

**State Water Resources Control Board
September 21, 2010 Board Meeting
Item 10 - Executive Director's Report**

DIVISION OF ADMINISTRATIVE SERVICES

Hiring Freeze: The Governor ordered a hiring freeze effective August 31, 2010, in response to a Sacramento Bee report that state government grew by more than 23,000 new state employee hires in the past eighteen months and that the state workforce (filled positions) is unchanged from a year ago. There are approximately 240,000 state employees and the new hires represent almost ten percent of the workforce.

The Water Board's have 1,600 authorized positions. In the last eighteen months the Water Board's made 44 new state employee hires, less than three percent of our authorized positions. The Water Boards have 1,455 filled positions in July 2010, which is five percent less than the 1,529 filled positions we had one year ago. We currently have a ten percent vacancy rate in compliance with the Governor's Executive Order to cap the states workforce.

The Governor's hiring freeze orders state agencies to cease hiring, including retired annuitants and part-time help. It also freezes overtime, promotions, and contracting for services.

Exemptions are possible, but must be approved by the Governor's Office.

Furloughs: The Governor ordered a three-day furlough effective August 1st of three Fridays per month until the state has a budget and the Department of Finance determines there is sufficient cash for the state to meet its obligations.

DIVISION OF FINANCIAL ASSISTANCE

Interagency Agreement to use FFAST Executed with DOC - June 30, 2010:

An Interagency Agreement (Agreement) executed between the California Department of Conservation (DOC) and the State Water Board on June 30, 2010, allows DOC to utilize the on-line Financial Assistance Application Submittal Tool (FFAST) for DOC's Watershed Coordinator Grant Program. The Agreement is not to exceed \$49,380 for FY 2010/2011.

Various funding programs within the State Water Board and more recently by the California Department of Food and Agriculture use FFAST. This interagency coordination allows a more efficient use of staff and monetary resources.

FFAST is a web-based system that accepts and stores application submittals electronically. FFAST greatly reduces the time and expense associated with soliciting, reviewing, and selecting applications for funding, by organizing the submittal, review of proposals online, and creating a paperless process to share information and evaluate the applications.

Division Approvals:

The Deputy Director of the Division approved the following Preliminary Loan/Grant Commitments from June 2, 2010 to September 8, 2010.

Clean Water State Revolving Fund Loan

Entity	Preliminary Loan Commitment	Project	Approved
El Toro Water District	\$4,852,590	Northline Lift Station Improvement Project	7/12/2010
City of Redding	\$3,400,000	Mary Street Lift Station and Force Main Project	7/21/10
City of Redding	\$2,466,105	Boulder Creek Sewer Phase 1 Project	8/26/10
City of Burbank	\$5,513,348	Valhalla Extension and PS-1 Improvements	9/2/10

Water Recycling Grant/Loan

Entity	Preliminary Funding Commitment	Project	Approved
La Puente Valley County Water District	\$20,000	Recycled Water Feasibility Planning Study	6/15/2010
Las Virgenes Municipal Water District	\$59,196	Recycled Water Seasonal Storage Feasibility Study	7/28/2010
City of Signal Hill	\$75,000	Water Recycling Feasibility Plan	8/13/2010
Water Replenishment District of Southern California	\$75,000	Groundwater Reliability Improvement Program Alternatives Analysis	8/17/2010
Central Basin Municipal Water District	\$75,000	Recycled Water Master Plan Update	8/25/10

Cleanup and Abatement Account

Entity	Preliminary Loan Commitment	Project	Approved
City of Calexico	\$100,000	Earthquake Damaged Sewage Infrastructure Repair	6/1/2010
Region 5	\$27,000	Emergency Coordination Staff Oversight	6/21/2010

DIVISION OF WATER QUALITY

California and the World Ocean Conference: The conference was held on September 7-10, with many sessions devoted to water quality issues. Several State Water Board staff made presentations at the conference on issues such as marine debris, stormwater runoff, sediment quality objectives, contaminants of emerging concern and beach water quality. Several other presentations were made by collaborating agencies regarding research funded by the State Water Board.

Construction General Permit: Staff plans to propose limited revisions to the provisions in the Construction General Permit related to the Legally Responsible Person. These revisions are intended to assist federal, state, and other agencies in obtaining coverage under the permit.

Groundwater Ambient Monitoring and Assessment (GAMA): GAMA's Domestic Well Project sampling is scheduled for Monterey County during early 2011. GAMA is awaiting written bid responses from prospective accredited commercial laboratories. GAMA has provided a draft "Safe to Drink" portal concept to the Water Quality Monitoring Council for its development of the "My Water Quality" portal.

Leaking Underground Fuel Tank (LUFT) Manual: A draft revision of the LUFT manual is available for public review and comment. The LUFT manual is a guidance document that explains the technical aspects of investigation and remediation of LUFT sites. The LUFT Manual was originally written in 1989 and much has been learned about LUFT cleanup over the past 20 years. The Board directed the revision of the LUFT manual in Resolution No. 2009-0042. Written comments are due by October 1, 2010.

Nitrate Project (SB X2 1, 2008) – Tulare Basin and Salinas Valley: SB X2 1 required that the State Water Board prepare a report to the Legislature by March 2012 that identifies nitrate sources in Tulare Basin and Salinas Valley and recommends funding options and solutions for resolving the nitrate problem including providing clean water for drinking. The State Water Board has executed a contract with UC Davis to perform the necessary studies. The first Nitrate Project Interagency Task Force (ITF) meeting was held on August 17, 2010. State and local agencies were well represented. Recordings of that meeting are now available on the web. The second ITF meeting will be scheduled for early summer 2011, when preliminary findings based on research can be discussed.

Once-through Cooling Policy: On August 13, 2010, the administrative record for the Once-through Cooling Water Policy, nearly 16,000 pages, was delivered to the Office of Administrative Law for their 30 working day review. Staff plans to propose limited changes to the implementation provisions of this Policy, specifically regarding compliance options for combined-cycle power generating units, and conditions applicable to power plants with compliance dates that are extended beyond 2020.

Ocean Plan Triennial Review: The Ocean Plan Triennial Review public hearing will be held on September 22, 2010 in Sacramento. The purpose of the public hearing is to solicit comments from the public regarding any and all issues relevant to the Ocean Plan. Comments may involve: 1) the proposed amendments currently being considered by SWRCB staff; 2) the unresolved, outstanding issues from previous Triennial Reviews; and/or 3) any other issue that members of the public may feel is important to consider for future amendments to the Ocean Plan.

Toxicity Control Provisions for the State Implementation Policy (SIP): In response to the direction in Resolution No. 2005-0019 to revise the SIP, staff has developed a stand-alone policy to protect California's aquatic life uses from the deleterious effects of toxicity. The draft Toxicity Control Provisions for the SIP proposes numeric objectives and uniform monitoring requirements for chronic and acute toxicity, as well as provisions requiring the use of the United States Environmental Protection Agency's (U.S. EPA) new statistical method, the Test of Significant Toxicity. The Policy was released for informal comment on July 7, 2010, with a "soft" comment deadline of August 7, 2010. Staff is currently reviewing the 28 comment letters received and revising the Policy as necessary. A formal public comment period is anticipated for Fall 2010.

