices to prevent, reduce, or eliminate the discharge of essentially all anthropogenic sources of pollutants to the reservoir.

Although the discharge of sewage is always strictly prohibited, sanitary sewer overflows (SSOs) remain a potential threat to Lake Hodges and other waterbodies in the San Diego Region. For example, a substantial SSO occurred in August 2007, involving the discharge of approximately 381,185 gallons of untreated sewage into Lake Hodges from City of San Diego's sanitary sewer system. The incident resulted in significant impairment to lake water quality and is described in the San Diego Water Board Staff Report at http://www.waterboards.ca.gov/sandiego/board_info/agendas/2009/nov/item11/item_11_doc_4.pdf.

Plans to Address Water Quality Impairments in Lake Hodges

Under its new Executive Officer, the San Diego Water Board plans to initiate a future review of each of the Region's drinking water reservoirs, including Lake Hodges. For each reservoir, the

review will include an evaluation of current and historical water quality data and an evaluation of existing water quality standards for appropriateness. This will be accomplished as part of a larger Regionwide effort to review water quality standards and update the Basin Plan.

The San Diego Water Board is required to develop total maximum daily loads (TMDLs) for all Section 303(d) listed waterbodies within its jurisdiction. Although the bulk of TMDL development work for Lake Hodges is scheduled for 2019, work on the phosphorus or mercury TMDLs could begin sooner. In addition, the State Water Board is in the early stages of initiating an effort to partner with the California Air Resources Board to address the problem of aerial deposition of mercury and other pollutants. Aerial deposition of pollutants does not lend itself well to TMDL development and is believed to be a problem statewide. Finally, the Regional and Statewide Surface Water Ambient Monitoring Programs (SWAMP) will continue to assess current status and trends in waterbodies throughout the State, including in Lake Hodges.

6. Harbor Seals at Children's Pool in La Jolla

Staff Contact: Deborah Jayne

The San Diego Water Board periodically receives public inquiries regarding elevated levels of bacteria at Children's Pool in La Jolla caused by harbor seals. The purpose of this report is to clarify the San Diego Water Board's legal authority and responsibilities with respect to waste discharges from "natural uncontrollable sources" such as harbor seals that choose to reside in and around the Children's Pool.

The Porter-Cologne Water Quality Control Act designates the San Diego Water Board with broad responsibilities to conduct activities and make critical water quality decisions for ensuring the protection of California's water resources within the boundaries of the San Diego regional watershed area. The San Diego Water Board's regulatory programs focus on, and mandate the control of, anthropogenic sources of pollutants, i.e., those resulting from, or associated with, human activities. Neither state or federal law provide the San Diego Water Board with the legal authority to regulate natural sources of waste such as from harbor seals at Children's Pool. Accordingly the waste discharge requirements/NPDES permits adopted by the San Diego Water Board require the reduction, elimination, and prevention of anthropogenic sources of pollutants but do not require the control of nature or natural sources of pollutants.

The Basin Plan designates 13 beneficial uses for the San Diego Region's entire Pacific Ocean shoreline including Children's Pool. The two most relevant to this discussion are the Contact Water Recreation (REC-1) and the Marine Habitat (MAR) beneficial uses. The Basin Plan also designates the water quality objectives established to protect those beneficial uses. The specific purpose of the indicator bacteria objectives, established to protect Contact Water Recreation, is to prevent or reduce bather illness due to human pathogens (disease causing agents). As long as the water quality objectives are not exceeded, the beneficial uses will be protected. Although the San Diego Water Board is required to protect all designated beneficial uses at all times, situations sometimes arise in which not all beneficial uses are compatible. Such is the current situation at Children's Pool where the Marine Habitat beneficial use has come into competition with the Contact Recreation beneficial use.

Basin Plan water quality objectives are interpreted by the State and Regional Water Boards to apply to “controllable water quality factors.” Controllable water quality factors are defined as those actions, conditions, or circumstances resulting from human activities that may influence the quality of the waters of the state *and* that may be reasonably controlled. When other factors, such as natural sources, result in the degradation of water quality beyond water quality objectives controllable factors may not cause any degradation of water quality.

