

San Diego
Regional Water Quality
Control Board



Executive Officer's
Report

August 16, 2006

TABLE OF CONTENTS

PART A

1	Model Ocean Discharge Monitoring Workshop	1
2	Public Outreach	1
3	Training Related to 401 Certification	1
4	RWQCB/County of San Diego DEH Coordination Meeting	2
5	Personnel Report	3
6	Document Management Project	3

PART B

1	Sanitary Sewer Overflows	4
2	Clean Water Act Section 401 WQ Certification Actions Taken in May 2006	6
3	Grants Update	7
4	Total Maximum Daily Loads Documents Released For Second Public Review	8
5	Watershed Protection	8
6	Navy Point Loma Fuel Farm Leak Update	10
7	Santa Margarita Lagoon and River Nutrient TMDLs	11
8	Proposed Gregory Canyon Landfill	12
9	Poway Landfill Status/Update	13
10	Closure of Class II Soil Treatment Facility at Naval Air Station North Island	14
11	Naval Training Center/MCRD Landfill	14
12	Las Pulgas Landfill Camp Pendleton	14
13	Forster Canyon Landfill, Orange County	15
14	Investigation of Seeps from Bradley Park/Old Linda Vista Landfill	16
15	Closure of Class II Soil Treatment Facility at Camp Pendleton	16
16	Dakota Ranch Development Co., LLC, - \$145,000 ACL Complaint	17

PART C

1	<i>Caulerpa taxifolia</i> Eradication Declaration Event	17
2	Annual DoD/State EMEC Meeting	18
3	Brownfields Statewide Status Update - CLRRRA (former Montanez – AB 389)	18
4	State Water Board Offers \$20 Million in Funding for Brownfield Sites	19
5	Massachusetts' DEP Promulgates Perchlorate Water Standard	19
6	Statewide Policy for Once-Through Cooling (CWA 316(b))	20
7	Numeric Effluent Limitations for Storm Water Permits	20
8	Discharge Exceptions for Areas of Special Biological Significance	21

Attachments for B-1, B-2, B-4, B-7, C-2, C-5, C-6 and C-8 are included at the end of the report. Also included as an attachment are the Significant NPDES Permits, WDRs and RB Actions.

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

August 16, 2006

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Model Ocean Discharge Monitoring Workshop *(Pete Michael)*

On August 8, 2006 Peter Michael attended a stakeholder meeting at the office of the Los Angeles Regional Water Quality Control Board to discuss a proposed amendment to the California Ocean Plan. The amendment is in response to the periodic Triennial Review of water quality plans. Workshop topics included a proposed model statewide approach to monitoring for ocean discharges, bacteria, toxics, wastewater, permitted storm water, non-point sources, benthic communities, and bioaccumulation. The Ocean Plan website is <http://www.waterboards.ca.gov/plnspols/oplans.html>.

This second stakeholder workshop of three conducted throughout the state was well attended by local agency staff and consultants representing large point sources, some with storm water interests, and a Los Angeles conservation organization, Heal the Bay. Discussions about the draft Ocean Plan Amendment were related to the wording of text addressing bacteria monitoring near ocean outfalls with flows of more than ten million gallons per day. Topics also included increasing beach sampling to five days per week for certain discharges and the substitution of E. coli analysis for fecal coliforms. Mussel bivalve and sand crab bioaccumulation monitoring received attention as well. This Ocean Plan revision will also further implement the SB 72 (2001) mandate to sample receiving waters for the effects of storm water dischargers.

2. Public Outreach *(Amy Grove)*

On June 5, 2005, Regional Board staff (Ms. Amy Grove of the Land Discharge Unit) participated in the June pack meeting for Cub Scout Pack 614 located in Scripps Ranch. Thirty-five cub scouts were present to work on their merit badge in geology, where they learned about the Earth, the formation of rocks and minerals, how products from rocks and minerals are utilized in everyday life, and how to protect the environment. The scouts worked through a series of workstations using materials provided by San Diego State University, as well as a hands-on demonstration of the effects of ground water pollution.

3. Training Related to 401 Certification *(Pete Peuron)*

During the week of July 24, 2006 Kristin Schwall, Mariah Mills and Pete Peuron attended the Basic Wetland Delineation course presented by the Wetland Training Institute, in San Diego. Attendees learned the basic methodology for

identifying and delineating the extent of wetlands, as presented in the U.S. Army Corps of Engineers Wetland Delineation Manual. Methods for evaluating vegetation, soil and field hydrologic indicators to determine whether an area is a wetland were explained in class sessions and then demonstrated in a number of field study areas. This training provided basic information needed to evaluate 401 applications and related reports.

4. RWQCB/County of San Diego Department of Environmental Health (DEH) Coordination Meeting *(John Anderson)*

As a follow up to the Board's request to better coordinate the dual exercise of the Regional Water Board and the County of San Diego DEH authorities in soil and ground water cleanups, on June 29, 2006, David Barker, John Anderson, and John Odermatt of the Water Resources Protection Branch met with Mark McPherson, Chief of the DEH Land and Water Quality Division and staff to discuss ways to improve communication and avoid reopening DEH lead closed cases. The following is the List of Action Items agreed to:

- DEH and RWQCB will work together to avoid or reduce the RWQCB reopening cases that DEH has closed under its Voluntary Assistance Program (VAP) pursuant to Health and Safety Code sections 101480 - 101490. This can be achieved by ensuring that VAP site investigations and cleanups meet the standards and requirements of both DEH and the RWQCB. Prior to the RWQCB assuming jurisdiction over a VAP case, DEH and RWQCB staff will attempt to resolve intra-agency disputes, if possible, by seeking consensus through informal discussion and negotiation. Such informal discussions will typically include staff and their immediate and second level supervisors, as necessary.
- DEH and RWQCB will schedule regular quarterly meetings to share expertise, coordinate efforts, and improve cooperation and communication between the agencies. The quarterly meetings will provide a forum to:
 - Discuss sites and site cleanup plans of mutual interest;
 - Identify and resolve problems;
 - Identify and share existing and proposed policy, procedure, and guidance documents; and
 - Develop opportunities for training of DEH and RWQCB staff.

DEH will coordinate the date/time for the first quarterly meeting in September 2006 at DEH office.

- DEH will consider requiring consultants for VAP cases to upload reports/data into the SWRCB's Geotracker database. This will provide RWQCB staff with electronic access to VAP site technical reports and help facilitate resolution of RWQCB / DEH site closure concerns.

- The consulting and redevelopment community have requested the RWQCB to consider clarification or creation of guidelines dealing with the cleanup and on-site and off-site reuse of lead impacted soils containing low levels of lead. The RWQCB understands that a technical workgroup has been formed to address this issue and that DEH is participating in the workgroup. David Barker and John Anderson attended the August 1, 2006 meeting of the workgroup at the offices of Ninyo & Moore.
- Kevin Heaton, DEH will provide John Anderson, RWQCB with a copy of the mid-1990 memo regarding RWQCB involvement with VAP cases for review and possible revision as appropriate.

5. Personnel Report (*David Barker*)

As of August 2006 the California Regional Water Quality Control Board (San Diego Water Board) has an existing authorized staff size of 70 employee positions. Sixty of these positions are comprised of technical staff in the engineering, engineering geology, and biologist job classifications. Ten of these positions are comprised of staff in administrative office support services and information technology job classifications.

Our current recruitment effort is to fill 2 vacancies as follows:

- 1 administrative staff vacancy in Records Management support services.
- 1 technical staff vacancy in the Site Mitigation and Cleanup Unit.

6. Document Management Project (*David Barker*)

As you know a "document management project" also referred to as the "electronic content management (ECM) project" is under development for gradual implementation on a state-wide basis at the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs). The overarching project goal is to automate the process of electronically routing incoming and outgoing documents along a defined business process path for document review, processing, approval, and archiving.

The ECM project will significantly change how SWRCB and RWQCB documents are managed and will significantly reduce the need to store documents in paper form. Over time, with agency-wide implementation of the ECM project, most SWRCB and RWQCB documents will be stored in electronic format only, using far less space and with much greater security. Documents will be indexed, secured, and readily retrievable on most office PC desktop workstations using a keyword, phrase or numeric query for rapid on-screen review.

The core ECM project team is comprised of representatives from SWRCB DAS and OIT and RWQCBs 9, 3, and 2. The initial project roll-out plan envisions thoroughly pilot testing the document management system at RWQCB 9 first, conducting an evaluation, and then proceeding to SWRCB Contracts, RWQCB

3, and then RWQCB 2. The idea is to continue refining the system based on lessons learned as the project roll-out proceeds to each pilot location.

In late June, 2006 the project team selected a consultant (NEKO Industries) to provide the software and consulting services for the project. SWRCB recently executed the purchase order (PO) documents to formally retain NEKO as project consultant. NEKO is currently developing a project timeline.

One of NEKO's first activities in the latter part of August will be to construct a mock-up of the document classification and index system which was described in the SWRCB bid documents. (The terms "classification" and "index" refers to the criteria that will be used to describe document being stored in the system so that end users can retrieve the document later from the system for viewing.) The mock-up will be based in large part on San Diego RWQCB's proposed document classification and index system. The whole project team – representatives from SWRCB DAS/OIT and RWQCBs 2, 3, and 9 and NEKO - will participate in evaluating and refining the mock-up. The project team's goal is to come out of the mock-up review and refinement process with agreement on the initial document classification/ index scheme to be fully pilot tested at RWQCB 9. A key project goal is to ensure that the document classification/ index scheme will meet the needs of the RWQCB and SWRCB divisions to avoid ten different indexing and classification schemes.

PART B **SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1. Sanitary Sewer Overflows (SSO) *(Eric Becker, Charles Cheng, Joann Lim, Melissa Valdovinos, Michelle Mata, Olufisayo Osibodu) (Attachment B-1)*

From June 1 to June 30, 2006, there were fourteen sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office pursuant to the requirements of Order 96-04; six of these spills reached surface waters or storm drains, none of which resulted in closure of recreational waters. Of the total number of overflows from public systems, two were 1,000 gallons or more. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of June 2006 was 11,799 gallons.

There were also seven sewage overflows from private property and other agencies reported in June 2006. One of these spills reached surface waters or storm drains, but did not result in closure of recreational waters. One of the overflows from private property was 1,000 gallons or more.

The total rainfall amount for June 2006 recorded at San Diego's Lindbergh Field was a "Trace" amount. For comparison, in May 2006, 0.77 inches of rainfall were recorded at Lindbergh Field, and nine public SSOs were reported. Also for

comparison, in June 2005, 0.02 inches of rainfall were recorded at Lindbergh Field, and thirteen public SSOs were reported.

Attached is a table titled "Sanitary Sewer Overflow Statistics," updated through June 30, 2006, which contains a summary of all SSOs by fiscal year (FY) from each agency since FY 2001-2002.

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

Please note that the report for July and August 2006 will be included in the September 2006 Executive Officer Report.

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

Issuance of Notices of Violation (NOV)

Four Notices of Violation (NOV) were issued during June 2006 for recent significant SSOs. The NOV's were issued to the sewer agencies and for the SSO events described below:

City of San Diego

- An NOV was sent to the City of San Diego for three spills that occurred in March and April 2006. A 5,480-gallon SSO, none of which was recovered, occurred on March 6, 2006 near 2880 39th Street. Sewage reportedly flowed into a storm drain leading to Chollas Creek, which discharges to San Diego Bay. The cause of the SSO was reported as a gravity main break. A 16,200-gallon SSO, all of which was recovered, occurred on March 6, 2006 at the intersection of Cass Street and Van Nuys Street. Sewage reportedly flowed into a storm drain but was recovered at the storm water interceptor at Tourmaline Beach before reaching the Pacific Ocean. The cause of the SSO was reported as roots in the canyon sewer main. A 64,602-gallon SSO, of which 27,972 gallons were recovered, occurred on April 3, 2006 near 4811 Elsa Road. Sewage reportedly flowed into a storm drain leading to the San Diego River and ultimately, the Pacific Ocean, resulting in beach closures in Ocean Beach. The cause of the SSO was reported as infiltration of potable water from a nearby water main break

- An NOV was sent to the City of San Diego for a 19,500-gallon SSO that occurred on May 5, 2006 near 4995 Tierra Baja Drive. Sewage reportedly flowed into a nearby gutter and was fully recovered, preventing flow into the storm drain system. The cause of the SSO was reported as a blockage due to rocks and a damaged six-inch rodding screw, which broke off in the eight-inch sewer main.
- An NOV was sent to the City of San Diego for a 4,100-gallon SSO, of which 2,000 gallons were recovered, that occurred on June 8, 2006 at San Diego Avenue and Pringle Street. Rocks in the sewer main reportedly caused an SSO that resulted in sewage discharge to a storm drain that leads to San Diego Bay.

Fallbrook Public Utility District

- An NOV was sent to the Fallbrook Public Utility District for a spill that occurred on June 17, 2006 at 526 Aviation Road in Fallbrook. The total overflow volume was 146,625 gallons of which 2,500 gallons were recovered. The District reported the cause of the overflow as a sewer line blockage due to grease and roots, and specified that the overflow entered Fallbrook Creek, tributary to Lake O'Neil, the Santa Margarita River, and the Pacific Ocean

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

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

Upon receipt of a complete 401 certification application, the Regional Board may either certify the project or deny certification, with or without prejudice. In cases where there are impacts to Waters of the U.S., the Regional Board may issue a conditional certification. The certification can be either in the form of a conditional certification document approved by the Regional Board Executive Office, or Waste Discharge Requirements (WDRs), adopted by the Regional Board. And, in the case where a federal permit is not required because impacts have been determined to be only to Waters of the State, the Regional Board may adopt WDRs. Table B-2 (attached) contains a list of actions taken during the month of July. Public notification of pending 401 Water Quality Certification applications can be found on our web site at:
<http://www.waterboards.ca.gov/sandiego/programs/401cert.html>.

3. Grants Update *(David Gibson)*

Status of State Bond Act and federal 319(h) Grant Program Projects

The San Diego Regional Board is currently managing 27 grant-funded contracts worth approximately \$47 million. These grants are being closely managed to ensure conformance to the grant agreement terms and conditions. The Department of Finance has completed an audit of all of the grants awarded to the City of San Diego. Four Proposition 13 project grant agreements are being amended to provide a one-year extension. These projects are behind schedule due to CEQA/NEPA, permitting, or administrative/scheduling reasons.

Proposition 40 and Proposition 50 Consolidated Grants Program

Statewide 209 applicants were invited to submit full proposals for the Consolidated Grants programs. Full Proposal applications for the non-ocean protection projects were due to the State Water Resources Control Board (SWRCB) by June 9, 2006. In the San Diego region, 27 applicants were selected to submit full proposals out of the 57 initial concept proposals that were submitted. The invitation lists and other information for all programs are available at: http://www.waterboards.ca.gov/funding/cg_fullproposals.html. The review panels will complete their reviews of the proposals and the Selection Committee will prepare a list of funding recommendations for the SWRCB in September 2006.

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

The IRWM Step 2 Implementation proposal deadline was June 28, 2006. All 16 applicants statewide who were called back to Step 2 submitted applications on time. The South Orange County IRWM group was among the IRWM groups invited to submit a proposal. The 16 proposals represent a total of approximately 175 individual projects. Approximately \$382 million in grant funding was requested for proposals totaling over \$2 billion. The Department of Water Resources and SWRCB have approximately \$150 million available for this cycle of grant funding. The actual funding and cost match amounts are as follows:

Grant Funds Requested	\$ 382,156,434
<u>Cost Match Funds</u>	<u>\$1,679,717,545</u>
Total Budget Funds	\$2,137,307,291

The Step 2 technical reviews and consensus reviews are due September 8, 2006. Selection panel reviews will be conducted through October 2006.