Sanitary Sewer Overflow Reduction Program, Notices of Violation: Sanitary Sewer Overflow (SSO) Reduction Program staff sent out notices of violation to 115 collection system agencies enrolled in the General Waste Discharge Requirements for Sanitary Sewer Systems (Order No. 2006-0003-DWQ, Sanitary Sewer System WDR). These notices of violation were addressed to enrolled collection systems that have never reported per the requirements of the Sanitary Sewer System WDR.

The recipients of these notices were given a 30-day response window to address the failure to report allegations. As of August 25, 2010, 84 recipients have responded. Of these, nine submitted notices of non-applicability, thereby removing their erroneously enrolled collection systems from coverage under the Sanitary Sewer System WDR. The remaining responding agencies are providing plans for returning to compliance; and SSO Reduction Program staff will track completion of these plans. The 31 non-respondents will be referred to the State Water Board Office of Enforcement for further enforcement action.

In addition, staff has now learned of a small number of collection system agencies that should be, but are not, enrolled for coverage under the Sanitary Sewer System WDR and plan to issue notices of violation to these agencies. The final group to receive notices of violation will be enrolled collection system agencies that have had intermittent reporting violations. The most common reporting violation is failure to submit either a report of an SSO or a certification of no spills during a monthly reporting period.

In addition, the SSO Reduction Enforcement Plan is now available on the Internet at the Program web page.

Vessel No Discharge Zone: U.S. EPA has issued a proposed rule to establish a No Discharge Zone covering all California coastal waters that will apply to cruise ships and to large ocean-going vessels with adequate sewage holding capacity. This action was in response to SB 771 (California Clean Coast Act of 2005) and the State Water Board's application in 2006 for the No Discharge Zone under Clean Water Act section 312(f)(4)(A) prohibiting sewage discharges to all State marine waters from all cruise ships and from large oceangoing ships with adequate sewage holding capacity.

Wetland and Riparian Area Protection Policy: Focused stakeholder meetings were held in late June with six groups separately: agriculture; timber and range; business and industry; environmental advocacy; federal agencies; public health and safety; and regulated state and local agencies. In addition, in early July we held a meeting with tribal representatives. One hundred fifty tribes (federally and non-federally recognized) were invited; eight tribes participated. We requested comments from all groups on the summary of the proposed wetland policy and regulations. A wide range of opinions were expressed on the wetland definition from

acceptance to making it broader or narrower, while others supported the existing federal wording; many wanted the policy to provide streamlining for minor impacts; and some felt that the dredge and fill regulations should agree with the Corps program to the extent possible to avoid regulatory conflicts.

A number of the invitees suggested that it would be beneficial if the next round of meetings were integrated so the groups could hear what the others had to say. Therefore staff plans to schedule two public workshops in late Fall CEQA scoping meetings.

Staff anticipates releasing the CEQA Notice of Preparation, with Initial Study/Checklist in October. This would be followed by release of the policy/regulations/EIR in late January. The delays in the schedule are largely due to a recent deluge of multi-regional 401 certifications the State Water Board's and Regional Water Board's 401 Cert Units are required to consider for multiple projects. Specifically for the State Water Board's unit, these include renewable energy projects (twelve projects for solar/wind farms and transmission lines, and one PG&E wave action project-Humboldt County); the High Speed Train project boosted by ARRA funds (nine separate construction projects); Corps permits for habitat conservation plans (regulating construction activities within the plan boundaries) for East Contra Costa County, South Sacramento County, Placer County, Riverside County and Orange County; and two other Corps regional general permits.

Statewide Policies/Significant General Permits: Appendix 1 provides the current status of pending Statewide Policies and Significant General Permits.

Irrigated Lands Regulatory Program Update Report: see attached Appendix 2.

DIVISION OF WATER RIGHTS

Santa Ana River Permits issued to San Bernardino Valley Municipal Water District and Western Municipal Water District (Muni/Western): On June 29, 2010, the Division of Water Rights issued two water right permits to Muni/Western for a total diversion of 198,317 acre-feet per annum from the Santa Ana River for beneficial use within San Bernardino and Riverside Counties. The State Water Board partially approved Muni/Western's Applications 31165 and 31370 in Decision 1649 on October 20, 2009. However, the Permits were not issued until June 29, 2010, due to Muni-Western's belated submission of a required set of project maps.

Water Rights File Room Remodel: The Division of Water Rights is remodeling its file room to add a public viewing area and increase storage capacity. The remodel will expand the file storage area, and will increase file room security features by allowing control of public access to water rights records and separating public access from the file room staff work area. The Division expects the file room to be open to the public on Monday October 13, 2010.

U.S. Bureau of Reclamation Fresno River Licensing Inspection Report, Water Supply Settlements by the Parties and Compliance Review: On July 12, 2010, Division staff completed a licensing inspection report for the U.S. Bureau of Reclamation's Water Right Permit 16584, which authorizes Reclamation to store up to 74,000 acre-feet (AF) at Hensley Lake on the Fresno River for irrigation, domestic, and recreational uses. During the past ten years, Reclamation, the Madera Irrigation District and three downstream riparian water users have negotiated unsuccessfully on how much water Reclamation must bypass for the downstream

riparian users. Since April 2009, Division staff have facilitated ten meetings of a collaborative Fresno River Hidden Dam Licensing Working Group (Working Group) whose charge was to determine the permit's licensing quantities and compliance with the permit and the Board's 1999 Water Right Compliance Order (Order). The licensing analysis was unique since it included (1) Superior Court decrees, (2) pre-1914 and riparian water rights, (3) imports of water from the Merced River and San Joaquin River watersheds, and (4) disagreements by the parties on how to interpret the decrees and estimate system losses and irrigation demand. Primarily due to Division staff's facilitation of the Working Group and subsequent release of the licensing inspection report, Reclamation and the District reached settlements on July 23, 2010 with all of the downstream riparian water users on how much water Reclamation did not bypass during the past eight years. On September 2, 2010, the Division sent Reclamation a compliance review letter notifying Reclamation of eight corrective actions required to comply with the permit and Order.

End of Term 91 Notice of Curtailment of Water Diversion in the Sacramento-San Joaquin Delta Watershed:

On July 16, 2010, the Division of Water Rights mailed a "Notice of Curtailment of Water Diversion" (Term 91 Notice) to 31 permit and license holders in the Sacramento-San Joaquin Delta Watershed. The curtailment of diversions is ordered when (1) the Delta is declared to be "in balance", and (2) stored water from the Central Valley Project and the State Water Project is released to meet water quality standards and other inbasin entitlements in the Sacramento-San Joaquin-Delta Watershed. The Notice of Curtailment advised the permittees and licensees subject to Term 91 that they will be curtailed from diverting water under their water right from July 16, 2010 through August 31, 2010. Seven of the 31 Term 91 permit and license holders did not return the required Compliance Certification Statement certifying whether they plan to use water during the curtailment period, and if so, indicating their alternate supply source, such as a groundwater or contract (purchased) water.

Mono Lake Basin Activities Update: Water Rights Order 98-05 directs the Mono Lake stream monitoring team to evaluate and make recommendations on the results of the monitoring program required by the State Water Board. On February 22, 2010, the Division directed Los Angeles Department of Water and Power (LADWP) to determine within 120 days whether new flow recommendations in a report entitled *Synthesis of Instream Flow Recommendations to the State Water Resources Control Board and the Los Angeles Department of Water and Power* (Synthesis Report) will be implemented. In response to the Division's direction, on July 28, 2010, LADWP provided a Feasibility Report addressing implementation of the stream flow recommendations found in the Synthesis Report.

