

# San Diego Regional Water Quality Control Board



## Executive Officer's Report

March 16, 2007

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# SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

## EXECUTIVE OFFICER'S REPORT

March 16, 2007

### **PART A**

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

1. Agricultural Waivers Stakeholder Advisory Group *(Julie Chan)* *(Attachment A-1)*

The Agricultural Waivers Stakeholder Advisory Group (SAG), led by Wayne Chiu of the Water Quality Standards Unit, met again on March 6 at the San Diego County Farm Bureau Office in Escondido. Pete Peuron of the Central Watershed Unit, and Julie Chan of the Water Quality Standards Unit also participated. Potential waiver conditions were discussed, and the SAG provided insightful comments on a preliminary draft of the waivers. In a related article, renewal of the agricultural waivers and the SAG were discussed in the March 2007 edition of the San Diego County Farm Bureau News. The article is reproduced in attachment A-1.

2. County of San Diego SAM Forum Meeting *(Jody Ebsen)*

On February 28, 2007, the Regional Board staff participated in the "Site Assessment and Mitigation Program (SAM) Forum", hosted by the County of San Diego Department of Environmental Health (DEH) - Local Oversight Program. The County DEH SAM Forum meetings provide a semiannual venue for regular face-to-face interactions between the regulated community, the public, and the State/local regulatory agencies involved with mitigation and cleanup of leaking UST sites (<http://www.sdcounty.ca.gov/deh/lwq/sam/index.html>). The Regional Board staff invited the newly appointed Chief of the State Water Board Underground Cleanup Unit (Mr. George Lockwood) who spoke about changes at the State Water Board, and the Regional Board staff presented a regulatory update of the UST program. The SAM Forum attendees include representatives from the public, local environmental consulting firms, the military (Navy and Marine Corps), major oil companies (Chevron, Shell and BP-ARCO), and other private/institutional parties.

3. Orange County Storm Water Permit Workshop *(Jeremy Haas)*

On March 12, 2007 staff conducted a public workshop on Tentative Order No. R9-2007-0002, the Orange County Municipal Storm Water Permit. The workshop was held from 9:00am to 12:00pm in the City of Mission Viejo Council Chambers and was attended by approximately 61 members of the community. A representative from each of the thirteen south Orange County permittees attended the workshop. Board member David King was present along Executive Officer, John Robertus, and members of the Northern Watershed Unit. The purpose of the workshop was to inform the public of the tentative Order, clarify

misunderstandings about the Tentative Order, hear requests for changes to the current storm water permit (Order No. R9-2002-01), and hear comments and concerns from the public. The last 90 minutes of the workshop was a question and answer forum. Staff responses to the questions were intended to be informal, with the intent of ensuring that formal written and oral comments subsequently submitted on the tentative Order will be based on an improved understanding of the tentative requirements and supporting material.

Regional Board presentations included an overview of the process for reissuing the storm water permit, a discussion of the objectives of the tentative Order, and a discussion of significant changes in each section of the tentative Order. In addition to presentations by Board representatives (John Robertus, James Smith, and Jeremy Haas), the County of Orange delivered a 20 minute overview of the countywide storm water program and its objectives for the next permit term.

Approximately 15 attendees asked questions during the open forum. Topics were varied. Two issues receiving the most discussion were the appropriateness of placing BMPs within receiving waters and how to control effects of hydromodification. Other topics included how municipalities are expected to control runoff into their storm drain systems from other municipalities and Phase 2 NPDES Permittees, such as school districts. Some questions focused on specific tentative requirements regarding fiscal analyses, site-design best management practices, and criteria for street sweeping. Other speakers made general comments, such as whether the Board has the legal authority to issue the tentative requirements and how the public will be involved in the development of the Permittees' urban runoff programs.

At the workshop, the County of Orange also stated that it intends to seek an extension of the comment period beyond the April 11, 2007 Board hearing. The comment period has been open since February 9, 2007. Comments received by April 4, 2007 will be provided to the Board in advance of the April 11, 2007 Board hearing on the Tentative Order. Oral comments may also be made at the April 11, 2007 Board hearing.

Once the comment period is closed by the Board, staff will prepare responses to significant comments and prepare a final Tentative Order for Board adoption at a later public meeting. The issues raised at the workshop appear to be straightforward enough that the schedule to present a revised Permit to the Regional Board for adoption on June 13, 2007 remains reasonable.

#### 4. 34<sup>th</sup> Annual Pretreatment, Pollution Prevention, and Stormwater Conference and Exhibition (Charles Cheng, Melissa Valdovinos)

On February 26, 27, and 28, Charles Cheng and Melissa Valdovinos of the Watershed Branch attended the 34<sup>th</sup> Annual Pretreatment, Pollution Prevention, and Stormwater Conference hosted by the California Water Environmental

Association (CWEA) in Napa. The conference was organized into special sessions, workshops, and lunch programs with keynote speakers. The conference was attended by representatives from US EPA, CalEPA including State and Regional Water Boards, local agencies and water districts, as well as private consulting firms. The conference presented most recent research and development results and updated regulations on pollution prevention, pretreatment, and storm water programs. Keynote speakers included Tam Doduc, Chairwoman of the State Water Resources Control Board, and Alexis Strauss of US EPA Region 9, who provided insights to the priorities and perspectives of their agencies in the coming years.

The Regional Board Core Regulatory Units will apply the information obtained at the workshop in assisting the regulated community to comply with the pretreatment, NPDES and WDR program requirements. The information will also assist the Regional Board in its assessment of local programs for addressing fats, oils and grease problems in their sewage collection systems and addressing water quality issues related to plastics, mercury, copper and emerging chemicals in their waste discharges.

#### 5. Storm Water--Coordination Meetings *(Michael McCann)*

At the February 14, 2007 Regional Board meeting, Board member Susan Ritschel requested information on the extent of coordination on storm water issues between the Board's storm water staff and the regulated community.

Statewide coordination on regulatory issues within the State and Regional Boards begins with the Urban Runoff Task Force meetings attended by representatives of all 9 regions and the State Board. These meetings occur monthly and, on a quarterly schedule, are coordinated to coincide with the meetings of the California Storm Water Quality Association (CASQA), a technical organization representing public agencies and companies that are regulated under either the municipal, industrial, or construction storm water permits. Our agency representatives are able to meet routinely with CASQA members on a wide variety of storm water issues.

At the regional level, our agency storm water staff are closely engaged with the municipal permit copermittees in all three of the region's counties. The copermittees in San Diego, Orange, and Riverside counties meet either monthly or bimonthly in addition to numerous meetings of workgroups established by watershed areas, specific storm water issues, or to address specific sections of the municipal storm water permits.

Storm water staff try to attend as many of these meetings as possible and will attend a specific meeting when requested to do so to address particular regulatory issues. Storm water staff also attend special meetings, storm water conferences, and joint training sessions that provide opportunities to discuss storm water issues with the regulated community.

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

1. Sanitary Sewer Overflows (SSO) – February 2007 (*Eric Becker, Charles Cheng, Joann Cofrancesco, Michelle Mata, Olufisayo Osibodu, Melissa Valdovinos*) (*Attachment B-1*) From February 1 to February 28, 2007, there were 38 sanitary sewer overflows (SSOs) in the San Diego Region, including 4 spills of 1,000 gallons or more, reported on-line pursuant to the requirements of State Board Order No. 2006-003-DWQ (General Statewide Waste Discharge Requirements for Collection Agencies). Seventeen of the 38 SSOs were releases from publicly-owned collection systems, 6 of which reached surface waters, drainage ditches, or storm drains. One 88,000 gallon SSO into San Onofre Creek at USMC Base, Camp Pendleton resulted in the closure of recreational waters. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of February 2007 was 103,905 gallons.

There were also 21 sewage overflows from private property reported in February 2007. Ten of these spills reached surface waters, drainage ditches, or storm drains. One 194 gallon private SSO into La Jolla Cove resulted in closure of recreational waters. The combined total volume of reported private property SSOs for the month of February 2007 was 3,889 gallons.

During February 2007, 1.12 inches of rainfall was recorded at San Diego's Lindbergh Field. For comparison, in January 2007, 0.51 inches of rainfall was recorded at Lindbergh Field, and 31 SSOs were reported. Also for comparison, in February 2006, 1.11 inches of rainfall was recorded at Lindbergh Field, and 27 SSOs were reported.

Attached is a table titled "Sanitary Sewer Overflow Statistics", updated through February 28, 2007, which contains a summary of all SSOs by fiscal year (FY) from each agency since FY 2002-2003.

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

No Notices of Violation (NOVs) for SSOs were issued in February 2007.

Beginning in January 2007, the SSO EO reports include data entered in the statewide on-line SSO reporting part of the California Integrated Water Quality System (CIWQS).

Additional information about the Regional Board's SSO regulatory program is available at the Regional Board's web site at <http://www.waterboards.ca.gov/sandiego/programs/ss0.html>.

## 2. Clean Water Act Section 401 Water Quality Certification Actions Taken in February 2007 *(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 February. 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)*

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

The State Water Board adopted the IRWM Implementation Grant Funding List at its January 18, 2007 Board meeting. The adopted funding list awarded \$25 million each to Humboldt County, the Watershed Coalition of Ventura County, and County of Orange. The State Water Board also concurred with the Department of Water Resources' (DWR) IRWM Implementation Grant Funding List that awarded \$25 million each to San Luis and Delta Mendota Water Authority, Sacramento Regional Water Authority, Pajaro Valley Water Management Agency, and the Los Angeles Flood Control District. Additional information about the awarded grants and proposal evaluations is available at the State Water Board IRWM web site:

<http://www.waterboards.ca.gov/funding/irwmgp/index.html>

The State Water Board and DWR Director directed that the agencies consider funding nine IRWM Step 2 proposals not included in the funding recommendation in the next cycle of Proposition 50 IRWM funding rather than undertake a second competitive review process. This approach is contrary to that described in the Proposition 50 Guidelines adopted in November 2004. The State Water Board and DWR developed a new funding recommendation list that considered the North-South split funding requirements mandated in Prop. 50, the recent passage of Proposition 84, and the State Water Board's mandate to fund at least one Integrated Coastal Watershed Management Plan. Scoping meetings were held to present the recommendations and accept public comments on January 23, 2007 in Sacramento, and January 31, 2007 in Los Angeles. The State Water Board accepted public comment recommendations at its February 20, 2007 Board meeting, but did not take an action. The adoption of the Additional IRWM Grant Funding List will be considered at the March 20, 2007 Board meeting: <http://www.waterboards.ca.gov/agendas/2007/>

#### **Small Community Wastewater Grants (SCWG)**

The SWRCB is amending the Competitive Project List (CPL) to facilitate timely expenditure of grant funds. A total of \$29,942,971 has been encumbered for local assistance. A total of \$20,000,000 remains available from Propositions 40 and 50 to projects on the approved portion of the CPL, on a first-come, first-served basis. The deadline to submit an application has been extended through April 2007. More information on the SCWG can be found at <http://www.waterboards.ca.gov/cwphome/scwg/index.html>

#### **Clean Beaches Initiative (CBI) Grant Program**

The Proposition 50 CBI solicitation closed on January 31, 2007. The State Water Board received 39 Concept Proposals, totaling \$53.4 million. The Clean Beaches Task Force met on February 26-27, 2007 to rank the proposals and develop the Recommended Project List (RPL). The State Water Board will consider the RPL at their April 18, 2007 meeting. The State Water Board anticipates posting the draft RPL on the Clean Beaches web site, <http://www.waterboards.ca.gov/cwphome/beaches/index.html>, by Friday, March 16, 2007.