Current Regulation at Children's Pool

The San Diego NPDES Municipal Storm Water Permit (MS4 Permit) regulates the discharge of urban runoff (wet and dry weather flows) from storm water conveyance systems (MS4s) to waterbodies in San Diego County, including Children's Pool. Under the San Diego MS4 Permit, the City is required to undertake best management practices to reduce the discharge of virtually all pollutants, including bacteria, from its MS4 to the Pacific Ocean shoreline (within its jurisdiction) including Children's Pool. This means that under both wet and dry weather conditions, the City is required to control all controllable sources of bacteria associated with human activities including, but not limited to, the discharge of sewage in any form (leaks, spill, diapers), trash, fertilizer, farm/ranch waste, and domesticated animal waste (e.g., dogs and cats).

Children's Pool is Designated as Impaired Under Clean Water Act Section 303(d)

Several years ago, the San Diego Water Board designated the (Pacific Ocean shoreline at) Children's Pool as impaired on the Clean Water Act Section 303(d) List of Impaired Waters due to elevated levels of indicator bacteria. The following conditions exist at Children's Pool: (1) the water quality objectives for Enterococcus, Fecal Coliform and Total Coliform bacteria are frequently exceeded; (2) the Contact Recreation (REC-1) beneficial use is not supported; and (3) a potential health threat to human bathers exists.

Although most bacteria impairment along the Region's coastline is due primarily to urban runoff, especially during storm events, the impairment at Children's Pool is believed to originate primarily from the feces of the wild population of harbor seals that reside in the area. The San Diego Water Board's 2008 Clean Water Act Sections 305(b) and 303(d) Integrated Report indicates that a year round beach advisory for this shoreline is in effect due to potentially high levels of bacteria caused by the presence of marine mammals. The Integrated Report, however, also lists each of the following as “potential sources” of bacteria: natural sources; other urban runoff; unknown nonpoint sources; unknown point sources; and source unknown. Under the Clean Water Act, the San Diego Water Board is required to develop total maximum daily loads (TMDLs) for all Clean Water Act Section 303(d) impaired waters.

Special Provisions to Address Natural Sources of Bacteria and Competing Beneficial Uses

In May 2008, the San Diego Water Board adopted a Basin Plan amendment that, within the limited context of a bacteria TMDL, allows water quality objectives for bacteria to be exceeded to a limited extent. The purpose of the amendment is to acknowledge and account for natural, uncontrollable sources of bacteria that contribute to exceedances of water quality objectives and can, on their own in some cases, cause the exceedances without contributions from anthropogenic sources. The amendment does not change the water quality objectives, but rather adds special implementation provisions to the Basin Plan to provide the San Diego Water Board with flexibility in interpreting its bacteria objectives within the context of certain bacteria

TMDLs. This flexibility provides the San Diego Water Board with the authority to allow limited exceedances of its bacteria objectives.

The amendment provides the San Diego Water Board with two tools (implementation provisions) known as the Reference System and Antidegradation Approach (RSAA) and the Natural Sources Exclusion Allowance (NSEA). The NSEA was specifically developed to address “*competing beneficial uses*” such as the situation that exists at Children’s Pool. Both tools require the responsible party(ies) to implement all appropriate measures to control anthropogenic sources of bacteria. The NSEA further requires responsible party(ies) to (1) demonstrate that they have, in fact, controlled anthropogenic sources; and (2) demonstrate that the “residual bacteria” (i.e., bacteria remaining after elimination of anthropogenic sources) do not pose a risk to human health. The residual bacteria is then defined as the “background bacteria” due to natural sources.

The RSSA/NSEA Basin Plan amendment makes clear that (1) responsible parties are only required to control bacteria from anthropogenic sources, which are most likely to be associated with human pathogens; and (2) it is not the intent of the San Diego Water Board to require control of natural sources, which are less likely to be associated with human pathogens. In addition, the amendment acknowledges that the control of natural bacteria sources is likely infeasible and possibly detrimental to important beneficial uses. Nevertheless, it should be pointed out that the relationship between human disease and non-human fecal bacteria is not well understood and is currently the subject of extensive research.

