

San Diego Regional Water Quality Control Board



Executive Officer's Report

August 13, 2008

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

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

August 13, 2008

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Storm Water Coordinating Meetings *(James Smith)*

On July 17, 2008, Christina Arias, Laurie Walsh, and Ben James of the Southern and Central Watershed Units attended the San Diego County Municipal Copermittee's management meeting. Ms. Arias provided the Copermittees an update regarding the Regional Board's review of the Watershed Urban Runoff Management Plans (WURMPs), which are required pursuant to the San Diego County Municipal Storm Water Permit (Order No. R9-2007-0001). Ms. Arias, Ms. Walsh and Mr. James agreed with the request of the Copermittees to participate in a number of workgroups, established by the Copermittees, intended to facilitate implementation of the requirements of Order No. R9-2007-0001.

On Monday, July 21, 2008, Benjamin James, Chad Loflen, Ben Neill and Peter Peuron of the Regional Board attended a Best Management Practices (BMP) presentation at the County of San Diego offices. The County hosts these presentations approximately every month to inform regulators about new storm water BMPs. This month's presentation described electro-coagulation treatment of storm water runoff. The State of Washington uses this technology and reports very high pollutant removal efficiencies, even for metals and bacteria.

On July 22, 2008, Lilian Busse of the Regional Board attended the Regional Monitoring Workgroup meeting. This workgroup is comprised of representatives of the 21 Copermittees to the San Diego Municipal Storm Water Permit. At the meeting, the Copermittees discussed Regional Monitoring Activities, the bacteria TMDL for the San Diego Region, sediment quality objectives, and the Notice of Violation issued by the San Diego Regional Board to the Riverside County Storm Water Permit Copermittees on May 13, 2008.

On July 23, 2008, Christina Arias, Laurie Walsh, Ben James, James Smith, Ben Neil, Chris Means, Kristin Schwall, Chad Loflen and Wayne Chiu, of the Watershed Protection and TMDL Units, met with the County of San Diego (as lead Copermittee under Order No. R9-2007-0001) and discussed progress on the Copermittees' Hydromodification Management Plan (HMP). Order No. R9-2007-0001 requires the Copermittees to submit an HMP to the Regional Board on January 24, 2009. At this meeting, the County of San Diego and their consultant presented a progress report on their methods and data used to support the HMP. The Copermittees and the Regional Board meet periodically

regarding this subject to provide the Regional Board an opportunity for input on the development of this important permit element.

On Thursday, July 24, 2008, Ben Neill of the Regional Board attended the Riverside County Municipal Copermittees Technical Advisory Committee (TAC) meeting at the Riverside County Flood Control Office. Copermittees from both the San Diego Region (Santa Margarita Watershed) and the Santa Ana Region (Region 8) attend the monthly meetings. The Copermittees discussed the upcoming renewal of the Region 8 municipal storm water permit (the current permit expired in October 2007). The Riverside County Flood Control District issued a Request for Qualifications for on-call services to comply with their three storm water permits. Discussions included a brief update on TMDL development in the Santa Ana River, Lake Elsinore, and the San Diego Lagoons. The next scheduled TAC meeting will be August 28, 2008 at the Riverside County Flood Control District office.

Chad Loflen of the Regional Board attended the Aliso Creek Quarterly Watershed Meeting on July 29. Copermittees under the Orange County Municipal Separate Storm Sewer System (MS4) permit, whose jurisdiction includes the Aliso Creek Watershed, attend these meetings. Topics of discussion included the status of the MS4 permit reissuance, the dry-weather monitoring program within Aliso Creek, the Aliso Creek SUPER (Stabilization, Utility Protection and Environmental Protection) project and the Heisler Park Area of Special Biological Significance.

Chad Loflen and Bruce Posthumus of the Regional Board attended the Aliso Creek Watershed Stakeholders meeting in the City of Laguna Hills on July 31. The mission of the stakeholder meetings are to serve as a clearinghouse of technical information on projects within the Aliso Creek Watershed. The meetings also allow for coordination and communication between stakeholders, dissemination of water quality information, and awareness of opportunities within the watershed. Attendees of the meeting included the U.S. Fish and Wildlife Service, California Department of Fish and Game, the County of Orange, the municipalities within the watershed, various environmental groups, business owners, and concerned citizens. A question and answer period followed the presentation of each of 13 projects. Presentations discussed the Aliso Creek SUPER Project, the Sulfur Creek Ecosystem Restoration Project and the South Orange County Team Arundo Project.

2. Personnel Report (*DiAnne Broussard*)

The Regional Boards organizational Chart can be viewed at <http://www.waterboards.ca.gov/sandiego/misc/Visio%20Org%20Chart%203-2008.pdf>

Promotions

Eric Becker was promoted to Senior Water Resource Control Engineer on July 28, 2008. He will supervise the Southern Watershed Unit in the Surface Water Basins Branch. Eric obtained a Bachelor of Science Degree in Civil Engineering from San Diego State University in May 1992. Since coming to the San Diego Regional Board as a WRCE in February 2001, Eric has worked in the Watershed Protection Northern Region Unit, the Northern Core Regulatory Unit and most recently, in the Orange and Riverside Counties Ground Water Unit. Before coming to San Diego, Eric worked for the Central Valley Regional Board in the Fresno office as a WRCE and as a Sanitary Engineering Associate from January 1993 through January 2001.

Departures

Retired Annuitants Robert Baker and Donald Perrin were terminated on July 31, 2008 as a result of the Executive Order signed by Governor Arnold Schwarzenegger. Bob and Don were both assigned to the Core Regulatory Unit. Student Interns who are employed by the Foundation for California Community Colleges have been allowed to continue working pending an appeal filed by CALEPA.

Recruitment

The Regional Board is currently recruiting for an Engineering Geologist for the South San Diego Ground Water Unit and for a limited term Office Technician for the Business Support Services Unit. Vacant positions for the State and Regional Boards are posted on the State Board web page at http://www.waterboards.ca.gov/about_us/employment/

3. Budget Report (DiAnne Broussard)

As of August 8, 2008 the State has no budget. On July 31, 2008 the Governor signed an Executive Order reducing the pay of all State employees covered by the Fair Labor Standards Act to the federal minimum wage, suspending all personal services contracts and terminating the services of temporary State workers including our retired annuitants. The Executive Order also specifies that there will be no new hiring, transfers or promotions and that overtime will not be authorized except in very special circumstances. We may continue recruiting during this time.

To read the full text of the Executive Order and the latest press release regarding the budget from the Governor's Office go to:

<http://gov.ca.gov/press-release/10334/>

Absent a budget, the permitted activities and restrictions that were outlined in the July budget report are still in place. Specifically:

- We can book airline tickets, train tickets and rental cars through Sacramento Travel if travel is necessary.