North Coast Instream Flow Policy (AB 2121): The State Water Board adopted the AB 2121 policy on May 4, 2010. The administrative record was provided to the Office of Administrative Law (OAL) on August 11, 2010. The period of time during which OAL may review and approve the record extends through September 23, 2010. The policy becomes effective after the State Water Board receives OAL approval. Upon receipt of OAL approval, the State Water Board will file a Notice of Decision with the Secretary of Resources.

Section 10.4.1 of the North Coast Instream Flow Policy requires the State Water Board to commence and complete as soon as possible, but within no more than 5 years, a study to determine whether the volume depletion approach described in policy section A.1.8.3 effectively protects fishery resources. Staff has initiated contract negotiations with the University of California to perform the studies.

Clear Ridge Mutual Water Company Water Right Application: Clear Ridge Mutual Water Company (Applicant) serves 42 properties located on Pfeiffer Ridge and Clear Ridge in the Big Sur area of Monterey County. The Applicant's source of water is an offset well situated on the Big Sur River in Monterey County. On July 5, 1999, the Applicant filed water right Application 30946 as a result of a complaint investigation finding that the project was diverting from the Big Sur River underflow, not percolating groundwater as the Applicant had believed. The application requests 42 afa at a maximum rate of .058 cfs, for domestic use and fire protection.

The application received nine protests. The Department of Fish and Game agreed to dismiss its protest provided a restrictive diversion schedule, tied to the Big Sur River gage readings, was imposed. The remaining eight protests are unresolved. An initial study was circulated on June 17, 2010, and comments were received. A field investigation was conducted on August 18th, 2010, in an attempt to resolve the remaining protests. None were resolved. A Division decision is pending.

Status of Hiring Enforcement Staff: Senate Bill X7-8 authorized the State Water Board to hire 25 new fee-funded enforcement positions for the Division of Water Rights (Division). After analyzing the needs of the program, the Division reclassified 10 of the positions to the Special Investigator classification, which is used statewide. The remaining positions are engineers, scientists, an attorney and a clerk. To date, nine of the twenty-five positions have been filled with five engineers, two scientists and two special investigators. However, the Enforcement Section has concurrently lost two staff due to separations from state service. In anticipation of the State Personnel Board establishing a statewide list for Special Investigators as part of its Human Resource Modification project, all agencies abolished their lists so there are no current eligibility lists for Special Investigators. The State Personnel Board's efforts to develop a statewide eligibility list are months overdue as a result of furloughs and other budget related issues. The Division is currently requesting an exemption from the Governor's hiring freeze for these positions because it has offers pending for engineers.

OFFICE OF ENFORCEMENT

Enforcement Priorities Announced in the Annual Enforcement Report for 2009:

Statewide and regional enforcement priorities are identified for calendar year 2010 in the Annual Enforcement Report for 2009. The publication of these priorities results from the mandates of the new Water Quality Enforcement Policy.

On the water quality side, the statewide priorities are sanitary sewer overflows, storm water, and mandatory minimum penalties.

The sanitary sewer overflow performance outputs are:

- Achieve 85% of all enrollees monthly reporting their SSO or No Spill Certifications. The percent reporting has peaked at 80%, but has since declined.
- Achieve a 75% compliance rate for SSMP element certification. The current compliance rate averages approximately 60%.
- Conduct 15 onsite compliance audits to identify Sanitary Sewer Order violations and implement necessary enforcement response.
- Initiate formal enforcement against all SSO incidents where there is a discharge of sewage that reaches surface waters in excess of 50,000 gallons.

The Storm Water performance outputs are:

- For coastal regions, complete compliance assessment of all plastics-related facilities enrolled under the Industrial Storm Water General Permit that were issued an investigation order to conduct a self-compliance evaluation and initiate enforcement actions for all facilities that did not comply with the Permit.
- Complete audits of four Caltrans' Districts.
- For Regions with significant highway construction activity, assess project-specific compliance with Caltrans Storm Water Permit requirements and initiate enforcement actions for violations.

The Mandatory Minimum Penalty performance outputs are:

- State Water Board staff will prepare 35 Administrative Civil Liability (ACL) complaints or orders imposing liability for unresolved Mandatory Minimum Penalty (MMP) violations in the Los Angeles region for the backlog period by December 31, 2010.
- Los Angeles Regional Water Board staff will prepare 40 (ACL) complaints or orders imposing liability for unresolved MMP violations for the backlog period by December 31, 2010.
- Address each new MMP violation within 18 months of discovery.
- Create an electronic notification system to remind dischargers of upcoming reporting deadlines.

The annual report also identifies illegal water diversions as a statewide Water Rights enforcement priority.

The Annual Enforcement Report for 2009 was presented as an informational item to the State Water Board on September 7, 2010. The report can be found at:
http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/annl_rpt2009.pdf

Government-Owned Tanks (GOT) Enforcement Initiative - Update: OE has received information regarding the current operations of government owned/operated underground storage tank (UST) facilities in 78 different Certified Unified Program Agency (CUPA) jurisdictions. This leaves approximately 17 CUPAs who have yet to respond to our request for information. However, OE staff is in the process of contacting the remaining CUPAs who have not responded to facilitate the acquisition of the needed information.

By the end of August, the OE staff performed 93 file reviews at 17 of the CUPAs who had submitted their information. Actual inspections of the facilities commenced the second week of July and so far 15 inspections in four of the CUPAs have taken place.

Once more field inspections are completed OE will have more information on GOT facility non-compliance. However, OE is finding trends of non-compliance from just reviewing the facility files. For instance, in one CUPA's jurisdiction, an annual inspection has not taken place at any of their 18 GOT facilities since 2004. Other non-compliance trends staff sees involve required testing that has not been performed and monitoring that is not accurate.

State Board MMP Enforcement Team - Update: In order to assist with the reduction of the backlog of MMP violations, the Office of Enforcement is leading a team of SWRCB technical staff from OIMA, OE, and DWQ (SB Team) to address alleged violations identified in Region 4.

The SB Team started out with 54 cases that were potential candidates for MMP enforcement. The Region 4 staff did not provide files for two of the cases, and two additional cases were not pursued because they were considered “new” cases outside the scope of the “backlogged” cases targeted by the MMP Enforcement Initiative. 50 cases were left which involved a mixture of legal and technical questions which needed a staff person assigned to conduct technical review of the violations. There were also four additional cases that deal solely with legal issues related to late reporting violations. Out of these four cases with legal issues, one has been dismissed and another will be resolved within the next 60 days.

With the 50 remaining cases, six have been dismissed completely after review by state board staff. An additional 12 have agreed to pay the proposed liability totaling \$159,000 in MMPs. An additional two have been placed on hold because the responsible entity is in bankruptcy. 1 case is part of a global settlement being negotiated by Region 4 enforcement staff. Finally, one case will be addressed with discretionary penalties.

The SB Team is scheduling State Water Board hearing panels to address the unresolved violations in the remaining 28 cases. In addition to the 12 cases where the dischargers have agreed to pay the proposed liability, it is the SB Team’s intent to file ACL complaints (ACLs), ACL settlements or otherwise resolve the targeted MMP violations with all 28 facilities by December 31, 2010. However, as dischargers present additional evidence for consideration some cases may be delayed for hearing.