Clean Beaches Initiative Grant Program

The SWRCB continues to accept applications for the remaining \$5.3 million in Proposition 40 funds for projects on the Competitive Location List (CLL) and for projects that provide justification for placement on the CLL. In the San Diego

region, there are currently 16 projects on the CLL. The Clean Beaches Task Force will meet on August 30, 2006 to review applications and recommend projects for funding. SWRCB anticipates releasing draft Guidelines for the Proposition 50 CBI Program this week. Workshops on the draft Guidelines will be scheduled in mid September. Additional information on the Clean Beaches Initiative including the CLL can be found at:

<http://www.waterboards.ca.gov/cwphome/beaches/index.html>.

4. Chollas Creek Metals and Indicator Bacteria Project I – Beaches and Creeks Total Maximum Daily Loads Documents Released For Second Public Review Period (*Benjamin Tobler and Christina Arias*) (*Attachment B-4*).

The Water Quality Standards (WQS) Unit has re-circulated the documents for the Chollas Creek Metals and Indicator Bacteria Project I – Beaches and Creeks TMDLs for public review. The second review period began on July 25, 2006, for the Chollas Creek Metals TMDLs, and August 4, 2006, for the Bacteria-Impaired Waters TMDLs. For both projects, the public was notified and invited to submit written comments on the revised documents (see attached notices).

For the Chollas Creek Metals TMDLs, the second review period was necessary to correct a defect in the San Diego Water Board's process when the TMDLs were adopted in June 2005. Due to the procedural defect, the State Water Board remanded the TMDLs to the San Diego Water Board for a second review period. For the Indicator Bacteria TMDLs, the WQS Unit made revisions as a result of comments received during the first public review period. Both sets of TMDL documents also were revised to be consistent with new guidance on certified regulatory program substitute CEQA documentation contained in the California Court of Appeal Decision on the Los Angeles River Trash TMDL (*City of Arcadia v. State Water Resources Control Board*). The recirculation of the TMDL documents for both projects will allow the public adequate opportunity to comment on the revisions.

At the May 2, 2006 Board meeting, the State Water Resources Control Board requested the San Diego Water Board adopt the revised Chollas Creek Metals TMDLs within 3 months. The San Diego Water Board will not be able to meet that deadline, and is scheduled to consider adoption of the revised Chollas Creek Metals TMDLs at the meeting on November 8, 2006. The Indicator Bacteria TMDL is tentatively scheduled for the November 8 meeting. Scheduling will depend on the number of comments we receive, and the time we will need to prepare written responses to the comments.

5. Watershed Protection (*Bruce Posthumus*)

Preservation of relatively natural upland, wetland, submerged land, and riparian corridor areas is an important part of protecting water quality, beneficial uses, and the overall health of watersheds. Acquisition of such areas for conservation purposes is often necessary, if not sufficient, to preserve them.

An example of such an area is the privately-owned 134-acre "Sherman Parcel" located along 3200 feet of Buena Vista Creek in Carlsbad, approximately 1.5 miles upstream of Buena Vista Lagoon. The parcel contains approximately 70 acres of riparian habitat. It contains a diverse assemblage of native plants and animals, is part of an important wildlife corridor, and serves as an important "stepping stone" for wildlife movement. Among other species, Southwestern willow flycatcher (federally designated as endangered), least Bell's vireo (federally designated as endangered), and California gnatcatcher (federally designated as threatened) are found on the site. Acquisition of the parcel is considered a high priority by wildlife agencies and is one of the projects on the work plan of the Southern California Wetlands Recovery Project, of which the SDRWQCB is a member.

The Sherman Parcel is now under contract for acquisition for conservation. A campaign to raise the remaining funds necessary for its acquisition was announced on July 20, 2006. The Trust for Public Land, Preserve Calavera, and Friends of Buena Vista Creek have worked with the National Fish and Wildlife Fund, State Coastal Conservancy, and Wildlife Conservation Board to obtain a commitment of \$8 million for acquisition of the parcel. An additional \$1.5 million must be raised by December 23, 2006. If the parcel is acquired, it would be managed by the Center for Natural Lands Management.

The value of the Sherman parcel, and of riparian woodland habitat in San Diego County, was eloquently articulated by Dennis Huckabay, president of the Buena Vista Audubon Society. As Mr. Huckabay put it: "Riparian woodland covers barely half of one percent of San Diego County. Yet, these tiny strips of native trees, shrubs, and undergrowth are essential for many of our most loved birds; elegant White-tailed Kites, Yellowthroats, and Lazuli Buntings are just a few of them. The Buena Vista Creek-Sherman property offers us a once-in-a-lifetime opportunity to protect 134 acres of this lovely, life-sustaining land forever. If we preserve the natural beauty and historical landscapes of the Buena Vista Creek Valley, all who travel this gateway corridor to Oceanside and Carlsbad will thank us for generations to come."

For more information see:

North County Times article –

http://www.nctimes.com/articles/2006/07/21/news/coastal/20_27_267_20_06.txt

Preserve Calavera website – <http://www.preservecalavera.org/>

Buena Vista Audubon Society website –

<http://www.bvaudubon.org/Conservation.htm>

Southern California Wetlands Recovery Project workplan –

<http://www.scwrp.org/pdfs/Att-1-Project-Descriptions.pdf>

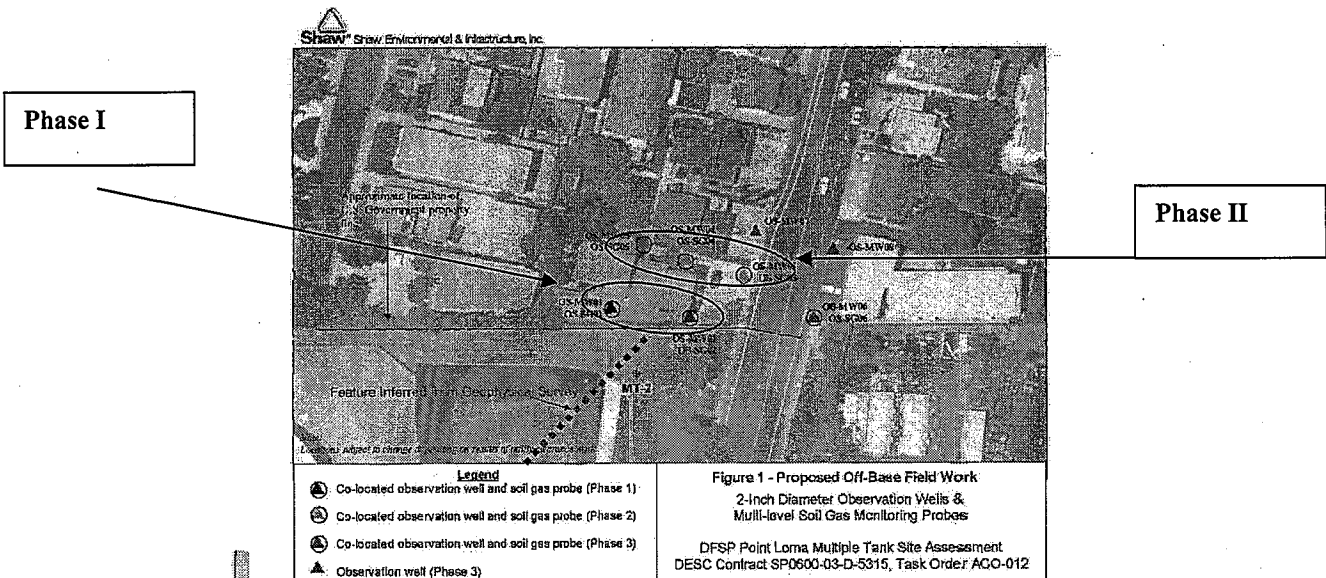
Trust for Public Lands website –

http://www.tpl.org/tier3_cdl.cfm?content_item_id=16175&folder_id=2707

Center for Natural Lands Management website – <http://www.cnlm.org/cms/>

6. Navy Point Loma Fuel Farm Leak Update (Laurie Walsh)

The US Navy continues their pollution characterization and free product extraction efforts to address the plume of fuel that lies beneath the Point Loma Fuel Farm. The Navy personnel at the Fleet Industrial Supply Center (FISC) and Defense Energy Support Center (DESC) are working with Laurie Walsh of the Site Mitigation and Cleanup Unit in the efforts to define, characterize, and remediate the discharge of fuel to ground water. The plume was discovered in 1999. In July 2006, the Navy and DESC installed two monitoring wells just north of the federal property line to define the plume movement in the northern direction. After efforts to develop the wells were completed during the week of July 17, 2006 (Phase I), the Navy discovered approximately a 1 foot thick layer of petroleum free product (marine diesel) in monitoring well OS-MW02. No free product was observed in OS-MW01. In accordance with their work plan, the Navy remobilized to the field during the week of August 7, 2006 to install three additional wells (Phase II) further to the north to determine how far the plume has migrated off of federal property. See map below.



The public was informed on August 1, 2006 through notification to City of San Diego Councilmember Kevin Faulconer's Office, Congresswoman Susan Davis's Office, and the Community Liaison Group for the Point Loma Fuel Farm. The Community Liaison Group was notified by presentation at their 7 PM August 1, 2006 meeting located in Captain Patton's Point Loma Naval Base Conference Room.

Laurie Walsh of the Site Mitigation and Cleanup Unit is in contact with the public regarding the status of the release. She gave a presentation at the latest community meeting hosted by Councilmember Faulconer's office on July 6, 2006

at the Portuguese Hall, Point Loma and at a presentation at the Community Liaison Group Meeting on August 1, 2006. Updated information on the release and public participation can be found on the State's Geotracker Website at www.geotracker.ca.gov under global ID T0608185714 (Tank 43) and ID T0607390913 (Tank 45).

7. Santa Margarita Lagoon and River Nutrient TMDLs - USBR Request for "Third Party" Approach *(Julie Chan) (Attachment B-7)*

The U.S. Bureau of Reclamation (USBR) recently proposed that it take the lead role in developing nutrient TMDLs for the Santa Margarita Lagoon and River under a third party agreement with the San Diego Regional Water Quality Control Board (SDRWQCB) (see attached letters dated July 25 and 27, 2006). The USBR has been active in the Santa Margarita Watershed for the past 5 years coordinating monitoring efforts, data collection, analysis, and modeling efforts. With its stakeholders, the USBR has developed a hydrology and water quality model of the watershed using the Watershed Analysis Risk Management Framework (WARMF) modeling platform.

Although we appreciated the USBR's willingness to provide leadership and resources to the project, we do not plan to enter into an agreement with the USBR to institute a third party TMDL program (see attached letter dated August 4, 2006). The USBR's proposal conflicts with the technical direction of a major SDRWQCB TMDL development effort currently underway to address impaired coastal lagoons, adjacent beach segments, and tributary streams in the Region. This major project, called the "Coastal Lagoons TMDL Project," includes TMDLs for the Santa Margarita River watershed and lagoon. The project entails application of a uniform methodology and modeling platform strategy to develop nutrient, bacteria, sediment and total dissolved solids TMDLs and site-specific nutrient water quality objectives for impaired coastal lagoons, adjacent beaches and tributary streams within the next three years. The USEPA is providing resources for developing site specific TMDL nutrient numeric targets and water quality objectives for the Santa Margarita River, and for developing the modeling studies for all the impaired coastal lagoons. The Southern California Coastal Water Research Project is seeking grant funding to conduct nutrient pathway and oxygen demand studies in the 5 nutrient impaired lagoons in the project. We also have significant technical and legal reservations about the propriety of using the WARMF model for TMDL development pertaining to the lack of open source code.

There are opportunities for USBR to be of great assistance in evaluating the impacts of water purveyor discharges/releases and deliveries through the Santa Margarita watershed in conjunction with the TMDL development. We are exploring ways to partner with the USBR to take advantage of its expertise and stakeholder work in the watershed.

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

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

CEQA Process and Status of Revised EIR

On July 10, 2006 the County of San Diego Department of Environmental Health (DEH) issued the Revised Partial Draft Environmental Impact Report (RPDEIR) for the Gregory Canyon Landfill for public review and comment. The RPDIER and the notice of availability (NOA) are posted on the San Diego County Web Page at <http://www.co.san-diego.ca.us/deh/chd/gchome.html> for public review. The RPDEIR has been released for Public Comment for a 45-day review and comment period from July 10, 2006 through August 24, 2006. All written comments must be received by the San Diego County DEH no later than 4:00pm on August 24, 2006.

On August 14, 2006 at 6:30 PM, the San Diego County DEH plans to convene a Public Meeting in the City of Escondido Council Chambers located at 201 North Broadway, Escondido. The purpose of the public meeting is to collect verbal and written comments from the public regarding the revised portions of the RPDEIR.

Public Participation Requirements in CCR Title 27

The Regional Board staff has not yet identified the specific procedures the Board should follow to provide a fair opportunity for all parties, and interested persons, to fully participate in the Board's proceedings. This topic will be further discussed with the Board's legal counsel in the future. Title 27, California Code of Regulations, section 21730 requires that the Regional Board provide at least 45-days public notice before any Regional Board meeting to consider adoption of tentative waste discharge requirements for any Municipal Solid Waste (Class III) Landfill. In addition, the Regional Board is required to make copies of the agenda package (including the tentative Order) available to the public not less than 30-days before any meeting at which the Regional Board members would consider this issue.

Scheduling an Agenda Item for consideration by the Regional Board

The Regional Board cannot take an action adopting waste discharge requirements for the proposed Gregory Canyon Landfill until the CEQA process is completed and the EIR is properly certified by the lead agency. In June 2006, the Regional Board Executive Officer informed the Regional Board that he preferred not to schedule a public hearing on the proposed Gregory Canyon Landfill project until after the County of San Diego completes its CEQA process.

In the interim, the Regional Board staff continues to move forward with the development of a tentative Order and supporting technical information for a future agenda item regarding the proposed project. However, in view of the status of the CEQA document and the uncertainties with when a certified EIR will

be available, the Regional Board staff cannot be certain that the future agenda item will be scheduled for the November meeting.

The Regional Board continues to maintain a web site and an email list (currently 112 subscribers to our State Board LYRIS list) to keep the public informed about developments regarding the proposed Gregory Canyon Landfill project. The web page is available at

http://www.waterboards.ca.gov/sandiego/programs/units/ldu/Canyon%20Project/gregory_canyon_landfill.html).

9. Poway Landfill Status/Update (*John Odermatt*)

Current status of the Site Investigation may be found on the County Department of Environmental Health (DEH) web site at <http://www.co.sandiego.ca.us/deh/chd/poway.html>.

Since the last public meeting in March 2006, the County of San Diego Department of Public Works (DPW) has conducted the following investigation work to evaluate the risk to residents located in the vicinity of the landfill:

- Installed 16 onsite (on the landfill property) and 22 offsite (in the neighborhood) permanent soil vapor wells. These vapor probes were sampled in April and May 2006, and will continue to be sampled semi-annually. The next sampling will be conducted in late-July 2006. Technical reports and analytical results will be made available to the public via the County DEH web site and the State Water Board Geotracker database (<https://www.geotracker.waterboards.ca.gov/>), as they become available.
- Two additional ground water monitoring wells offsite were installed and sampled (for a total of 10 ground water monitoring wells evaluated). All of the ground water monitoring wells will be sampled as part of the semiannual monitoring beginning on July 17, 2006. Reports of results will be posted on the web as they become available.
- The County DPW has further evaluated the landfill gas collection and control system and determined that improvements the system could make it more effective in collecting landfill gas and could potentially stop any vapor migration from occurring into the off-property (landfill) area.
- Historical aerial photographs were reviewed for past land uses and sources of pollution.
- The storm water and sewer systems were evaluated to determine if they could be potential sources or carriers of the vapor constituents.

The Regional Board has received a technical report from the County DPW entitled "Additional Soil Vapor Evaluation and Engineering Feasibility Study

Report for Poway Landfill, Poway, California" (dated June 30, 2006). The Regional Board staff is currently evaluating the information in the technical report provided by the County of San Diego DPW. The County DPW and LEA staffs plan to convene another public meeting at 7:00 PM on August 31, 2006 in the Poway Community Center located at 13094 Civic Center Drive in the City of Poway.