- We will not be reimbursed for any travel expenses incurred until the budget is approved.
- We may submit a CalAters claim but it will sit in the queue until the budget is approved.
- No Travel Advances or Expenses Advances will be issued until the budget is approved.
- We cannot pay conference, meeting or training registration fees until the budget is approved.
- We cannot make purchases for any items unless there is a true emergency until the budget is approved.
- We cannot be reimbursed for petty cash until the budget is approved.
- We cannot use the CalCard for any expenditure until the budget is approved.

PART B **SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1. Clean Water Act Section 401 Water Quality Certification Actions Taken in June and July 2008 *(Chiara Clemente) (Attachment B-1)*

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 specific activity 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 months of June & July 2008. Certification amendments will be included in these reports, starting with June 2008. Public notification of pending 401 Water Quality Certification applications can be found on our web site at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/publicnotice8_4_08.pdf . Certifications issued from January 2008 on, can also be found on our web site at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/401projects.shtml .

2. Enforcement Actions for July 2008 (Mark Alpert)

The following is a summary of all enforcement actions taken during the month of July 2008. During this period the Regional Board initiated 13 enforcement actions (1 Notice of Noncompliance; 2 Notice of Violation (NOV); 4 NOVs with Required Technical Reports; 1 Cleanup and Abatement Order, 1 Complaint for Administrative Liability (ACL); and 1 Settlement in lieu of ACL Complaint.

In addition to the summary information provided below, access to information on violations, enforcement actions, and Mandatory Minimum Penalties (MMPs) on a real-time basis is available to the public from the State Water Resources Control Board's Internet webpage at:

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

Date	Action	Responsible Party / Facility Address
July 3, 2008	Notice of Violation (NOV) No. R9-2008-0075 & Required Technical Report	City of Temecula MS4 Program
<p>The NOV was issued for violations of Order No. R9-2004-001; <i>Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the City of Murrieta, the City of Temecula, and the Riverside County Flood Control and Water Conservation District within the San Diego Region</i> (Permit). The violations include: The City's failure to prepare an adequate "Development Planning, Construction, and Illicit Discharge Detection and Elimination Program. The violation was discovered during an audit of the Riverside County MS4 implementation program. Earlier this year, the County of Riverside, City of Temecula, City of Murrieta, and the Riverside County Flood Control District were also issued NOV No. R9-2008-0053 for violations of the Permit's monitoring provisions.</p> <p>The City of Temecula was required to submit a technical report, by 5:00 PM, on August 4, 2008.</p>		
July 3, 2008	Staff Enforcement Letter (SEL)	Multiple Agencies Sewage Collection System
<p>Three Staff Enforcement Letters (SEL) were issued to enrollees in the State Board Order No. 2006-0003-DWQ that regulates sewer spills (<i>Statewide General Waste Discharge Requirements for Sanitary Sewer Systems</i>), for failure to submit required reports and for failing to complete a Collection System Questionnaire (as required in Section G.3 of Order No. 2006-0003-DWQ) The following entities received SELs:</p> <ol style="list-style-type: none"> 1. California State University San Marcos, San Marcos, CA 92069 2. R.J. Donovan Correctional Facility, 480 Alta Road, San Diego, CA 92179 3. City of Solana Beach, Solana Beach, CA 92075 		

Effective January 2007, State Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, requires agencies with more than one mile of sewer collection to file monthly reports of Sewer Overflows, or when no spills occur to file a "No-spill Certificate." In the San Diego region there are currently 50 enrollees in the State Wide Permit.

July 9, 2008	Cleanup and Abatement Order No. R9-2008-0074	Dr. William Moritz 14272 Jerome Drive Poway, CA 92064
<p>The CAO was issued to Dr. William Moritz for the unauthorized discharge of waste at 14272 Jerome Drive, Poway, CA. The landowner failed to submit a 401 Water Quality Certification application prior discharging sand, silt, clay, and piping material into a 340 feet reach of an unnamed ephemeral stream tributary to Poway Creek. The CAO directs Dr. Moritz to immediately stabilize the disturbed area with appropriate erosion and sediment controls; by August 15, 2008, to develop a Stream Restoration Plan; and by October 24, 2008, to cleanup and abate existing and threatened pollution associated with the unauthorized discharge (i.e., by removing the fill and restoring the stream to pre-impact conditions). A final report is due by December 19, 2008, to document that Cleanup and Abatement actions have been completed.</p> <p>A hearing on the CAO is tentatively scheduled for the September 10, 2008, Regional Board meeting.</p>		

July 13, 2008	Staff Enforcement Letter (SEL)	Valley Center Municipal Water District, Lower Moosa Canyon Reclamation Facility
<p>The SEL was issued for violations of effluent limitations established in Waste Discharge Requirements Order No. R9-1995-0032, Discharge Specification B.1 for Biochemical Oxygen Demand (BOD) and total suspended solids (TSS). The Discharger exceeded the 30-day average and daily maximum limit for BOD in November 2007. The Discharger also exceeded the 30-day average and daily maximum limit for TSS in November and December 2007. Violations of effluent limitations in WDRs are not subject to Mandatory Minimum Penalties.</p>		

July 14, 2008	Notice of Violation (NOV) No. R9-2008-0079	County of San Diego Bonsall Landfill, Bonsall, CA
<p>The NOV was issued for violations of Waste Discharge Requirements Order No. 97-15; <i>Waste Discharge Requirements for Post-Closure Maintenance of County of San Diego, Bonsall Sanitary Landfill, San Diego, County</i>. The specific violations include: causing a condition of pollution which adversely affects beneficial uses of groundwater; failing to provide a comprehensive discussion of the compliance record; and, failure to comply with electronic reporting requirements.</p>		