#### **California Financing Coordinating Committee (CFCC)**

The CFCC consists of six state and federal agencies that work together to offer coordinated and streamlined access to infrastructure financing for California's communities. The CFCC holds several Funding Fairs throughout California to provide local entities access to multiple infrastructure funding sources in one location and the opportunity to speak with a variety of funding agencies at one time. The next Funding Fair is scheduled for April 5, 2007, in Anderson, California. Additional Funding Fairs will be held on April 18th in Bakersfield, May 8th in Coachella, May 10th in San Diego, and May 23rd in Santa Rosa. More



information regarding the CFCC can be found on their website at [www.cfcc.ca.gov](http://www.cfcc.ca.gov).

4. Significant Enforcement Actions for February 2007 (Mark Alpert) (Attachment B-4)  
The following is a summary of all enforcement actions during the month of February 2007. During the period the Regional Board initiated 16 enforcement actions (9 Staff Enforcement Letters, 6 Notice of Violations, and 1 Complaint for Administrative Civil Liability).

A detailed listing of the most significant enforcement actions undertaken by the Regional Board during the period is attached. Information on sewage spills is provided in a separate discussion topic entitled "Sewage Spills".

AGENCY/ FACILITY NAME	CITY	PROGRAM <sup>1</sup>	ACTION DATE
<b>Staff Enforcement Letter</b>			
Pauma Valley Community Services District, Pauma Valley Treatment Plant	Pauma Valley	NON15	2/02/2007
City of Oceanside, Buena Vista Pump Station	Oceanside	NPDES	2/21/2007
LS Power, South Bay Power Plant	Chula Vista	NPDES	2/22/2007
USMC Camp Pendleton Plant #2, San Luis Rey	Camp Pendleton	NON15	2/21/2007
USMC Camp Pendleton Plant No.1 Headquarters	Camp Pendleton	NON15	2/21/2007
Ramona Water District, San Vicente Treatment Plant	Ramona	NON15	2/23/2007
City of Escondido, Industrial Brine Collection System	Escondido	NPDES	2/26/2007
County of San Diego, Pine Valley Water Pollution Facility	Pine Valley	NON15	2/27/2007
All Seasons LLC, All Seasons RV Park	Escondido	NON15	2/28/2007

<b>AGENCY/ FACILITY NAME</b>	<b>CITY</b>	<b>PROGRAM<sup>1</sup></b>	<b>ACTION DATE</b>
<b>Notice of Violation</b>			
Mr. Jalla Gamboa, Metro Steel	La Mesa	INDSTW	2/1/2007
Mr. Jorge Aragon, Unique Fabrication Installation	La Mesa	INDSTW	2/1/2007
Mr. Raul Qunitero, San Diego Custom Stone	La Mesa	INDSTW	2/1/2007
Mr. and Mrs. Yaddgo, One Stop Auto Shop	Santee	Tanks	2/7/2007
Mr. and Mrs. Morretti, Former Santa Ysabel Chevron Station 78 Hwy	Santa Ysabel	Tanks	2/7/2007
Terra VAC, Fogerty Street Dewatering Project	San Diego	NPDES	2/27/2007

<b>Administrative Civil Liability Complaints</b>			
South Orange County Wastewater Authority, San Juan Creek Ocean Outfall	Dana Point	NPDES	2/9/2007

Program Acronyms<sup>1</sup>

CER	401 Water Quality Certification
CONSTW	Construction Storm Water
INDSTW	Industrial Storm Water
LNDISP	Land Discharge
MNSTW	Municipal Storm Water
NPDES	National Discharge Elimination System
NON15	Waste Discharge Requirements
SLIC	Spills, Leaks, Investigations, and Cleanup
TANKS	Underground Storage Tank

5. Status of Complaints for Assessment of Civil Liability Issued by the Executive Officer (Mark Alpert)

**\$120,000 ACL Complaint R9-2007-2007-0014 issued to the San Diego County Water Authority, San Vicente Pipeline Dewatering Project**

On January 22, 2007, the Regional Board Executive Officer issued Administrative Civil Liability Complaint No. R9-2007-0014 recommending a \$120,000 assessment of civil liability against the San Diego County Water Authority (Water Authority) for violations of effluent limitations contained in Order No. 2001-96, NPDES No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay. The Complaint alleges that the Water Authority exceeded effluent limitations for total suspended solids on forty three occasions between December 2005 and November 2006.

In response to the Complaint, on February 21, 2007, Ken Weinberg, Director of Water Resources, requested to delay the public hearing to allow the Water Authority additional time to prepare a defense to the allegations cited in the Complaint. The public hearing has been scheduled for the June 13, 2007 Regional Board meeting.

**\$27,000 ACL Complaint R9-2007-0019 Issued to Terra Vac, Body Beautiful Car Wash Remediation Dewatering Project, 2945 Pacific Hwy., San Diego**

On January 25, 2007, the Regional Board Executive Officer issued Administrative Civil Liability Complaint No. R9-2007-0019 recommending a \$27,000 assessment of civil liability against Terra Vac for violations of effluent limitations contained in Order No. 2000-90, NPDES No. CAG919001, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto. The Complaint alleges that Terra Vac exceeded effluent limitations for total suspended solids, tributyltin, and nickel on twelve occasions between October 2005 and November 2006.

On February 23, 2007, James Malot of Terra Vac requested to delay the public hearing to allow Terra Vac additional time to prepare a defense to the allegations cited in the Complaint. The public hearing has been scheduled for the June 13, 2007 Regional Board meeting.

**\$36,000 ACL Complaint R9-2007-0035 Issued to South Orange County Wastewater Authority (SOCWA), San Juan Creek Ocean Outfall**

On February 9, 2007, the Regional Board Executive Officer issued Administrative Civil Liability Complaint No. R9-2007-0035 recommending a \$36,000 assessment of civil liability against SOCWA for violations of effluent limitations contained in Order No. R9-2000-0013, NPDES No. CA0107417, Waste Discharge Requirements for the South Orange County Wastewater Authority, Orange County, Discharge to the Pacific Ocean through the South

Orange County Wastewater Authority San Juan Creek Ocean Outfall, Orange County. The Complaint alleges that SOCWA exceeded the daily maximum and 7-day average effluent limitations for settleable solids on 10 occasions between May 25 and June 11, 2006 and the monthly average effluent limitation for TCDD (dioxin) on May 1 and 2, 2006.

On March 9, 2007, Tom Rosales, General Manager of SOCWA submitted a settlement offer, consisting of a signed waiver of the right to a public hearing and \$10,500 check in partial payment of the ACL amount. SOCWA also requested the remaining \$25,500, portion of the ACL be used to pay for a yet to be identified Supplemental Environmental Project (SEP). It is anticipated that SOCWA will submit for one or more SEPs proposals for Regional Board consideration. SEP proposals and SOCWA's waiver of public hearing will be considered at the May 9, 2007 Board meeting.

According to Water Code Section 13385 (l) (1), in lieu of assessing the mandatory penalty, the Regional Board may, with the concurrence of the discharger, direct a portion of the mandatory penalty amount to be expended on a SEP meeting the criteria established in the State Board's Enforcement policy. The amount that may be directed to a SEP may not exceed \$15,000 plus 50 percent of the penalty amount that exceeds \$15,000.

**\$140,500 ACL Complaint No. R9-2005-0176 Issued to Dakota Ranch Development Co., LLC, for the Dakota Ranch Subdivision, Santee, CA**

On May 27, 2005, the Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R9-2005-0176 in the amount of \$140,500 to Dakota Ranch Development Co., LLC for alleged violation of the federal Clean Water Act Section 401 Water Quality Certification issued January 30, 2003, for the Dakota Ranch Subdivision, Santee, California. The ACL hearing for this matter has been postponed a number of times to allow Dakota Ranch to obtain a conservation easement and grading permit from the City of Santee, and then to complete the required mitigation/conservation work. Dakota Ranch estimates that the mitigation work can be completed within 30 days, of issuance of the conservation easement and grading permit. A hearing will be scheduled once the mitigation/conservation work is completed.

**6. Sawday Truck Trail Erosion Complaint by Mr. Steve Grassilli (Ben Neill)  
(Attachment B-6)**

During the public forum of the February 14, 2007 Regional Board meeting, Mr. Steve Grassilli expressed concern about erosion on his neighbor's easement road and his dissatisfaction with the Executive Officer's decision not to pursue enforcement action in the matter. At that board meeting the Board agreed to provide Mr. Grassilli with a letter further explaining the Board's position and response on the subject complaint. On March 9, 2007, the Executive Officer sent Mr. Grassilli the attached letter further explaining our position and response to his complaint.

Mr. Grassilli has been concerned about erosion from his neighbor's easement road causing sediment deposition in an unnamed creek on his property. Staff's investigation concluded that the conditions on Mr. Grassilli's property are not uncommon and are frequently found in rural areas of the County. Mr. Grassilli's neighbor has taken steps to address the erosion on his easement road. At this time, no further action in this matter is recommended.

7. Status of Proposed Concrete Batch Plant in Oceanside (*Chiara Clemente*)

At the January 24, 2007 Regional Board meeting, during the public forum, Ms. Nadine Scott expressed concern for the condition of Loma Alta Creek in Oceanside and the proposed development of the Robertson Ready Mix concrete batching facility, along Loma Alta Creek. Ms. Scott submitted two letters (attached), one from her, and another on behalf of Ms. Shari Mackin, and requested modification of regulatory language used by the Regional Board in a letter to her dated November 3, 2007, which she understood to be a standard letter. The Regional Board responded to Ms. Scott and Ms. Mackin with a letter dated March 9, 2007 (also attached).

Specifically, the objections were concerning the statement that "*The Regional Board has concluded that compliance by Robertson's with State and City of Oceanside requirements will mitigate potential impacts to water quality from the project*". The Regional Board's March 9, 2007 attempted to clarify that if Robertson's Ready Mix complies with all water quality requirements, then the Regional Board anticipates no impacts to water quality from the facility. The response letter also clarified that the November 3, 2006 letter was not a form letter. Therefore, the specific wording in question would not likely be used again.

In February, Robertson's Ready Mix withdrew their application for the proposed concrete batching plant before the City of Oceanside. Ms. Christine Goeyvaerts of Robertson's Ready Mix explained that the project was withdrawn in order to provide for CEQA public review, most likely through a "Mitigated Negative Declaration". The Regional Board invited Robertson's Ready Mix to discuss the details of any future plans prior to their application for Regional Board permits.

8. Basin Plan Amendment-Unnamed Water Bodies and Corrections (*Linda Pardy*)

The Office of Administrative Law (OAL) approved an amendment to the Basin Plan that adds unnamed or unidentified water bodies to the beneficial use tables and makes water quality objective table corrections. This amendment makes the Basin Plan consistent with new information, and current with laws and regulations adopted since 1994. This amendment, which addressed Triennial Review issue No. 3, was approved by the OAL on January 4, 2007, and was sent by the State Water Board to the USEPA for approval on January 24, 2007. The USEPA must notify the state within 60 days if the amendment is approved, or within 90 days if the amendment is disapproved. The disapproval must provide an explanation of why the amendment was disapproved and what changes are needed to make the action approvable.