TMDLs Adopted for Children’s Pool Include Provisions to Acknowledge Natural Sources

The *Revised Bacteria TMDLs Project I*, adopted by this Board in February 2010, includes TMDLs for twenty bacteria impaired beaches and creeks in the San Diego Region, including Children’s Pool. Although currently awaiting final approval, these TMDLs were the first to use the special implementation provisions of the Basin Plan addressing natural sources.

The wet weather TMDL calculations for Children’s Pool, as well as for most of the beaches and creeks in the *Revised Bacteria TMDLs Project I*, are based on the Reference System and Antidegradation Approach (RSAA). When these TMDLs are eventually approved and enforceable, the water quality objectives for bacteria that may eventually be in effect at Children’s Pool will include a 22 percent exceedance allowance during wet weather (i.e., Children’s Pool will be allowed to exceed the bacteria objectives 22 percent of the time during storm events). Under the RSAA, no exceedances are allowed during dry weather.

In the future, after diligent control of all anthropogenic sources, if the City is able to make both the required demonstrations, the NSEA may also be applied at Children’s Pool. The NSEA, would allow the residual bacteria, defined as the background bacteria from natural sources, to exceed the water quality objectives. This means that the City would not be required to make further bacteria reductions. In this way, the special bacteria water quality objective implementation provisions of the Basin Plan allow the San Diego Water Board to acknowledge and account for the bacteria contribution from natural uncontrollable sources, such as the marine mammals at Children’s Pool.

The RSSA/NSEA Basin Plan amendment can be accessed at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/issue_7.shtml

7. Regulation of Firework Events

Staff Contact: Brian Kelley

The Coastal Environmental Rights Foundation (CERF) of Encinitas, an environmental special interest group, recently served notice of its intent to sue the Port of San Diego and other parties in the San Diego Region for conducting firework events over or adjacent to surface waters without first obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) permitting program pursuant to the federal Clean Water Act. CERF has recently sent intent to sue letters to various parties including La Jolla Community Fireworks Foundation (operators of the La Jolla Cove fireworks displays), 22nd District Agricultural Association (operators of the Del Mar Fairgrounds), and Garden State Fireworks (operators of the San Diego Bay Big Bay Boom fireworks shows).

Numerous fireworks displays are conducted in the San Diego Region throughout the year, with the largest events occurring during the week surrounding July 4th. Firework events result in discharges to land and waters and can potentially affect ground and surface water quality. Firework events in the San Diego Region are typically conducted over or adjacent to surface water bodies, including but not limited to, the San Diego River, San Diego Bay, Mission Bay, and the Pacific Ocean. Firework events result in the release of pollutants to these waters including aluminum, magnesium, strontium, barium, sodium, potassium, iron, copper, sulfate, nitrate, and perchlorate. Firework events also result in the release to surface waters of debris from exploded and unexploded shells such as paper, cardboard, wire and fuses. Based on these considerations, pollutant releases from firework events over or adjacent to surface waters are point source discharges of pollutants subject to the NPDES permit requirements of the federal Clean Water Act.

The San Diego Water Board has regulated aerial firework events at SeaWorld San Diego under an NPDES permit since December 2007. The NPDES Permit requires SeaWorld to monitor the effects of the fireworks events on the water and sediment chemistry, sediment toxicity, and benthic infauna community in the fireworks deposition zone in Mission Bay. The results of this monitoring are under evaluation at this time.