10. Closure of Class II Soil Treatment Facility at Naval Air Station North Island (Brian McDaniel)

During the week of July 31, 2006, the San Diego Regional Water Quality Board staff attended a meeting regarding clean closure of a Class II Waste Management Facility located at Naval Air Station North Island. The waste treatment facility and reuse of treated soil wastes are regulated pursuant to Order R9-2002-0040, Waste Discharge Requirements for the Class II Waste Management Facility (see Adopted Orders web page at <http://www.waterboards.ca.gov/sandiego/orders/orders-02.html>). The facility is comprised of a treatment area to temporarily store and treat nonhazardous soils contaminated with petroleum hydrocarbons (*i.e.*, diesel fuel and JP-5). The Closure proposal includes the removal of treated stockpiled soils and concrete pads related to the facility, which has been inactive for several years.

11. Naval Training Center/MCRD Landfill (Brian McDaniel)

On July 17, 2006, the Regional Board attended an inter-agency coordination meeting (including the Regional Board, the City of San Diego Local Enforcement Agency and the San Diego Air Pollution Control District, and the San Diego County Regional Airport Authority) regarding Clean Closure of the Naval Training Center (NTC)/MCRD Landfill. The landfill is regulated under waste discharge requirements issued by the Regional Board as General Order No. 97-11 (see adopted Orders page at <http://www.waterboards.ca.gov/sandiego/orders/90s%20orders.html>).

Records available to the Regional Board indicate that the USMC operated a waste disposal area between 1950 and 1971. It is estimated that between 181,000 to 260,000 cubic yards of wastes are distributed over approximately 32 acres. Adjacent land uses include: the U.S. Marine Corps (USMC) Recruit Depot, a boat channel to (northwest), and Lindbergh Field (San Diego International Airport) to the North and Northeast. The San Diego County Regional Airport Authority discussed their proposed long-term reuse of the site including the removal of buried refuse and subsequent expansion of existing airport facilities including construction of a concrete apron for airport use, airport terminal buildings, and related facilities.

12. Las Pulgas Landfill Camp Pendleton (Amy Grove)

On July 13, 2006 the Regional Board staff met with representatives from the United States Marine Corps (USMC), and the San Diego County Local Enforcement Agency (LEA) regarding their investigation of liner defects in the Phase 1 Unit of the Las Pulgas Landfill at Camp Pendleton. This meeting was a

follow-up to the issuance of Cleanup and Abatement Order (CAO) No. R9-2006-0016 issued to the USMC on February 24, 2006 (see adopted orders web page at <http://www.waterboards.ca.gov/sandiego/orders/orders-06.html>).

To comply with the requirements of the CAO, the USMC continues their investigation into the failed liner system in the Phase 1 expansion area. The USMC has awarded a contract to Tetra-Tech for the development of a Corrective Action Plan (CAP) to be submitted to the Regional Board in December 2006. In the interim, the USMC also continues to develop a design plan for the lateral expansion of the landfill (with construction of a Phase 2 Unit). On July 3, 2006, the USMC provided the Regional Board with a report for the proposed Phase 2 Unit entitled "*Design-Build Request for Proposal (RFD)*." Because of the difficult geotechnical issues associated with this project, the Regional Board staff has coordinated our work with the State Water Board Land Disposal Program technical staff (Mr. Rich Boylan). The Regional Board staff will continue to review the report for the Phase 2 Unit, and provide the USMC with comments as necessary.

As a result of previously detecting elevated concentrations of tritium in leachate from the Phase 1 Unit; the USMC continues to store approximately 140,000 gallons of leachate in baker tanks at the Las Pulgas Landfill. The USMC Facilities Maintenance Department (FMD) staff is still awaiting a permit from Navy Radiation Safety Committee to authorize disposal of the liquid wastes, previously collected from the leachate conveyance and recovery system (LCRS), from the Phase 1 Unit.

13. Forster Canyon Landfill, Orange County (*Amy Grove*)

During the Public Forum at the June Meeting, Mr. Raymond Poulter addressed the Regional Board members regarding the Regional Board's lack of comments on the latest submittal of the Final Closure and Post-Closure Maintenance Plan (December 2005). Because of the difficult geotechnical and slope-stability issues associated with this project, the Regional Board staff has been coordinating our work with the State Water Board Land Disposal Program technical staff (Mr. Rich Boylan).

On July 6, 2006 the Regional Board staff from the Land Discharge Unit and the Water Resources Branch Chief (Mr. David Barker) met with representatives from Advanced Group SJ-99 (Messrs. Poulter, Julian, and Sukut) to discuss the proposed project at the Forster Canyon Landfill. The meeting allowed the Dischargers to discuss their proposed re-development project and status of their CEQA process for the project. The meeting also afforded the opportunity for Regional Board staff to clarify some technical issues pertaining to changes made in the project design, discuss the requirement for the Discharger to provide financial assurances, and remind the Discharger about payment of delinquent annual WDR fees. The Regional Board staff assured the Discharger that this

project is considered a priority and will provide written comments to the Discharger as soon as its review has been completed.

14. Investigation of Seeps from Bradley Park/Old Linda Vista Landfill (Amy Grove)

On April 17, 2006 the Regional Board issued Investigative Order No. R9-2006-0044 (Order) to the City of San Marcos for the unauthorized release of waste constituents from the Bradley Park (a.k.a. Old Linda Vista) Landfill. On June 20, 2006, the Regional Board staff and SWRCB legal counsel discussed the past involvement of the County of San Diego with the facility and current obligations of the City with the legal counsel for the City of San Marcos.

Order R9-2006-0044 requires the City of San Marcos to submit a work-plan for the development of an Evaluation Monitoring Program, pursuant to applicable requirements for closed, abandoned or inactive Units prescribed in CCR Title 27, to assess the nature and extent of ground water and surface water contamination at the landfill. The Order requires that the City submit a work plan to the Regional Board no later than July 17, 2006. The City complied with the requirement by submitting an electronic copy, as well a faxed copy on July 17, 2006, and a hard copy was received by mail on July 21, 2006. The Regional Board staff has not yet had the opportunity to review the work plan, but will comment as necessary when its review has been completed.

The Regional Board has received a number of inquiries regarding this Bradley Park/Old Linda Vista Landfill and the associated investigative Order from representatives of "Save Lake San Marcos", the San Diego Union Tribune, the North County Times, and a reporter from "Today's Local News", a local San Marcos newspaper.

The most recent newspaper article concerning this site was published in the San Diego Union-Tribune (available on the web at http://www.signonsandiego.com/uniontrib/20060726/news_1mi26smrept.html).

15. Closure of Class II Soil Treatment Facility at Camp Pendleton (Amy Grove)

On April 6, 2006 the RWQCB received the Final Clean Closure Report for the Class II Waste Management Unit (Bioremediation) Facility located at the U.S. Marine (USMC) Corps Base at Camp Pendleton. Field sampling and site closure activities were conducted December 7 through December 9, 2005. Regional Board staff reviewed the report and determined that the facility meets the applicable State requirements for clean closure, as specified in California Code of Regulations, Title 27, §21090(f).

The Regional Board staff is preparing a tentative rescission order, in which the USMC would be relieved of continuing ground water monitoring and reporting for the facility. The Order would also rescind waste discharge requirements (existing Order 95-109, available on the Regional Board Adopted Orders page at <http://www.waterboards.ca.gov/sandiego/orders/90s%20orders.html>) for the treatment of contaminated soil at the facility, which has terminated discharge and

the required completed clean closure tasks. At this time, the staff anticipates an agenda item will be scheduled for the Regional Board to consider the tentative rescission Order during the winter of 2007.

16. Dakota Ranch Development Co., LLC, Dakota Ranch Subdivision, Santee, California - \$145,000 ACL Complaint No. R9-2005-0176 (Frank Melbourn)

On May 27, 2005, the Executive Officer issued \$145,000 Administrative Civil Liability (ACL) Complaint No. R9-2005-0176 to Dakota Ranch Development Co., LLC for failure to provide compensatory mitigation measures pursuant to its Section 401 Water Quality Certification. The Certification was issued on January 30, 2003 for the Dakota Ranch Subdivision in the City of Santee.

The Regional Board's determination of whether Dakota Ranch is liable for violations cited in the Complaint have been delayed at the request of the discharger for more than a year because it underestimated the cost of a conservation easement to allow the City to maintain the 0.27 acre mitigation site in a natural condition in perpetuity. In addition, Dakota Ranch's initial mitigation contractor went out of business.

According to representatives of Dakota Ranch and the City, as of August 3, 2006 the parties finalized the terms of outstanding issues for the long term management and funding agreement, and are close to finalizing the terms of the conservation easement.

The mitigation measures are expected to be completed in early September 2006 as well as the transfer of the conservation easement to the City. At that time, Dakota Ranch will be expected to propose a settlement of the potential liability recommended in the complaint.

PART C STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Caulerpa taxifolia Eradication Declaration Event (Chiara Clemente)

On July 12, 2006, Chiara Clemente, Supervisor of the Central Watershed Unit, participated in a victory press conference, celebrating the declaration of eradication of a non-native seaweed, *Caulerpa taxifolia*, from Agua Hedionda Lagoon in the San Diego region, and Huntington Harbour in the Santa Ana region. The conference was hosted by the Southern California Caulerpa Action Team (SCCAT) at the Agua Hedionda Lagoon Discovery Center. On behalf of the California Department of Fish and Game, Director Ryan Brodrick formally declared these two infestation sites eradicated and noted that these were the first successful invasive species eradication projects in California, pursuant to AB 1334. This eradication effort is evidence that invasive species can be successfully removed from our watersheds.

The San Diego Regional Board was instrumental in forming the SCCAT and has been a principal participant in its activities since its inception. Since Caulerpa was first discovered in Agua Hedionda Lagoon (June 2000), Regional Board SCCAT participants have included Greig Peters, Bruce Posthumus, Pete Michael, Lesley Dobalian, and Chiara Clemente. Much of the funding for eradication and prevention work came from the State Board's Cleanup and Abatement Account, Prop 13 grants, and from grants provided by the USEPA's 319(h) and administered by State Water Resources Control Board at the request of, or with the support of the Regional Board.

Surveys of other southern California coastal waters will continue to determine if there are other, currently unknown, infestations. Likewise, outreach and education efforts directed towards preventing new infestations and encouraging reporting of possible infestations will also continue. The Regional Board will continue to participate in SCCAT to oversee outreach and surveillance efforts, and manage grant funds associated with these efforts.

2. Annual DoD/State Environmental Managers' Executive Committee (EMEC) Meeting *(John Anderson) (Attachment C-2)*

On May 10, 2006 the Environmental Managers' Executive Committee (EMEC) held its annual meeting. Representatives from the US Environmental Protection Agency (EPA) Regions IX and X, States of California, Nevada, Alaska, Hawaii, Guam, and the Department of Defense (DoD), Chief of Naval Operations (CNO), Naval Facilities Engineering Command (NAVFAC) headquarters, NAVFAC Pacific, NAVFAC Atlantic, Facilities Engineering Command (FEC) SW, FEC NW, FEC Hawaii and FEC Marianas met to discuss the Environmental Restoration, Navy (ER,N) and Base Realignment and Closure (BRAC) restoration programs. The EMEC was held in San Francisco at the downtown Hilton. Attached is the Final EMEC Report.

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

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

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

CalEPA Status of Statewide Brownfields Applications Since July 1, 2005

Memorandum of Agreement Application Statistics

Total Applications Received	182
Applications Received by Regional Boards	100
Applications Received by DTSC	82
Determinations Made	170
Determinations Made to Regional Boards	73
Determinations Made to DTSC	97
Determinations Not Yet Made	8
Applications Not Eligible	4

Current as of 7/28/2006

4. State Water Board Offers \$20 Million in Funding for Brownfield Sites *(John Anderson)*

The State Water Resources Control Board has \$20 million in funding available to develop and revitalize Brownfield sites that have been contaminated by leaking petroleum underground fuel tanks. The funding is available from the Orphan Site Cleanup Account (OSCA) which was established by Assembly Bill 1906 (Lowenthal, Chapter 774, Statutes of 2004) to provide financial assistance to clean up Brownfield sites contaminated by leaking petroleum underground storage tanks where there is no financially responsible party. Applications may be submitted on an on going basis. Eligible projects will be placed on a revised OSCA Priority List.

In the first round of funding, the OSCA Program received 30 project applications and 16 project applications were eligible and placed on the first OSCA Priority List in San Joaquin, San Diego, Santa Clara, San Mateo, Fresno, San Francisco, Kern, Orange, Los Angeles, Alameda, Riverside, and Sonoma Counties. The OSCA Program funded 20 grants totaling more than \$7 million for fiscal year 2005/2006. The funding will help redevelop these under used properties. Projects include single-family homes and low income housing to retail centers and parks. Interested parties are encouraged to visit the Program's Web site at: <http://www.waterboards.ca.gov/cwphome/ustcf/osca.html>.

5. Massachusetts' Department of Environmental Protection Promulgates Perchlorate Water Standard *(John Anderson) (Attachment C-5)*

On July 28, 2006, Massachusetts became the first state in the nation to promulgate drinking water and waste site cleanup standards for the chemical perchlorate, setting the standard at 2 parts per billion (ppb). The new regulations require most public water systems to regularly test for perchlorate. See attached Press Release.

6. Statewide Policy for Once-Through Cooling (CWA 316(b)) (Bob Morris)
(Attachment C-6)

The withdrawal of cooling water removes billions of aquatic organisms from waters of the U.S. each year, including fish, fish larvae and eggs, crustaceans, shellfish, sea turtles, marine mammals, and many other forms of aquatic life. Most impacts are to early life stages of fish and shellfish. Section 316(b) of the Clean Water Act (CWA) requires USEPA to ensure that the location, design, construction and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impacts. The State Water Board is in the process of developing a statewide policy to implement federal 316(b) requirements.

In June 2006, the State Water Board released a scoping document that included the proposed policy for public comment (copy attached). The proposed policy includes criteria and procedures for existing power plant owners and operators to reduce impingement mortality and entrainment, to calculate baseline conditions, to establish restoration measures, and to monitor compliance. After the close of the comment period on August 15, 2006, the State Water Board will review the comments it received on the scoping document and will prepare the necessary draft environmental document to support adoption of the policy. Additional Information can be accessed from the State Water Board's website, www.waterboards.ca.gov/npdes/cwa316.html

Once the statewide policy is adopted, the Regional Water Boards will apply the new regulations to the affected three existing power plant facilities that utilize once-through cooling – Southern California Edison's San Onofre Units 2 and 3 (Pacific Ocean); Cabrillo Power's Encina Power Station (Agua Hedionda Lagoon); and LS Power's South Bay Power Plant (South San Diego Bay).

7. Numeric Effluent Limitations for Storm Water Permits (Ben Neill, Chiara Clemente)

On September 14, 2005, the State Water Resources Control Board convened a panel of nationwide storm water experts to examine the feasibility of developing numeric effluent limits for storm water permits (construction, industrial, and municipal). On June 21, 2006, the storm water panel released their final report titled "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities". The final report can be reviewed at <http://www.waterboards.ca.gov/stormwtr/numeric.html>.

Regarding municipal storm water, the panel's report concluded that it is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs and, in particular, for urban storm water discharges. BMPs need to be selected, designed and maintained more rigorously, with a series of treatment BMPs being the most likely solution to accurately reach the designed effluent targets. As an alternative to numeric effluent limits, the panel proposed the establishment of "action levels" determined through consensus or statistical means. For any action level approach, a design storm would be defined where

the discharger would not be held accountable for exceedances during storms over the design storm.

The panel agreed that, for construction storm water, advanced treatment technologies make numeric effluent limits technically feasible for pollutants commonly associated with storm water discharges from larger construction sites (e.g. total suspended solids and turbidity). The panel suggested criteria to be used in implementing numeric effluent limits at construction sites (i.e. the size of the construction site, surface slope, seasonality of construction, site stabilization and feasibility of monitoring). Climate, soil types, natural sediment loads, and receiving water quality vary greatly throughout California making a numeric effluent limit in statewide construction permits difficult to establish and enforce. The panel proposed that action levels be considered for smaller construction sites and for sites not implementing advanced treatment. A design storm would be defined where the discharger would not be held accountable for exceedances during storms over the design storm.