9. FY 2007 – 2008 State Revolving Fund Priority List (*Melissa Valdovinos*)

The State Water Resources Control Board (SWRCB) manages and implements the State Revolving Fund (SRF) as one of its principal financial assistance programs. The SRF program provides low interest loans to public agencies to address water quality problems associated with discharges of wastewater and water reclamation facilities, as well as for non-point source discharges and for estuary enhancement.

Because the number of applicants and requested loan amounts exceed the loan funds available, the SWRCB maintains a SRF Loan Program Priority List from which prioritized projects are chosen for funding. Each year, the SWRCB proposes a preliminary Priority List of eligible projects and requests input from Regional Boards, public agencies, and other interested parties. An updated Priority List, from which projects are chosen for funding in the following fiscal year, is usually adopted by the SWRCB in June.

The SWRCB Division of Financial Assistance sent a letter to the Regional Boards on January 25, 2007 requesting the Regional Boards provide input on the proposed State Fiscal Year (SFY) 2007-2008 SRF Loan Program Priority List in accordance with Chapter IV.A of the Policy for Implementing the State Revolving Fund. In March, the San Diego Regional Board will notify approximately 40 agencies and organizations within the region that the SWRCB will continue to fund applicable projects in all priority classes during SFY 2007-2008. The Regional Board will request that the agencies submit information on new projects to add to the Priority List and to provide an update on their existing projects on the Priority List.

Additional information concerning the state revolving fund priority list can be accessed on the SWRCB website: <http://www.swrcb.ca.gov/funding/srf.html>

10. Bradley Park/Old Linda Vista Landfill (*Amy Grove and John Odermatt*)

The Regional Board was provided with background information on this facility in Executive Officer Reports for August 2006 and January 2007 (available on-line at [http://www.waterboards.ca.gov/sandiego/eo\\_report/eoreport.html](http://www.waterboards.ca.gov/sandiego/eo_report/eoreport.html)). Additional information for the public can also be found, under the heading of "Landfills in the News", on Regional Board web page at <http://www.waterboards.ca.gov/sandiego/units/ldu/ldu.html> and in the Geotracker database at [http://www.geotracker.waterboards.ca.gov/reports/luft.asp?global\\_id=L10006943141&assigned\\_name=LANDFILL](http://www.geotracker.waterboards.ca.gov/reports/luft.asp?global_id=L10006943141&assigned_name=LANDFILL).

Legal briefs and other information were submitted by the two entities, between November 2006 and January 2007, in the appeal of Water Quality Investigative Order R9-2006-0044. The Regional Board staff has discussed issues pertaining to the legal briefs with the Regional Board legal counsel. Because of the high level of community interest in this topic, the legal briefs from both parties were

posted on the Regional Board web page at:

<http://www.waterboards.ca.gov/sandiego/units/ldu/bradley.html> .

On February 9, 2007 the Regional Board staff attended an informal workshop with the County of San Diego Department of Public Works (DPW), the City of San Marcos (the Discharger), and their respective attorneys concerning the issuance of Investigative Order R9-2006-0044. The Discharger has requested that this item be scheduled for a hearing before the Regional Board.

The Regional Board Land Discharge and Watershed Unit staffs are coordinating their regulatory efforts to address water quality related issues at this site. The Regional Board staff plans to respond to letters received from the Discharger concerning Water Quality Investigation Order R9-2006-0044 and 401 water quality certification issues at the site. The staff continues to prepare an agenda item, including a technical staff report addressing relevant site-specific water quality issues and recommendations for consideration by the Regional Board. The Regional Board staff hopes to schedule an agenda item before the Regional Board at a meeting later this spring.

11. U.S. Marine Corps: Las Pulgas Landfill (*Amy Grove and John Odermatt*)

On January 27, 2006 the Regional Board issued Cleanup and Abatement Order (CAO) No. R9-2006-0016 to the United States Marine Corps (the Discharger) for issues associated with the failed liner system in the Phase 1 expansion area ("Unit") at the Las Pulgas Landfill. The CAO required the Discharger to submit a Corrective Action Plan (CAP) to the Regional Board by December 31, 2006. On December 26, 2006 the Discharger submitted the required CAP for review and comment. General information pertaining to the CAO and enforcement actions at the Las Pulgas Landfill is available on the Regional Board web page at: [http://www.waterboards.ca.gov/sandiego/units/ldu/las\\_pulgas.html](http://www.waterboards.ca.gov/sandiego/units/ldu/las_pulgas.html).

By letter dated February 23, 2007 the Regional Board informed the Discharger that the CAP fails to comply with the minimum requirements of CAO Directives for implementation of an alternative remedial action. The Regional Board comment letter was posted on the Las Pulgas web page (see above URL), and prompted press coverage of the Regional Board response in the Union Tribune ([http://www.signonsandiego.com/uniontrib/20070228/news\\_1mi28pulgas.html](http://www.signonsandiego.com/uniontrib/20070228/news_1mi28pulgas.html)) and North County Times (at: [http://www.nctimes.com/articles/2007/03/01/news/sandiego/13\\_36\\_082\\_28\\_07.txt](http://www.nctimes.com/articles/2007/03/01/news/sandiego/13_36_082_28_07.txt)).

The Regional Board is developing an amendment to the CAO that would remove the alternative remedial action option from the Order and require the Discharger to submit a replacement CAP to implement either corrective construction or clean closure of the Unit.

The staff plans to schedule an agenda item for the Regional Board to consider revisions to current waste discharge requirements for the Las Pulgas Landfill (tentative Addendum 1 to Order 2000-54). If adopted by the Regional Board, the addendum would modify composite liner requirements for future construction at the site. The Regional Board published public notices in the "Notifications" section of the April 11, 2007 Board Meeting Agenda, the San Diego Union Tribune, and North County Times indicating that an agenda item would be scheduled for May 2007.

On March 14, 2007, the Regional Board staff met with representatives from the State Water Board, USMC and U.S. Navy. The primary objective of the meeting was to discuss and clarify the Regional Board's written comments on the CAP; but the group also discussed the anticipated requirements of the addendum to the CAO and the Regional Board's intent to amend the composite liner requirements in the WDRs (Order 2000-54) for the Las Pulgas Landfill.

**12. Agency Coordination: Orange County IWMD (Amy Grove and John Odermatt)**

On February 7, 2007 the Regional Board met with representatives of Orange County Industrial Waste Management Department (IWMD) to discuss compliance and development issues at the Prima Deshecha Landfill. The County of Orange Integrated Waste Management Department (IWMD) led the discussion of their plans to complete the development of the remaining three phases of Zone 1 at the Prima Deshecha Landfill. The IWMD also updated the Regional Board on their plans for future development of Zone 4, which they currently anticipate will begin construction in 2015. Expansion of waste management operations at the Prima Deshecha Landfill faces many geotechnical and slope stability challenges as the facility is located in an area plagued by landslides. The group discussed ongoing compliance issues associated with the development of the remaining phases of Zone 1, updates to the future Report of Waste Discharge (ROWD)/Joint Technical Document (JTD), and future revisions to the existing waste discharge requirements (Order R9-2003-0306 available on-line at : <http://www.waterboards.ca.gov/sandiego/orders/orders-03.html> ) that will be necessary in preparation for construction work in Zone 4 at for the Prima Deshecha Landfill.

## **PART C**

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

**1. State Water Board requests approval from US EPA of Lengthy TMDL**

**Compliance Schedules** (Julie Chan)

The State Water Board has begun requesting approval from the US EPA of TMDL compliance schedules when 1) the TMDLs have wasteload allocations to point source discharges, and 2) the TMDL compliance schedule is longer than the compliance schedules authorized in the Regional Water Board's Basin Plans. The State Water Board is requesting US EPA approval of the compliance



schedules pursuant to Clean Water Act section 303(c). Requests for approval are made to the USEPA Office of Water Quality Standards, after the TMDL Basin Plan amendment has been approved by the Office of Administrative Law (OAL).

The San Diego Water Board adopted a Basin Plan amendment authorizing "compliance time schedules" in NPDES requirements in 2005. At present, this amendment is being reviewed by the OAL. The OAL should complete its review within 30 days. The compliance time schedule authorized in the Basin Plan amendment is 5 years, with one possible 5 year extension.

This means that any TMDL compliance schedule greater than 5 years, with one 5 year extension, must be approved by the US EPA (assuming that the OAL approves the pending compliance time schedule amendment). Thus, both the Chollas Creek Metals, and Bacteria Project I – Beaches and Creeks TMDL compliance schedules must get US EPA approval, as both schedules exceed 10 years. Approval may be needed for the 17-year compliance schedule in the already approved Shelter Island Yacht Basin dissolved copper TMDL if the San Diego Water Board chooses to regulate boat hull copper dischargers through NPDES requirements. Likewise, the 16-year compliance schedule in the Rainbow Creek nutrients TMDLs will need approval because the TMDL includes wasteload allocations to discharges from roadways and any other municipal separate storm sewer systems in the watershed. The Chollas Creek diazinon TMDL compliance schedule is 7 years, so US EPA approval is not required.

## 2. U.S. EPA Comments on Geotracker Database (John Odermatt) (Attachment C-2)

On January 23, 2007, the Regional Board received a copy of a letter (see attachment C-2 for this item) sent by the U.S. Environmental Protection Agency (U.S. EPA) to the State Water Resources Control Board regarding their concerns with the accuracy and completeness of statewide leaking underground storage tank (LUST) information included in the on-line Geotracker database. Since 2001, regulatory mandates have been in place for electronic reporting of information by Dischargers for LUST sites.

Local Oversight Program (LOP) agencies, under contract with the State Water Board, are also responsible for regulatory oversight of LUST cases located in the San Diego Region. According to the Geotracker database open LUST cases are currently distributed to the regulatory agencies in the San Diego Region, as follows:

Agency	Total Open LUST Cases
Regional Board lead	83
San Diego County LOP lead	859
Riverside County LOP lead	150
Orange County LOP lead	423

It is clear that the LOP agencies oversee the majority of all the open LUST cases in San Diego, Orange and Riverside Counties. LOP cases account for over 90% of the open LUST cases in San Diego County. To effectively address the U.S. EPA's concerns with data quality and completeness, it is important for the LOP agencies to ensure the accuracy and integrity of LUST data for their assigned cases. It is important to note that the LOP agencies are under contract with the State Water Board to oversee corrective actions and ensure compliance with electronic reporting requirements for many LUST sites across the state. The Regional Board is not contractually responsible for ensuring that LOP agencies execute all the required tasks included in their LOP Contracts.

Between May 2005 and January 2007, the San Diego Regional Board UST Program staff has taken a number of steps to improve the accuracy and completeness of data, reported by both Regional Board and LOP agency cases, in the Geotracker database. To date, these steps include:

- Issued Order R9-2005-0157 to all the existing Local Oversight Program (LOP) agencies in the San Diego Region. An important provision of Order R9-2005-0157 requires the LOP agencies to ensure that Responsible Parties (Dischargers) fully comply with applicable electronic reporting requirements (in CCR Title 23, section 3890 *et seq.*), prior to submitting LOP closure summaries for review by the San Diego Regional Board staff.
- Issued General Investigative Order Nos. R9-2005-0178 and R9-2005-0214, for Regional Board lead cases, requiring that Dischargers comply with the electronic reporting requirements of CCR Title 23, section 3890 *et seq.*
- Amended six existing cleanup and abatement Orders to require Discharger compliance with applicable electronic reporting requirements in CCR Title 23, section 3890 *et seq.*
- Issued new investigative Orders (e.g., R9-2007-0016, R9-2006-0140, and R9-2006-0030) to Responsible Parties for former County LOP cases transferred to the Regional Board.