The San Diego Water Board has initiated plans to draft a general NPDES permit to regulate firework related wastes discharged into surface waters in the San Diego Region for adoption by the Board in the first half of 2011. The San Diego Water Board has initiated outreach meetings with the Port of San Diego and other entities conducting firework events to discuss plans for future regulation of firework events under an NPDES permit. As an interim step prior to finalization of the general NPDES permit requirements, the San Diego Water Board is beginning to encourage firework event operators to implement Best Management Practices (BMPs) designed to minimize environmental impacts before, during and after firework events. Example BMPs that firework event operators can implement include:

- Requesting fireworks containing low (or no) perchlorate from firework suppliers and/or manufacturers;

- Implementation of rigorous "housekeeping" practices to remove all visible shell debris encountered during the search at first light or sooner (It appears that the deposition of unburned aerial shell fragments and other pyrotechnic debris may be the primary mechanism by which perchlorate and other chemicals are introduced to surface and ground waters;
- Removal of all "duds" or "misfires" from the site with final disposal in accordance with manufacturer's instructions and applicable laws and regulations. This includes containment of water runoff in cases where water is used to douse duds or misfired materials; and

Compliance with the requirements of other governmental organizations having jurisdiction over firework events.

8. State Water Board Comments on Draft EIS for Proposed Campo Regional Landfill

Staff Contact: Brian McDaniel

The State Water Board has provided comments on the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed Campo Regional Landfill. The Regional Landfill project was proposed by the Campo Indian Band (Campo Band), and is to be located on the Campo Indian Reservation in southeastern San Diego County. The proposed project site consists of a 493 acre landfill footprint and a 657 acre buffer area. The DSEIS was prepared to address project changes and new circumstances that have occurred since the Final Environmental Impact Statement (FEIS) was prepared in 1992 on a prior landfill proposal.

State Water Board comments included the following recommendations:

- a). The installation of a groundwater monitoring network that would provide information about groundwater elevation and impacts to neighboring properties.
- b). The implementation of a QA/QC Program during construction to minimize impacts to the liner system.
- c). The construction of a liner to include an additional geosynthetic blanket to ensure that soil particles do not interfere with internal drainage channels.
- d). Revision of the DSEIS to provide a clear definition and adequate classification of waste management units at the facility.

The Bureau of Indian Affairs (BIA) is lead agency for this project, and the State Water Board is a responsible agency. The San Diego Water Board has no official role in this project. Any waste discharge requirements for the proposed landfill will be issued by the State Water Board. Staff will continue to provide updates in future Executive Officer Reports.

9. CWA 303(d) Planning Workshop offered by San Diego Coastkeeper and California Coastkeeper Alliance

Staff Contact: Cynthia Gorham

San Diego Coastkeeper and California Coastkeeper Alliance held a public workshop on May 13, 2010 to inform the public on how to get involved in California's process for addressing impaired waterways in their region.

Tom Lyons of Coastkeeper Alliance gave a presentation on the Clean Water Act (CWA) 303(d) Listing process for impaired waterbodies. He also informed the public on the importance of commenting on the 2010 statewide CWA 303(d) List. He informed the group that providing a supporting statement for any new listings, and/ or providing a rationale for changes to any new listings or delistings should be made prior to the comment period closing date of May 28, 2010. In addition, Mr. Lyons emphasized that new data for the 2012 CWA 303(d) List are being accepted at this time through June 30, 2010. The State Water Board just sent out a notice informing the public that the deadline was recently extended to August 30, 2010 (see Part B, number 10). He stressed that the public can submit data, and gave a short training session on how to submit data to the San Diego Water Board for the CWA 303(d) Listing process.

Most data submitted are quantitative and have very straightforward requirements that must be met for data submission. The data submittal letter sent by the State Water Board outlined data requirements. Narrative and qualitative data, however, can be more difficult to define and to provide descriptive parameters or limits that allow objective categorization of a waterbody condition.

Ms. Cynthia Gorham from the San Diego Water Board spoke on the subject of narrative and qualitative data. She focused on approaches for collecting trash data on a waterbody, as well as what information to include with the data for submission for the CWA 303(d) Listing process.

San Diego Coastkeeper is a locally-based non-profit organization and is part of the international Waterkeeper Alliance. San Diego Coastkeeper's mission is to protect the Region's bays, beaches, watersheds and ocean for the people and wildlife that depend on these waterbodies and watersheds. They use community outreach, education, and advocacy to promote stewardship of clean water and a healthy coastal ecosystem.