On August 11, 2010, OE issued six ACLs for hearing on November 9, 2010. On August 12, 2010, OE issued four ACLs for hearing on November 10, 2010. On August 23, 2010, OE issued an additional four ACLs for hearing on November 18, 2010. The remaining cases will be scheduled for hearing panels on December 7, 8 and 9, 2010.

Criminal Conviction of Bruce Hoagland dba Techland Testing: The Office of Enforcement has been working with the Attorney General’s Office and the Merced County DA’s Office regarding potential underground storage tank (UST) testing violations committed by Bruce Hoagland, owner of Techland Testing, Inc.

On December 22, 2009, the Merced County DA’s Office filed criminal charges against Mr. Hoagland. On July 16, 2010, Mr. Hoagland pled no contest to two criminal misdemeanor counts of falsifying UST monitoring records. Mr. Hoagland was sentenced to 180 days suspended jail time and placed on five years probation. The probation terms prohibit Mr. Hoagland from performing UST testing and from renewing his State Contractor’s License.

Settlements Containing SEPS Under the New SEP Policy: Several regions have negotiated settlements of administrative civil liability with the use of a supplemental environmental project consistent with the new SEP policy. The settlements have incorporated language developed by OE attorneys which specifically addresses the requirements of the new SEP policy including the retention of liability by the discharger (or the SEP proponent) if the SEP is not completed as proposed, and the availability of discharger-paid audits to ensure performance and proper expenditure of SEP funds.

Deconstructing Enforcement: With the assistance of the regional enforcement staff, the Office has updated its primer on water quality enforcement entitled “Deconstructing Enforcement” to include information from the 2009 Annual Enforcement Report. “Deconstructing Enforcement” can be found at the Enforcement webpage.

Second \$1,000,000 Payment Received from Equilon Enterprises, LLC (dba Shell Oil Products US): The Attorney General's Office forwarded the second of five payments from Equilon Enterprises to address \$5,000,000 in civil liabilities imposed by settlement in People v. Equilon Enterprises, LLC. The amount of the payment is \$1,000,000 to the Cleanup and Abatement Account.

SIGNIFICANT REGIONAL ENFORCEMENT ACTIONS SUPPORTED BY ATTORNEYS IN THE OFFICE OF ENFORCEMENT

Settlement Reached with OG Property Owner, LLC for \$530,000 in Administrative Civil Liability Construction General Permit Violations (Region 2): On June 15, 2010, the Executive Officer of the San Francisco Bay Region approved a stipulated administrative civil liability order for \$530,000 to address violations of the state-wide General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08-DWQ. Counsel from OE was instrumental in achieving the negotiated resolution.

The enforcement action involved the Wilder Project which is owned by OG Property Owner, LLC, and is comprised of 985 acres in Orinda, California. On October 10-11, 2007, an uncapped sub-drain pipe discharged 6,000 cubic feet of sediment-laden storm water runoff to Brookside Creek. The initial discharge was exacerbated on October 13, 2007, when about 55,000 gallons of turbid chlorinated potable water from EBMUD lines, which was mixed with concrete wash-water, were pumped out of a dust control pond into the creek.

A supplemental environmental project (SEP) had been considered as part of the resolution but a suitable SEP proponent was not available who could meet the requirements of the new SEP Policy and the interests of both the discharger and the Prosecution Team.

\$200,000 Administrative Civil Liability Settlement Reached with California Water Service (Region 2): On June 24, 2010, an enforcement action against California Water Service was entered for \$200,000 in administrative civil liability (ACL) for two discharges totaling 133,000 gallons. The discharger had waived its right to a hearing in a response to a revised ACL complaint issued on May 24, 2010.

The action stems from three separate incidents. The first two incidents involved a total discharge of approximately 93,000 gallons of chloraminated potable water to Polhemus Creek from an overflowing storage tank. The water flowed into a restoration project and killed at least 32 federally threatened steel head fish, while also causing excessive erosion and sediment transport. A second discharge of over 40,000 gallons of dechlorinated water occurred in November, 2009.

Pre-filing Negotiations Result in Settlement Imposing \$600,000 in Administrative Civil Liability Against ConocoPhillips (Region 2): On August 26, 2010, the Executive Officer of Region 2 issued Order No. R2-2-10-013 addressing a series of acute toxicity discharge limit violations (Order).

The Order imposes liability in the amount of \$600,000. This administrative civil liability will consist of: (1) payment of \$310,000 to the State Water Resources Control Board's Cleanup and Abatement Account, (2) completion of a \$190,000 Supplemental Environment Project, and (3) completion of two enhanced compliance activities with a total estimated cost of \$316,000 for which ConocoPhillips will receive a liability suspension of \$100,000.

Administrative Civil Liability Complaint for \$774,000 Issued for violations of Cleanup and Abatement Order and Monitoring and Reporting Program intended to address Groundwater Contamination (Region 1): On June 23, 2010, the North Coast Regional Water Board prosecution team issued an administrative civil liability complaint for a recommended liability of approximately \$774,000. The complaint is against multiple responsible parties that have owned/operated a metal fireplace fabrication factory on the subject property at one time or another. The property in question is the source of TCE contamination in the groundwater and adjacent domestic water supply. The extent of the plume is unknown at this time due to dischargers' non-compliance with the Regional Board's prior clean up and abatement order and monitoring and reporting program which require that the dischargers install monitoring wells, conduct delineation studies and prepare plans for addressing the contamination.

Administrative Civil Liability Complaint for \$664,400 against CalTrans for Failure to Comply with Stormwater Permit and Water Quality Certification (Region 2): On July 15, 2010, the San Francisco Bay Regional Water Board prosecution team issued an administrative civil liability complaint for a recommended liability of \$664,400.

The complaint addresses alleged violations at CalTrans' Interstate 680 Sunol/Fremont Roadway Rehabilitation Project (Project) to implement, involving (1) failure to implement appropriate stormwater BMPs; (2) the discharge of turbid water and sediment to waters of the State; and (3) failure to timely prepare and submit a storm water pollution prevention plan amendment. The violations cited occurred from October 7, 2009, through March 3, 2010.

OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS

California Environmental Data Exchange Network (CEDEN) Launched on 25 August 2010: On August 25th, the Surface Water Ambient Monitoring Program ([SWAMP](#)) launched the California Environmental Data Exchange Network ([CEDEN](#)). CEDEN is a system designed to facilitate integration and sharing of water quality monitoring data collected by different entities and make it accessible to agency staff and the public. SWAMP partners with four Regional Data Centers (RDCs): Moss Landing Marine Laboratory (MLML), the Southern California Coastal Water Research Project, the San Francisco Estuary Institute and UC Davis. The RDCs work with local data sources to get data into the CEDEN system and make it available for query and download. Currently, CEDEN houses data from SWAMP, the Southern California Stormwater Monitoring Coalition, the Central Valley Water Board's Irrigated Lands Regulatory Program and TMDL program, and the San Francisco Bay Regional Monitoring Program. The RDCs are working to add more data as well as additional query capabilities to enhance CEDEN.