The Orders cited above are available from the Geotracker database (available at <http://www.geotracker.waterboards.ca.gov/>) and under Adopted Orders on the Regional Board homepage (at <http://www.waterboards.ca.gov/sandiego/orders/orders.html>). The Regional Board staff will continue to update regulatory information in Geotracker and ensure compliance with electronic reporting by Dischargers in the San Diego Region.

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

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

**March 16, 2007**

**APPENDED TO EXECUTIVE OFFICER REPORT**

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

DATE OF REPORT	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
<b>March 16, 2007</b>	<b>APRIL 11, 2007 RB MEETING</b> City of Mission Viejo, Orange County									
	ORANGE COUNTY MUNICIPAL STORMWATER PERMIT	Hearing: NPDES Permit Reissuance	100%	100%	100%	0%	April 11, 2007	No		Smith
	OTAY WATER DISTRICT-R.W. CHAPMAN RECLAMATION FACILITY SAN DIEGO COUNTY	WDRs Update w/ Master Recl Req'ts	100%	100%	100%	0%	April 11, 2007	Yes	Also Master Reclamation Requirement Update	Valdovinos
	VALLECITO MUN. WATER DISTRICT MEADOWLARK FACILITY SAN DIEGO COUNTY	WDR Update	100%	100%	100%	0%	April 11, 2007	Yes		Becker
	RECISSION OF WASTE DISCHARGE REQUIREMENTS	Recission of WDRs	NA	NA	100%	0%	April 11, 2007	Yes		Becker
	<b>APRIL 25, 2007 RB MEETING</b> San Diego Regional Board Office									
	CHOLLAS CREEK HEAVY METALS TOTAL MAXIMUM DAILY LOAD SAN DIEGO COUNTY	TMDL	NA	NA	100%	20%	April 25, 2007	No	TMDL Workplan FY06-07; Possible adoption on 4/25/07	Tobler
	REGIONWIDE BACTERIA TOTAL MAXIMUM DAILY LOAD	TMDL	NA	NA	100%	20%	April 25, 2007	No	TMDL Workplan FY 2005-06	Arias
	OAK TREE RANCH INC. WASTEWATER AND DISPOSAL FACILITY SAN DIEGO COUNTY	WDRs Update	90%	90%	90%	0%	April 25, 2007	Yes		Malta
	<b>MAY 9, 2007 RB MEETING</b> San Diego Regional Board Office									
	WATERBOARD'S STRATEGIC PLAN UPDATE WORKSHOP	Workshop	NA	NA	0%	0%	May 9, 2007	No		Robertus
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR SAN DIEGO BAY	NPDES Permit Reissuance	NA	100%	80%	0%	May 9, 2007	No	NPDES Workplan FY 2004-05	Alpert
	HUBBS RESEARCH AGUA HEDIONDA LAGOON SAN DIEGO COUNTY	NPDES Permit Reissuance	100%	100%	100%	0%	May 9, 2007	No	NPDES WORKPLAN FY 2006-07	Becker
	HUBBS RESEARCH AGUA HEDIONDA LAGOON COMPLIANCE TIMESCHEDULE	Hearing: Cease Desist Order	NA	100%	100%	0%	May 9, 2007	No		Becker
	SO ORANGE CO. WASTEWATER AUTHORITY SAN JUAN CREEK OCEAN OUTFALL	Hearing: Mandatory Minimum Penalty	NA	NA	100%	0%	May 9, 2007	No	Mandatory Minimum Penalty \$36,000	Alpert
	US MARINE CORPS CAMP PENDLETON LAS PULGAS LANDFILL	WDR Update	NA	50%	30%	0%	May 9, 2007	Yes		Grove
	FRANK J. KONYN DAIRY SAN PASQUAL VALLEY SAN DIEGO COUNTY	NPDES Permit Reissuance	80%	90%	0%	0%	May 9, 2007	Yes	NPDES Workplan FY 2005-06	Valdovinos
	T.D. DAIRY (VAN TOL DAIRY) RAMONA SAN DIEGO COUNTY	NPDES Permit	0%	90%	0%	0%	May 9, 2007	Yes	NPDES Workplan FY 2005-06	Valdovinos

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

DATE OF REPORT	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish/RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
<b>March 16, 2007</b>										
<b>JUNE 13, 2007 RB MEETING</b>										
	San Diego Regional Board Office									
	ORANGE COUNTY MUNICIPAL STORMWATER PERMIT	Adoption: NPDES Permit Reissuance	100%	80%	80%	0%	June 13, 2007	No	NPDES WORKPLAN FY 2006-07	Smith
	CHOLLAS CREEK HEAVY METALS TOTAL MAXIMUM DAILY LOAD SAN DIEGO COUNTY	Adoption TMDL	NA	NA	100%	0%	June 13, 2007	No	TMDL Workplan FY 2006-07	Tobler
	REGIONWIDE BACTERIA TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	100%	0%	June 13, 2007	No	TMDL Workplan FY 2005-06	Arias
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR REGION OTHER THAN SD BAY	NPDES Permit Reissuance	NA	100%	50%	0%	June 13, 2007	No	NPDES Workplan FY 2004-05	Alpert
	TERRA VAC REMEDIATION DEWATERING PROJECT AT 2945 PACIFIC HWY SAN DIEGO	Hearing: Mandatory Minimum Penalty	NA	NA	100%	0%	June 13, 2007	No	Mandatory Minimum Penalty \$27,000	Alpert
<b>AUGUST 8, 2007 RB MEETING</b>										
	San Diego Regional Board Office									
	HYDROSTATIC TEST WATER/POTABLE WATER DISCHARGES GENERAL PERMIT	NPDES Permit Reissuance	NA	90%	0%	0%	August 8, 2007	No	NPDES Workplan 2007-08	Morris
	S & S FARMS LIVESTOCK RAISING FACILITY RAMONA SAN DIEGO COUNTY	NPDES Permit Reissuance	0%	90%	0%	0%	August 8, 2007	No	NPDES Workplan 2007-08	Kelley
	DAKOTA RANCH DEVELOPMENT CO. 401 W. Q. CERTIFICATION SAN DIEGO COUNTY	Hearing: Admn. Civil liability	100%	NA	100%	0%	August 8, 2007	No	ACL COMPLAINT \$140,500	Meibourm
<b>SEPTEMBER 12, 2007 RB MEETING</b>										
	San Diego Regional Board Office									
	US NAVY BASE YARD PT. LOMA INDUSTRIAL STORMWATER SAN DIEGO BAY	NPDES Permit Reissuance	0%	50%	0%	0%	September 12, 2007	No	NPDES Workplan 2007-08	Kelley
<b>OCTOBER 10, 2007 RB MEETING</b>										
	Rancho California Water District, Temecula									
	OCEAN DISCHARGER RECEIVING WATER MONITORING PROGRAM UPDATES	NPDES Permits Revisions	NA	0%	0%	0%	October 10, 2007	No		Kelley
<b>NOVEMBER 14, 2007 RB MEETING</b>										
	San Diego Regional Board Office									
	CONTINENTAL MARITIME OF SAN DIEGO SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	0%	0%	0%	0%	November 14, 2007	No	NPDES Workplan 2007-08	Kelley

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

DATE OF REPORT March 16, 2007	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
	BAE SYSTEMS SAN DIEGO SHIP REPAIR SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	0%	0%	0%		November 14, 2007	No	NPDES Workplan 2007-08	Kelley
	US NAVY BASE SAN DIEGO INDUSTRIAL STORMWATER SAN DIEGO BAY	NPDES Permit Reissuance	0%	0%	0%		November 14, 2007	No	NPDES Workplan 2007-08	Kelley
	<b>PENDING / UNSCHEDULED ACTIONS</b>									
	PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	Hearing: New WDRs	100%	85%	85%	0%		No		Tamaki
	SO. ORANGE CO. WASTEWATER AUTHORITY ALISO CREEK DISCHARGE TO OCEAN OUTFALL	NPDES Permit Revision	80%	90%	50%	0%		No		Cofrancesco

## Lauren Davis joins Farm Bureau board of directors

*FB's water quality rep a member of Ag Waiver Stakeholders Advisory Group*

*by Nancy Walery*

When Lauren Davis joined Pardee Tree Nursery in 1991, he wasn't hired for his green thumb or any other nursery skills for that matter. Rather, it was Davis' 14 years as a residential general building contractor that convinced Hoyt Pardee that Davis' construction skills would be an asset to his nursery. Before moving to its present Bonsall location, the nursery staff had been studying the implementation of efficient water runoff and containment systems, then unknown concepts far ahead of their time for 1991.

Today, those concepts are an integral part of mandatory Best Management Practices (BMPs) that have become the environmental issue du jour.

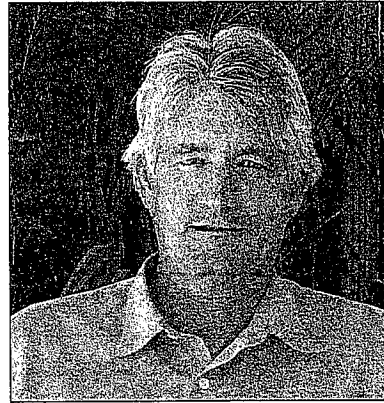
"Mr. Pardee's vision enabled us to be on the cutting edge of water recovery and capture system technology," said Davis, who is Pardee Tree Nursery's vice president and a new member of San Diego County Farm Bureau's board of directors representing the Water Quality issue seat. "When we designed the Bonsall nursery in 1992, we provided for a runoff capture system suited specifically to this nursery operation, and the design still works well today."

However, with the expertise he has developed over the years, Davis has noticed that many other water runoff projects implemented by other companies and industries aren't near as effective as they could be.

"Some BMPs just aren't installed or constructed correctly, because they are very unique and specific to each operation," Davis explained. "There's a lot of expensive trial and error in the process. What works at one ranch won't work at another because differ-

ent elements have to be taken into consideration, such as rainfall amount, terrain, soil type, and water volume and velocity." Pardee Tree Nursery, established in 1986 and now one of the larger tree specimen nurseries in San Diego County supplying the landscape industry with ornamental trees, coordinated its efforts with the City of Oceanside, the Natural Resource Conservation Service and U.C. Cooperative Extension to get it right the first time.

Davis is a strong believer in the effectiveness of what he calls "catching the first flush," the runoff capture from a rain-storm, which contains the most pollutants, and recycling it for other uses on the property. With one big pond and several smaller ponds located on Pardee Tree Nursery's 311-acre property, the silt and sand in the runoff is used as container mix, and the water is reused for dust control. "If we could just focus on the first



flush, I think 75 percent of contaminants could be easily contained," he said.

Water runoff is front and center on the radar for San Diego County farmers in 2007 as the Regional Water Quality Control Board (RWQCB) reviews and

updates for re-adoption the five-year ag discharge waiver permit by the end of this year. County farmers have been operating under one blanket ag waiver permit for water discharges rather than each farmer having the onerous task of obtaining an individual discharge

*(Continued on page 7)*



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*Davis (continued from page 5)*

permit. As RWQCB began work on the update in recent months, it became clear that the new waiver would be different from 2002 permit requirements. As a result, the board established an Ag Waiver Stakeholders Advisory Group, a small committee composed of primarily growers (which includes Farm Bureau members Davis, Jesse Hutchings, and Noel Stehly), to gather agricultural input and discuss the potential conditions of a new ag discharge waiver permit. The advisory group met with RWQCB in January and proposed some key points for a new permit. Recently, in response to that grower input, Farm Bureau received RWQCB's draft waiver for the advisory group's review, which indicates that, under the new permit, growers will be required to pay more attention to runoff issues and BMPs, as well as attend mandatory training. After the advisory group submits its comments to this draft, it is expected that a revised proposal of the new waiver will be available for public comment before summer and subsequently presented to the RWQCB for a vote in the fall.