July 15, 2008	Notice of Violation (NOV) No. R9-2008-0086 & Required Technical Report	USACE and Riverside CO Flood Control Murrieta Creek Flood Control Project.
<p>The NOV was issued for violations of Clean Water Act Section 401 Water Quality Certification No. 03C-046, issued on August 15, 2003, for the Murrieta Creek Flood Control, Environmental Restoration, and Recreation Project. The dischargers were out of compliance with several conditions relating to reporting, maintenance and monitoring of the compensatory mitigation area. The dischargers are required to submit a technical report, pursuant to Water Code Sections 13267 and 13383, no later than 5:00 p.m., on August 22, 2008.</p>		
July 15 2008	Notice of Non-Compliance (NONC)	Valley Powder Coating & Sandblasting El Cajon, CA 92021
<p>The NONC was issued for failure to enroll in the Statewide Industrial Storm Water Permit, (Order No. 97- 03 DWQ). The Standard Industrial Classification (SIC) for the operation at the facility is a conditional classification for coverage in the Permit. The discharger is required to enroll because the facility has outdoor exposure to storm water. Failure to file a Notice of Intent (NOI) to comply with the Permit within 30 days subjects the discharger to mandatory penalties, pursuant to Water Code Sections 13399.30 and 13399.33. The penalty for failure to file the NOI is \$5,000 per year.</p>		
July 16 2008	Settlement Offer Mandatory Minimum Penalties No. R9-2008-0076	City of San Diego San Diego Convention Dewatering
<p>The Regional Board presented a \$69,000 settlement offer to the City to resolve 23 serious and non-serious violations of effluent limitations established in Regional Board Order No. R9-2003-0050, <i>Waste Discharge Requirement for Groundwater Extraction Waste Discharges to San Diego Bay from the San Diego Convention Center, San Diego County</i>. These violations are subject to Mandatory Minimum Penalties (MMP) pursuant to Water Code Sections 13385(h) and (i) which requires a \$3,000 MMP per violation.</p> <p>The settlement offer in lieu of a Complaint for Civil liability was issued in accordance with the State Board's initiative to reduce the backlog of effluent violations subject to MMP. The Settlement offer includes a process to expedite the payment of the MMP for those cases that are not contested.</p>		
July 17, 2008	Notice of Violation (NOV) No. R9-2008-0083	City of San Marcos 401 Certification
<p>The NOV was issued to the City of San Marcos for 13 violations of three separate Clean Water Act Section 401 Water Quality Certifications for the following projects:</p> <ol style="list-style-type: none"> (1) Twin Oaks Valley Road Extension project (Cert no. 03C-147); (2) San Elijo Road, County Dip Segment project Cert no. 03C-067); and (3) Grand Acres Commercial Shopping Center (Creekside Market) project (Cert no. 03C-040). 		

The violations were identified during inspections of the projects. Violations included failure to perform adequate and timely habitat mitigation, failure to implement post-construction storm water Best Management Practices (BMP) provisions, and failure to provide numerous required reports, among others. The violations are under investigation and additional enforcement may be considered in the future.

July 17, 2008	ACL Complaint No. R9-2008-0056 for Mandatory Minimum Penalties	Promenade Mall Corp. Promenade at Pacific Beach, Dewatering
<p>Amended ACL Complaint R9-2008-0056 was issued to Promenade Mall Development Corporation for Mandatory Minimum Penalties (MMPs) of \$15,000. The original complaint, issued May 20, 2008, also recommended a \$15,000 MMP. Revisions to the original complaint were in response to further evaluation of monitoring reports and applicable water quality standards. The revised Complaint reflects two revisions to violations subject to MMPs; the addition of one violation (chronic nickel concentrations in January 2006) and the deletion of one previously alleged violation (chronic copper concentrations in December 2005).</p> <p>If the Discharger contests the violations alleged in the Complaint, a hearing will be scheduled for the September 10, 2008, Regional Board meeting.</p>		

July 25, 2008	Notice of Violation (NOV) No. R9-2008-0087 & Required Technical Report	Murrieta School District Monroe Avenue Extension project
<p>Notice of Violation No. R9-2008-0087 was issued for violations of Clean Water Act Section 401 Water Quality Certification No. 06C-114 (Certification), issued on February 26, 2007, for the Monroe Avenue Extension project. Murrieta Valley Unified School District failed to submit several notifications and reports and failed to implement mitigation, as proposed in the habitat mitigation and monitoring plan, as required by the Certification. The Dischargers are required to submit a technical report, pursuant to Water Code Sections 13267 and 13383, no later than 5:00 p.m., on September 5, 2008.</p>		

3. Los Peñasquitos Lagoon Grant Update (*Laurie Walsh*)

In 2006, the State Water Resources Control Board (State Water Board) provided a grant of \$1,107,000 to the Los Peñasquitos Lagoon Foundation (Foundation) through the Proposition 40 Nonpoint Source Pollution Control Program (the Grant). The Grant, in part, funded construction of a sediment basin along Los Peñasquitos Creek to address impacts related to downstream sedimentation caused by urbanization of the western portion of the watershed. Los Peñasquitos Lagoon is listed on the Clean Water Act section 303(d) list of Impaired Water Bodies due to sediment and siltation. Timely construction and commitment to regular, long term maintenance of the basin is necessary in order to protect water quality and the beneficial uses of Los Peñasquitos Lagoon, a state designated Natural Preserve and Biological Habitat of Special Significance.

In order to comply with its Grant requirements, the Foundation has been negotiating with the City of San Diego (the City) for nearly two years to forge an agreement on maintenance of the basin. The City recognized that the basin will abate impacts related to sediment input from the watershed in a cost-effective manner, will help the City comply with the Clean Water Act, and will reduce costs associated with the City's Sorrento Creek Channel Maintenance Program. During negotiations the City expressed their commitment to reach an agreement with the Foundation and State Coastal Conservancy to maintain this basin.

On July 8, 2008 the San Diego City Council voted to adopt the ordinance that will establish a long-term maintenance program for the basin. All necessary agreements shall be signed by mid August 2008 and basin construction is expected to begin in September 2008.

4. Petition of North County Transit District Administrative Civil Liability Order

(Frank Melbourn)

Paul Cline, a City of San Marcos residential land owner, petitioned the Regional Board's June 11, 2008, Order R9-2008-0068, assessing a \$685,000 Administrative Civil Liability (ACL) against the North County Transit District (NCTD). At the conclusion of the ACL Hearing, the Regional Board found that there were 25 sediment discharges and 112 days of missing or inadequate Best Management Practices (BMPs) at the 22 mile long Sprinter Rail Project from October 5, 2007, through January 25, 2008, in violation of the Construction Storm Water Permit. Mr. Cline, was one of two members of the public to speak during the ACL Hearing. His petition requests that the State Board assess a \$2.6 million liability against NCTD pursuant to Water Code section 13385(e), which requires that the minimum civil liability be equivalent to the economic benefit accrued by the Discharger. In support of his request, Mr. Cline cites NCTD's hearing testimony that it expended \$2.6 million on BMPs during the violation period. On July 14, 2008, the State Board notified the Regional Board that it received the July 10, 2008, petition and assigned it case number A-1935. At the request of the State Board, the Regional Board on July 28, 2008, provided the State Board with an audio recording of the ACL Hearing. The Regional Board will be kept abreast of this matter as information becomes available.

5. Regulation of Recreational Boats and Implementation of the Shelter Island Yacht Basin Dissolved Copper TMDL *(Lilian Busse)*

On March 30, 2005, the U.S. District Court for the Northern District of California (in the case of Northwest Environmental Advocates et al. v. USEPA) ruled that the USEPA regulation excluding discharges incidental to the normal operation of a boat from NPDES permitting exceeded the agency's authority under the federal Clean Water Act. On September 18, 2006, the Court issued an order revoking this regulation [40 C.F.R. 122.3(a)] as of September 30, 2008. In response to this Court order, USEPA has developed two proposed permits to regulate discharges from recreational and commercial boats. Prior to adoption of these permits, President Bush signed The Clean Boating Act on July 30, 2008, that

limited USEPA's permitting authority for recreational and some commercial boats.