OFFICE OF RESEARCH, PLANNING AND PERFORMANCE

Water Board Training Academy: The Academy is continuing its work to minimize travel time and expense by delivering classes at each Regional Board office whenever practical.

<p>Recent Classes</p>	<p>The Art of Giving Effective Presentations - Communication skills are essential for technical and non-technical professionals and speaking effectively before a live audience is one of the most challenging and important activities for subject matter experts, project leaders and managers. Giving a good presentation requires more than just having good visuals, strong knowledge and a good speaking style -- it requires excellence in preparation, strategy, organization, engagement, facilitation, confidence and behavior. This half-day training session presents practical strategies, concepts, tools and techniques for giving successful technical presentations.</p>
<p>Upcoming Classes</p>	<p>Aligning Your Basin Plan with Water Board Priorities - Basin Plans are the key regulatory documents for water quality in the state and are an essential tool for supporting the Water Board's most important work. Water Board staff work to align the Basin Plans with Water Board priorities and goals. Participants learn what a Basin Plan is and how it can be used effectively; how the Basin Plan relates to overarching efforts such as the California Water Plan, the Water Board's Strategic Plan and the Regional Board's organizational vision; and how Regional Board staff can use the Basin Plan to proactively protect water resources. Participants also learn how to successfully navigate the Basin Plan amendment process and understand its requirements.</p>
	<p>Applied Public Participation - This one-day class explains Cal/EPA and Water Board policies, guidelines and resources regarding Public Participation and environmental justice. Participants learn a sampling of public participation methods and how and when to apply them. The class provides an overview of basic meeting management and facilitation and teaches participants how to organize and design a public process that results in effective participation.</p>

Appendix 1

Statewide Policies/Significant General Permits

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
A*	Anti-Degradation Policy / Implementation Triennial Review	Scoping meeting held on 11/17/08. Reviewing the 30+ comment letters received. Preparing recommendation for the Board. Work delayed by petitions.
A-11*	Aquatic Pesticide General Permit – Vector Control, (Adulticide/Larvicide)	The Adulticide and Larvicide requirements are being combined into one vector control permit. Expect to release formal draft September 2010. Public Hearing October 2010. Board meeting/adoption hearing targeted for January 2011.
A-11	Aquatic Pesticide General Permit – Weed Control, Aquatic Application	Expect to release formal draft in January 2011, Public Hearing targeted for March 2011 and Board consideration targeted for April 2011.
A-11	Aquatic Pesticide General Permit – Aquatic Animal Invasive Species	Public Hearing targeted for November 2010. Board consideration targeted for December 2010.
P	Aquifer Storage and Recovery Policy	Delayed due to other priorities.
A-11	Areas of Special Biological Significance (ASBS): Special Protections	The Notice of Preparation and Initial Study for the special protections for discharges of storm water posted on the State Board's website on February 9, 2010. Comments period closed March 15, 2010 and received and posted 27 comment letters. Reviewing comments and targeting Public Hearing in December, 2010.
A-11	Bacterial Objectives for Inland Surface Waters	Scoping meetings held 10/6/08 & 10/22/08; comment period closed 11/5/08. Staff preparing draft policy and staff report. Economic study delayed due to contract funding issues. Adoption Hearing targeted for February 2011.

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
A	Bio-indicator Development	Stakeholder Advisory Group formed on March 10, 2010. Scientific Advisory Group meeting on October 20-21 to review technical workplan and provide recommendations. Working on forming the Regulatory Advisory Group.
A-11	Cadmium Objective and Implementation Policy	Scoping meeting held 10/6/08; comment period closed 10/23/08. Final internal review of draft policy and staff report prior to upcoming release for public comment. Targeting Public Hearing in March 2011 and Board consideration in June 2011.
A-10	Constituents of Emerging Concern (CEC) Monitoring – Recycled Water Policy	Final report released June 25, 2010. Targeting Public Hearing on staff recommendations in November 2010.
A-11	Chlorine Residual Objectives and Implementation Policy	Scientific Peer review received. Report and policy will be revised as necessary to address peer review comments. Adoption hearing targeted for June 2011.
A	Composting Facilities Statewide Waiver	Continuing to meet with CalRecycle and Regional Boards on preparing draft statewide waiver.
P	Grazing	No Statewide effort at this time, Regions are issuing watershed based waivers. Grazing on national forest system lands will be considered under Statewide Water Quality Management Plan and waiver.
C	Integrated Report Adoption (2010)	Board approved 303(d) list on August 4, 2010. Preparing for transmittal to USEPA and awaiting their approval.
A-10	Leaking Underground Fuel Tank (LUFT) Manual	Final draft manual circulating for comments.
A-11	Listing Policy Update (Sediment Quality Objectives)	CEQA Scoping Meeting held on March 29, 2010. Comment period closed April 12, 2010. Targeting Public Hearing / Board consideration in February 2011.
A	Marina Permit	Permit is postponed while working with other agencies and Marina and Boating groups to develop interim approaches.
P	Mercury Offset Policy	Partial economic analysis received from contractor (SAIC). No further contract funding available to complete economic analysis.
P	Methylmercury Objectives	Delayed by loss of key staff. Preparing economic analysis (SAIC).

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
A	Nutrient Numeric Endpoints Tools	Freshwater: to be peer reviewed. Contract with SCCWRP to develop estuary nutrient framework and numeric endpoints underway. Technical, stakeholder, and regulatory (Water Boards and U.S. EPA) advisory groups have been formed.
A-11*	Ocean Plan Amendment: monitoring & desal provisions	Drafting delayed by Once-Through Cooling 316(b) Policy Revisions Consideration. Public hearing targeted for January 2011 and Board consideration targeted for May 2011.
P	Ocean Plan Amendment: vessel provisions	Pending completion of other Ocean Plan Amendments.
A-10	Ocean Plan Triennial Review	Public workshop scheduled for September 2010.
A	Off-Highway Vehicle (OHV) WDRs/Waiver	Developing concepts for WDRs/waiver for OHVs at State Parks.
C*	Once-Through Cooling (316b) Policy	Board adopted policy on May 4, 2010. Submitted administrative record to Office of Administrative Law (OAL) on August 13; OAL's deadline is September 27.
A-10	Once-Through Cooling (316b) Policy Revisions Consideration	Public Hearing targeted for November 2011 and Board consideration targeted for December 2011.
A-11*	Onsite Waste Water Treatment Regulations/Waiver	Drafting new approach. Planning further public hearings on a new draft proposal in Fall 2010.
A	Rapid Diagnostic Tests for Bacterial Indicators in Coastal Waters	Pilot testing on 9 Orange County beaches underway. Will evaluate results and report out in September 2010.
A-11	Sanitary Sewer System (SSS) WDR Update	Board Information Item planned for September 21, 2010. Targeting Public Hearing / Board workshop in December, 2010 and Board consideration in February 2011.
A	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Phase II staff draft released. Scientific Steering Committee convened in July 2009. CEQA Scoping Meeting held on May 19, 2010. Public Hearing targeted for February 2011.
P	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase III	Pending completion of Phase II and availability of funding
A-10	South Bay Power Plant	Public hearing/adoption meeting scheduled for November 2010, in San Diego.