"The RWQCB is listening to us," said Davis, who is also a member of StormCon and the California Groundwater Association, both educational organizations on the forefront of runoff, erosion control and water quality issues. "We are a huge input for RWQCB, and they are relying on us as they frame the next generation of discharge permits. I invited members of their board to tour some of our ranches and farms so they could see the operations firsthand in order to better understand what the discharge issues and permit constraints might be before they write the new permit. I am hoping we can keep this process moving in a farmer-friendly manner." ❖





SANITARY SEWER OVERFLOW STATISTICS (Updated through February 28, 2007)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE <sup>B</sup>		NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2006-07 <sup>A</sup>		NO. OF PRIVATE SPILLS <sup>E</sup> 06-07	VOLUME OF PRIVATE SPILLS GAL
	Miles	MGD	02-03	03-04	04-05 <sup>A</sup>	05-06 <sup>A</sup>	06-07 <sup>A</sup>	02-03	03-04	04-05 <sup>A</sup>	05-06 <sup>A</sup>	06-07 <sup>A</sup>	GAL	GAL/MG <sup>C</sup>		
<b>ORANGE COUNTY:</b>																
EL TORO WD	55	2.2	1	3	3	2	1	1.8	5.5	5.5	3.7	1.8	0	0	1	8
EMERALD BAY SERVICE DISTRICT	6	0.1	0	0	1	0	0	0.0	0.0	16.7	0.0	0.0	0	0	0	0
IRVINE RANCH WD	36	2.0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
LAGUNA BEACH, CITY OF	95	2.4	27	8	11	5	4	28.4	8.4	12.6	5.3	4.2	3,020	5	10	363
MOULTON NIGUEL WD	530	13.0	1	2	5	1	1	0.2	0.4	0.9	0.2	0.2	600	0	2	800
SAN CLEMENTE, CITY OF	179	4.5	7	2	5	2	6	3.9	1.1	2.8	1.1	3.3	6,550	6	5	850
SAN JUAN CAPISTRANO, CITY OF	100	3.4	0	1	2	0	1	0.0	1.0	2.0	0.0	1.0	5,300	6	0	0
SANTA MARGARITA WD	546	10.7	4	5	6	4	2	0.7	0.9	1.1	0.7	0.4	0	0	3	1,060
SOUTH COAST CWD	132	4.0	8	7	4	3	2	6.1	5.3	3.0	2.3	1.5	1,150	1	5	255
TRABUCO CANYON WD	43	0.7	0	1	3	0	1	0.0	2.3	7.0	0.0	2.3	0	0	0	0
<b>RIVERSIDE COUNTY:</b>																
EASTERN MWD	421	9.5	3	7	0	0	3	0.7	1.7	0.0	0.0	0.7	1,071,500	464	0	0
ELSINORE VALLEY MWD	80	2.0	0	1	3	1	0	0.0	1.3	3.8	1.3	0.0	0	0	0	0
MURRIETA MWD	25	0.5	0	1	0	0	0	0	4.0	0.0	0.0	0.0	0	0	0	0
RANCHO CA WD	71	2.9	0	1	2	1	1	0.0	1.4	2.8	1.4	1.4	600	1	0	0
<b>SAN DIEGO COUNTY:</b>																
BUENA SANITARY DISTRICT	84	1.9	2	1	2	3	0	2.4	1.2	2.4	3.6	0.0	0	0	0	0
CARLSBAD MWD	214	7.2	6	6	12	10	12	2.8	2.8	4.7	4.7	5.6	3,332	2	5	1,105
CHULA VISTA, CITY OF	400	16.0	3	1	7	4	1	0.8	0.3	1.3	1.0	0.3	200	0	7	677
CORONADO, CITY OF	53	3.8	2	5	0	0	0	3.8	9.4	0.0	0.0	0.0	0	0	0	0
DEL MAR, CITY OF	30	1.1	7	1	0	2	0	23.4	3.3	0.0	6.7	0.0	0	0	0	0
EL CAJON, CITY OF	198	9.1	3	0	3	0	3	1.5	0.0	1.5	0.0	1.5	4,100	2	3	20
ENCINITAS, CITY OF	118	4.1	6	1	5	0	1	5.1	0.8	4.2	0.0	0.8	0	0	0	0
ESCONDIDO, CITY OF	350	10.8	3	2	4	4	7	0.9	0.6	1.1	1.1	2.0	5,660	2	6	1,190
FAIRBANKS RANCH COMM SERV DIST	15	0.2	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
FALLBROOK PUBLIC UTILITY DIST	72	2.0	22	9	10	8	0	30.6	12.5	13.9	11.1	0.0	0	0	4	125
IMPERIAL BEACH, CITY OF	84	2.2	14	2	8	2	2	16.7	2.4	9.5	2.4	2.4	905	2	1	180
LA MESA, CITY OF	155	5.8	3	4	3	0	0	1.9	2.6	1.9	0.0	0.0	0	0	0	0
LEMON GROVE, CITY OF	69	2.4	4	4	3	0	0	5.8	5.8	4.3	0.0	0.0	0	0	0	0
LEUCADIA CWD	185	4.2	6	1	6	3	0	3.2	0.5	2.7	1.6	0.0	0	0	2	119
NATIONAL CITY, CITY OF	97	5.1	1	2	1	4	0	1.0	2.1	1.0	4.1	0.0	0	0	0	0
OCEANSIDE, CITY OF, WTR UTIL DEP	446	13.0	23	22	13	7	3	5.2	4.9	3.1	1.6	0.7	28,770	9	1	700
OLIVENHAIN MWD	16	0.4	2	0	3	0	0	12.5	0.0	18.8	0.0	0.0	0	0	0	0
OTAY MWD	86	1.4	3	1	0	0	1	3.5	1.2	0.0	0.0	1.2	100	0	0	0
PADRE DAM MWD	150	5.1	3	3	1	1	1	2.0	2.0	0.7	0.7	0.7	6,000	5	0	0
PAUMA VALLEY COMM SERVICE DIS	8	0.7	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
POWAY, CITY OF	170	4.0	5	3	0	5	1	2.9	1.8	0.0	2.9	0.6	100	0	0	0

**SANITARY SEWER OVERFLOW STATISTICS (Updated through February 28, 2007)**

SEWAGE COLLECTION AGENCY	SYSTEM SIZE <sup>B</sup>		NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)				SPILLS PER 100 MILES (LISTED BY FY)				SPILL VOLUME 2006-07 <sup>A</sup>		NO. OF PRIVATE SPILLS <sup>E</sup> 06-07	VOLUME OF PRIVATE SPILLS		
	Miles	MGD	02-03	03-04	04-05 <sup>A</sup>	05-06 <sup>A</sup>	06-07 <sup>A</sup>	02-03	03-04	04-05 <sup>A</sup>	05-06 <sup>A</sup>	06-07 <sup>A</sup>		GAL	GAL/MG <sup>C</sup>	GAL
<b>SAN DIEGO COUNTY (continued):</b>																
RAINBOW MWD	54	0.7	2	6	2	0	1	3.7	11.1	3.7	0.0	1.8	3,000	17	1	761
RAMONA MWD	83	1.3	2	2	4	4	0	2.4	2.4	3.6	4.8	0.0	0	0	0	0
RANCHO SANTA FE COMM SERV DIST	52	0.4	1	0	2	0	0	1.9	0.0	3.9	0.0	0.0	0	0	0	0
SAN DIEGO CO, PUBLIC WORKS	380	11.0	11	2	2	3	1	2.9	0.5	0.5	0.8	0.3	5,800	2	0	0
SAN DIEGO, CITY OF, MWWD	2,894	170.1	193	115	122	82	51	6.7	4.0	3.3	2.8	1.8	60,096	1	76	15,089
SOLANA BEACH, CITY OF	52	1.2	1	6	1	1	0	1.9	11.5	0.0	1.9	0.0	0	0	1	2,000
USMC BASE, CAMP PENDLETON	194	3.1	23	14	12	16	9	11.9	7.2	5.2	8.3	4.6	97,160	131	2	600
US NAVY	123	4.0	12	11	13	11	8	9.8	9.0	10.6	9.0	6.5	14,227,990	14,638	1	50
VALLECITOS WD	202	6.1	5	4	6	7	1	2.5	2.0	2.5	3.5	0.5	37	0	0	0
VALLEY CENTER MWD	48	0.3	3	1	1	0	1	6.3	2.1	2.1	0.0	2.1	250	3	0	0
VISTA, CITY OF	198	6.5	4	7	9	5	2	2.0	3.5	4.6	2.5	1.0	8,925	6	1	81
WHISPERING PALMS COMM SERV DIS	17	0.3	1	0	0	0	0	5.8	0.0	0.0	0.0	0.0	0	0	0	0
REGION 9 TOTAL	9,615	363	427	275	266	201	128						15,541,145		137	26,033
AVERAGE <sup>1</sup>								4.4	2.9	2.8	2.1	1.3		326		
STANDARD DEVIATION <sup>2</sup>								7.0	3.4	4.4	2.6	1.6		2,134		
MEDIAN <sup>3</sup>								2.4	2.0	2.5	1.0	0.5		0		

<sup>A</sup> Includes available preliminary data. May not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during the period of July 1, 2004 through December 31, 2006. As of January 1, 2007 data reflects reports submitted on-line as required by State Board Order No. 2006-003-DWQ (General Statewide Waste Discharge Requirements for Collection Agencies).

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

<sup>C</sup> Total spill volume (in gallons) divided by the volume of wastewater conveyed (in million gallons) from July 1, 2006 through February 28, 2007.

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

<sup>E</sup> Private spills are listed to indicate their locations. Public sewer agencies are not responsible for private property spills and have not been required by Order No. 96-04 to report private property spills.