The panel reported that numeric effluent limits are feasible for some industrial categories because of the greater control these facilities have over their discharges. The numeric effluent limits could be established in a process similar to numeric effluent limitations established in NPDES wastewater permits. If a numeric effluent limit is assigned to a MS4 permittee, then industrial discharges to that MS4 would have similar numeric effluent limits as the MS4 permittee. Overall, additional storm water data is needed to adequately characterize the industrial storm water discharge to develop an action level or numeric effluent limit.

The State Water Board held public workshops to receive comments on the panel's report on July 21 and 28. State Board has extended the deadline to receive written comments pertaining to this report until September 1, 2006. The Storm Water Panel will reconvene September 14 and 15.

8. Discharge Exceptions for Areas of Special Biological Significance *(Dave Gibson and Pete Michael) (Attachment C-8)*

On June 14, 2006, the State Water Resource Control Board (SWRCB) Division of Water Quality released a draft working report defining Special Protections for Areas of Special Biological Significance (ASBS) and stating how dischargers could obtain exceptions to the prohibition of discharges of pollutants to ASBS. The draft report, a Frequently Asked Questions document, and other ASBS information can be found at <http://www.waterboards.ca.gov/plnspols/asbs.html>.

The SWRCB scheduled public scoping meetings at three locations for the proposed ASBS Special Protections to address storm water and nonpoint source discharges. The last of these meetings will be held on August 15, 2006 from 9:00 am – 12:00 pm at:

Tuesday - August 15, 2006
Monterey Conference Center
Steinbeck Forum Theater
One Portola Plaza
Monterey, CA 93940

Also, the SWRCB is preparing a Status Report on ASBSs. The purpose of this document is to provide an update on the staff progress and status in addressing discharges into ASBSs to the SWRCB Board Members, SWRCB Division of Water Quality management, and the public. The report is under internal review and will be released to the public in September 2006.

More detailed information on the exceptions for ASBS discharges can be found in Attachment C-8.

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

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

August 16, 2006

APPENDED TO EXECUTIVE OFFICER REPORT

SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish/RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
August 16, 2006	SEPTEMBER 13, 2006 RB MEETING San Diego Regional Board Office									
	SANITARY SEWER OVERFLOWS --STATE BOARD GENERAL WDR ORDER No. 2006-003	Consider Revision Order No. 96-04	NA	100%	50%	0%	September 13, 2006	No		Morris
	ACTIVE AUTO DISMANTLERS, INC 2812 COMMERCIAL ST. SAN DIEGO	Hearing: Admin. Civil Liability	NA	100%	100%	20%	September 13, 2006	No		Stewart
	CITY OF SAN DIEGO SOUTH BAY WATER REC. FACILITY/SO.BAY OCEAN OUTFALL	NPDES Permit Reissuance	100%	100%	100%	50%	September 13, 2006	No	NPDES Workplan FY 2005-06	Valdivinos
	OCTOBER 11, 2006 RB MEETING Rancho California Water District Office Temecula									
	JACK AND MARK STIEFEL DAIRY RIVERSIDE COUNTY	NPDES Permit Reissuance	80%	90%	90%	0%	October 11, 2006	No	NPDES Workplan FY 2004-05	Morris
	KAMPEN BROS. (fmr.DeJAGER/BOERSMA) DAIRY RIVERSIDE COUNTY	NPDES Permit Reissuance	0%	90%	0%	0%	October 11, 2006	No	NPDES Workplan FY 2005-06	Morris
	SWEETWATER AUTHORITY BRINE DISCHARGE CHULA VISTA	NPDES Permit Revision	0%	100%	0%	0%	October 11, 2006	No		Vasquez
	DAKOTA RANCH DEVELOPMENT CO. 401 WATER QUALITY CERTIFICATION	Hearing: Admin. Civil liability	100%	NA	100%	20%	October 11, 2006	No	ACL COMPLAINT \$140,500	Melbourn
	RANCHO MISSION VIEJO DEVELOPMENT SAN JUAN AND SAN MATEO BASINS ORANGE CO.	WDRs and 401 WQ Certification	20%	10%	0%	0%	October 11, 2006	No		Haas
	SUPPLEMENTAL ENVIRONMENTAL PROJECTS REVIEW OF SEP PROCESS	Review of SEP Process	NA	90%	0%	0%	October 11, 2006	No		Morris
	EASTERN MUNICIPAL WATER DISTRICT TEMECULA VALLEY WRTF RIVERSIDE COUNTY	WDR Revision	100%	50%	0%	0%	October 11, 2006	Yes		Osibudo
	NOVEMBER 8, 2006 RB MEETING San Diego Regional Board Office									
	REGIONWIDE BACTERIA TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	100%	20%	November 8, 2006	No	TMDL Workplan FY 2005-06	Atlas
	CHOLLAS CREEK HEAVY METALS TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	100%	20%	November 8, 2006	No	TMDL Workplan FY 2006-07	Tobler
	SAN DIEGO STATE UNIV. COASTAL WATERS LABORATORY SAN DIEGO BAY	New NPDES Permit	90%	70%	10%	0%	November 8, 2006	Yes		Vasquez

SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT August 16, 2006	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR SAN DIEGO BAY	NPDES Permit Reissuance	NA	50%	0%	0%	November 8, 2006	No	NPDES Workplan FY 2004-05	Alpert
	HUBBS RESEARCH AGUA HEDIONDA LAGOON	NPDES Permit Reissuance	90%	50%	0%	0%	November 8, 2006	Yes		Morris
	ANZA PINES MOBILE HOME PARK RIVERSIDE CO	WDR Update	100%	50%	0%	0%	November 8, 2006	Yes		Cheng
	OCEAN DISCHARGER RECEIVING WATER MONITORING PROGRAM UPDATES	NPDES Permits Revisions	NA	50%	0%	0%	November 8, 2006	No	NPDES Workplan FY 2004-05	Kelley
	CITY OF ESCONDIDO HAARE WATER RECLAMATION PROJECT	WDR Revision	100%	50%	0%	0%	November 8, 2006	No		Morris
	FRANK J. KONYN DAIRY SAN PASQUAL VALLEY SAN DIEGO COUNTY	NPDES Permit Reissuance	80%	90%	0%	0%	November 8, 2006	No	NPDES Workplan FY 2005-06	Valdovinos
	VALLEY CENTER MUN. WATER DISTRICT LIVE OAK RANCH	New WDRs	50%	0%	0%	0%	November 8, 2006	Yes		Osibudo
	T.D. DAIRY (VAN TOL DAIRY) RAMONA	NPDES Permit Reissuance	0%	90%	0%	0%	November 8, 2006	No	NPDES Workplan FY 2005-06	Valdovinos
	VALLECITO MUN. WATER DISTRICT MEADOWLARK FACILITY	WDR Update	90%	50%	0%	0%	November 8, 2006	Yes		Becker
	FEBRUARY 14, 2007 RB MEETING San Diego Regional Board Office									
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR REGION	NPDES Permit Reissuance	NA	50%	0%	0%	February 14, 2007	No	NPDES Workplan FY 2004-05	Alpert
	MARCH 13, 2007 RB MEETING San Diego Regional Board Office									
	ORANGE COUNTY MUNICIPAL STORMWATER PERMIT	Hearing: NPDES Permit Reissuance	0%	50%	0%	0%	March 13, 2007	No		Smith
	CITY OF SAN DIEGO PT. LOMA WASTEWATER PLANT AND OCEAN OUTFALL	NPDES Permit Reissuance	0%	90%	0%	0%	March 13, 2007	No		Valdovinos
	PENDING / UNSCHEDULED ACTIONS									
	PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	Hearing: New WDRs	100%	40%	40%	0%		No		Tamaki
	SAN DIEGO COUNTY MUNICIPAL STORM WATER PERMIT	Adoption NPDES Permit Reissuance	100%	100%	100%	0%		No		Hammer

SANITARY SEWER OVERFLOW STATISTICS (Updated through June 30, 2006)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B		NO. OF SEWAGE SPILLS [LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30]					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2005-06 ^A	
	Miles	MGD	01-02	02-03	03-04	04-05	05-06 ^A	01-02	02-03	03-04	04-05	05-06 ^A	GAL	GAL/MG ^C
	ORANGE COUNTY:													
EL TORO WD	55	2.2	3	1	3	3	2	5.5	1.8	5.5	5.5	3.7	13,506	16.6
EMERALD BAY SERVICE DISTRICT	6	0.09	0	0	0	1	0	0.0	0.0	0.0	16.7	0.0	0	0.0
IRVINE RANCH WD	36	2.0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
LAGUNA BEACH, CITY OF	95	2.4	10	27	8	11	5	10.5	28.4	8.4	12.6	5.3	700	0.8
MOULTON NIGUEL WD	530	13.0	2	1	2	5	1	0.4	0.2	0.4	0.9	0.2	400	0.1
SAN CLEMENTE, CITY OF	179	4.5	6	7	2	5	2	3.3	3.9	1.1	2.8	1.1	475	0.3
SAN JUAN CAPISTRANO, CITY OF	100	3.4	0	0	1	2	0	0.0	0.0	1.0	2.0	0.0	0	0.0
SANTA MARGARITA WD	546	10.7	12	4	5	6	4	2.2	0.7	0.9	1.1	0.7	4,350	1.1
SOUTH COAST CWD	132	4.0	5	8	7	4	3	3.8	6.1	5.3	3.0	2.3	80,720	55.8
TRABUCO CANYON WD	43	0.72	0	0	1	3	0	0.0	0.0	2.3	7.0	0.0	0	0.0
RIVERSIDE COUNTY:														
EASTERN MWD	421	9.5	1	3	7	0	0	0.2	0.7	1.7	0.0	0.0	0	0.0
ELSINORE VALLEY MWD	80	2.0	0	0	1	3	1	0.0	0.0	1.3	3.8	1.3	348	0.5
MURRIETA MWD	25	0.5	0	0	1	0	0	0	0	4.0	0.0	0.0	0	0.0
RANCHO CA WD	71	2.9	2	0	1	2	1	2.8	0.0	1.4	2.8	1.4	1,125	1.1
SAN DIEGO COUNTY:														
BUENA SANITARY DISTRICT	84	1.9	0	2	1	2	3	0.0	2.4	1.2	2.4	3.6	9,750	14.4
CARLSBAD MWD	214	7.2	15	6	6	12	10	7.0	2.8	2.8	4.7	4.7	2,292	0.9
CHULA VISTA, CITY OF	400	16.0	6	3	1	7	4	1.5	0.8	0.3	1.3	1.0	555	0.1
CORONADO, CITY OF	53	3.8	5	2	5	0	0	9.4	3.8	9.4	0.0	0.0	0	0.0
DEL MAR, CITY OF	30	1.1	2	7	1	0	2	6.7	23.4	3.3	0.0	6.7	7,250	17.5
EL CAJON, CITY OF	198	9.1	2	3	0	3	0	1.0	1.5	0.0	1.5	0.0	0	0.0
ENCINITAS, CITY OF	118	4.1	2	6	1	5	0	1.7	5.1	0.8	4.2	0.0	0	0.0
ESCONDIDO, CITY OF	350	10.8	14	3	2	4	3	4.0	0.9	0.6	1.1	0.9	4,768	1.2
FAIRBANKS RANCH COMM SERV DIST	15	0.21	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
FALLBROOK PUBLIC UTILITY DIST	72	2.0	17	22	9	10	7	23.6	30.6	12.5	13.9	9.7	7,035	9.6
IMPERIAL BEACH, CITY OF	84	2.2	1	14	2	8	2	1.2	16.7	2.4	9.5	2.4	425	0.5
LA MESA, CITY OF	155	5.8	12	3	4	3	0	7.7	1.9	2.6	1.9	0.0	0	0.0
LEMON GROVE, CITY OF	69	2.4	9	4	4	3	0	13.0	5.8	5.8	4.3	0.0	0	0.0

SANITARY SEWER OVERFLOW STATISTICS (Updated through June 30, 2006)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B		NO. OF SEWAGE SPILLS [LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30]				SPILLS PER 100 MILES (LISTED BY FY)				SPILL VOLUME 2005-06 ^A			
	Miles	MGD	01-02	02-03	03-04	04-05	05-06 ^A	01-02	02-03	03-04	04-05	05-06 ^A	GAL	GAL/MG ^C
	SAN DIEGO COUNTY (continued):													
LEUCADIA CWD	185	4.2	5	6	1	6	3	2.7	3.2	0.5	2.7	1.6	1,500	1.0
NATIONAL CITY, CITY OF	97	5.1	0	1	2	1	4	0.0	1.0	2.1	1.0	4.1	3,300	1.8
OCEANSIDE, CITY OF, WTR UTIL DEP	446	13.0	17	23	22	13	7	3.8	5.2	4.9	3.1	1.6	3,050	0.6
OLIVENHAIN MWD	16	0.39	1	2	0	3	0	6.3	12.5	0.0	18.8	0.0	0	0.0
OTAY MWD	86	1.4	0	3	1	0	0	0.0	3.5	1.2	0.0	0.0	0	0.0
PADRE DAM MWD	150	5.1	4	3	3	1	1	2.7	2.0	2.0	0.7	0.7	1,200	0.6
PAUMA VALLEY COMM SERVICE DIS	8	0.07	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0.0
POWAY, CITY OF	170	4.0	1	5	3	0	5	0.6	2.9	1.8	0.0	2.9	3,550	2.4
RAINBOW MWD	54	0.74	2	2	6	2	0	3.7	3.7	11.1	3.7	0.0	0	0.0
RAMONA MWD	83	1.3	5	2	2	4	4	6.0	2.4	2.4	3.6	4.8	87,650	184.9
RANCHO SANTA FE COMM SERV DIST	52	0.44	1	1	0	2	0	1.9	1.9	0.0	3.9	0.0	0	0.0
SAN DIEGO CO, PUBLIC WORKS	380	11.0	4	11	2	2	3	1.1	2.9	0.5	0.5	0.8	33,900	8.5
SAN DIEGO, CITY OF, MWWD	2,894	170	226	193	115	122	82	7.8	6.7	4.0	3.3	2.8	196,984	3.2
SOLANA BEACH, CITY OF	52	1.2	2	1	6	1	1	3.8	1.9	11.5	0.0	1.9	2,400	5.4
USMC BASE, CAMP PENDLETON	194	3.1	18	23	14	12	16	9.3	11.9	7.2	5.2	8.3	58,825	52.8
US NAVY	123	4.0	24	12	11	13	11	19.5	9.8	9.0	10.6	9.0	20,420	14.0
VALLECITOS WD	202	6.1	4	5	4	6	7	2.0	2.5	2.0	2.5	3.5	2,032	0.9
VALLEY CENTER MWD	48	0.32	0	3	1	1	0	0.0	6.3	2.1	2.1	0.0	0	0.0
VISTA, CITY OF	198	6.5	4	4	7	9	5	2.0	2.0	3.5	4.6	2.5	3,585	1.5
WHISPERING PALMS COMM SERV DIS	17	0.26	1	1	0	0	0	5.8	5.8	0.0	0.0	0.0	0	0.0
REGION 9 TOTAL	9615	363	445	427	275	266	199						552,095	
AVERAGE¹								4.6	4.4	2.9	2.8	2.1		8
STANDARD DEVIATION²								5.0	7.0	3.4	4.4	2.5		29
MEDIAN³								2.4	2.4	2.0	2.5	0.9		1

^A Includes available preliminary data for July 1, 2004 through June 30, 2006, and may not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during this period.

^B As of June 2003.