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
A-10*	Spray Applications Permit (CDFA and USFS Eradication Programs)	Expect to release formal draft in September 2010, Public Hearing targeted for November 2010 and Board consideration targeted for December 2010.
A-11*	Storm Water CalTrans Permit	Incorporating TMDLs. Targeting Public Hearing in January, 2011 and Board consideration in March, 2011.
A*	Storm Water Industrial Permit	Evaluating status of draft permit and developing schedule of next steps. Public workshops targeted for Spring 2011.
A-11	Storm Water MS4 Effectiveness Guidance (AB 739, 2009, Laird)	Worked with Storm Water Task Force to develop guidance. Targeting Public Workshops for October 2010 and Board consideration in January 2011.
A-11*	Storm Water MS4 Phase II Permit	Public Workshops targeted for February 2011. Targeting Board Adoption Hearing Summer 2011.
P	Suction Dredge General Permit	On hold, and working instead with Dept of Fish and Game to coordinate with their suction dredge permitting program.
A-10*	Timber Activities on National Forest System Lands	Drafting Statewide Waiver for USFS, based on Region 1 waiver. Public hearing and adoption in December 2010.
P	Timber Activities on Non-federal Lands	Work with California Board of Forestry, Department of Forestry and Fire Protection, and Regional Water Boards. Work delayed pending the outcome of a petition.
A-10*	Toxicity Control Provisions for the SIP	Draft policy released in July for informal comments. Targeting Public Hearing in November 2010, and Board consideration in December 2010.
A-11*	Trash Policy	Targeting CEQA scoping meetings in October 2010, Public workshop in February 2011 and public hearing/consideration for adoption in June 2011.
A-10	UST Regulatory Program Task Force	Final task force recommendations submitted to the Board in January 2010. DWQ staff updated the Board at the May 18 Board meeting in conjunction with DFA staff report on the UST Cleanup Fund.
A-10	UST Low-Threat Case Closure Policy	Targeting Board consideration for December 2010.

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
A-11	Wetlands and Riparian Areas (Dredge and Fill) Policy – Phase I	Scientific peer review was conducted for the California Rapid Assessment Methodology (CRAM) for wetland condition determination and will be conducted for the Technical Advisory Team's (TAT's) wetland definition. Targeting Public Hearing in March 2011.
P	Wetlands and Riparian Areas Policy – Phase II	Pending completion of Phase I.
P	Wetlands and Riparian Areas Policy – Phase III	Pending completion of Phase II.

Note: * indicates Board Priority

Status Code Key:

White = Active effort (A)

Yellow = Targeted for completion in 2010 (A-10)

Green = Targeted for completion in 2011 (A-11)

Blue = Completed (C)

Grey = Suspended or No statewide effort at this time or Pending (P)

Policies/General Permits Completed in 2009

Status Code	Policy/Significant General Permit	Status
C	Biodiesel Regulations	Board approved regulations on November 17. OAL has approved, and the effective date of the regulations was March 4, 2010.
C	Landscape Irrigation / Incidental Runoff Permit	Permit adopted by Board on 7/7/09. Preparing memo to Regional Boards regarding implementation.
C	Recycled Water Policy	Complete. Approved by OAL on 5/14/09. Sent memo to Regional Boards regarding implementation.
C	Ocean Plan Amendment: non-substantive	Board adopted on 9/15/09. Approved by OAL on 3/10/10.
C	Storm Water Construction Permit	Board adopted permit at its 9/2/09 Board Meeting.
C	Storm Water Linear Permit	Linear permit included in Construction Storm Water permit. Board adopted permit at its 9/2/09 Board Meeting.
C	Vessel General Permit – Revised Certification	Revised 401 Certification in February 2009 to reflect USEPA's final permit and make clarifying edits.

Policies/General Permits Completed in 2008

Status Code	Policy/Significant General Permit	Status
C	Blue-Green Algae Guidance	Revisions completed in September 2008 and posted on website.
C	Compliance Schedule Policy	Board approved on 4/15/08, effective on 12/17/08.
C	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase I	Phase I completed, adopted by State Board September 2008, approved by OAL on January 5, 2009. Approved by USEPA on August 25, 2009.
C	Vessel General Permit – Certification	Issued 401 certification with state conditions on 12/17/08. Completed.

Division of Water Rights		
Status Code	Policy/Significant General Permit	Status
(A)	Draft WQCP update for San Joaquin River flows and southern Delta salinity objectives	Draft SED science chapter and notice of November 2010 public workshop will be released by October 1, 2010. Draft plan amendment to be brought to the Board for a July 2011 hearing.
C	Delta outflow recommendations (SBX7 1)	The Board adopted the final report on August 3, 2010, and provided it to the Delta Stewardship Council on August 25, 2010.
C	Instream Flow Policy (AB 2121)	The Board adopted the Policy on May 4, 2010. The Division delivered the administrative record to OAL on August 11, 2010.

Office of Enforcement		
Status Code	Policy/Significant General Permit*	Status
C	Policy on Supplemental Environmental Projects	Approved by Board and OAL.
C	Revised Water Quality Enforcement Policy	Approved by Board on November 17, 2009

Division of Financial Assistance		
Status Code	Policy/Significant General Permit	Status
A	Clean Water State Revolving Fund Regulations	Under development. Process has slowed considerably to accommodate getting the ARRA stimulus funds out to projects. Currently project 2010/2011
C	Orphan Site Cleanup Fund (OSCF) Proposed Rulemaking Package	Office of Administrative Law approved the OSCF regulations on September 15, 2009.
A	Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Regulations	Regulations are being drafted to include fiscal considerations and provisional operator. Anticipate being released for public review in Spring 2011.

Status Code Key:

White = Active effort (A)

Yellow = Targeted for completion in 2010 (A-10)

Blue = Completed (C)

Grey = Suspended or No statewide effort at this time or Pending (P)

Appendix 2

IRRIGATED LANDS REGULATORY PROGRAM MONTHLY REPORT

This month's Irrigated Lands Regulatory Program (ILRP) monthly report covers the June through August 2010 period and will provide an update on the activities of the North Coast, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board programs.

Future monthly reports will alternate between the status of the ILRP from the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. Current and past ILRP monthly reports can be found on the State Water Board ILRP web page:

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

For additional information on the statewide ILRP, please contact State Water Resources Control Board staff:

Johnny Gonzales	(916) 341-5510	jgonzales@waterboards.ca.gov
Gita Kapahi	(916) 341-5501	gkapahi@waterboards.ca.gov

ILRP contact information for each Regional Water Board is found at the end of each report below.

NORTH COAST REGION AGRICULTURAL REGULATORY PROGRAM Update to SWRCB – June 2010

Klamath River Basin Conditional Waiver for Irrigated Agriculture and Grazing:

On March 24, 2010, the North Coast Regional Water Quality Control Board adopted the Action Plan for the Klamath River Total Maximum Daily Loads and the Lost River Implementation Plan. These plans include provisions to develop a conditional waiver of WDRs for discharges associated with agricultural activities, including grazing and irrigated agriculture in the Klamath River basin, and to bring this to the Regional Water Board for consideration by 2012.

At the March adoption hearing, the Regional Water Board further directed staff to prepare a work plan and timeline for meeting the 2012 date. On June 10, 2010, staff presented a work plan and timeline to the Regional Water Board. While this was an information item only, the Board indicated support for staff's recommended approach, work plan and timeline. A key aspect of the approach is to seek input from agricultural interest's region-wide, since it is anticipated that the Klamath River basin conditional waiver will be used as a model for a region-wide waiver for agricultural activities.