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

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

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

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS  
FOR THE PERIOD OF February 1, 2007 THROUGH February 28, 2007**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) <sup>1</sup>	MITIGATION (Acres) <sup>1</sup>	CERTIFICATION ACTION <sup>2</sup>
2/6/07	Reynolds Communities, El Cajon	La Mesa Meadows	Development of 31 single-family residential units and associated infrastructure on an approximate 10 acre site.	Unnamed ephemeral/intermittent stream tributary to Sweetwater River	Permanent: 0.01-acre Wetland, 0.10-acre Streambed	Create 0.22-acre Wetland; Preserve 0.02-acre Wetland; Preserve 0.10-acre Streambed	Technically-Conditioned & Waiver of Waste Discharge Requirements
2/6/07	San Diego Community College District, San Diego	Mesa College Parking Structure	A five level cast-in-place concrete building which will accommodate 1000 cars. A single story Police Officers facility is planned as an attachment to the north side of the structure	Unnamed tributary to Tecolote Canyon Creek	Permanent: 0.01-acre Wetland, 0.01-acre Streambed	Enhance: 0.06-acre Wetland, 0.04-acre Streambed	Technically-Conditioned & Waiver of Waste Discharge Requirements
2/6/07	Loranda Corporation, Escondido	North River Village-San Luis Rey Transit Center	Construction of a multi-family residential/missed use complex and transit center.	San Luis Rey River	Permanent: 0.05-acre Wetland, 0.02-acre Streambed	Onsite- Restore 0.12-acre Wetland, Enhance 0.07-acre Wetland, Create 100 foot wide biological buffer. Offsite- Purchase 1.18-acre mitigation credits from the Daley Ranch Mitigation Bank.	Technically-Conditioned & Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS  
FOR THE PERIOD OF February 1, 2007 THROUGH February 28, 2007**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) <sup>1</sup>	MITIGATION (Acres) <sup>1</sup>	CERTIFICATION ACTION <sup>2</sup>
2/13/07	Santa Margarita Water District, Santa Margarita	Oso Creek Barrier and Pump Station Improvement	The purpose of this project is to implement physical improvements to achieve decreased effort and frequency of sediment removal, reduced pump bearing wear, enhanced aesthetics, and increased reliability, flexibility, and efficiency.	Oso Creek	0.06-acre Streambed (T); 0.01-acre Streambed (P); Dredge: 80 CY	1:1 mitigation, via the removal of all concrete rubble from the portion of the creek just south of the Arizona style golf cart crossing at the 14 <sup>th</sup> hole.	Technically-Conditioned & Waiver of Waste Discharge Requirements
2/21/07	Barratt American, Carlsbad	La Costa Village Center Townhomes	Fifty three-condominium development of 2,3,4 and 5-plex buildings on 14.4 acre site.	Batiquitos Lagoon	0.01-acre Streambed (P)	0.04-acre Riparian creation mitigation credits from the North County Mitigation Bank.	Low Impact Certification & Waiver of Waste Discharge Requirements
2/26/07	Murrieta Valley Unified School District, Murrieta	Monroe Avenue Extension	A 2,400 feet extension of Monroe Avenue from its current northern terminus and the reconfiguration of the southern 120 feet of Shoshone Drive into a "knuckle" to improve traffic safety.	Unnamed tributary to Murrieta Creek	0.03-acre Streambed (P)	Enhance 0.32-acre Streambed	Technically-Conditioned & Waiver of Waste Discharge Requirements

1. Wetland refers to vegetated waters of the U.S. and streambed refers to unvegetated waters of the U.S. (P) = permanent impacts. (T) = temporary impacts.

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

**Notice of Violation**

Agency/Entity: Facility:	Terra VAC Fogerty Street Dewatering Project, San Diego	2/27/2007
Program:	NPDES	
Description:	Issued for one violation of effluent limitations for nickel, contained in the NPDES discharge permit for the facility that occurred in November 2006. This violation is subject to mandatory minimum penalties in accordance with Water Code section 13385. The discharger also reported a violation of acute toxicity occurred during the monitoring period that is not subject to mandatory penalties.	

**Administrative Civil Liability Complaints**

Agency/Entity: Facility:	South Orange County Wastewater Authority, San Juan Creek Ocean Outfall, Dana Point	2/9/2007
Program:	National Pollutant Discharge Elimination System (NPDES)	
Description:	Issued for 12 violations of effluent limitations for settleable Solids and TCDD. These violations are subject to \$36,000 in mandatory minimum penalties in accordance with Water Code section 13385. A hearing is scheduled for May 9, 2007. The Wastewater Authority has until March 9, 2007 to notify the Regional Board of whether it will contest the penalty or waive its' right to hearing.	



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  
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Arnold Schwarzenegger  
Governor

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(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

March 9, 2007

Mr. Steve Grassilli  
PO Box 2442  
Ramona, CA 92065

**CERTIFIED MAIL**

7005 1160 0000 4217 6093

In reply refer to:

**CWU:10-5016.02:bneill**

Dear Mr. Grasilli:

**SUBJECT: EROSION FROM 27335 SAWDAY TRUCK TRAIL, COUNTY OF SAN DIEGO**

This letter is in response to your request to the San Diego Regional Water Quality Control Board (Regional Board) during the public comment period of their February 14, 2007 Board meeting. At that meeting, you informed the Board about ongoing runoff from your neighbor's property allegedly causing excessive sediment buildup in a creek on your property. As the Regional Board's Executive Officer, I explained to the Board that we had already investigated the site and had taken appropriate action in this matter. After discussion by the Board, I agreed to provide you with a letter further explaining our position and response on the subject complaint.

On September 20, 2006, the Regional Board conducted a site investigation, responding to your complaint concerning erosion on your neighbor's easement road causing sediment deposition onto your property. Mr. Ben Neill, Water Resource Control Engineer of the Central Watershed Unit, investigated your property and your neighbor's property and provided you with a summary of his findings in a letter sent to you, dated January 16, 2007 (enclosed). The January 16, 2007 letter included an inspection report and photographs of the two properties.

The report indicated that your neighbor's easement road did have erosion gullies along the eastern side of the road. This is not uncommon, and frequently found on unimproved roads in the rural areas of the County of San Diego. Mr. Neill met with your neighbor and his engineer on the site. Your neighbor had installed sandbags along the road and earthen berms at the top of the road to prevent concentrated flows, erosion, and sediment deposition. During the inspection, Mr. Neill suggested other possible best management practices (BMPs) to further help prevent erosion from unimproved roads. Your neighbor's engineer also offered recommendations to prevent erosion through some minor road grading, which has since been implemented.

At the time of the September 20, 2006 investigation, it appeared that some sediment had accumulated on your property, in an unnamed tributary to Wash Hollow Creek (HSA 905.43). The sediment accumulation was exacerbated by a culvert on your property, going under Sawday Truck Trail. The investigation did not reveal evidence of sediment deposition from any one specific source. It is likely that sediment contribution is from multiple areas in the watershed, upstream of the culvert. The volume of sediment deposited in the vicinity of the unpaved road was no greater than the anticipated bed load from similar unpaved roads found throughout the area, and it is unlikely that the sediment deposition would adversely impact beneficial uses for Wash Hollow Creek. In our opinion, a likely contributor to the sediment buildup is the culvert

Mr. Steve Grassilli  
Sawday Truck Trail

- 2 -

March 9, 2007

under Sawday Truck Trail, on your property. Improperly placed culverts can act as small dams, creating upstream deposition areas that fill channels, and cause downstream erosion from the concentration of flows.

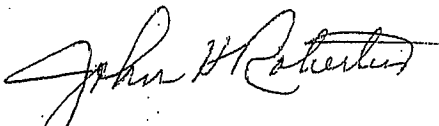
The Regional Board has evaluated compliance at this site, with consideration given to multiple regulatory programs within our oversight. The Regional Board's municipal storm water permit (Order No. R9-2007-0001) does not apply to this situation, because the erosion is in a rural area with no public owned and maintained storm drain system. The State Water Resources Control Board's general construction storm water permit (Order No. 97-08-DWQ) also does not apply because there were no construction activities greater than one acre at or near the site. No existing activities at the site were subject to Clean Water Act §401 water quality certification, and there were no evident impacts to beneficial uses, in accordance with the Porter-Cologne water quality control act. For these reasons, further investigation of the subject allegations is not warranted at this time, and I do not intend to recommend to the Regional Board further action in this matter.

As was mentioned at the February 14 board meeting and in subsequent telephone conversations, the Regional Board's authority does not include land use, grading permits, or code compliance violations. You should seek to resolve such issues directly with the County of San Diego Code enforcement. As Board member David King suggested at the meeting, you may be able to pursue compliance with the County's ordinances through a private right of action. Moreover, many issues you have raised can be avoided or minimized with better communication directly with your neighbor.

Finally, if you wish to remove the sediment deposited on your property, please consult the Army Corps of Engineers for guidance on permitting requirements. If the Army Corps of Engineers determines that a Clean Water Act §404 permit is required, we would be happy to provide assistance with the application process for a §401 water quality certification.

If you have any questions or need more information, I suggest you contact Ms. Chiara Clemente at (858) 467-2359 or [cclemente@waterboards.ca.gov](mailto:cclemente@waterboards.ca.gov). The heading portion of this letter includes a Regional 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 Regional Board pertaining to this matter.

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

JHR:cmc:bin

*California Environmental Protection Agency*

Mr. Steve Grassilli  
Sawday Truck Trail

- 3 -

March 9, 2007

Enclosure: Regional Board letter dated January 16, 2007 to Mr. Grassilli

cc: Laurie Monarres, U.S. Army Corps of Engineer

Tamara Spear, CA Department of Fish and Game

Pam Elias, Code Enforcement  
County of San Diego, DPLU  
5201 Ruffin Road, Suite B  
San Diego, CA 92123

Eliot Alazraki  
County of San Diego, OCC  
1600 Pacific Highway, Room 355  
San Diego, CA 92101

Thayer Brehm  
120 N. Pacific St., Ste. A-1  
San Marcos, CA 92069





*file*

# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

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<http://www.waterboards.ca.gov/sandiego>

January 16, 2007

In reply refer to:  
**CWU:10-5016.02:clemc**

Steve Grassilli  
PO Box 2442  
Ramona, CA 92065

Dear Mr. Grassilli:

**SUBJECT: EROSION FROM 27335 SAWDAY TRUCK TRAIL, COUNTY OF SAN DIEGO**

On September 20, 2006, Mr. Ben Neill investigated your complaint concerning erosion on your neighbor's easement road causing sediment deposition onto your property. Mr. Neill met with your neighbor and provided him suggestions to help prevent erosion from his property. The inspection report from this investigation is attached.

We appreciate your bringing this issue to our attention, and we consider the cumulative impacts of sediment discharges like this one to be a significant problem to water quality in our region. We take these discharges seriously. However, due to the volume of complaints we receive of this nature, our approach to resolve a problem of this type is to gain the cooperation of the property owner to take steps to prevent erosion. The property owner has expressed a willingness to prevent erosion of the road way.

If you, or your neighbor(s), are considering removal of the sediment deposited near the culvert pipe, the removal activity may require a U.S. Army Corps of Engineer's Clean Water Act §404 certification, and/or a California Department of Fish and Game Streambed Alteration Agreement in addition to any County of San Diego requirements. Please consult with these agencies prior to removing sediment from the creek.

The heading portion of this letter includes a Regional 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 Regional Board pertaining to this matter.

Sincerely,

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

Enclosure: Inspection Report

Mr. Steve Grassilli

- 2 -

January 16, 2007

CC: Laurie Monarres, U.S. Army Corps of Engineer

Tamara Spear, CA Department of Fish and Game

Pam Elias, Code Enforcement  
County of San Diego, DPLU  
5201 Ruffin Road, Suite B  
San Diego, Ca 92123

Eliot Alazraki  
County of San Diego, OCC  
1600 Pacific Highway, Room 355  
San Diego, CA 92101

Thayer Brehm  
120 N. Pacific St., Ste. A-1  
San Marcos, CA 92069

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION

FACILITY INSPECTION DATA ENTRY FORM

DATE: 09/20/06 TIME: 9 am WDID: NA ORDER NO. NA FILE NO. NA

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: Thayer Brehm, property owner; Tim Hayes, neighbor and grading contractor; Ron Ashman, Ashman engineering.