The California Coastkeeper Alliance is an independent organization that coordinates and supports the work of twelve local California Waterkeeper programs. Its mission is to provide a statewide voice for safeguarding California's waters, and its coast and ocean, for the benefit of all Californians and for California's future.

10. Water Quality Data Solicitation Deadline Extended for the 2012 Surface Water Quality Assessment and Update of the Impaired Water Bodies List

Staff Contact: Lisa Honma

The State Water Board has extended the deadline for submitting surface water quality data to be considered for the 2012 Water Quality Assessment and Impaired Water Bodies List Update to August 30, 2010.

Federal law requires each state to report biennially to the United States Environmental Protection Agency on the quality of its waters and identify those waters that do not meet applicable standards. The regular assessment and reporting of surface water quality is required by section 305(b) of the Clean Water Act (CWA). One objective of that assessment is to develop and update a list of "impaired" water bodies, as required by section 303(d) of the CWA, that are not expected to meet the applicable water quality standards. Impairments of water bodies included on California's "303(d) list" must be addressed through the development of TMDLs or by other means as described in the State's Water Quality Control Policy for Addressing Impaired Waters. The Water Quality Assessment and 303(d) List Update are combined into a single integrated report to comply with these federal requirements.

Information relating to the 2012 Water Quality Assessment and 303(d) List Update can be found at http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/index.shtml.

11. Miramar Landfill (Attachment B-11)

Staff Contact: Amy Grove

An article posted in the online newspaper *Voice of San Diego* (www.voiceofsandiego.org) on May 26, 2010 suggested that waste and debris containing hazardous levels of lead may have inappropriately been disposed of in the Miramar Landfill (Attachment No. 1). For the past 10 years, the San Diego Housing Commission has worked with local contractors to eliminate lead hazards in low-income homes built prior to 1979 and occupied by families with young children. The movement was a result of studies which showed that lead poisoning could cause permanent

damage to a child's brain and nervous system if ingested. According to the report, documentation of disposal activities indicate that all of the materials removed during the cleanup effort were treated as household waste and disposed of at the Miramar Landfill, though some of those materials may have contained lead wastes at concentrations that would classify the materials as hazardous waste according to State law.

The Miramar Landfill is classified as a non-hazardous municipal solid waste landfill, owned by the United States Navy and operated by the City of San Diego, and is not to receive waste and debris containing hazardous levels of lead. The Landfill is located in an area of San Diego where groundwater has no designated beneficial uses. There are two groundwater aquifers beneath the site; the shallow perched aquifer located between seven and 43 feet below ground surface, and the regional aquifer located between 74 and 245 feet below ground surface. Groundwater data collected since 1993 indicate that lead is not a constituent of concern, nor is it adversely impacting water quality within the vicinity of the Landfill.

How much, if any, waste was improperly disposed of at the Miramar Landfill is unclear.

The San Diego Housing Commission is investigating the claim, and in the interim is disposing of materials removed from recent projects at hazardous waste landfills in Arizona and Utah. San Diego Water Board staff will be in contact with the City and will monitor the situation. When additional information becomes available, staff will provide the Board Members with an update.

Part C – Statewide Issues of Importance to the San Diego Region

There is nothing to report in Part C this month.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

Significant NPDES Permits,
WDRs, and Actions of the
San Diego Water Board

June 9, 2010

APPENDED TO EXECUTIVE OFFICER'S REPORT

TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS
OF THE SAN DIEGO WATER BOARD