On a related matter, the San Diego Regional Board developed the Shelter Island Yacht Basin (SIYB) Total Maximum Daily Load (TMDL) for dissolved copper to address water quality impairment in SIYB. The TMDL received final approvals from SWRCB, USEPA, and Office of Administrative Law (OAL) and has been incorporated into the Basin Plan. The TMDL compliance schedule began on December 2, 2005 with OAL approval. During the TMDL process, boats were identified as a major source of copper in the SIYB. One option currently under consideration and discussed at a stakeholder meeting in August 2007, is a region-wide NPDES permit for marinas that would establish requirements for multiple pollutants, as the regulatory tool for TMDL implementation.

The San Diego Regional Board will continue to monitor further developments regarding recreational boats and review guidance on the federal regulation of recreational boats, prior to considering if a NPDES permit for marinas is appropriate. The load reduction schedule for the SIYB Dissolved Copper TMDL started on December 2, 2007, and a regulatory tool for ensuring implementation of the TMDL will need to be established.

6. Regulation of Plastic Bags and other Debris (*Jimmy Smith*) (*Attachment B-6*)

Plastic bags are a major component of litter and have recently received increased regulatory attention. In March of 2008 San Francisco became the first major U.S. city to ban single-use plastic bags at grocery stores and pharmacies. Several cities, including Los Angeles, Malibu, Manhattan Beach and Santa Monica, have since passed similar types of ordinances. The cities of Encinitas and Laguna Beach are now considering enacting their own bans on single-use plastic bags. A 2007 California law requires grocery stores to take back and recycle plastic bags. The Senate is now considering Assembly Bill 2058 that would require retailers to recycle 70 percent of plastic bags by 2011 or face a 25-cent-a-bag fee. See attachments B-6(a-f) for more information.

Storm Water permits for Municipal Separate Storm Sewer Systems (MS4) issued by this Regional Board require copermitees to "establish, maintain and enforce adequate legal authority to control pollutant discharges into and from its MS4." Industrial and Construction Storm Water permits require best management practices intended to prevent trash, such as plastic bags, from leaving regulated sites. Despite these efforts, plastic bags continue to be an all too common component of local trash in storm drains. Trash bags and disposable diapers constitute another source of plastic waste that threatens beneficial uses.

In a parallel effort, the Governor signed Assembly Bill 258 on October 15, 2007. The bill requires the State Board and the Regional Boards, by January 1, 2009, to implement a program for the control of discharges of pre-production plastics from point and non-point sources. The State Board has taken the lead on this

effort. A 1999 SCCWRP study found that "three categories of plastics [pre-production plastic pellets (a.k.a. nurdles), foamed plastics and hard plastics] accounted for 99 percent of the total abundance and 51 percent of the total weight" of trash found along beach shorelines from Seal Beach to San Clemente on the Orange County coast from August to September 1998. The article may be found at:

ftp://ftp.sccwrp.org/pub/download/PDFs/1999ANNUALREPORT/09_ar10.pdf

An estimated 19 billion plastic bags are used in California each year - roughly 522 per person. A February 2007 Ocean Protection Council Resolution calling for the reduction and prevention of marine debris, cites that 60-80 percent of all marine debris and 90 percent of floating debris is plastic and that 80 percent of marine debris comes from land-based sources. See attachment B-6f for a Press Release regarding the Resolution. In our coastal environment, plastic waste usually ends up on our beaches. Large storm flows can transport large quantities of plastic trash to the ocean. Massive amounts of plastic waste from the west coast of the United States have become concentrated in a gyre in the North Pacific Ocean where it negatively affects wildlife. An LA Times article, *Plague of Plastics Chokes the Sea*, provides a more in-depth discussion of this problem. <http://www.latimes.com/news/local/oceans/la-me-ocean2aug02,0,3130914.story>

7. Dana Point Ocean Desalination Project (*Bob Morris and Brian Kelley*)

The Municipal Water District of Orange County (MWDOC) is studying the feasibility of locating an ocean water desalination facility adjacent to the mouth of San Juan Creek, north of the Pacific Coast Highway in Dana Point. To conduct the feasibility study, the MWDOC will need coverage under the general National Pollutant Discharge Elimination System (NPDES) permit for groundwater extraction to discharge pumped water to the Pacific Ocean. The MWDOC is concerned that pumping of the test well will draw in petroleum pollutants in groundwater from three nearby underground storage tank (UST) cleanup sites.

The collector system for the proposed desalination facility will consist of subsurface wells drilled on a slant from the shore area out under the ocean floor. This system will pull ocean water through the sand on the ocean floor, as well as some groundwater, into the slant wells. Because the collector system will lie completely underground, the system will provide enhanced protection of the marine environment from impingement and entrainment problems potentially caused by surface water intake structures.

To test the feasibility of the project, in 2006 MWDOC constructed a fully buried, 12-inch diameter, 350-foot long test slant well on Doheny State Beach. The MWDOC reported that although preliminary pilot well tests have been promising, long-term testing is needed. The pilot-plant testing of this next phase of the feasibility study will require pumping the slant well for an extended 24-month period to draw in ocean and groundwater, and to pilot test the desalination of the

source water using a reverse osmosis process. A portion of the water pumped from the slant well will be desalinated, then recombined with the brine generated during the desalination process along with the untreated portion of the source water. This mixture will then be discharged to the Pacific Ocean. This discharge will require coverage under the general NPDES permit for groundwater extraction. The MWDOC submitted an application for coverage under the permit, and the Regional Board is working with the MWDOC to complete the application.

The MWDOC recently informed the Regional Board that there are three nearby UST cleanup sites that could impact its feasibility study. MWDOC has expressed concerns that the pumping of the slant well will draw in groundwater containing petroleum waste pollutants. The Regional Board's Surface Water and Ground Water Basins Branches have been coordinating their efforts to address the MWDOC's concerns.

The Orange County Health Care Agency is the lead regulatory agency overseeing cleanup efforts at the three UST sites owned by Conoco Phillips, Exxon Mobil, and ARCO. At the request of the County, the Ground Water Basins Branch participated in a teleconference on July 17, 2008 with the three UST dischargers and the MWDOC. At this meeting, the Branch supported the County's directives to the UST dischargers to assess the threat from their sites to the MWDOC well, and to take timely actions to abate any adverse impacts to the MWDOC's slant well testing. The Branch informed the UST dischargers that it will continue to support the County by monitoring the progress of the assessment and cleanup and will take appropriate enforcement action if necessary.