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

^D Included with Eastern Municipal Water District

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

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

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

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

DATE	APPLICANT	PROJECT TITLE, LOCATION	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION	CERTIFICATION ACTION ²
7/3/2006	City of Laguna Beach	Canyon Acres Storm Drain Project, Laguna Beach	Construction of a 54" to 60" diameter pipe extending 2500 feet from the existing headworks to the existing Laguna Canyon Channel inlet, including improvements to allow for the bypass of natural sediment and low-flow runoff to the existing natural creek.	Unnamed tributary to Laguna Canyon Channel	Streambed (T) 0.02 acre	None	Low Impact Certification
7/11/2006	Los Peñasquitos Lagoon Foundation	Los Peñasquitos Lagoon Wetland Protection and Restoration, San Diego	Project will create a wetland protection and restoration basin on the north side of Los Peñasquitos Creek. The project will excavate approximately 30,500 cubic yards of material to create the basin and then install an outlet pipe and riser on the west end of the basin to maintain downstream connectivity during high flow events.	Los Peñasquitos Creek	Streambed (P) 0.058 acre Riparian (P) 0.01 acre	None	Low Impact Certification
7/11/2006	Vista Unified School District	Dual Magnet High School, Vista	Two new high schools sharing common facilities on a 64.8-acre site	San Luis Rey River	Streambed (P) 0.01 acre	Creation of 0.01 acre of wetland habitat and enhancement of 0.03 acre through removal of exotic species	Conditional Certification

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

DATE	APPLICANT	PROJECT TITLE, LOCATION	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION	CERTIFICATION ACTION ²
7/23/2006	Rancho Mission Viejo	Geotechnical Investigations for Antonio Parkway Bridge Widening, Mission Viejo	The project will carry out three geotechnical borings in order to obtain geologic data necessary for the widening of Antonio Parkway.	San Juan Creek	None	None	SWRCB Pre-Certified (ACOE Nationwide Permit 6)
7/26/2006	San Marcos Unified School District	SMUSD Future Elementary School No. 2 Project, San Marcos	A new elementary school to serve approximately 800 students	Agua Hedionda Creek	Wetland (P) 0.47 acre	For all mitigation at least 1:1 shall consist of creation and the remainder shall consist of enhancement for the following habitats: Cismontane alkali marsh 3:1, Freshwater marsh 1:1, Southern willow Scrub 3:1, Tamarisk scrub 1:1, Unvegetated stream channel 1:1, Mule fat scrub 3:1.	Conditional Certification

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



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

August 2, 2006

Bacteria TMDLs
Interested Persons Mailing List

In Reply Refer to:
WQS:79-0056.02: carias

Dear Interested Persons:

SUBJECT: REVISED DRAFT TECHNICAL REPORT AVAILABILITY AND COMMENT SOLICITATION

The revised Technical Report for *Total Maximum Daily Loads for Indicator Bacteria Project I – Beaches and Creeks in the San Diego Region* (revised Draft Technical Report) will be available for your review on August 4, 2006 on the California Regional Water Quality Control Board, San Diego Region's (San Diego Water Board's) web page at www.waterboards.ca.gov/sandiego.

The San Diego Water Board released the Draft Technical Report on December 9, 2005. A public hearing regarding this project took place on February 8, 2006. The period for submitting written comments on the December 9 Draft TMDL Report closed on February 8, 2006. In response to the comments received, the San Diego Water Board made extensive revisions to certain sections of the Draft TMDL Report, most notably the sections pertaining to the Environmental Review and Environmental Checklist (Section 12 and Appendix R), and the description of the methodology used to calculate TMDLs and allocations (Appendix I). New text is underlined and deleted text is struck through in the revised Draft Technical Report. A second public comment period is necessary to ensure that the public has adequate opportunity to comment on changes made after the close of the previous comment period.

Interested Persons are invited to submit written comments on the revised Draft Technical Report. **Please submit written comments no later than Monday, September 18, 2006.** Written responses will be provided to written comments received on or before this date. Electronically submitted comments are preferred in either MS WORD (preferable) or PDF format. Comments in electronic format should be sent to Ms. Christina Arias of my staff at the following address: carias@waterboards.ca.gov. Comments should be numbered sequentially, and must include the section and title of the Revised Draft Technical Report to which the comment refers.

California Environmental Protection Agency

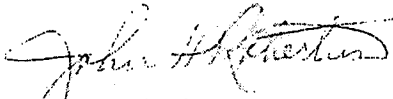
Comments submitted via postal service should be addressed to:

Ms. Christina Arias
California Regional Water Quality Control Board,
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

The heading portion of this letter includes a San Diego Water Board code number noted after "In reply refer to". In order to assist us in the processing of your comments please include this code number in the heading or subject line portion of all correspondence and reports to the San Diego Water Board pertaining to this matter.

Should you have any questions, please contact Ms. Arias. Ms. Arias may be contacted by phone at (858) 627-3931, or e-mail at carias@waterboards.ca.gov.

Sincerely,



John H. Robertus
Executive Officer
San Diego Regional Water Quality Control Board

Enclosure: Interested Persons Mailing List

**NOTICE OF FILING OF ENVIRONMENTAL DOCUMENTS AND
NOTICE OF PUBLIC HEARING**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION

**TOTAL MAXIMUM DAILY LOADS FOR
COPPER, LEAD AND ZINC IN CHOLLAS CREEK, TRIBUTARY TO SAN DIEGO BAY**

**NOTICE OF FILING
OF ENVIRONMENTAL DOCUMENTS**

**July 25, 2006
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340**

NOTICE OF PUBLIC HEARING

**Wednesday November 8, 2006 9:00 a.m.
Regional Board Hearing Room
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340**

GENERAL INFORMATION

On June 29, 2005, the California Regional Water Quality Control Board, San Diego Region (Regional Board) adopted this Basin Plan Amendment (BPA) to incorporate Total Maximum Daily Loads (TMDLs) for copper, lead, and zinc in Chollas Creek, meeting the requirements of section 303(d) of the Federal Clean Water Act, via the amendment process authorized under section 13240 of the California Water Code. The BPA was submitted to the State Water Resources Control Board (State Board) for adoption.

The State Board remanded the BPA back to the Regional Board on May 2, 2006, for recirculation of the Environmental Documents, i.e., the CEQA substitute documents, to ensure that the public has adequate opportunity to comment on changes to the Environmental Checklist Form made after the close of the previous public comment period. The Regional Board wishes to obtain public input on this matter.

FILING OF ENVIRONMENTAL DOCUMENTS

Action on, and potential adoption of, the proposed BPA will be taken in accordance with a regulatory program exempt under section 21080.5 of the Public Resources Code from the requirement to prepare environmental documents under the CEQA [Public Resources Code section 21000 *et seq.*] and other applicable laws and regulations. In compliance with the State Water Resources Control Board's CEQA implementation regulations [23 CCR 3720 *et seq.*] the Regional Board has prepared CEQA substitute documents including a Technical Report, a Tentative Basin Plan Amendment, and an Environmental Checklist Form for this project [23 CCR 3776]. These documents will be available for review on July 25, 2006. The documents may be viewed at the Regional Board office, or on the Regional Board web page at <http://www.waterboards.ca.gov/rwqcb9/>.

REQUEST FOR PUBLIC INPUT

Interested persons are invited to submit written comments. **Please submit written comments no later than Wednesday, September 11, 2006.** Comments should be submitted in either MS WORD or pdf format by email at: btobler@waterboards.ca.gov.

Comments on paper may also be submitted, but electronic format is preferred. Comments on paper should be submitted to:

Mr. Benjamin Tobler, Water Resources Control Engineer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Ste. 100
San Diego, CA 92123-4340.

AVAILABILITY OF DOCUMENTS

Information related to this matter will be available on July 25, 2006, and may be reviewed at the Regional Board office or on the Regional Board web page at <http://www.waterboards.ca.gov/rwqcb9/>. For additional information please contact Mr. Benjamin Tobler at (858) 467-2736.

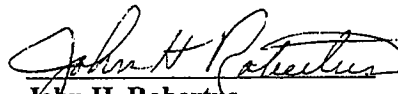
PUBLIC HEARING

The Regional Board will hold a public hearing on, and potentially adopt, this BPA on November 8, 2006, during the Regional Board meeting beginning at 9:00 a.m. The public hearing will be held at the Regional Board's office, in the Board Room.

ADDITIONAL INFORMATION

Parking is available at the hearing location. See the Regional Board web site for a map to the hearing location. The hearing room facilities are accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Ms. Lori Costa at (858) 467-2357 at least 5 working days prior to the hearing. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Questions concerning this notice may be directed to Mr. Benjamin Tobler.


John H. Robertus
Executive Officer
July 25, 2006



United States Department of the Interior

BUREAU OF RECLAMATION
 Southern California Area Office
 27708 Jefferson Ave., Suite 202
 Temecula CA 92590-2628



IN REPLY REFER TO:
 SCAO-1000
 ADM-13.00

File _____

JUL 25 2006

Ms. Julie Chan, P.G.
 Senior Engineer Geologist
 San Diego Regional Water Quality Control Board
 9174 Sky Park Court, Suite 100
 San Diego, CA 92123-4340

Subject: Santa Margarita River Watershed 3rd-Party Total Maximum Daily Load (TMDL)

Dear Ms. Chan:

On behalf the U.S. Bureau of Reclamation Southern California Area Office (Reclamation), we would like express our appreciation of your continued cooperation in addressing 303(d) listed water bodies in the Santa Margarita River Watershed and consideration of Reclamation's efforts to date on addressing these impairments through the development of a watershed model. Reclamation proposes that the San Diego Regional Water Quality Control Board (RWQCB) consider 3rd-Party TMDL development for nutrients and Total Dissolved Solids in the Santa Margarita River Watershed. This effort would be led by Reclamation and would address the following water bodies and 303(d) listings:

- Santa Margarita River Watershed Estuary – eutrophication
- Santa Margarita River (Upper) - phosphorus
- Sandia Creek – nitrogen and total dissolved solids
- Rainbow Creek – total dissolved solids
- Murrieta Creek – nitrogen and phosphorus
- Temecula Creek – nitrogen, phosphorus and total dissolved solids.

Reclamation is currently in the process of expanding its existing water quality modeling effort, as recommended by Regional Board staff, by adding a more robust stakeholder process. Potential new members include representatives from local governments, environmental groups, Native American Tribes, agriculture and businesses interests. In addition, Reclamation is finalizing a work plan to present to this expanded group on August 15, 2006. After this meeting, it is Reclamation's intent to decide whether there is commitment from the stakeholder group to move forward with the work plan detailing our plans for the 3rd-Party TMDL process. Based on initial meetings with our existing study partners we believe there will be wide support for this effort throughout the watershed.

2006 JUL 26 AM 11:11
 SAN DIEGO REGIONAL
 WATER QUALITY
 CONTROL BOARD

Subject: Santa Margarita River Watershed 3rd-Party Total Maximum Daily Load (TMDL)

Based on the meeting held between your staff, and Reclamation's staff and contractor on May 15, 2006, we will provide our work plan to you and your staff for review. This work plan will outline plans to develop conceptual models of both the estuary and watershed analyses. The watershed analysis conceptual model will consider both wet and dry weather conditions in the watershed. In addition, we will address the source code issues for the models that have been developed for the watershed.

Reclamation believes there is great benefit to the watershed by conducting a 3rd-Party TMDL. The major benefits are:

- Funding – Reclamation has monies budgeted to provide cost sharing not to exceed 50 percent which should result in more funding being available to complete the TMDL than would be spent if the RWQCB were to conduct the TMDL independently.
- Site-specific considerations – Because the effort will be led by watershed stakeholders, focus can be placed on the site-specific characteristics of the watershed that may not be the focus of RWQCB due to limited budget for developing TMDLs. This is especially important when setting TMDL targets for nutrients which are highly site-specific.
- TMDL implementation – by establishing this group early in the TMDL process instead of at the end of the process, the implementation of the TMDL should be more efficient because the group will have bought in on the results of the TMDL through the stakeholder process.
- Knowledge of technical work completed in the watershed – Reclamation has spent the last 5 years gathering an understanding of the data collection, analysis and modeling efforts that have occurred in the watershed. This knowledge will be critical to TMDL development.

We look forward to discussing our proposal to develop 3rd-Party TMDLs and associated work plan with you in the near future. Please feel free to contact me at 951-695-5310 to discuss the proposal further.

Sincerely,



William J Steele
Area Manager

cc: Mr. John Robertus
Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340



IN REPLY REFER TO:

SCAO-1000
ADM-13.00

United States Department of the Interior

BUREAU OF RECLAMATION
Southern California Area Office
27708 Jefferson Ave., Suite 2000
Temecula CA 92590-2628

JUL 28 2006
JUL 28 P 12:29
WATER QUALITY CONTROL BOARD



JUL 27 2006

Ms. Julie Chan P.G.,
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Subject: Santa Margarita River Watershed 3rd-Party Total Maximum Daily Load (TMDL) for Nutrients and Total Dissolved Solids

Dear Ms. Chan:

Over the last five years, the U.S. Bureau of Reclamation Southern California Area Office (Reclamation), in cooperation with the local water districts, Camp Pendleton, and Riverside and San Diego Counties, has led an effort to develop a watershed water quality model for the Santa Margarita River Watershed. The development of the model was the outcome of a recommendation from Reclamation's Framework Monitoring Plan which evaluated data being collected in the watershed. In 2003, Reclamation preliminarily calibrated the model and began focusing on other water quality issues that interface with water supply management in the watershed. During this process, Reclamation has met with the San Diego Regional Water Quality Control Board (RWQCB) and has expressed the desire for the model we developed to be utilized in TMDL Development in the watershed as part of a stakeholder driven TMDL process. Within the next month, Reclamation will formally ask the RWQCB to consider 3rd-Party TMDL development led by Reclamation for nutrients and total dissolved solids.

As part of the 3rd-Party TMDL development, Reclamation plans to expand the stakeholder group for this project and we request your participation in an informational meeting explaining the process. This meeting will be held on August 15, 2006 at 1:00 p.m. to 3:30 p.m. at Rancho California Water District, located at 42135 Winchester Road, Temecula California 92590.

In general, the TMDL process includes first setting appropriate targets or endpoints for the TMDL. This will involve a data collection effort in the Santa Margarita River Estuary and in upstream stream segments to appropriately characterize what targets are protective of designated beneficial uses. After targets are set an evaluation will occur on which water bodies will require TMDL development.


One of the key issues in successful TMDLs is stakeholder involvement and that is why Reclamation is recommending that the Santa Margarita River Watershed pursue a stakeholder-

driven 3rd-party process for completing the TMDL. The major benefits to stakeholders for participating in the 3rd-Party TMDL process are:

- ❖ Funding – Reclamation has planning funds budgeted to provide cost sharing which should result in more funding being available to complete the TMDL than would be spent if the San Diego Regional Water Quality Control Board were to conduct the TMDL independently.
- ❖ Site-specific considerations – Because the effort will be led by watershed stakeholders, focus can be placed on the site-specific characteristics of the watershed that may not be the focus of Regional Water Quality Control Board due to limited budget for developing TMDLs. This is especially important when setting TMDL targets for nutrients which are highly site-specific.
- ❖ TMDL implementation – By establishing this group early in the TMDL process instead of at the end of the process, the implementation of the TMDL should be more efficient because the group will have bought in on the results of the TMDL through the stakeholder process.
- ❖ Knowledge of technical work completed in the watershed – Reclamation has spent the last 5 years gathering an understanding of the data collection, analysis and modeling efforts that have occurred in the watershed. This knowledge will be critical to TMDL development.

We look forward to discussing our work plan for the Santa Margarita River Watershed 3rd-Party TMDL development with you on August 15th. Due to the importance of this effort, if you are unable to attend, we strongly urge you to send a representative. If you have questions regarding the meeting please contact Ms. Jamie Banales at 951-695-5310.

Sincerely,



Acting For
William J Steele
Area Manager

Proposed Meeting Agenda

Santa Margarita River Watershed Third Party Total Maximum Daily Load Development led by U.S. Bureau of Reclamation

1:00 – 3:30 p.m. August 15, 2006

Rancho California Water District Board Room
42135 Winchester Rd
Temecula, CA 92590
(951) 296-6900

Meeting Purpose: To determine whether there is support in the Santa Margarita River Watershed for Third-Party TMDL Development for Nutrients and Total Dissolved Solids.