Action Agenda Item	Action Type	Draft Complete	Public Review & Comment	Consent Item
August 11, 2010 Regional Board Meeting San Diego Water Board Office				
NPDES General Permit Hydrostatic Testing and Potable Water Discharge - San Diego Region (<i>Michelle Mata</i>)	NPDES Permit Reissuance	95%	85%	Maybe
Knight & Carver Yachtcenter, San Diego Bay (<i>Kristin Schwall</i>)	NPDES Permit Revision	20%	0%	Yes
NPDES General De Minimis Discharges Permit - San Diego Region (<i>Kristin Schwall</i>)	NPDES Permit Adoption	75%	0%	No
September 8, 2010 Regional Board Meeting San Diego Water Board Office				
Update of Receiving Water Monitoring Programs--Mid to Small POTWs (<i>Bruce Posthumus</i>)	Information Item	NA	NA	NA
Shelter Island TMDL Implementation (<i>Becker</i>)	Information Item	NA	NA	NA
Rainbow Creek TMDL Implementation (<i>Clemente/Felix</i>)	Information Item	NA	NA	NA
Ocean Discharger Receiving Water Monitoring Program Updates (<i>Bruce Posthumus</i>)	NPDES Permit Modification	0%	0%	No
San Elijo JPA Ocean Outfall (<i>Joann Confrancesco</i>)	NPDES Permit Reissuance	80%	0%	No
City of Escondido Ocean Outfall (<i>Joann Confrancesco</i>)	NPDES Permit Reissuance	80%	0%	No
US Navy, Naval Base Coronado NPDES Permit Amendment for Steam Condensate Discharges (<i>Vicente Rodriguez</i>)	NPDES Permit Revision	75%	0%	Yes
October 13, 2010 Regional Board Meeting Temecula (Rancho California Water District Office)				
Adoption Hearing -Riverside County MS4 Permit (<i>Ben Neill</i>)	NPDES Permit Reissuance	0%	0%	No
Sea World - Mission Bay (<i>Michelle Mata</i>)	NPDES Permit Reissuance	70%	0%	No
Carlsbad Energy Center, LLS Power, Agua Hedionda Lagoon Seawater Intake and Brine Discharge To Pacific Ocean (<i>Michelle Mata</i>)	NPDES Permit New	70%	0%	No

March 2010 - Summary of Public Sanitary Sewer Overflows in Region 9												
Responsible Agency	Collection System	Total Number of SSO locations	Total Vol of SSOs (gal)	Total Vol Recovered (gal)	Total Vol Reaching Surface Water	Percent Recovered	Percent Reaching Surface Water	Miles of Pressure Sewer	Miles of Gravity Sewer	Miles of Laterals	Total Number of SSO locations per 100 miles of Sewer	Tot Vol of SSOs Reaching Surface Water per 100 miles of Sewer
Category 1 SSO												
Chula Vista City	City Of Chula Vista CS	1	90	20	0	22	0	2.6	488	0	0.2	0
Olivenhain MWD	4-S Ranch CS	1	200	195	5	97	2	5.5	40	0	2.1	10.9
San Diego City	San Diego City CS	1	300	0	0	0	0	145	3,002.00	2,000.00	0	0
Santa Margarita WD	Santa Margarita Water District CS	1	2,296,331	1,425,072	871,259	62	37	12	525	165	0.1	124,110.90
Category 2 SSO												
Environmental Security, MCB Camp Pendleton	Usmc Base, Camp Pendleton CS	4	260	0	n/a	0	n/a	32	104	80	1.8	n/a
CARLSBAD MWD	Carlsbad MWD CS	1	40	0	n/a	0	n/a	4.8	282	0	0.3	n/a
CORONADO CITY	City Of Coronado CS	1	2	2	n/a	100	n/a	6.6	39.3	1	2.1	n/a
Escondido City	Harrf Disch To San Elijo Oo CS	1	50	0	n/a	0	n/a	10.7	365	0	0.2	n/a
San Diego City	San Diego City CS	2	83	33	n/a	39	n/a	145	3,002.00	2,000.00	0	n/a
	TOTALS	13	2297356	1425322	871264			364.2	7847.3	4246		