8. San Diego MS4 Permit, Test Claim Filed With Commission on State Mandates for Reimbursement *(Catherine George)*

On June 20, 2008, the County of San Diego filed a Test Claim with the State of California, Commission on State Mandates (Commission), challenging multiple provisions in Order No. R9-2007-001 (National Pollutant Discharge Elimination System (NPDES) No. CAS0108758), Waste Discharge Requirements for Discharges of Urban Runoff From the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority), adopted on January 24, 2007 (2007 MS4 Permit). The County filed the Test Claim on behalf of 18 of the 20 MS4 Co-permittees (Claimants). Only the San Diego Unified Port District and the San Diego County Regional Airport Authority did not join in the Test Claim.

The Claimants allege that the 2007 MS4 Permit establishes reimbursable state-mandated programs pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514 and that they are entitled to reimbursement for the expenses they incur in implementing many of the mandated programs. Examples of the provisions for which the Claimants seek reimbursement include provisions requiring collaboration in the development and

implementation of a regional residential education program and a hydromodification management plan, mandated street sweeping frequencies, and mandated conveyance system cleaning requirements. Collectively, the Claimants seek reimbursement for over \$60,000,000 in estimated costs of complying with the challenged permit provisions.

In order to obtain reimbursement, the Claimants must establish that the requirements constitute a new program or higher level of service than they were previously required to perform and must meet various other requirements. They also must prove that the costs they incur are mandated on them by state, rather than federal law. During the 2007 MS4 Permit adoption process, the San Diego Regional Board took the position that permit provisions challenged as imposing unfunded state mandates are required by, and do not exceed, federal law.

Several municipal co-permittees in the Los Angeles Region recently re-filed Test Claims with the Commission on State Mandates for consideration following the 2007 Court of Appeal determination that Water Board orders were not exempt from the reimbursement requirements. The Los Angeles Test Claims are pending hearing before the Commission.

The Commission has established a September 10, 2008 deadline for filing responses to the Test Claim. The State Water Resources Control Board and San Diego Regional Water Quality Control Board will respond jointly. Other state agencies such as Department of Finance likely will also respond.

9. Update on TMDLs *(Dave Gibson)*

The US EPA, State Water Resource Control Board (State Water Board), and the Regional Boards prioritize Total Maximum Daily Load projects using the "Clean Water Act Section 303(d) List of Water Quality Limited Segments" (303(d) List), which is updated every two years. Presently, the San Diego Region has 78 water bodies on the 303(d) List and is preparing the 2008 (303(d) List for considering by the Regional Board in December 2008. The 2008 303(d) List may include as many as 100 new listings of impaired water bodies.

Given the large number of listings and potential new listings, the TMDL Unit is developing a process for evaluating and prioritizing these water bodies for TMDLs on a watershed basis for the next five years. Integrating and coordinating these potential TMDL projects in the NPDES Municipal Storm Water Permit program is a primary consideration of the prioritization process being developed. In particular, integration and coordination with the Watershed Urban Runoff Management Plans (WURMPs) is an important factor in this effort. The TMDL unit will be meeting with Copermittees beginning in September to discuss how this objective can be realized.

The California Total Maximum Daily Load (TMDL) Program Status Summary Report Fiscal Year 2007-2008 was released on July 22, 2008. The San Diego

Region met its objective to adopt two TMDLs and met most of its work plan commitments for the fiscal year. The new work plan is currently being finalized and must address significant cutbacks in funds imposed on the regions statewide. The report and additional TMDL information can be found at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/index.shtml

10. Developing Mitigation Options for Poseidon's Marine Life Mitigation Plan
(*Chiara Clemente*)

On August 6, 2008 Chiara Clemente and Michelle Mata attended the California Coastal Commission hearing, where the commissioners voted in support of a revised Marine Life Mitigation Plan (MLMP) for the Poseidon Resources desalination facility, to be located near Agua Hedionda Lagoon, in Carlsbad, CA. The revised plan, would allow Poseidon to implement phased mitigation totaling 55.4 acres for project-related impacts; 37 acres with project start-up and 18.4 acres thereafter. The mitigation location(s) has/have yet to be determined. Some defining criteria for the selection of suitable mitigation, however, have been set forth in the MLMP, and have been required by the Commission.

In the interim, Poseidon will continue to review available technology to determine whether new or developing technologies would be reasonably feasible to reduce entrainment, if/when Poseidon becomes a stand-alone facility.

Poseidon is scheduled for a hearing before the State Lands Commission on August 22, 2008. Also, Regional Board Resolution R9-2008-0039 requires Poseidon to "submit to the Regional Board Executive Officer, for approval by the Regional Board, a revised (Flow Entrainment & Impingement Minimization) Plan" that addresses concerns contained in the Regional Board Order. The revised Plan is due by October 9, 2008. It is envisioned that this plan will address the mitigation requirements of the California Coastal Commission and the State Lands Commission, and the concerns raised by the Board at their April 9, 2008 hearing.

11. Cities of Arcadia, et al. v. State Water Resources Control Board, et al.
(Ventura County Superior Court Case No. 06cco2974), Ventura County (*Catherine George*)

On July 2, 2008, the superior court in Ventura County within the Los Angeles Regional Water Quality Control Board's (Los Angeles Water Board) jurisdiction issued a writ of mandate that affects the regulation of storm water runoff in the Los Angeles Region, largely in Los Angeles and Ventura Counties. In a press release issued on July 18, the Los Angeles Water Board publicized a broad list of activities related to municipal, industrial and construction storm water discharges that were prohibited by the court's ruling. This list included processing application for permits required under the Clean Water Act, considering and adopting Total Maximum Daily Loads to reduce storm water pollution, inspecting facilities to assess compliance with water quality standards, prosecuting violations of existing permits' requirements to comply with water quality

standards, referring violations to the Attorney General for civil and criminal prosecution related to violations of existing permits' requirements to comply with water quality standards, and all other activities relating to the implementation, application and/or enforcement of water quality standards as applied to storm water. On August 1, through a stipulation by the parties, the court limited the scope of the ruling. The Natural Resources Defense Council has challenged the court's ruling and the Los Angeles Water Board and State Board plan to pursue a new trial.

Because the San Diego Water Board is not affected by the court's ruling, it will not have an immediate effect on this board. However, when the San Diego Water Board conducts its next triennial review, it may have to address comments similar to those presented to the Los Angeles Water Board and litigated during the Cities of Arcadia case.

PART C **STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION**

1. State and Federal Brownfields Funding Workshop *(Bob Morris)*

The Regional Board hosted a workshop on July 17, 2008 that focused on the application process for state and federal grants available to assist in site assessment and cleanup at brownfields project sites. Brownfields are underutilized properties where redevelopment or reuse may be hindered by the actual or suspected presence of pollution/contamination. Cleanup and redevelopment of these sites benefits the environment and communities by eliminating pollution/contamination problems, allowing economic growth, and revitalizing neighborhoods.