1. Welcome, Introductions and Agenda Review (15 minutes)
2. Challenges and Opportunities (10 minutes)
3. TMDL Process Overview (15 minutes)
4. Case Studies and Benefits of Third Party TMDL Development (45 minutes)
 - A. Presentation of Case Studies and Benefits
 - B. Group Discussion
5. Brief Overview of Watershed Efforts (30 minutes)
 - A. Santa Margarita River Watershed Urban Runoff Management Plan and Watershed Management Plan - San Diego County
 - B. MS4 Permits
 - C. Framework Monitoring Plan
 - D. Santa Margarita Watershed Water Supply Augmentation, Water Quality Protection and Environmental Enhancement Program Phase 3A
 - E. Santa Margarita Watershed Water Supply Augmentation, Water Quality Protection and Environmental Enhancement Program Phase 3B
 - F. Questions and Discussion of Other Efforts
6. Summary of Handout (15 minutes)
7. Feedback and Next Steps (20 minutes)





Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

August 4, 2006

In reply refer to:
WQS: 79-0058.02:cgt

Mr. William Steele
Area Manager
U.S. Bureau of Reclamation
Southern California Area Office
27708 Jefferson Avenue, Suite 202
Temecula, CA 92590-2628

CERTIFIED MAIL RECEIPT
7005 2570 0001 4287 3663

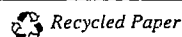
Dear Mr. Steele:

SUBJECT: REQUEST FOR THIRD PARTY DEVELOPMENT OF TOTAL MAXIMUM DAILY LOADS IN THE SANTA MARGARITA RIVER WATERSHED

I reviewed your letters dated July 25 and 27, 2006, proposing that the U.S. Bureau of Reclamation (USBR) institute a "third-party" Total Maximum Daily Load (TMDL) program with the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) to address water quality impairments in the Santa Margarita River watershed and coastal lagoon. Both waterbodies have been designated as water quality limited segments for exceeding nutrient objectives pursuant to Clean Water Act section 303(d). I understand that under your proposal the USBR also will promote and coordinate the involvement of various watershed stakeholder groups in the TMDL program and expand an existing water quality modeling effort to develop the TMDLs.

I appreciate the USBR's willingness to provide leadership and resources for TMDL development. However, the USBR's proposed program would significantly conflict with the technical direction of a major funded San Diego Water Board TMDL development effort currently underway to address multiple impairments in the impaired coastal lagoons, adjacent beach segments, and tributary streams in the Region. This major project, called the "Coastal Lagoons TMDL Project," includes TMDLs for the Santa Margarita River watershed and lagoon. The project entails application of a uniform methodology and modeling platform strategy to develop nutrient, bacteria, sediment and total dissolved solids TMDLs and site-specific nutrient water quality objectives for these water bodies within the next three years. I also have significant technical and legal reservations about the propriety of using the Watershed Analysis Risk Management Framework (WARMF) model for TMDL development pertaining to the lack of open source code. Accordingly we do not plan to enter into an agreement with USBR to institute a third party TMDL program. I do see an opportunity for USBR to be of great assistance in evaluating the impacts of water purveyor discharges/releases and

California Environmental Protection Agency



deliveries through the Santa Margarita watershed in conjunction with the TMDL development. The details on these considerations are provided below.

The Coastal Lagoons TMDL Project

The San Diego Water Board has been in the planning stages for the Santa Margarita Lagoon TMDL, along with the other four nutrient impaired lagoons in the Region, for the last year and has developed a process for completing these TMDLs within the next three years as part of the Coastal Lagoons TMDL Project. Key to the Santa Margarita Lagoon nutrient TMDL, and the other lagoon nutrient TMDLs, is a project being undertaken by the Southern California Coastal Water Research Project (SCCWRP) to study nutrient dynamics for the five impaired lagoons in the Region. The SCCWRP research proposal was developed to coordinate with the San Diego Water Board's plan for developing the nutrient TMDLs. The specifics of the SCCWRP studies include measurements of important nutrient pathways including sediment nutrient flux, and algal biomass and sediment oxygen demand in the lagoons. The SCCWRP study results, along with data collected by responsible dischargers in the watersheds of the lagoons, will be used to develop waterbody-specific nutrient numeric targets as part of a lagoon modeling effort led by our consultant, Tetra Tech. If appropriate, these results also will be used to support a Basin Plan amendment to adopt lagoon-specific water quality objectives for nutrients.

The San Diego Water Board intends to calculate the nutrient numeric targets for the Santa Margarita River TMDL using the recently developed California Nutrient Numeric Endpoints (NNE) Approach developed by the U.S. Environmental Protection Agency (USEPA), Region 9, and the State Water Resources Control Board. The USEPA has agreed to provide experts and resources for the San Diego Water Board to apply the NNE Approach to the Santa Margarita River TMDL. The numeric targets developed from the NNE Approach could be used to derive site-specific nutrient water quality objectives for incorporation into the Basin Plan. In addition to the resources and assistance on this TMDL from the USEPA, we will also receive valuable training on the application of the NNE Approach for use in other nutrient TMDLs in the Region.

EFDC Model Selection

The San Diego Water Board, in conjunction with our consultant, Tetra Tech, recently completed a model selection and evaluation process and selected the Environmental Fluid Dynamic Code (EFDC) modeling platform for the Coastal Lagoons TMDL Project. Your proposal to use the U.S. Army Corps of Engineers (USACE) model of the Santa Margarita Lagoon for TMDL development has the advantage that the model is already built. However, the USACE model is a hydrodynamic model only and will need to be linked to a water quality model, such as the Water Quality Analysis Simulation Program (WASP) model, to simulate eutrophication processes in the lagoon. EFDC has WASP coding incorporated into the model so linkage to an external water quality model is not

necessary. Further, Tetra Tech has already constructed EFDC models of several of the other coastal lagoons for use in our project with SCCWRP. Using a different modeling package for the Santa Margarita Lagoon creates an inconsistency in our approach to the studies with SCCWRP that can be avoided if the same modeling platform is used for all the lagoons.

WARMF Model Limitations

Another factor we considered is your choice of the WARMF model for TMDL development. The San Diego Water Board will not use a model for TMDL development unless an executable model with matching source code that can be compiled and run (open source code) for comparison to the executable model is available. This is required to test the modeling assumptions in WARMF and to ensure that the source code matches the executable model of the Santa Margarita River. One of our greatest concerns regarding the lack of open source code access is the ability of WARMF to effectively model dry weather conditions. Modeling dry weather conditions has proved to be challenging in past TMDL modeling studies and is complicated by the addition of simulating eutrophication processes. Even with the most detailed and open models, assumptions and methods used to simulate a specific process are often challenged by stakeholders, requiring testing of alternative methods to evaluate sensitivity. Without open access to the source code, the ability to modify the code to simulate alternative processes is prevented. Other models with open source code are available that simulate stream hydrodynamics and water quality, including all the eutrophication processes (including periphyton impacts), allowing us to test assumptions and review methods. We understand the non-disclosure agreement required by Systech Engineering, Inc., does not allow the San Diego Water Board to have the source code for the WARMF model of the Santa Margarita River in a format we can compile and run.

USBR Role

Although the San Diego Water Board will lead the effort to develop the numeric targets, TMDLs, and any site-specific nutrient water quality objectives for the Santa Margarita River and Lagoon, the USBR can provide valuable assistance on TMDL development and implementation. For example, the USBR could assist the San Diego Water Board in developing TMDLs for the Santa Margarita Lagoon by evaluating the impacts of water purveyor discharges/releases and deliveries through the Santa Margarita watershed. The San Diego Water Board believes the USBR is best suited to work with stakeholders to determine the appropriate modeling scenarios for water supply deliveries using the channel of the Santa Margarita River, live stream discharges of treated effluent, and return flows of imported and native waters, and calculation of TMDL loading allocation scenarios.

Additionally, the USBR can assist us by using the WARMF model of the Santa Margarita River during the TMDL implementation phase to simulate different waste

Mr. William Steele
Santa Margarita River Watershed TMDLs

- 4 -

August 4, 2006

discharge scenarios within the Santa Margarita watershed that will be able to meet the TMDL requirements for the Lagoon and River. WARMF model developers should be involved in the TMDL development process to ensure that the WARMF model application will predict pollutant loads similar to those developed by the San Diego Water Board's modeling studies. This exercise will provide the San Diego Water Board justification to allow the use of the WARMF model during the TMDL implementation phase, and will also provide a quality control check for portions of the TMDL derived from our modeling study results.

The heading portion of this letter includes a San Diego Water Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the San Diego Water Board pertaining to this matter.

If you have any questions regarding this matter, please contact Ms. Cynthia Gorham-Test or Ms. Julie Chan of my staff at (858) 467-2957 or (858) 627-3926, respectively. They can be reached via email at ctest@waterboards.ca.gov, and jchan@waterboards.ca.gov.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

cc via email:
Cindy Lin, U.S. EPA, Region 9
David Smith, U.S. EPA, Region 9
Steve Carter, Tetra Tech
Ken Harris, State Water Board

California Environmental Protection Agency

Final Report

Environmental Managers' Executive Committee

May 10, 2006

Executive Summary:

On May 10, 2006 the Environmental Managers' Executive Committee (EMEC) held its annual meeting. Representatives from the Environmental Protection Agency (EPA) Regions IX and X, States of California, Nevada, Alaska, Hawaii, Guam, and the Department of Defense (DoD), Chief of Naval Operations (CNO), Naval Facilities Engineering Command (NAVFAC) headquarters, NAVFAC Pacific, NAVFAC Atlantic, Facilities Engineering Command (FEC) SW, FEC NW, FEC Hawaii and FEC Marianas met to discuss the Environmental Restoration, Navy (ER,N) and Base Realignment and Closure (BRAC) restoration programs. This year representatives from Arizona and Washington were not able to attend the EMEC. The EMEC was held in San Francisco at the downtown Hilton.

The EMEC meeting commenced at 8:00 am. Bob Kirkbright, Environmental Business Line Manager, FEC SW, welcomed the EMEC representatives to the 11th annual EMEC meeting and had the EMEC members introduce themselves. Jerry Katz, the meeting facilitator, explained that EMEC is all about communication to improve cleanup and that folks should take advantage of the breaks and lunch to work specific cleanup issues. He also talked about the importance of the action items coming out of the meeting and follow up after the meeting is over. Al Hurt, DoD Office of Regional Environmental Coordination (REC), reviewed the agenda with the group and the meeting commenced.

Al Hurt covered the FY 05 EMEC action items with the group. He described the progress on the DoD REC X Lead Service Decision, DoD REC IX and X State Legislative Input, Navy Optimization Policy Examples and Navy Risk Ranking Data. All actions were completed although DoD decided to take no action on the REC X lead service decision since the DoD REC structure may be reviewed at some point as a result of BRAC 2005.

Dave Olson, Installation Restoration Manager, CNO, then presented the Navy IRP and MRP policies. He covered the latest perchlorate policies including the OSD and EPA January 26, 2006 guidance and the CNO sampling and management policy. The Navy policy has set

a 24 ppb level of concern and will follow properly promulgated State regulations. Also, the Navy will sample for perchlorate where a reasonable basis exists to suspect a release has occurred. If greater than 24 ppb perchlorate is detected, a risk assessment will be performed and, if potential health effects are indicated, the site will be prioritized for appropriate risk management. A point was made by the LARWQCB representative that perchlorate levels in the Los Angeles basin often exceed 24 ppb. It was acknowledged that perchlorate background levels are widespread. Dave told the EMEC group that ER,N funding will be used for perchlorate eligible sites. Dave then gave the munitions response update. He described the June 30, 2005 MRP guidance and the DoD prioritization protocol issued in October 2005. The Navy found that 50 installations with 130 sites have potential MRP areas of concern (AOC). He told the EMEC group how terrestrial and water sites AOCs are being addressed. Discussion on the DoD draft range assessment and the February DoD ECOS workgroup prompted a State representative to ask to see the draft document. This discussion lead to Action Item 1, "State Review of DoD Draft Range Assessment." There was also discussion on MRP, ER,N and base compliance funding eligibility. Dave also discussed ocean disposal concerns that have been in the news and the DoD tiger team that is addressing the issue. He discussed the Navy's five-year review policy, which is required when contaminant levels are greater than unrestricted use. ER,N will pay for these reviews as long as cleanup is on going at an installation. Dave also covered the streamlined site close out and NPL deletion process that a joint DoD/EPA task force developed. A remedial action completion report (RACR) is the main document to be used in the streamlined closeout process. He then discussed Federal Facility Agreements stipulated penalties and the need to either meet agreement deadlines or request extensions in writing to avoid penalties. When stipulated penalties are assessed, Congressional authorization is required for payment.

Paul Yaroschak, Office of the Secretary of Defense, then discussed DoD's Emerging Contaminates (EC) Strategy. Paul described emerging contaminants as chemicals and materials with a perceived or real threat to human health and the environment, evolving regulatory interest and either no peer review or an evolving standard. A USGS survey of 139 streams in 30 states found such contaminants

in 80% of streams and migration to water supplies is a concern. DoD case studies at Camp Lejeune, Massachusetts Military Reservation and Aberdeen Proving Ground were discussed. Perchlorate was used in propellants at some DoD bases. As a result of the case studies, DoD has taken a proactive approach that applies small investments in early EC actions vice large costs and readiness impacts later. Paul then laid out the DoD strategic vision for ECs. The vision is to protect people and enhance military readiness, ensure application of sound, thorough science in risk assessments, make the process transparent and inclusive and make sound risk management decisions. He then described the strategic priorities, materials/ECs, tracking process, development of a watch list, EC assessment process, Phase I EC risk summary (including the probability of regulatory actions), and integrated risk management actions. Questions from various regulators came up during the watch list discussion. Paul told the group that there is an EC website and that the information will migrate to DENIX. Also, there was discussion on EC sampling and the ECOS subcommittee that is trying to develop a common sense approach between the States and DoD. Paul then listed EC issues including what is the appropriate use of non-peer reviewed risk data/studies, what criteria or conditions would trigger actions requiring expenditures with no established risk level, and how EC risks should be communicated. He then summarized his presentation with the fact that EC management requires new thinking with a potentially large payback by protecting people, mission and assets.

The next portion of EMEC was lead by regulatory agency managers and covered a number of topical issues. Clarence Callahan, Hawaii State Department of Health (DOH), described the experience DOH had with Army performance based contracts. There have been document quality issues with the Army's contractor. From DOH's point of view, the Navy's performance based contracting experience in Hawaii has been better than the Army's. DOH and EPA IX expressed their feeling that a DoD service RPM stay involved in contractor document review to assure adequate document quality. Then Clarence discussed dealing with legacy pesticides in cleanups. Chlordane has been used historically around structures to control termite infestation. Chlordane, if legally applied, is not covered by CERCLA or Hawaii State law. However, DOH suggests that where

the soil surrounding house foundation pads has been redistributed by construction activity, sampling for chlordane followed by a site-specific risk evaluation should be performed. The risk evaluation provides information to guide the cleanup of residual chlordane (and associated contaminants) when required i.e., when concentrations are above safe concentrations. Due to landfill limitations in Hawaii, the preferred approach is to manage contaminated soil on site rather than dig and haul to a landfill. Clarence suggested confinement under house footprints, parking lots and roadways. Under these conditions of cleanup, a soil management plan must be provided for the development. A Navy representative said their approach exceeds what is required by federal law. The Navy samples, conducts a risk assessment and confines the contaminants under the building slabs where appropriate. A question came up on how Hawaii handles land use controls (LUCs) when military property is transferred to a private entity. Hawaii passed a uniform covenants act that transfers the LUCs to the private entity. Also, Clarence described issues arising from the use of arsenic in sugar cane processing. Similar to chlordane, arsenic is managed on site. He described an incremental sampling approach and a soil management plan, which is part of property deeds. If arsenic levels are excessive, bioaccessibility, or in some cases bioassay, may be required.