Staff is now implementing the work plan. First tasks are development of a stakeholder outreach plan and scoping meetings to be held in the fall of 2010.

For additional information on the North Coast Regional Board's water quality compliance program for grazing and irrigated agriculture, please see the following website or contact Ben Zabinsky at BZabinsky@waterboards.ca.gov or (707) 576-6750:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/grazing_and_irrigated_agriculture/

CENTRAL COAST REGION AGRICULTURAL REGULATORY PROGRAM Update – July 1, 2010

Agricultural Order Renewal:

On July 8, 2010 the Central Coast Water Board will hold a continuation of the May 12 Board Workshop in Watsonville to provide an opportunity for those members of the public unable to participate in the May 12 meeting to comment on the preliminary draft staff recommendations and the proposed alternatives for regulating agricultural discharges. Staff set a final deadline, June 4, 2010, for submitting written comments on the preliminary draft staff recommendations for an updated Agricultural Order prior to the July Workshop.

In addition, on July 8, 2010, the Central Coast Water Board will also consider a staff recommendation to extend the existing Agricultural Order for an additional 18 months until December 2011, to allow additional time to finalize recommendations for an updated Agricultural Order for Board consideration.

Public Comments and Alternatives –

In response to the February 1, 2010 release of the preliminary draft staff recommendations for an updated Agricultural Order, the Water Board received 1248 comment letters (approximately 212 individual letters and approximately 1036 submittals of six standardized form letters). Included in the comment letters were three alternative proposals for regulating agricultural discharges. An index to the comment letters and copies of all comment letters and alternatives received, as well as background information on the Agricultural Order Renewal and information presented at the May 12 Board Workshop are available at the Water Board's internet site below. Interested persons should visit the Internet site to view and listen to information presented at the May 12 Board Workshop. Staff will NOT repeat this information at the July 8 Workshop. In preparation for the May 12 Board Workshop, the Board set a deadline of April 1, 2010 for submitting comments. After the May 12 Board Workshop and in preparation for the July 8 Board Workshop, staff set a final deadline of June 4, 2010 for submitting written comments on the preliminary draft staff recommendations for an updated Agricultural Order prior to the July Workshop.

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml

In reviewing the stakeholder proposed alternatives for regulating agricultural discharges compared to the preliminary draft Agricultural Order, staff identified several concepts to discuss further with interested persons, including:

- Submittal of an annual report focused on water quality outcomes.
- Minimization or possible elimination of tailwater discharges to achieve compliance with surface water standards.
- Measures to evaluate reduction in pollutant load and concentration.
- Use of SMART sampling (Simple methods to Achieve Reasonable Targets).

Staff intends to continue to meet with interested persons, including agricultural and environmental entities, to discuss these concepts and to identify additional areas of agreement.

The May 12 Board Workshop staff report included a preliminary summary of key public comment areas based on comment letters reviewed. Staff identified those comments that appeared with the most frequency. In addition to comment letters containing general statements of support or opposition, many comment letters contained specific suggestions for improving the preliminary draft Agricultural Order - these comments are particularly helpful to inform revisions to the draft Agricultural Order. Some of the key public comment areas are highlighted below.

General Support for Preliminary Draft Agricultural Order:

The Water Board received over 880 letters of support for the preliminary draft Agricultural Order:

- Support for the process, the Agricultural Regulatory Program and preliminary draft recommendations for an updated Agricultural Order.
- Support for the prioritization of agricultural water quality and taking timely actions to prevent further degradation.
- Support for the regulation of agricultural discharges to groundwater and the protection of drinking water sources.
- Support for requirements for individual groundwater monitoring, including private domestic wells and submittal of data and technical reports.

General Concern about Preliminary Draft Agricultural Order:

The Water Board received over 200 letters with criticisms of the preliminary draft Agricultural Order:

- Requirements will result in economic hardship.
- Requirements will result in crop yield reductions and farmers will go out of business.
- The current process is inadequate, including California Environmental Quality Act (CEQA) requirements and specifically requirements to consider the social, environmental and economic impacts, and evaluate alternatives.
- Lack of cooperation with the growers and farm organizations to develop requirements.
- Objections to proposed aquatic habitat requirements.
- Objections to individual monitoring and reporting.

Next Steps -

Staff will continue to review all alternatives and comments and use suggestions, comments, and concerns to inform revisions to the preliminary draft Agricultural Order.

Following the July 8, 2010 Board Workshop, staff will complete its review of comments and alternatives received, continue to conduct outreach and provide opportunities for additional public input, and consider such feedback in the development of the next draft version of the Agricultural Order. Staff will continue to work on the relevant issues and will bring a comprehensive draft Agricultural Order to the Board for consideration as soon as possible before December 2011. The draft will address each issue area included in the preliminary draft (e.g., groundwater, toxicity, etc.) as well as any relevant additional issue areas raised in comments. The draft Order/staff report will discuss alternative methods and timelines for the Order to deal with each issue with analysis of probable effectiveness of each alternative method. In this manner, all aspects of comments and alternative proposals will be available for evaluation and comparison.

For additional information on the Central Coast Conditional Waiver for Irrigated Lands, please contact Angela Schroeter at (805-542- 4644) ASchroeter@waterboards.ca.gov

**LOS ANGELES REGION CONDITIONAL WAIVER FOR IRRIGATED LANDS
UPDATE TO THE SWRCB
Irrigated Agriculture Program Update staff report dated June 24, 2010**

- Staff continued follow-up work on four ACLs issued on February 18, 2010.
 - Staff met with three ACL recipients who wished to engage in settlement discussions. The ACL recipients provided additional written and verbal evidence for staff's consideration. Staff is working with legal counsel to review the additional evidence.
 - The fourth ACL recipient also waived the 90-day hearing requirement and will engage in settlement negotiations with staff. Staff is working to initiate the settlement process for this case.
- Staff continued follow-up work on five ACLs issued on May 5, 2009.
 - The Executive Officer signed final stipulated orders for two ACL complaints on May 3, 2010. The penalty for one ACL complaint has been paid in full; this case is completed. The penalty for the second ACL complaint will be paid according to the deadline set forth in the settlement agreement. Staff expects this penalty to be paid by July 31, 2010.
 - The Los Angeles Regional Board, at the May 6, 2010 regular Board meeting, approved the decision of the March 15, 2010 Regional Board panel hearing. The decision of the March 15, 2010 panel hearing was to uphold compliant number R4-2009-0052; however, the penalty was reduced due to economic considerations.
- Staff is working on the renewal of the Los Angeles Region Conditional Waiver for Irrigated Lands (Order No. R4-2005-0080). Staff expects the revised Conditional Waiver to be available for public comment in late July and is planning to present the revised Conditional Waiver for adoption at the October Regional Board meeting. Staff has met with stakeholders to solicit input on revisions to the Conditional Waiver.

Staff continues to manage a Clean Water Act section 319(h) grant for grower education and outreach in the Calleguas Creek and Santa Clara River Watersheds. Staff is working with the grantee to ensure that the grant effectively implements the Los Angeles Region Conditional Waiver for Irrigated Lands, and specifically implements BMPs according to VCAILG's WQMP.