The July 17th workshop featured speakers from the USEPA, the California Department of Toxic Substance Control (DTSC), and the SWRCB, who identified funding opportunities available through Targeted Site Investigation (TSI) Grants, the Revolving Loan Fund, and the Orphan Site Cleanup Account. Under the TSI program, the DTSC and the Regional Boards select eligible brownfields sites to receive investigative services at no cost to the applicant. The Revolving Loan Fund program provides loans and subgrants to rural and urban distressed communities and neighborhoods for cleanup. The Orphan Site Cleanup Account provides financial assistance to cleanup sites contaminated by leaking petroleum underground storage tanks where there is no financially responsible party.

In the San Diego Region, Ms. Sue Pease is the Regional Board's Brownfield Coordinator. As part of her responsibilities, Ms. Pease will act as the Regional Board's point of contact for the public, including local communities and other governmental agencies for information concerning brownfields projects and funding within the region. Ms. Pease can be contacted at (858) 637-5596 or by email at SPease@waterboards.ca.gov.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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

August 13, 2008

APPENDED TO EXECUTIVE OFFICER REPORT

SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT August 13, 2008	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
SEPTEMBER 10, 2008 RB MEETING Rancho California Water District, Temecula										
USMC CAMP PENDLETON DISCHARGE TO OCEANSIDE OCEAN OUTFALL	NPDES Permit Reissuance	100%	100%	80%	0%	September 10, 2008	No	NPDES Workplan FY 2008-09	Valdivinos	
GENENTECH, INC. NIMO FACILITY OCEANSIDE DISCHARGE TO OCEANSIDE OCEAN OUTFALL	NPDES Permit Reissuance	100%	100%	80%	0%	September 10, 2008	No	NPDES Workplan FY 2008-09	Mata	
CITIES OF VISTA AND CARLSBAD--SEWAGE DISCHARGE TO BUENA VISTA LAGOON	Consideration of ACL Settlement	NA	NA	100%	0%	September 10, 2008	No	Admin. Civil Liability Penalty ACL \$1,095,000	Melbourn	
CITY OF ESCONDIDO HARRF FACILITY DISCHARGE TO OCEAN OUTFALL	Consideration of ACL Settlement	NA	NA	100%	0%	September 10, 2008	No	Mand. Min. Penalty and ACL \$1,797,150	Stewart	
PROMENADE MALL DEVELOPMENT CORP. GROUNDWATER DISCHARGE TO MISSION BAY	Hearing: Admin. Civil Liability	NA	NA	0%	0%	September 10, 2008	No	Mandatory Minimum Penalty ACL \$15,000	Haas	
KINDER MORGAN MISSION VALLEY TERMINAL DISCHARGE TO MURPHY CANYON CREEK	Hearing: Admin Civil Liability	NA	NA	0%	0%	September 10, 2008	No	ACL/Mand. Minimum Penalty ACL \$229,000	Haas	
WILLIAM MORITZ PROPERTY AT 14272 JEROME STREET POWAY SAN DIEGO COUNTY	Hearing: Cleanup Abatement Order	NA	NA	100%	0%	September 10, 2008	No		Means	
USMC CAMP PENDLETON SO. REGIONAL PLANT MASTER RECLAMATION PERMIT	Master Reclamation Permit	100%	100%	100%	0%	September 10, 2008	Yes		Pierce	
OCTOBER 8, 2008 RB MEETING San Diego Regional Board Office										
NPDES GENERAL PERMIT HYDROSTATIC TESTING AND POTABLE WATER DISCH.	NPDES Permit Reissuance	NA	100%	20%	0%	October 8, 2008	No	NPDES Workplan FY 2006-07	Mata	
US NAVY GRAVING DOCK SAN DIEGO BAY	NPDES Permit Reissuance	100%	100%	20%	0%	October 8, 2008	No	NPDES Workplan FY 2008-09	Kelley	
SAN ELIJO JOINT POWERS AUTHORITY DISCHARGE TO OCEAN OUTFALL	Consideration of ACL Settlement	NA	NA	20%	0%	October 8, 2008	No	Mandatory Minimum Penalty ACL \$9,000	Haas	
SOUTH ORANGE CO. WASTEWATER AGENCY SAN JUAN CREEK OCEAN OUTFALL DISCHARGE	Hearing: Admin Civil Liability	NA	NA	0%	0%	October 8, 2008	No	Mandatory Minimum Penalty ACL \$111,000	Cofrancesco	
DICKERSON AND PERRY & PAPPENHAUSEN CONSTRUCTION CO. 501 FIRST ST., CORONADO	Hearing: Admin. Civil Liability	NA	NA	50%	0%	October 8, 2008	No	Mandatory Minimum Penalty ACL \$24,000	Melbourn	
CITY OF SAN DIEGO CONVENTION CENTER DEWATERING DISCHARGE TO SAN DIEGO BAY	Consideration of ACL Settlement	NA	NA	90%	0%	October 8, 2008	No	Mandatory Minimum Penalty ACL \$	Cofrancesco	
NPDES PERMIT RESCISSIONS--4 DAIRIES AND S&S FARMS	NPDES Permit Rescission	100%	100%	0%	0%	October 8, 2008	Yes		Kelley	

SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
NOVEMBER 12, 2008 RB MEETING San Diego Regional Board Office										
	PADRE DAM MUNICIPAL WATER DISTRICT SANTEE RECLAMATION FACILITY	NPDES Permit Reissuance	100%	90%	20%	0%	November 12, 2008	No	NPDES Workplan FY 2008-09	Valdovinos
	US NAVY-- NAVAL BASE PT. LOMA SAN DIEGO BAY	NPDES Permit Reissuance	100%	90%	80%	0%	November 12, 2008	No	NPDES Workplan FY 2007-08	Rodriguez
	US NAVY--NAVAL BASE SAN DIEGO SAN DIEGO BAY	NPDES Permit Reissuance	100%	90%	80%	0%	November 12, 2008	No	NPDES Workplan FY 2007-08	Rodriguez
	US NAVY--NAVAL BASE CORONADO SAN DIEGO BAY	NPDES Permit Reissuance	100%	90%	80%	0%	November 12, 2008	No	NPDES Workplan FY 2007-08	Rodriguez
	NASSCO/GENERAL DYNAMICS CORP. SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	100%	90%	80%	0%	November 12, 2008	No	NPDES Workplan FY 2007-08	Rodriguez
	BAE SYSTEMS SAN DIEGO SHIP REPAIR SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	100%	90%	80%	0%	November 12, 2008	No	NPDES Workplan FY2007-08	Rodriguez
DECEMBER 10, 2008 RB MEETING San Diego Regional Board Office										
	TIJUANA RIVER WATERSHED-- WORKSHOP ON REMOVAL OF TRASH AND SEDIMENT	Workshop	NA	NA	0%	0%	December 10, 2008			Robertus
	2008 FED. CLEAN WATER ACT SEC. 303(d) LIST OF WATER QUALITY SEGMENTS	Adoption: CWA 303(d) WQ List	NA	NA	0%	0%	December 10, 2008	No		
	OCEAN DISCHARGER RECEIVING WATER MONITORING PROGRAM UPDATES	NPDES Permits Revisions	NA	50%	0%	0%	December 10, 2008	No		Positumus
JANUARY 14, 2009 RB MEETING San Diego Regional Board Office										
	CITY OF SAN DIEGO PT. LOMA OCEAN OUTFALL DISCHARGE TO PACIFIC OCEAN	Hearing: NPDES Permit Reissuance	100%	80%	0%	0%	January 14, 2009		Hearing on Variance Decision and NPDES Permit	
UNSCHEDULED ACTION ITEM										
	ORANGE COUNTY MUNICIPAL STORM WATER PERMIT	NPDES Permit Reissuance	100%	80%	80%	0%		No	Pending resolution of issues raised by USEPA	Smith
	PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	Hearing: New WDRs	100%	80%	90%	0%		No	Pending completion of CEQA process	Tamaki
	HUBBS RESEARCH FACILITY CARLSBAD AGUA HEDIONDA LAGOON	NPDES Permit Reissuance	100%	80%	80%	0%		No	Pending receipt of information from Hubbs Res.	Mata