Next John Halverson, Alaska Department of Environmental Conservation (DEC), presented "Climate Change and Eroding Dumps/Landfills in Alaska." Government created solid waste landfills are being impacted by climate changes that are increasing erosion. The impacts include discharge of solid waste and contaminants to land and waters. The Alaska Statement of Cooperation (SOC), a partnership between DEC and Federal agencies, has formed a subcommittee to explore reduction of environmental impacts from eroding landfills. John showed photographic examples of the J.W. Dalton drill site, Umiat landfill and Barter Island erosion problems. He covered Alaska and Federal laws and regulations and described technical and policy issues relating to eroding landfills. The SOC workplan goal is to develop a strategy to manage abandoned landfills subject to erosion in a manner that will reduce risk to human health and the environment. The SOC subcommittee has developed an inventory and is prioritizing sites that are currently eroding and where erosion is anticipated. The plan for 2006 is to coordinate site

inspections, aerial photography, satellite imagery and removals. Also, funding strategies are being evaluated. It was noted that climate change impacts on roadways were discussed at a recent EPA IX Pacific Island conference. These impacts have affected Guam and other Pacific Islands.

Nancy Harney, EPA Region X, discussed MRSP implementation plans. Nancy described munitions protocol PAs at EPA X's Bangor NPL site. EPA feels there are some differences between CERCLA and MRSP PAs making it difficult for EPA to evaluate. While Nancy took the DoD training and found it helpful, she and an EPA IX representative had questions on hazard verses risk assessments. Also, EPA has concerns on stakeholder involvement, what is EPA's role and potential workload. An EPA IX representative felt that while a headquarters EPA/DoD munitions response committee was working out the protocols the EPA region might not have gotten the latest information. A Navy representative expressed concern that the 50 PAs going to SIs need EPA regions up to speed on the latest approach. NAVFAC Atlantic has the MSSRP contract and needs EPA specifics on what's missing to help their contractor meet EPA's needs.

Action Item 2, "MRP Preliminary Assessment Process" came out of these MSSRP discussions. There was also some discussion on how MSSRP might feed into EPA NPL scoring. The approach has not yet been worked out between DoD and EPA.

John Borkovich, California State Water Resources Control Board, said his perchlorate sampling prioritization agenda item was covered by Paul Yaroschak's presentation. ECOS deliberations will be the basis for perchlorate sampling prioritization. He then spoke about BRAC early transfer privatization concerns. John wanted to know if it is Navy policy to do BRAC early transfer privatization in all cases or only when it was market driven. A concern was raised by the SF Water Board on whether they might have to move to cost recovery with private entity transferees and if that would impact staffing levels. A BRAC PMO representative said early transfer privatization would be a site-by-site determination but regulatory oversight would likely go down faster if sites were privatized. BRAC has been successful by developing a self-sustaining budget based on land sales.

Rick Moss, California Department of Toxic Substances Control (DTSC), lead the discussion on the latest Navy LUC policy. DTSC had a dispute with the Air Force that resulted in the transferee entering into agreement with DTSC to cover oversight costs. If that fails, DTSC will exercise due diligence but ultimately the responsibility falls back to the Air Force. According to Rick, some Navy sites have said that this approach violates existing MOAs (i.e., Novato). An EPA representative said that EPA requires State oversight, which includes coverage of oversight costs, and has negotiated LUC language with the Air Force in California. The Navy was receptive in considering the merits of the EPA IX/Air Force approach. Also, the Navy agreed to look into the Novato situation. EPA IX agreed to get the Air Force language on LUCs to EMEC members. Action Item 3, "Air Force Institutional Control ROD Language" came out of the discussion.

Next, Brian Harrison, Director, Environmental Cleanup Division, NAVFAC, presented the Navy Cleanup Program. Brian covered the results of the End-of-Year 2005 Review. He showed a chart of the FY 05 ER,N program funding profile for the IRP program and the east and west coasts. The profiles show a stable program with a slight decrease for the east coast and a slight increase for the west coast through FY 11. He also showed the end of year ER,N MRP profile which shows a growing program, an ER,N site pie chart with active sites and MRP for FY 04 and FY 05, a snapshot of the ER,N IR program with the FY 1996 baseline compared to end of year FY 2005, the ER,N funding comparison for High/Medium/Low and RAO/LTM from 2005-2014, and the ER,N optimization investments/results. Brian pointed out that the optimization program has resulted in a \$75.6M actual cost avoidance and that no pump and treat systems were shut down (last year's EMEC concern). There was some discussion about efforts to better match the EPA and Navy environmental restoration indicators. Brian then showed a number of slides showing the status of the Navy program against the defense management goals and a list of ER,N installations achieving RIP/RC. He also showed the cost to complete (CTC) calculations for FY 04-05 resulting in a net reduction of \$168 and the profile of CTC from the FY 95 baseline to FY 05. The Brian showed the Navy and Marine Corps ER,N MRP funding profile from 2002 to 2011, the ER,N MRP cost to complete, and the ER,N MRP defense management goals. Brian concluded with a FY 05 ER,N summary showing progress in

site RIP/RC for five years in a row, continuing progress in MRP projects and PA completions to meet the defense management goals, and meeting the GPRA FY 05 goals for human health and the ground water.

The Navy program presentations continued with Walter Sandza, FEC SW, Pam Kromholtz, FEC NW, Darlene Ige, NAVFAC PAC and Lawrence Lansdale, BRAC PMO describing their cleanup programs. Walter described the FEC SW ER,N project prioritization including defense planning guidance (DPG) goals, continued risk management approach, and the 70% funds for high relative risk through FY 06 and 60% funds for clean-ups vs. studies). He then discussed ER,N UXO funding requirements, DPG goals, status of FEC SW vs. DPG goals, FY 06-11 ER,N IRP budget with study, clean-up and RAO/LTM portions by FY, FY 06-07 ER,N IRP budget by activity, FY 06-13 ER,N MRP budget and a list of the MRP installations and number of sites. Pam presented the FEC NW program summary. She showed cleanup progress where 16 of 24 installations and 220 of 259 IRP sites are response complete. Six installations have MRP sites with two response complete, four in early assessment and four in RI/FS. Pam showed a pie chart of IRP and MRP site closeout progress, 100% DPG progress against goals, the restoration budget for FY 06-13, costs to date and cost to complete by activity, and cost to complete for munitions only. Pam then told the group about the Puget Sound Naval Shipyard property transfer where a change in land use required a fast response. A team of EPA, Department of Ecology and Navy RPMs worked closely and was able to complete the property transfer on schedule and within cost with the remedy in place. Next Darlene covered NAVFAC Pacific's environmental restoration program. She went over the restoration goals and objectives to reduce the cost-to-complete, achieve remedy-in place and close out sites. Darlene went through the DPG goals for Hawaii and Guam. Guam goals for high, medium and all sites are projected to be 100%. She covered all planned and actual FY 06 and 07 decision documents and RODs, ER,N funding profile for FY 06-15, ER,N funds spent FY 90-05, ER,N funds budgeted FY 07-15, BRAC funds spent to date FY 94-05, BRAC funds budgeted FY 07-15, and MRP funds budgeted FY 06-15. Darlene also described the Marine relocation from Okinawa to Guam. Lawrence presented the BRAC PMO West environmental program summary. He showed the environmental

funding form FY 03-08 consisting of BRAC 1-4 and BRAC 05 programs, FY 06-08 BRAC funds by activity for Southern California, Alaska, Pacific, and Northern California.

Next Bob Kirkbright presented the Navy Environmental Staffing Study and NAVFAC Organization Update. Bob showed the shore support structural alignment diagram of February 2004, the establishment of FECs status (almost done), the NAVFAC fully aligned with CNIC structural diagram, the NAVFAC matrix organization diagram, NAVFAC's business process diagram, NAVFAC SW PWDs, and the N-45 environmental staffing study goals and accomplishments to date.

Lastly Al Hurt reviewed the three action items with the group and requested feedback on how folks felt the meeting went. The feedback was mostly positive with comments like: very informative, facilities much better than last year, stayed focused, didn't argue about RCRA/CERCLA for the first time, forward looking, no DSMOA issues, good team, excellent, MRP and LUC very useful, better without other services, ending early meant an efficient meeting, candid/professional exchange, good topics, relevant topics, good learning experience and information exchange, good to have Navy headquarters here, better and better, informal setting, good mix, open discussion, and nice for different site comparisons. A few suggestions included: need bigger picture and more senior folks, switch restaurants, and need to add technical meetings.

Bob Kirkbright closed the meeting and thanked all EMEC members for participating.

Attachment 1

EMEC 06 Action Items:

1. State Review of DoD "Draft Range Assessment"

The State of California, Department of Toxic Substances Control, requested a chance to review the draft DoD "Draft Range Assessment" prior to finalization. Paul Yaroschak agreed to communicate DTSC's view to OSD leadership as they consider procedures for interactions with regulators during range assessments. It was noted that this same issue was discussed at the last DoD-ECOS work group meeting in February.

POC: Paul Yaroschak

DUE: June 1, 2006 (present the concept up DoD chain of command)

ACTION TAKEN: Paul Yaroschak communicated the EMEC discussion on state interaction on review of draft range assessments to OSD leadership. The concept of DoD interactions with regulators during range assessments is under discussion at OSD.

2. MRP Preliminary Assessment Process

EPA Region X has concerns on the MRP PAs received to date. Nancy Harney will provide specific concerns to the Navy in order to determine consistency with IRP PAs. NAVFAC Atlantic will work with their MRP contractor to resolve any discrepancies.

POC: Nancy Harney

DUE: June 1, 2006

ACTION TAKEN: On May 25, 2006 Nancy Harney submitted specific concerns on MRP PAs at Sub Base Bangor. These concerns were distributed to all EMEC members.

3. Air Force Institutional Control ROD Language

EPA Region IX has negotiated IC ROD language with the Air Force for NPL sites in California. Sheryl Lauth will provide the information to Jerry Katz to distribute to all EMEC members for their information and possible use.

POC: Sheryl Lauth

DUE: June 1, 2006

ACTION TAKEN: On May 17, 2006 Sheryl Lauth submitted the IC language examples discussed at EMEC for Open and Closing bases in California. The language was distributed to all EMEC members.

Attachment 2

EMEC 06 Agenda

Hilton Hotel, San Francisco
May 10, 2006

- 8:00-8:05 Welcome and Introductions-Kirkbright
- 8:05-8:10 Facilitator Comments-Katz
- 8:10-8:20 Agenda Review-Hurt
- 8:20-8:30 EMEC 05 Action Item Review-Hurt/Katz
- 8:30-9:10 Overview of Navy Cleanup Policy-Olson
- 9:10-9:50 DoD Emerging Contaminants Strategy-Yaroschak
- 9:50-10:10 Break
- 10:10-11:15 Regulator Cleanup Discussions
1. Performance Based Contracting-Callahan
 2. Dealing with Legacy Pesticides in Cleanups-Callahan
 3. Eroding Landfills-Halverson
 4. MRSP Implementation Plans-Harney
- 11:15-12:45 Lunch
- 12:45-1:25 Regulator Cleanup Discussions (continued)
5. Perchlorate Sampling Prioritization-Borkovich
 6. BRAC Early Transfer Privatization-Borkovich
 7. Latest Navy LUC Policy-Moss
- 1:25-1:45 Navy Cleanup Program-Harrison
- 1:45-2:05 SW Cleanup Program-Sandza
- 2:05-2:25 NW Cleanup Program-Kromholtz
- 2:25-2:45 Break
- 2:45-3:05 PAC Cleanup Program-Ige

3:05-3:25 BRAC Cleanup Program-Duchnak/Lansdale
3:25-3:45 Navy Environmental Staffing Study and
NAVFAC Organization Update-Kirkbright
3:45-4:15 Meeting Summary with Action Items-Hurt/Katz
4:15 Adjourn

Attachment 3

EMEC 06 Attendees

Name	Org	e-mail	Telephone
John Halverson	AK DEC	john_halverson@dec.state.ak.us	907-269-7545
Tony Landis	CA DTSC	tlandis@dtsc.ca.gov	916-255-3732
Rick Moss	CA DTSC	rmoss@dtsc.ca.gov	916-255-6416
Curvin Lee	CA DTSC	clee@dtsc.ca.gov	916-323-3506
John Borkovich	CA WRCB	jborkovich@waterboards.ca.gov	916-341-5779
Ian Waters	CA WRCB	iwaters@waterboards.ca.gov	916-323-7905
Kwang Lee	LA Water Board	klee@waterboards.ca.gov	213-576-6734
John Anderson	SD Water Board	janderson@waterboards.ca.gov	858-467-2975
John Kaiser	SF Water Board	jkaiser@waterboards.ca.gov	510-622-2368
Gina Kathuria	SF Water Board	gkathuria@waterboards.ca.gov	510-622-2378
John Russell	CV Water Board	jrussell@waterboards.ca.gov	916-464-4666
Clarence Callahan	HI DOH	clarence.callahan@doh.hawaii.gov	808-586-4249
Randel Sablan	Guam EPA	randel.sablan@guamepa.net	671-475-1658
Jim Najima	NV DEP	jnajima@ndep.nv.gov	775-687-9484
Scott Smale	NV DEP	ssmale@ndep.nv.gov	775-687-9384
Nancy Harney	EPA X	harney.nancy@epa.gov	206-553-6635
John Chesnutt	EPA IX	chesnutt.john@epa.gov	415-972-3005
Sheryl Lauth	EPA IX	lauth.sheryl@epa.gov	415-972-3015
John Hamill	EPA IX	hamill.john@epa.gov	415-972-3182
Robert Carr	EPA IX	carr.robert@epa.gov	415-972-3913
Michael Wolfram	EPA IX	wolfram.michael@epa.gov	415-972-3027
Paul Yaroschak	OSD	paul.yaroschak.ctr@osd.mil	703-604-0641
Dave Olson	CNO	david.l.olson@navy.mil	703-602-2571
Brian Harrison	NAVFAC HQ	brian.p.harrison@navy.mil	202-685-9318
Paul Rakowski	NAVFAC LANT	paul.rakowski@navy.mil	757-322-4770
Byron Brant	NAVFAC LANT	byron.brant@navy.mil	757-322-4786
Kevin Ball	FEC NW	kevin.k.ball@navy.mil	360-396-0048
Pamela Kromholtz	FEC NW	pamela.kromholtz@navy.mil	360-396-0018
Leighton Wong	NAVFAC PAC	leighton.wong@navy.mil	808-472-1417
Darlene Ige	NAVFAC PAC	darlene.ige@navy.mil	808-472-1420
Janice Fukumoto	NAVFAC HI	janice.fukumoto@navy.mil	808-471-1171
Rolfe Banes	FEC Marianas	rolfe.banes@navfacmar.navy.mil	671-339-2360

Laura Duchnak	BRAC PMO	laura.duchnak@navy.mil	619-532-0994
Lawrence Lansdale	BRAC PMO	lawrence.lansdale@navy.mil	619-532-0961
Alan Hurt	NAVFAC/REC	alan.hurt@navy.mil	619-524-6253
Robert Kirkbright	FEC SW	robert.k.kirkbright@navy.mil	619-532-1390
Walter Sandza	FEC SW	walter.sandza@navy.mil	619-532-1234
Mario Dumenigo	NAVFAC HQ	mario.dumenigo@navy.mil	202-685-9329
Wilkins Stafford	NAVFAC HQ	wilkins.stafford@navy.mil	202-685-9320
Gerald Katz	Katz Env	katzenv@earthlink.net	415-563-6302



MassDEP NEWS

Massachusetts Department of Environmental Protection

FOR IMMEDIATE RELEASE:
July 28, 2006

CONTACT:
Ed Coletta 617-292-5737

Massachusetts' First-In-The-Nation Perchlorate Standards Take Effect Today *Drinking Water, Cleanup Standards of 2 ppb Are Set to Protect Public Health*

Massachusetts today became the first state in the nation to promulgate drinking water and waste site cleanup standards for the chemical perchlorate, setting the standard at 2 parts per billion (ppb). The new regulations require most public water systems to regularly test for perchlorate.

The new standards are being adopted to protect public health, including sensitive populations such as pregnant women, nursing mothers, infants and individuals with low levels of thyroid hormones. Perchlorate has been found to interfere with thyroid function, which could lead to impaired human development and metabolism.