For additional information on the Los Angeles Region Conditional Waiver for Irrigated Lands, please contact Rebecca Veiga Nascimento at (213) 576-6784 rveiga@waterboards.ca.gov or Jenny Newman at (213) 576-6691 jnewman@waterboards.ca.gov

COLORADO RIVER BASIN CONDITIONAL PROHIBITION FOR AGRICULTURAL DISCHARGES

Irrigated Agriculture Program Update from a June 30, 2010 staff report

The TAC for the Coachella Valley Ag prohibition is still compiling their recommend Best Management Practices, sampling locations, and parameters for the Coachella Valley Stormwater Channel and drains. The next meeting is tentatively scheduled for late July/early September.

The Palo Verde staff report for the Ag Prohibition will be circulated to the public June 30, 2010.

The State Water Board DFA gave Imperial Irrigation District the notice to proceed with preparing a grant agreement for a \$900,000 Prop 50/84 project awarded in 2008. The project title is IID's Agricultural Drain Improvement Project, and the duration of the project is three years. The project goals are:

1. Improve substandard areas within IID's earthen drainage system that contribute to water quality impairment.
2. Support the propagation of native vegetation to stabilize earthen drain banks.
3. Employ precision GPS technology as a management practice tool to reduce water quality impacts that occur during drain dredging operations.
4. Implement a drain water quality monitoring program to quantify benefits that are achieved through the use of the proposed management practices and determine the progress in meeting the established TMDL water quality goals.

The Imperial County Farm Bureau held its annual drained meeting for farmers and growers the first week of June with assistance from Regional Board Assistant Executive Officer Jose Angel.

The Regional Board adopted revisions to the Coachella Valley Storm Water Channel Bacterial Indicators TMDL Basin Plan Amendment on June 17, 2010, exempting agricultural stakeholders and the Coachella Valley Water District from Phase 1 implementation actions.

For additional information on the Colorado River Basin Conditional Prohibition for agricultural discharges, please contact Doug Wylie at (760) 346-6585 dwyllie@waterboards.ca.gov

**SANTA ANA REGION
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR AGRICULTURAL
DISCHARGES (CWAD PROGRAM)**

**An update to the SWRCB-ILRP Coordinator
June 30, 2010**

Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and other agricultural operations not already regulated by the Regional Board, to enroll in a conditional waiver of waste discharge requirements (WDRs). Board staff is calling their agricultural program the "Conditional Waiver (of waste discharge requirements) for Agricultural Discharges" (CWAD). Regional Board staff proposes that the CWAD program will be developed and implemented on a watershed-based, phased approach. The first phase of this program is being developed for waste discharges from agricultural operations (Irrigated and non-irrigated) in the Lake Elsinore / San Jacinto Watershed. The Regional Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore. The TMDLs are now part of the Basin Plan. The CWAD program is being designed to be part of the implementation program for these TMDLs.

In order to formulate a strategy to develop a CWAD program, Regional Board staff has been conducting meetings with key potential stakeholders, including Western Riverside County Agricultural Coalition (WRCAC), an NGO, and the Lake Elsinore San Jacinto Watershed Authority (LESJWA). LESJWA is a joint-powers authority that represents the Cities of Canyon Lake and Lake Elsinore, Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Santa Ana Watershed Project Authority.

During the last few months, Regional Board staff have also met with other potential stakeholders and related agencies, including Riverside County Farm Bureau and Riverside County Agricultural Commissioner's offices. Board staff is coordinating with representatives of WRCAC and LESJWA and the Southern California Coastal Water Research Project (SCCWRP) to explore establishing a CWAD monitoring group program for the San Jacinto River watershed that uses both probabilistic and targeted monitoring. Also, the Santa Ana Water Board is coordinating with RWQCB 9, SCCWRP and State Water Board to determine the possibility of integrating monitoring programs for both RWQCB 9's ILRP and the Santa Ana Region's CWAD program. The intent is to integrate the both the Region 8 CWAD and Region 9 ILRP monitoring programs into the regional water quality monitoring program for Southern California coastal watersheds that is being developed and implemented by the Stormwater Monitoring Coalition (SMC).

During summer of 2009, Regional Board staff conducted field surveys of various agricultural operations in the CWAD program project area. Staff has been meeting with local growers and farmers to introduce the CWAD program to get grower feedback. Regional Board staff is also coordinating with State Water Board staff, TMDL staff and staff of other regions, particularly Regions 4 and 9, to establish criteria for the minimum acreage threshold for enrollment in its CWAD program.

Regional Board conducted its second evening public information meeting on the CWAD program. This meeting was scheduled on Thursday, April 22, 2010, from 7:00-8:30 p.m. The meeting was held at the Eastern Municipal Water District Board room, located in the City of Perris. At this meeting, Regional Board staff discussed the proposed CWAD program, various

program elements, current status and solicited suggestions about how best to put the CWAD program in place. Topics of discussions and questions included:

- CWAD program introduction and status;
- Are all farming operations going to be covered, or are there exemptions from the program?
- Criteria to establish the minimum acreage enrollment requirement for the program.
- Have “third party representatives” been formed? Will there be a cost to be represented?
- How the Regional Board identified operators who will be required enroll in the CWAD program.
- What is the schedule for putting the CWAD program in place?

At the end of Regional Board’s presentation, there was a question and answer session in which several program related questions and concerns presented by representatives of growers and ag. groups were discussed. Although the meeting attendance was light, some new ag. growers and farmers attended and actively participated in the discussions during this meeting. S

Regional Board has developed a “CWAD Program Advisory Group” which consists of about 15 members belonging to ag. farmers, local growers, industry groups, and major stake-holders, etc.

On June 23, 2010, first CWAD Advisory Group meeting was held in Nuevo Water District’s meeting room (meeting’s final agenda, attached) to introduce and discuss status of CWAD program, its regulatory and enforcement options, and various ag. program permitting options (i.e. WDRs, General Permitting, Basin Plan Prohibitions, and Ag. Waiver). In this meeting, the Regional Board staff solicited feedback from group members on the presented items. Regional Board staff also discussed the CWAD program’s proposed draft conditions, and solicited comments and input from group members. Regional Board staff received several recommendation, suggestions and positive feedback from the group. Action items with follow up schedule were noted by the Board staff. It was decided by the group that the next Advisory Group meeting to be held on September 23, 2010, at the same time and place.

Presently, Regional Board staff is working on some follow up actions, discussed in the meeting.

For more information, please contact:

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**SAN DIEGO WATER BOARD IRRIGATED LANDS REGULATORY PROGRAM
(CONDITIONAL AG WAIVER)**

Irrigated Agricultural Lands Regulatory Program June 28, 2010 staff report.

During the month of June 2010, Regional Board staff met with the region's three monitoring groups to discuss the structure of the regional monitoring program under the waiver. This is part of an ongoing process that is intended to assist the monitoring groups with their efforts to prepare a monitoring plan. The plan is due on the last day of 2011. At the June 2010 Regional Board meeting, staff provided an ILRP progress update on the status of implementing the conditional Ag waiver. On June 14th, staff answered questions about the waiver as a member of a panel at a workshop in Rainbow, California and on June 24th, staff presented the waiver at a workshop which was held at the San Diego County Farm Bureau.

For additional information on the San Diego Conditional Waiver for Irrigated Lands, please contact Peter Peuron at (858) 637-7137 or ppeuron@waterboards.ca.gov