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JUNE 1, 2008 THROUGH JULY 31, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
6/04/08	The City of Temecula	Ronald Reagan Sports Park Desiltation Basin Project	The project involves the long-term operation and maintenance of the existing desiltation basin including sediment/debris removal, and some riparian vegetation clearing to allow equipment access.	Ronald Reagan Sports Park Desiltation Basin	Permanent: 0.10 acre of wetland waters of the U.S. Temporary: 0.51 acre of wetland waters of the U.S. and 1.78 acres of open water.	Creation: 0.10 acre of riparian forest/wetland habitat, Enhancement: 0.20 acre of riparian forest.	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
6/04/08	Target Corporation, Inc., Vista	Target Commercial Centre (T2165 Target Vista South)	The project consists of the development of a commercial shopping center, composing a Target retail store, a retail building, and a restaurant.	Unnamed tributary to Agua Hedionda Creek.	Permanent: 0.03 acre of vegetated Waters of the U.S.	On-site Enhancement: 0.20 acre of vegetated waters of the U.S./State Off-site Creation: 0.17 acre of vegetated waters of the U.S./State, 0.12 acre of riparian upland buffer Purchase: 0.20 acre of wetland Creation (0.60 credits) at the North County Habitat Bank.	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JUNE 1, 2008 THROUGH JULY 31, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
6/04/08	Lowe Enterprises Real Estate Group West, Irvine	West Bernardo Drive Widening Project	The project includes traffic improvements consisting of the widening of West Bernardo Drive, and the installation of a sidewalk with guardrails.	Unnamed tributary to Lake Hodges	Permanent: 0.20 acre of wetland waters of the U.S.	<p>Creation: Rancho Santa Fe Lakes 0.16 acre of southern willow riparian forest, 0.01 acre of Mule fat scrub, and 0.04 acre of freshwater marsh/wetland;</p> <p>Restoration: Fenton Ranch 0.32 acre of southern willow riparian forest, 0.03 acre of Mule fat scrub, and 0.05 acre of freshwater marsh/wetland.</p>	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JUNE 1, 2008 THROUGH JULY 31, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
6/12/08	Caltrans, District 12, Irvine	State Route 74 Safety Improvements Project	Amendment to Certification 06C-018 to increase permanent and temporary impacts and to change mitigation accordingly.	Unnamed tributaries to San Juan Creek	Increased impacts: Permanent: 0.08 acres Temporary: 0.06 acres	Increased mitigation: Restoration: 0.06 acres of wetlands 0.26 acres of riparian	Amendment of a Technically Conditioned Certification & Wavier of Waste Discharge Requirements
6/17/08	French Valley Airport Center LLC., Murrieta	French Valley Industrial Center/Tentative Parcel Map 33691	Amendment to Certification 07C-001 to change water quality management plan from extended detention basins and bioswale to a Porous Landscape Detention combined with underground detention (ADS Chambers), and to extend the due date for the final mitigation preservation mechanism.	Unnamed tributaries to Tucalota Creek	No changes in impacts	No changes in mitigation	Amendment of a Technically Conditioned Certification & Wavier of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JUNE 1, 2008 THROUGH JULY 31, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
6/19/08	The City of San Diego	60 th Street Sewer Replacement Project	The project consists of the relocation and replacement of sewer lines, and the creation of an access road.	Unnamed tributary to the San Diego River	Permanent: 0.005 acre of vegetated water of the U.S.	Creation: 0.005 acre of herbaceous wetland Enhancement: 0.005 acre of herbaceous wetland	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
6/25/08	United States Coast Guard, Oakland	Patrol Boat Pier and Floating Dock, USCG Sector San Diego Harbor Drive Facility	The project consists of the construction of a patrol boat pier and floating dock located at the Harbor Drive Facility.	San Diego Bay	Not Applicable	Not Applicable	Withdrawn by the Regional Board