Thayer Brehm  
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

760-805-8879  
OWNER CONTACT NAME AND PHONE #

Leg Up Ranch  
FACILITY OR DEVELOPER NAME (if different from owner)

Same as Owner  
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

27335 Sawday Truck Trail  
FACILITY STREET ADDRESS

Ramona, CA  
FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS (CHECK ALL THAT APPLY)

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION
- GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS
- GENERAL PERMIT ORDER NO. 97-03-DWQ, NPDES NO. CAS000001 - INDUSTRIAL
- GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES
- GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- SECTION 401 WATER QUALITY CERTIFICATION
- CWC SECTION 13264,

INSPECTION TYPE (Check One)

- A1  "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
- B1  "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02  Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
- 03  Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
- 04  Complaint--Inspection made in response to a complaint.
- 05  Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06  Miscellaneous -- inspection type is not included on this list, may include NOT, NEC, NONA or other types
- 07  Pretreatment Audit (every five years)
- 08  Pretreatment Compliance (yearly except audit year)

INSPECTION FINDINGS

N Were violations noted during this inspection? (Yes/No/Pending Sample Results)

N Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

I. COMPLIANCE HISTORY:

II. FINDINGS

FACILITY: Leg Up Ranch (WDID) NA INSPECTION DATE: 09/20/06

Based on a complaint, an inspection of the property was conducted on 09/20/06. The complainant alleged that erosion on an easement road and illegal grading was discharging sediment into a creek at the bottom of the road.

I met with Thayer Brehm, property owner, at the residence at 9:30. We briefly discussed the complaint and proceeded to walk to the easement road. The easement road starts at the bottom of a hill intersecting with Sawday Truck Trail. A culvert goes under Sawday Truck Trail to a creek on the north side of the truck trail. The creek crosses the truck trail through another culvert a few yards to the west. An accumulation of sediment could be seen on the upstream side of this second culvert under Sawday Truck Trail. The downstream side of this culvert had significant erosion. The easement road goes south up a hill to a property behind the Leg Up ranch. The road has some erosion gullies on the east side of the road varying in depth. Sandbags were placed in the erosion gully at various points along the easement road.

At the top of the hill is a dirt bike track and horse corrals that were built sometime in the past 4 years. Earthen berms and dikes were placed to prevent runoff from the bike track and corrals from running down the easement road. At the top of the hill, we met with Tim Hayes who is Mr. Brehm's neighbor and a grading contractor who assists in grading the easement road. I gave Mr. Brehm a copy of the attached "SC-70 Road and Street Maintenance" page from the CASQA Municipal handbook with the section on unpaved roads and trails. He felt that these practices were doable to try and prevent erosion.

Soon thereafter, Ron Ashman from Ashman engineering arrived at the site. Mr. Brehm has retained Mr. Ashman to advise him on the erosion problem. Mr. Ashman pointed out some low areas to the west side of the easement road that could be used as sediment basin. With some easy minor grading, the easement road can be sloped to discharge to this sediment basin on the west side of the road rather than eroding away the east side of the road. Also, runoff from farther uphill is contributing to the erosion and the simple grading can redirect runoff so as not to erode the road and discharge to the creek. Mr. Ashman felt that excessive mowing of adjacent properties may also be contributing to the sediment problem in the creek.

IV. SIGNATURE SECTION

Pa. Neill [Signature] 9/20/06  
 STAFF INSPECTOR SIGNATURE INSPECTION DATE

IV. (For internal use only)

Reviewed by Supervisor: <u>Peter Fournier</u> <u>Chiara Clemente</u> Date
cc: City _____ Contact _____
Program: NPDES STORM NON15-WDR 401 NPS TITLE 27 AGT DoD LNDISP PTPRG RCRA SLIC REC
Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____



All photos taken by Ben Neill, Water Resource Control Engineer.

1. Photo looking south up the easement's access road. Erosion occurs on the left (east) side of the road in this photo.



2. At the bottom of the road where it intersects with the Sawday truck trail, a corrugated metal pipe is a culvert under Sawday in the bottom left hand corner of the photo. Sand bags have been implemented on the easement road to minimize sediment transport.

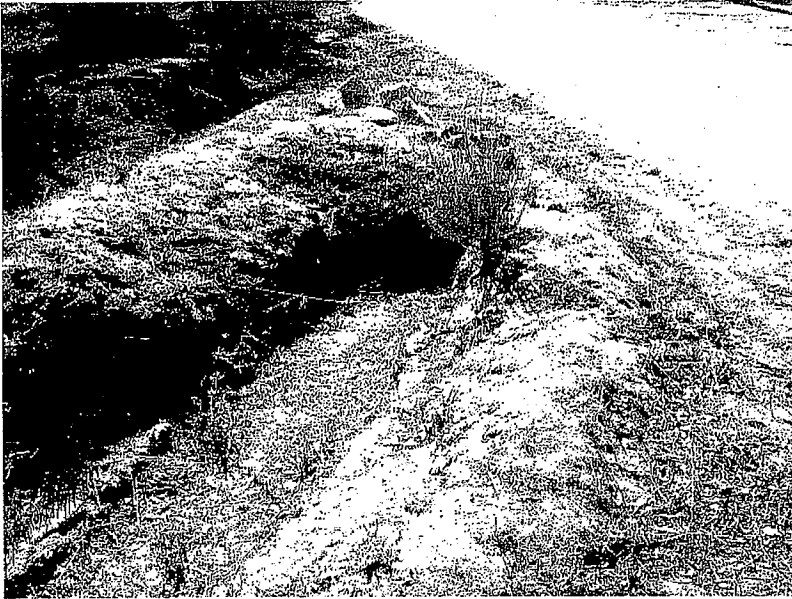


3. An opposite angle view from photo 2 of the culvert pipe and the sandbags.

Sawday Truck Trail

09/20/06

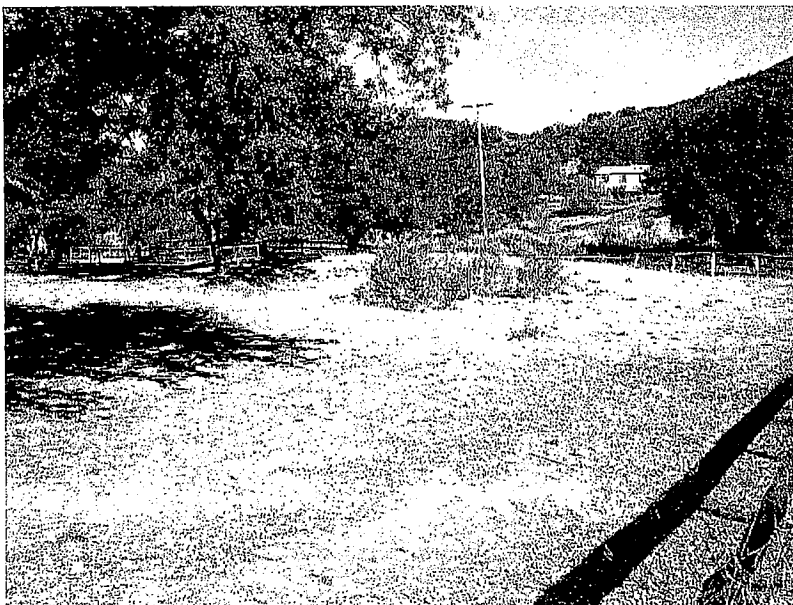
1



4. The opposite end of the culvert.



5. Area where the culvert discharges with the creek in the back.



6. A low area on the west side of the easement road could be used as a catch basin if the road was graded to move runoff this way.

Sawday Truck Trail

09/20/06

2



7. A closer look at erosion on the side of the easement road.

- If painting is conducted, follow the painting and paint removal procedures above.
- If graffiti removal is conducted, follow the graffiti removal procedures above.
- If construction takes place, see the Construction Activity BMP Handbook.
- Recycle materials whenever possible.

#### *Unpaved Roads and Trails*

- Stabilize exposed soil areas to prevent soil from eroding during rain events. This is particularly important on steep slopes.
- For roadside areas with exposed soils, the most cost-effective choice is to vegetate the area, preferably with a mulch or binder that will hold the soils in place while the vegetation is establishing. Native vegetation should be used if possible.
- If vegetation cannot be established immediately, apply temporary erosion control mats/blankets; a comma straw, or gravel as appropriate.
- If sediment is already eroded and mobilized in roadside areas, temporary controls should be installed. These may include: sediment control fences, fabric-covered triangular dikes, gravel-filled burlap bags, biobags, or hay bales staked in place.

#### *Non-Stormwater Discharges*

Field crews should be aware of non-stormwater discharges as part of their ongoing street maintenance efforts.

- Refer to SC-10 Non-Stormwater Discharges
- Identify location, time and estimated quantity of discharges.
- Notify appropriate personnel.

#### *Training*

- Train employees regarding proper street sweeping operation and street repair and maintenance.
- Instruct employees and subcontractors to ensure that measures to reduce the stormwater impacts of roadway/bridge maintenance are being followed.
- Require engineering staff and/or consulting A/E firms to address stormwater quality in new bridge designs or existing bridge retrofits.
- Use a training log or similar method to document training.
- Train employees on proper spill containment and clean up, and in identifying non-stormwater discharges.





Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board

## San Diego Region

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March 12, 2007

Ms. Nadine L. Scott  
550 Hoover St.  
Oceanside, CA 92054

**CERTIFIED MAIL**

7005 1160 0000 4217 6192

In reply refer to:  
CWU:10-018121.02:clemc

**SUBJECT: Robertson's Ready Mix Oceanside Development**

This is in response to your letter, and the letter you submitted on behalf of Shari Mackin, both dated January 23, 2007 and provided to the Regional Water Quality Control Board (Regional Board) during the public comment period of their January 24, 2007 meeting. Both letters (attached) raise concerns regarding the language used in the Regional Water Board's letter dated November 3, 2006 (also attached). Specifically, there were objections to the statement that, "*The Regional Board has concluded that compliance by Robertson's with State and City of Oceanside requirements will mitigate potential impacts to water quality from the project*". To paraphrase, you stated that the Regional Board cannot determine in advance if this project will mitigate any potential impacts to water quality, and you requested that the Regional Board immediately discontinue use of this language.

You are correct that the Regional Board did not review the specific measures proposed for this project to determine if they are adequate to prevent impacts to water quality. The Regional Board's November 3, 2006 letter, however, was based upon full compliance by the owner/operator of the batch plant with all applicable State and Federal water quality regulations. The goal of these regulations is to protect water quality and the beneficial uses of the State's water resources. These regulations do not preclude construction of a batch plant at a particular site, but require implementation of effective measures at the facility to prevent water quality problems. Because the November 3, 2006 letter is not a form letter, the specific wording in it that you objected to will not likely be used again.

It is our understanding that since the January 24, 2007 Board meeting, Robertson's Ready Mix has withdrawn their application to the City of Oceanside, and any new proposals will be required to undergo appropriate environmental review. The Regional Board has invited the project proponent to discuss the details of any future plans prior to their application for Regional Board permits.

Ms. N. Scott  
Robertson's Ready Mix

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March 9, 2007

If you have any questions or need more information, please contact Ms. Chiara Clemente at (858) 467-2359 or [cclemente@waterboards.ca.gov](mailto:cclemente@waterboards.ca.gov). The heading portion of this letter includes a Regional 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 Regional Board pertaining to this matter.