April 2010 - Summary of Public Sanitary Sewer Overflows in Region 9

Responsible Agency	Collection System	Total Number of SSO locations	Total Vol of SSOs (gal)	Total Vol Recovered (gal)	Total Vol Reaching Surface Water	Percent Recovered	Percent Reaching Surface Water	Miles of Pressure Sewer	Miles of Gravity Sewer	Miles of Laterals	Total Number of SSO locations per 100 miles of Sewer	Tot Vol of SSOs Reaching Surface Water per 100 miles of Sewer
Category 1 SSO												
Olivenhain MWD	4-S Ranch CS	1	7,500	5,000	0	66	0	5.5	40	0	2.1	0
San Diego City	San Diego City CS	1	500	0	500	0	100	145	3,002.00	2,000.00	0	9.7
Category 2 SSO												
Fallbrook Public Utility Dist	Fallbrook Plant 1, Oceanside of CS	1	300	250	n/a	83	n/a	4.6	76.6	0	1.2	n/a
UC San Diego	University Of California, San Diego CS	1	50	0	n/a	0	n/a	2	25	3	3.3	n/a
TOTALS		4	8350	5250	500			157.1	3143.6	2003		

March and April 2010 - Summary of Private Lateral Sewage Discharges in Region 9

Reporting Agency	Collection System	Total Number of PLSD locations	Total Vol of PLSDs (gal)	Total Vol Recovered (gal)	Total Vol Reaching Surface Water	Percent Recovered	Percent Reaching Surface Water	Miles of Private Lateral	Total Number of PLSD locations per 100 miles of Sewer	Tot Vol of PLSDs Reaching Surface Water per 100 miles of Sewer
Category 1 PLSD										
Chula Vista City	City Of Chula Vista CS	1	238,500	100	238,400	0	99	0	0	0
El Cajon, City of	City Of El Cajon CS	1	30	20	0	66	0	189	0.5	0
Fallbrook Public Utility Dist	Fallbrook Plant 1, Oceanside of CS	2	470	60	300	12	63	18	11.1	1,666.60
Padre Dam Municipal Water District	Padre Dam CS	1	30	0	30	0	100	160	0.6	18.7
San Diego City	San Diego City CS	1	79	30	49	37	62	4,049.00	0	2.3
Vallecitos Water District	Meadowlark CS	1	253	244	0	96	0	298	0.3	0
Vista City	City Of Vista CS	1	370	1,500	370	405	100	151.5	0.6	244.2
Category 2 PLSD										
CARLSBAD MWD	Carlsbad MWD CS	1	300	1,000	0	333	0	124	0.8	0
Chula Vista City	City Of Chula Vista CS	3	60	40	0	66	0	0	0	0
Escondido City	Harrf Disch To San Elijo Oo CS	2	80	80	0	100	0	83.2	2.4	0
Laguna Beach City	City Of Laguna Beach CS	2	35	35	0	100	0	102	1.9	0
San Diego City	San Diego City CS (Wastewater Collection System)	1	166	166	0	100	0	4,049.00	0	0
Vista City	City Of Vista CS	2	12	12	0	100	0	151.5	1.3	0
	TOTAL	19	240385	3287	239149			9375.2		

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Agency May Have Illegally Dumped Waste for a Decade

Miramar Landfill



Sam Hodgson

The San Diego Housing Commission acknowledges that it may have improperly dumped lead waste at the Miramar Landfill for the last decade.

Posted: Tuesday, May 25, 2010 5:59 pm | Updated: 8:23 am, Tue Jun 1, 2010.

By ROB DAVIS

A local agency that's completed hundreds of lead paint remediation projects across San Diego has halted two jobs and launched an internal inquiry as it acknowledges that it may have improperly dumped lead waste for the last decade.

Since the San Diego Housing Commission began eliminating lead hazards from area homes with young children 10 years ago, its federally funded contractors have wrapped the resulting debris in two layers of plastic and sent it to the Miramar Landfill, said Dan Turpin, the commission's construction services director.

But some waste may have been so polluted with lead that it would've been legally deemed hazardous. State law would've required it to go to a hazardous waste landfill, with stricter rules for managing garbage than the city-owned Miramar Landfill.

When contractors scrape old paint or remove windows and boards in a remediation project, they're required to determine whether the resulting waste is so contaminated with lead that it's defined as hazardous. The commission doesn't know whether the waste from its more than 700 projects was hazardous or not -- and it should.