"Our goal from the beginning of this effort was to protect the health of our citizens, especially pregnant women and children, who could potentially be exposed to perchlorate in their drinking water," said Robert W. Gollidge, Jr., commissioner of the Massachusetts Department of Environmental Protection. "Massachusetts' new standards ensure that the water is safe to drink, and the monitoring requirement protects water supplies into the future."

Perchlorate is a chemical that can be found in blasting agents, fireworks, military munitions and other manufacturing processes, and can be generated in small amounts within existing water treatment processes. No federal standards regulating perchlorate levels in drinking water currently exist.

Besides the requirement for regular testing, the new regulations also require parties responsible for perchlorate contamination to notify MassDEP of the contamination and conduct appropriate environmental assessment and cleanup, and for all drinking water supplies to contain no more than 2 ppb of perchlorate:

Since perchlorate was first detected in the aquifer under Bourne in 2002, the chemical has been detected in 10 other public water systems across the state.

Full copies of the regulation and the response-to-comment document are available on the MassDEP web site at: <http://mass.gov/dep/water/drinking/percinfo.htm>

MassDEP is responsible for ensuring clean air and water, safe management and recycling of solid and hazardous wastes, timely cleanup of hazardous waste sites and spills, and the preservation of wetlands and coastal resources.

###

Proposed Statewide Policy on Clean Water Act Section 316(b) Regulations

Power Plant Cooling Water Intake Provisions

1. Owners or operators of new Power Plants, as defined in this policy, that meet the threshold criteria in 40 C.F.R. §125.81(a), revised as of July 1, 2005, must comply with the requirements in 40 C.F.R. Part 125 Subpart I, revised as of July 1, 2005.
2. Owners or operators of existing Power Plants, as defined in this policy, that meet the threshold criteria in 40 C.F.R. §125.91(a), must comply with 40 C.F.R. Part 125, Subpart J, revised as of July 1, 2005. However, the following additional requirements shall apply:
 - a) Existing power plant owners or operators must do one of the following to reduce impingement mortality:
 - i. Reduce intake flow to that commensurate with a closed-cycle recirculating system, or
 - ii. Reduce the maximum through-screen design intake velocity to 0.5 feet per second (ft/s) or less, or
 - iii. Reduce impingement mortality for all life stages of fish and shellfish by 95 percent from the calculated baseline by any combination of operational or structural controls.
 - b) Existing power plant owners or operators must do one of the following to reduce entrainment:
 - i. Reduce intake flow to that commensurate with a closed-cycle recirculating system, or
 - ii. If the power plant has a capacity utilization rate of 15 percent or greater, reduce entrainment of all life stages of fish and shellfish by 90 percent of the calculated baseline by any combination of operational or structural controls.
 - iii. Existing power plant owners or operators who satisfactorily demonstrate to the Regional Water Board that no combination of operational and structural controls can feasibly achieve the 90 percent reduction in entrainment must comply with the following:
 - a. The owner or operator must reduce entrainment of all life stages of fish and shellfish by a minimum of 60 percent from the calculated baseline by any combination of operational or structural controls, and

- b. Restoration measures must be employed to achieve the remaining percent reduction in entrainment over the minimum achieved in a (above), up to 90 percent, of all life stages of fish and shellfish from the calculated baseline.
- c) If the owner or operator of an existing nuclear power plant demonstrates that implementation of operational and/or technological measures for the reduction of impingement and entrainment will conflict with safety requirements instituted by the Nuclear Regulatory Commission, the required 95 percent reduction for impingement and 90 percent reduction in entrainment may be met using any combination of operational or structural controls and restoration measures.
- d) If electrical energy will not be produced for a period of two or more consecutive days, the owner or operator must minimize entrainment by reducing intake flow to ten percent of the baseline flow rate. This measure will be allowed to count as an operational control to assist in meeting the required entrainment reductions. This requirement shall be implemented in the National Pollutant Discharge Elimination System (NPDES) permit for the power plant through an appropriate maximum intake flow limitation that applies during these periods.
- e) The calculation baseline shall be determined using actual flow rates calculated as a mean of the flow rates provided to the Regional Water Board in monitoring reports over the last NPDES permit cycle.
- f) Credit shall be allowed for flow reduction and other control measures already implemented, or required under an existing NPDES permit, to reduce impingement or entrainment.
- g) Owners or operators of power plants with overlapping intake water source areas must conduct a cumulative ecological study. Owners or operators of power plants located in the jurisdictions of different Regional Water Boards with overlapping intake water sources areas must also conduct a cumulative ecological study.
- h) Restoration measures to meet 2(b) and 2(c) above must be in the same water body or watershed, and must be considered in the following order of preference:
1. *in-kind, on-site* (within the same water body in close proximity to the plant)
 2. *in-kind, off-site* (preferably within the same Regional Water Board's jurisdiction)
 3. *out-of-kind, on-site* (within the same water body in close proximity to the plant)
 4. *out-of-kind, off-site* (preferably within the same Regional Water Board's jurisdiction)

- i) When designing a restoration program the methodology used to assess the area to be restored shall be "habitat production foregone."
 - j) Power plant owners and operators may not use 40 C.F.R. §125.94(a)(5), revised as of July 1, 2005, to demonstrate compliance with best technology available for minimizing adverse environmental impacts at the facility.
3. Owners or operators of power plants must consider the use of treated wastewater as a cooling medium when co-located in close proximity to a publicly-owned treatment works.
 4. An Expert Review Panel will be selected by the State Water Board, and will be funded through NPDES permit fees or other appropriate funding mechanism. The role of the Expert Review Panel is to review entrainment and impingement impact study designs or reasons for not doing these studies, the results of those studies, and interpretation of the results, and to advise the Regional Water Board accordingly.
 5. Reference stations may be used to identify baseline marine life conditions for the same habitat as the power plant, if determined by the Expert Review Panel.
 6. Any assessment of environmental impacts from entrainment and impingement must consider the ecological impacts to all species and the marine community, not just commercially or recreationally important species.
 7. The Regional Water Boards shall implement this policy when a permit for an existing power plant is first reissued after [the effective date of the policy] or when the permit is reopened, whichever occurs first.

Definitions:

Adult Equivalent Losses (AEL) is a measurement of the resulting reduction in adults of a species due to larval losses from entrainment.

Capacity Utilization Rate is defined in 40 C. F. R 125.93 as the ratio between the average annual net generation of power by the facility (in Megawatt-hours) and the total net capability of the facility to generate power (in Megawatts) multiplied by the number of hours during a year.

Closed-cycle Recirculating System – A system designed, using minimized make-up and blowdown flows, to withdraw water from a natural or other water source to support contact and/or noncontact cooling uses within a facility. The water is usually sent to a cooling canal or channel, lake, pond, or tower to allow waste heat to be dissipated to the atmosphere and then is returned to the system. (Some facilities divert the waste heat to other process operations.) New source water (make-up water) is added to the system to replenish losses that have occurred due to blowdown, drift, and evaporation.

Empirical Transport Model (ETM) is a mode that uses as input data AEL, FH, and physical oceanographic data to determine proportional larval mortality (what percent of larvae are lost) over a quantified source water area.

Existing Power Plant - Any power plant that is not a new Power Plant.

Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Fecundity Hindcasting (FH) is a measurement of how many adult females would be needed to replace the larval losses from entrainment.

Habitat Production Foregone requires an estimate of the Proportional Mortality (PM) (i.e., the proportion of larvae killed from entrainment to the larvae in the source population). An estimate is also required of the water body area for the target species' source population. The product of the average PM and the average area is an estimate of habitat area production that is lost to all entrained species. For example, if the average PM of estuarine species is 17 percent and the area of the source water estuary is 2000 Acres, then the area of habitat production foregone is equal to $(17\% \times 2000 \text{ Acres}) = 340 \text{ Acres}$.

Ichthyoplankton are the planktonic early life stages of fish (i.e., the pelagic eggs and larval forms of fishes).

New Power Plant – a) Any power plant which commenced construction after January 17, 2002, or b) any power plant that was in operation prior to January 17, 2002 but, as of [the effective date of this policy], has undergone or will undergo a major modification. A major modification is a modification of the facility that increases electrical production capacity and increases the intake flow rate.

Planktonic Organism – Includes phytoplankton, zooplankton, and ichthyoplankton.

Zooplankton are those planktonic invertebrates larger than 200 microns (including invertebrates that are planktonic for their entire life cycle, and the pelagic larvae and eggs of benthic invertebrates).

Monitoring Provisions

Impingement Impacts

1. Prior to permit issuance or renewal, impingement must be measured on-site at the traveling screens and must include sampling for all species impinged.

- i. The study period must be at least one year.
- ii. Impingement must be measured during different seasons and over 24-hour sampling periods.
- iii. Impingement must be sampled under differing representative operational conditions (e.g., differing levels of power production, heat treatments, etc.).

The impingement study must be designed to accurately characterize the species impinged and their seasonal abundance, over the permit period, to the satisfaction of the Regional Water Board.

2. After the permit is effective, periodic impingement sampling must be performed and reported to the Regional Water Board.
3. The need for new impingement studies must be evaluated at the end of the permit period. Impingement studies must be required when changing operational or environmental conditions indicate new studies are needed.

Entrainment Impacts

1. Entrainment studies shall be performed once per permit cycle, unless the permittee demonstrates that prior studies accurately reflect current impacts. Sampling must be performed to determine larval composition and abundance in the source water (source water sampling) and entrained water (entrainment sampling). The source water must be determined based on oceanographic conditions reasonably expected during the permit cycle of the power plant. Entrainment sampling must provide an unbiased estimate of larvae entrained at the intake.
2. Entrainment impacts must be based on sampling for all ichthyoplankton and zooplankton species. Individuals collected must be identified to the lowest taxonomical level practicable. Sampling must provide the data necessary to make reasonably accurate estimates of Adult Equivalent Losses (AEL) and Fecundity Hindcasting (FH), and to use in the Empirical Transport Model (ETM). When feasible, genetic identification through molecular biological techniques may be used to assist in compliance with this requirement. Samples must be preserved and archived such that genetic identification is possible at a later date.
3. AEL and FH must be determined as accurately as reasonably possible using current scientifically acceptable methods.
4. An ETM and other oceanographic and life history information must be used, for each species possible (given available data), to estimate proportional mortality and the source water area over which mortality occurs, using current, scientifically acceptable methods. The source water area must be determined based on oceanographic conditions reasonably expected during the permit period.

5. The study period must be at least one year, and sampling designed to account for variation in oceanographic conditions and larval abundance and behavior such that abundance estimates are reasonably accurate.

APPENDIX II

New York State Department of Environmental Conservation

Letter to USEPA

August 16, 2006

Discharge Exceptions for Areas of Special Biological Significance (Dave Gibson and Pete Michael)

Background

A total of 34 ASBSs are located along the coast of California and are protected from discharges of pollutants. Four ASBSs are located within the San Diego Region: (1) the La Jolla ASBS at La Jolla Shores, (2) the adjacent San Diego-Scripps ASBS near Scripps Pier, (3) the Heisler Park ASBS at Laguna Beach, and (4) the Irvine Coast ASBS north of Laguna Beach.

Legislation introduced in 2004 had clarified that ASBS need Special Protections as State Water Quality Protection Areas and that waste discharge prohibitions are absolute, unless the State Board approves exceptions. In October 2004, the SWRCB required cessation of discharges of waste to ASBS to comply with the California Ocean Plan so that discharges "... will not compromise protection of ocean waters for beneficial uses, and, the public interest will be served." The exception request package was due by May 31, 2006. Statewide, 17 exception requests were submitted.

In the San Diego Region, two exception requests have been submitted. November 22, 2002, University of California Scripps Institution of Oceanography (Scripps) applied to the State Board for an exception to the Ocean Plan to discharge to an ASBS. On July 22, 2004, the SWRCB granted the exception under Resolution 2002-052 with the conditions that Scripps eliminate point source discharges to storm drains within two years, and that the university perform marine monitoring on the effects of storm water discharges. A science advisory Natural Water Quality Committee was formed of researchers, academics, and regulatory members, including Peter Michael representing the San Diego Region, to review the monitoring results for the Scripps ASBS and to determine whether natural water quality is being preserved. The University of California Scripps Institution of Oceanography is regulated under San Diego Regional Board Order R9 2005-0008.

On May 30, 2006, the City of San Diego (City) also requested an exception for discharges of storm water into the La Jolla (#29) ASBS. This application is under review by the SWRCB.

Special Protections

The SWRCB draft working report requires cessation of non-storm runoff, maintenance of beneficial uses through preservation of natural water quality beyond the surf line, and monitoring. The regional boards in consultation with the SWRCB Division of Water Quality will define natural water quality. Only

existing permitted outfalls can receive exceptions. New upstream non-point source discharges to streams tributary to ASBS are prohibited, except for emergency fire fighting and specified uses, such as foundation dewatering. Point source discharges are prohibited. According to the California Ocean Plan, runoff should be of a quality comparable to background levels as determined by the regional boards.

ASBS exception monitoring under Table B of the Ocean Plan includes water, sediment, and bioaccumulation sampling in coastal areas. Discharges near public beaches would also require microbiological monitoring. Lists of animal test species are provided along with acceptable USEPA analytical methods. For non-microbiological sampling natural water quality will be defined in relation to the sampling results of reference stations. For microbiological sampling, the California Ocean Plan standards apply. Monitoring will be compatible with the SWRCB Surface Water Ambient Monitoring Program (SWAMP).

The draft working document emphasizes the need to use multiple lines of evidence to determine compliance with the Ocean Plan. Evidence of compliance may include microbiology, chemistry, toxicity, benthic (bottom) community structure, and bioaccumulation in animal tissues. Because required sampling immediately beyond the surf zone could be hazardous, a regional board may allow sampling to be postponed until calmer and safer conditions prevail.

Schedule

Within two years of the effective date of the Special Protections, unauthorized non-storm runoff must be eliminated. Starting within one year of the effective date of the Special Protections, discharges in storm runoff in excess of California Ocean Plan Table B must reflect a 25 percent reduction in pollutant concentration and a 25 percent reduction in each subsequent year, until natural water quality is achieved. Natural water quality, as determined by reference station data, must be achieved within five years after the Special Protections become effective.

Implementation

The means for achieving natural water quality will be described in Storm Water Management Plans (SWMP) and Storm Water Pollution Prevention Plans (SWPPP). Plans will contain maps, procedures, and schedules for installation and operation of best management practices. Multiple Separate Storm Sewer System (MS4) permit holders will work with small private landowners to achieve compliance. As violations of natural water quality are discovered, dischargers will notify regional boards within 30 days of receiving the results.

Grants

Two grants have been awarded to address discharges to San Diego region ASBSs. A proposal by the Regents of the University of California for \$499,874 for an Integrated Coastal Watershed Management Plan was funded by the

Proposition 50 Chapter 8 program. This project will develop a collaborative watershed approach to implement effective and efficient strategies to address non-point source pollution within the urban watershed tributary to the San Diego-La Jolla Ecological Reserve (#29) and San Diego Marine Life Refuge (#31) ASBS areas. The plan will address a watershed area encompassing areas of the San Diego community of La Jolla and the Scripps Institution of Oceanography.

The Regents of the University of California were also awarded funding through the Ocean Protection Project of the 2006 Consolidated Grants Program. The University of California San Diego, City of San Diego, and Coastkeeper are partnering in this multi-benefit program to implement Best Management Practices (BMPs) to control dry weather flows and reduce or eliminate pollutant sources that drain into both the San Diego Marine Life Refuge and the San Diego-La Jolla Ecological Reserve ASBSs. The BMPs included in the project incorporate pilot, demonstration, low-impact development, and numerous industry standard BMPs that are used in combination to demonstrate the type of activities that can be implemented to further the protection of State ASBSs and ocean resources. The BMPs include installation of dry-weather diversions, a sand filter, wash racks, trash enclosures, erosion control measures, seawater treatment system, and low-impact development throughout the coastal watershed. These BMPs will be incorporated in the SWMPs and SWPPPs discussed above.