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

JHR:mpm:cmc

Enclosures: January 23, 2007 letter from Shari Mackin  
January 23, 2007 letter from Nadine Scott  
November 3, 2006 letter from Regional Board

cc:

Shari Mackin  
1469 Moreno Street  
Oceanside, CA 92054

Amy Vaseguard  
City of Oceanside, Planning  
300 N. Coast Highway  
Oceanside, CA 92057

12/21/06  
Shari Mackin  
1469 Moreno Street  
Oceanside, CA 92054  
[shari\\_mackin@yahoo.com](mailto:shari_mackin@yahoo.com)

January 23, 2007

California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4353

Dear Honorable Chair and Board Members,

As past Deputy Mayor for the City of Oceanside, I called for review the development proposal for the Robertson's Concrete Plant. I called the item for Council Review due to the numerous calls, emails and other communication I received from the public with regards to their concerns about the proposed project. One concern which resonated over and over again, was the potential for this project to bring negative impacts into an area already impacted by several businesses (which might not be considered compatible in today's standards) along the Loma Alta Creek. The item will be heard by council in February, and I anticipate *many* concerned environmental groups, as well as residents to attend and voice their concerns.

In addition to the large amount of public outcry when this project was brought forth to planning, I recently attended a community meeting wherein the public voiced their concerns with literature which was mailed to their homes, as well as circulated during the presentation by representatives from Robertson's. In the literature, it states:

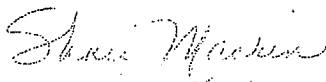
*"The Regional Board has concluded that compliance by Robertson's with State and City of Oceanside requirements will mitigate potential impacts to water quality from the project" (Robertson's mailer/handout).*

Many found it odd that Robertson's was quoting the Board's approval prior to a permit being filed with your offices. I would think it might be more appropriate for such language to appear after a permit has been filed and the project reviewed and approved.

As a council member, I worked very hard with City Staff to bring clean water issues to the forefront in Oceanside. In fact, through a partnership with the City of Oceanside, Coastkeepers, and Oceanside Unified School District, Project SWELL (clean water education) will be introduced in Oceanside's schools this Spring. Also, it is my hope that we will be able to utilize the UV Treatment Facility as a Clean Water Learning Center for school age children so they will better understand the need to "start with the source" when dealing with our waterways pollution—UV Treatment Facilities are a band-aid approach to a much larger wound. I am glad that so many people in Oceanside care so deeply about clean water—it speaks volumes about the Board and their clean water outreach!

Thank you for the opportunity to discuss my concerns, and thank you for what you do.

Sincerely,



Shari Mackin

Nadine L. Scott, Esquire  
550 Hoover St.  
Oceanside CA 92054  
760-757-6685  
nadia550@sbcglobal.net

January 23, 2007

California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego CA 92123-4353

Off Agenda: Objection to language in letter issued regarding NRCU: 10-018121.02:bmorris

Dear Honorable Chair and Board Members,

A very unusual and potentially misleading situation regarding the public trust has arisen. A concrete plant proposed by Robertson's has a high potential to pollute the waters immediately adjacent to the creek that flows to a 303(d) waterbody, Loma Alta Slough.

A letter was issued, with the signature of John Robertus, on November 3, 2006.

I was informed by regional staff that the letter is a 'form' letter. That letter contains the following language:

The Regional Board *has concluded* that compliance by Robertson's with State and City of Oceanside requirements will mitigate potential impacts to water quality from the project. (*emphasis added*)

With very disingenuous behavior, Robertson's states that "The City of Oceanside and the California Water Quality Control Board determined that the proposal meets all city and state environmental standards."

Taken together, this particular language in the letter and Robertson's statements, the public is misled into believing that the board has actually reviewed an application along with supporting documentation and has issued permits.

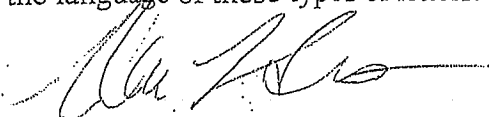
To my knowledge, Robertson's has not applied for nor sought any permits from the Board; the language issued on your letterhead is highly inappropriate and misleading.

Further, I do not believe the Board can issue a letter that says they have determined a party has met all state environmental standards prior to making application to your Board.

Therefore I would like the staff and Board to *immediately discontinue* use of this language. I would suggest instead that the following language, which is more accurate and truthful, be utilized in letters in response to public concerns about project that may come before you:

The Regional Board cannot determine at this time if this project will mitigate any potential impacts to water quality.

Thank you for your consideration of this very serious matter. I realize this is an off-agenda item but believe in the interest of the public's trust that direction should be given to staff immediately to reform the language of these types of letters.



Nadine L. Scott



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  
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(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

November 3, 2006

In reply refer to:  
NCRU:10-018121.02:bmorris

Ms. Nadine Scott  
550 Hoover Street  
Oceanside, CA 92054

Dear Ms. Scott:

**SUBJECT:** Robertson's Proposed Oceanside Concrete Mix Plant

In response to your letter dated October 24, 2006, the Regional Water Quality Control Board (Regional Board) has reviewed Robertson's Ready Mix Oceanside Development Plan (D-8-05), Conditional Use Permit (C-17-05) for the development of a concrete mix plant and materials handling operation and installation of a 12,000 gallon above ground fuel tank at 2847 Industry Street, Oceanside.

The Regional Board has concluded that compliance by Robertson's with State and City of Oceanside requirements will mitigate potential impacts to water quality from the project. Basically, all waste discharges from the project that may impact waters of the State, other than discharges into the City of Oceanside's sewage collection system, are subject to requirements issued by this Regional Board. These requirements implement the goals, policies, and management measures prescribed in the *Water Quality Control Plan for the San Diego Basin* (9) for the preservation, enhancement and restoration of the water quality in the San Diego Region.

The requirements relevant to the proposed project include the following:

A. The statewide General Construction Storm Water and Industrial Storm Water Permits

During the construction phase of the project Robertson's will be required to comply with Order No. 99-08-DWQ, *Waste Discharge Requirements (WDRs) for Discharges of Storm Water Runoff Associated with Construction Activity*, and during its operation phase, with Order No. 97-03-DWQ, *Waste Discharge Requirements for Discharges of Stormwater Associated with Industrial Activities*. Both Orders contain the following three major requirements:

- (1) Eliminate non-storm water discharges;

- (2) Develop and implement a Storm Water Pollution Prevention Plan. A Storm Water Pollution Prevention Plan (SWPPP) is a site specific plan consisting of all Best Management Practices (BMPs) which will be implemented at a facility to reduce or eliminate the discharge of pollutants to storm water. (It is the most important requirement and the key to source controls); and
- (3) Develop and implement Monitoring and Reporting program (in accordance with the general permit.)

These statewide requirements augment the regulatory programs of the City of Oceanside, which the City implements pursuant to the areawide Municipal Storm Water Permit for the purpose of reducing pollutants in stormwater runoff from the project site to the maximum extent practicable.

#### B. Aboveground Petroleum Storage Tanks

In order to prevent unauthorized discharges from aboveground petroleum storage tanks, the State of California has enacted legislation designed to lower the risk of spills and leaks. The state's Aboveground Petroleum Storage Act was enacted in 1989 and amended in 1991. The Act became effective on January 1, 1990 (Health and Safety Code, Chapter 6.67, §25270 et. seq.) The Act requires owners or operators of above ground petroleum storage tanks to file a storage statement with the State Water Resource Control Board and implement spill prevention measures.

#### C. Clean Water Action (CWA) Section 401 Water Quality Certifications

This project may result in discharges of dredged or fill material to Loma Alta Creek or other waters of the United States or the State of California. Whereas discharges of fill material to waters of the State are regulated with waste discharge requirements, discharges of fill to waters of the United States are regulated by this Regional Board with a CWA Section 401 Water Quality Certification. The waste discharge requirements and Section 401 Water Quality Certification specify requirements to minimize the loss of aquatic habitat and the water quality functions of the impacted water body and mitigation measures for those impacts.

By copy of this letter, Robertson's Ready Mix is being notified of the Regional Board's regulatory role with its project at 2847 Industry Street, Oceanside. Issues related to storm water runoff and Section 401 Water Quality Certification are assigned to the Central Watershed Unit, supervised by Chiara Clemente, who can be contacted at (858) 467-2359 or [cclemente@waterboards.ca.gov](mailto:cclemente@waterboards.ca.gov) for further information about these programs. Further information about the Aboveground Petroleum Storage Tank

Ms. Nadine Scott

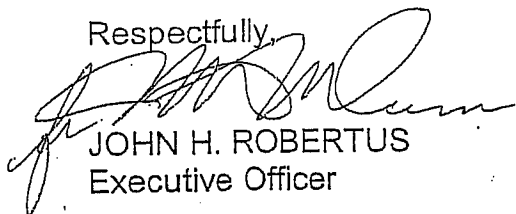
- 3 -

November 3, 2006

program can be obtained by contacting Kelly Dorsey at (858) 467-2980 or [kdorsey@waterboards.ca.gov](mailto:kdorsey@waterboards.ca.gov).

The heading portion of this letter includes a Regional 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 Regional Board pertaining to this matter.

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

JHR:dtb:lla

cc: Amy Volzke, Principal Planner  
City of Oceanside  
Community Development Department  
300 North Coast Highway  
Oceanside, CA 92054

Christine Goeyvaerts  
Robertson's  
PO Box 3600  
Corona, CA 92878

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 9

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

January 18, 2007

Darrin Polhemus, Deputy Director  
Division of Water Quality  
State Water Resources Control Board  
1001 I Street, Sacramento, CA 95814

Dear Mr. Polhemus,

The purpose of this letter is to express the U.S. Environmental Protection Agency's (USEPA) concern with the State Water Resources Control Board's inability to provide quarterly Underground Storage Tanks (UST) program progress reports as required by the State/EPA cooperative agreement that provides approximately \$3.5 million per year in Federal Funds to your agency. I have been informed by James Giannopoulos and Kevin Graves of your staff that sufficiently accurate quarterly reports can not be provided because of operational problems with the State's Geotracker data system. The accurate and timely reporting of this data is critical. Pursuant to the Federal Government Performance Review Act (GPRA), USEPA is required to track and report the status of leaking underground storage tank (LUST) cleanups in the states to the Office of Management and Budget (OMB) and Congress. This information is used to set federal LUST program budgets, allocate funding to states, and track program performance.

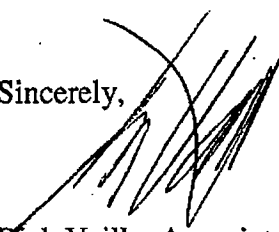
As Matthew Small of my staff discussed with you on January 16<sup>th</sup>, we recently also became aware of several problems with the data system through our partnership effort with your underground tank program to assist local and regional agencies accelerate site cleanup and closure. I have been informed that these problems may be responsible for inaccuracies in the tracking of leaking underground storage tank cases statewide. I urge you to expedite efforts to fix the State's Geotracker database.

We at EPA Region 9 see the efficient and accurate function of Geotracker as vital to maintaining a statewide underground storage tank program designed to manage approximately 14,000 cleanups being overseen by over 130 state and local agency offices with almost one quarter of a billion dollars being spent annually by the State's UST Cleanup Fund. Nationally we continue to tout Geotracker as a model system for leaking underground storage tank program and case management, and we hope that the current programming errors can be repaired and maintenance of the system will be given greater priority.



I suggest a meeting at your earliest convenience in Sacramento to discuss these data issues and the LUST program commitments. Please give me a call at (415) 972-3378 so we can further discuss this issue. Thank you for your attention to this matter.

Sincerely,



Rich Vaile, Associate Director  
Waste Management Division

cc. James Giannopoulos  
Kevin Graves