"There's no documentation that exists that says anything but that it was treated as household waste," Turpin said.

The commission's lead removal program gives maximum \$10,000 grants to property owners to remove and eliminate lead hazards in low-income homes built before 1979. High lead levels are found each year in dozens of San Diego children, who are especially susceptible to lead poisoning. If ingested, lead can permanently damage a child's brain and nervous system.

It's possible none of the projects' debris was hazardous and could've gone to the Miramar Landfill anyway. But it's more likely some hazardous lead waste went to the landfill that shouldn't have. The Los Angeles Housing Department, which does similar remediation

projects, estimates about 30 percent of the resulting waste is deemed hazardous.

State law gives two ways to determine whether waste is hazardous: You can use a \$300 to \$400 test that says how much lead is present in a sample. State law also allows the person producing the waste to rely on their own knowledge about what's in it. But public agencies like Los Angeles sometimes do the testing themselves in-house to ensure contractors are sending their debris to the right place. The local Housing Commission has not.

"This has become the highest priority for our rehab department," Turpin said. "We're taking this very, very seriously."

The commission may have saved thousands of dollars if it routinely sent heavily contaminated waste to the city-owned Miramar Landfill, where dumping is cheaper than at hazardous waste facilities. But it could also face state fines up to \$25,000 per violation per day if it violated dumping laws.

Alan Johanns, a city environmental official, learned of the practice and alerted the commission March 23. He said the agency had not known about the requirement previously.

Johanns said any hazardous lead that may have gone to Miramar does not pose a health threat and would represent a small fraction of the landfill's overall waste stream. California's dumping regulations are stricter than many other states, which allow household debris contaminated with lead to go to municipal landfills.

"Once it gets to the landfill, the risk to you or I or a child is very minimal," said Johanns, the city's asbestos and lead program manager.

The risk of putting hazardous wastes in municipal landfills comes from the chance that they'll leach out into the surrounding environment. Hazardous waste landfills have extra lining and store material in sealed drums. They accept carcinogens like asbestos and PCBs, which can't be dumped at municipal landfills.

But on their own in municipal landfills, lead and other heavy metals tend to stay put, said Jeremy O'Brien, applied research director for the Solid Waste Association of North America, even as they decompose.

"Landfills are a fairly safe place to dispose of this type of waste," O'Brien said.

Since learning its procedures are flawed, the commission has required contractors to provide documentation detailing how they're disposing waste from their projects. Four lead removal projects currently underway have now been required to send debris to out-of-state hazardous waste landfills in Utah and Arizona.

That's a temporary step -- one Turpin said the commission is doing to be cautious -- and one that may be costly overkill. Waste from two homes recently cost the commission nearly \$5,000 to test and dispose. Dumping a ton of construction debris at Miramar costs about \$100. And it's having the opposite effect of the commission's earlier action: Instead of potentially filling up a municipal landfill with hazardous waste, it's potentially taking up limited space in hazardous waste landfills with household garbage.

It's unclear exactly who's to blame for the decade-long dumping problem. The commission points to its certified contractors, which are required to follow applicable local, state and federal laws. But the commission's staff also has a role in specifying what work gets done in each rehab project and ensuring laws are followed.

It's not yet known how the commission will change its procedures going forward. Turpin, who took his job in April, said he'd scheduled a meeting late this week with Johanns to discuss the issue. That meeting will occur more than two months after Johanns first raised questions.

"We obviously want to do the right thing with the program," Turpin said. "We also don't want to spend money on things we don't have to. We need to know what the requirement is for proper disposal, because there is a cost associated with it."

City Councilwoman Donna Frye said she wanted to know how much waste was disposed, "what the problem was as to why these basic laws were not being followed and how loads of hazardous waste continued on to be disposed at Miramar.

"We're going to have to get a full report out and have people explain what has happened," she said.

Please contact Rob Davis directly at rob.davis@voiceofsandiego.org and follow him on Twitter: twitter.com/robwdavis.

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- **IMAGE:** [Miramar Landfill](#)

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