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JUNE 1, 2008 THROUGH JULY 31, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
6/27/08	Services Corporation International, SCI California Funeral Services Inc., San Bernadino	Eternal Hills Memorial Park Project	The project consists of development of 22.57 acres of the Eternal Hills Memorial Park cemetery including 19,600 in-ground burial lots, 7 mausoleum structures (0.482 acres), expanding internal roadway (2.17 acres), a 0.20 acre upland detention pond, and a 2.10 acre in-stream sedimentation pond.	Loma Alta Creek and Loma Alta Slough	Permanent: 0.04 acres of wetland; 0.13 acre of streambed	Purchase: 0.82 acre of mitigation credit at the Pilgrim Creek Mitigation Bank comprised of 0.23 acre of wetland creation, 0.46 acre wetland enhancement, and 0.13 acre of riparian/streambed enhancement.	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
7/02/08	SUNCOR Ambiance LLC, La Jolla	The Ranch at Vista Grande	Amendment to Certification 07C-016 to address change in ownership of the project (change in applicant and project title), and changes in water treatment BMPs to include an underground infiltration chamber (Stromchamber) on each individual building pad.	Unnamed tributary to the San Diego River	No changes in impacts	No changes in mitigation	Amendment of a Technically Conditioned Certification & Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JUNE 1, 2008 THROUGH JULY 31, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
7/03/08	Cameo Homes, Newport Beach	Murrieta 180 Project	Amendment to Certification 06C-063 to extend the due date for the final mitigation plan from June 30, 2008 to 60 days prior to initiating ground disturbance at the project site.	Unnamed tributary to Warm Springs Creek	No changes in impacts	No changes in mitigation	Amendment of a Technically Conditioned Certification & Wavier of Waste Discharge Requirements
7/07/08	Rodney Company N.V., Murrieta	Guejito Creek Crossing Project	The project consists of the construction of a new concrete structure crossing with no culverts that is at-grade with the creekbed.	Guejito Creek	Permanent: 0.05 acres of streambed	The project is self-mitigating as the crossing will help restore nearly normal sediment transport, water velocity, and shear as compared to the former crossing.	Order for Low Impact Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JUNE 1, 2008 THROUGH JULY 31, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
7/09/08	U.S. Department of the Navy, Point Loma	BRACON project P-793V	The project consists of the construction of facilities at SUBBASE and NBC to accommodate operational needs of the minesweeper ships.	San Diego Bay & Pacific Ocean	Permanent: 0.07 acre of ocean/bay	The project is considered self-mitigating as it enhances fish habitat.	Time Expired
7/16/08	Port of San Diego	Pepper Park Boat Launch Facility Rehabilitation	Amendment to Certification 06C-004 to include two additional retaining walls needed to stabilize the revetment slopes adjacent to the west and east sides of the boat ramp	Sweetwater River at San Diego Bay	No changes in impacts	No changes in mitigation	Amendment of a Technically Conditioned Certification & Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JUNE 1, 2008 THROUGH JULY 31, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
7/20/08	U.S. Department of the Navy, Point Loma	Pile Removal and Ramp Replacement, Naval Base Point Loma	The proposed project consists of removal and disposal of piles and associated pier components that comprise Finger "B" of Pier 159 as well as the removal and replacement of ramps at Finger "A" and "C" of Pier 159.	San Diego Bay and Pacific Ocean	No impacts to waters of the State are proposed	No compensatory mitigation is proposed	Time Expired
7/2108	City of San Diego	La Jolla Children's Pool	Dredge 3,000 cubic yards of beach sand from the Children's pool beach and re-locate it on the west side of the breakwater wall.	Pacific Ocean	Not Applicable	Not Applicable	Withdrawn by the Regional Board

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF JUNE 1, 2008 THROUGH JULY 31, 2008**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
7/23/08	Pardee Homes, San Diego	Sunset Point Project	The project consists of the construction of a residential subdivision including 20 single family residence units, associated infrastructure, & manufactured slopes.	Unnamed creek in Lopez Canyon, tributary to Los Peñasquitos Creek	Permanent: 0.015 acre of unvegetated ephemeral drainage of the U.S.	Creation: 0.03 acre of wetland (southern willow scrub)	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
7/23/08	Atlas Kona Kai LLC, San Diego	Shelter Point Hotel & Seawall Renovation	The project consists of the demolition, removal, and replacement of 685 feet of the existing dilapidated seawall, as well as upland improvements including the demolition of the existing marina building.	Shelter Island Yacht Basin, San Diego Bay	Temporary: impacts will occur to intertidal habitat during demolition and construction of the new seawall.	This project is self mitigating as the new seawall will result in a net gain of 708 sq. ft. of intertidal habitat	Technically Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS FOR THE PERIOD OF JUNE 1, 2008 THROUGH JULY 31, 2008

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.
- Number of Projects Received Between June 1, 2008 and June 30, 2008: 7
Number of Amendments Received Between June 1, 2008 and June 30, 2008: 2
Number of Project Received Between July 1, 2008 and July 31, 2008: 4
Number of Amendments Received Between July 1, 2008 and July 31, 2008: 3
Number of Projects Received Between January 1, 2008 and July 31, 2008: 50
Number of Certifications Issued Between January 1, 2008 and July 31, 2008: 25
Number of Projects Withdrawn Between January 1, 2008 and July 31, 2008: 7
Number of Projects Where Time-Expired Between January 1, 2008 and July 31, 2008: 2
Number of Projects Denied Between January 1, 2008 and July 31, 2008: 0

Los Angeles Times

<http://www.latimes.com/news/local/la-me-plastic23-2008jul23,0,5875215.story?track=rss>

From the *Los Angeles Times*

L.A. City Council votes for ban on plastic shopping bags

The council plans to ban plastic carryout bags in the city's stores by 2010, unless the state imposes a 25-cent fee on those who request them.

By David Zahniser
Los Angeles Times Staff Writer

July 23, 2008

The Los Angeles City Council voted Tuesday to ban plastic carryout bags in the city's supermarkets and stores by July 2010 -- but only if the state fails to impose a 25-cent fee on every shopper who requests them.

Council members said they hope an impending ban would spur consumers to begin carrying canvas or other reusable bags, reducing the amount of plastic that washes into the city's storm drains and the ocean.

"This is a major moment for our city, to bite the bullet and go with something that is more ecologically sensitive than what we've ever done before," said Councilman Bill Rosendahl, who represents such coastal neighborhoods as Venice and Playa del Rey.

Tuesday's vote comes as the plastic bag industry, formally known as the Save the Plastic Bag Coalition, is fighting efforts to regulate its products. The group filed a lawsuit last week challenging a Los Angeles County plan to reduce plastic bags about 30% by 2010.

Still, a lawyer for the coalition said that as long as the council's decision remains a policy and not a law, he sees no need for a legal fight.

"Why challenge it?" asked coalition attorney Stephen Joseph. "It's not an ordinance."

The council also voted to require city agencies to stop purchasing polystyrene food containers starting next year.

The plastic bag ban was hailed by environmental groups, including Heal the Bay and the Surfrider Foundation. Opponents warned the policy will have a devastating effect on the region's packaging companies.

"When we start banning things and closing factories, where are the blue-collar workers going to go?" asked Anatolio Riegos, a Highland Park resident who works for Pactiv, a packaging company in the city of Industry that has roughly 1,300 workers.

City officials estimate that Los Angeles consumers use 2.3 billion plastic bags each year. An estimated 5% of plastic bags are recycled statewide, according to the city's Bureau of Sanitation.

The ban was proposed by Councilman Ed Reyes, who called plastic bags "the graffiti of the L.A. River," which passes through his district.

Although the plan originally called for the bag ban to go into effect in 2012, council members Janice Hahn and Richard Alarcon persuaded their colleagues to embrace an earlier deadline.

Alarcon said the council would eventually pass a law regulating plastic bags. But for now, the council's vote is designed to persuade state lawmakers to impose a fee on them.

"If they don't do [a fee], then we do a ban," said Alarcon, who represents the northeast San Fernando Valley. "So yes, at some point there would be an ordinance."

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More Metro news

California crusade to abolish plastic bags gaining support

By Terry Rodgers
UNION-TRIBUNE STAFF WRITER

July 26, 2008

It used to be smoking. Now it's plastic.

Those ubiquitous plastic bags handed out at retail outlets are now the hottest thing to hate among California's coastal watchdog groups.

Ocean activists have declared war on disposable plastics because of the threat they pose to marine life. A growing number of politicians are starting to jump aboard the bag-ban bandwagon.

"Paper or plastic? How about neither?" Lt. Gov. John Garamendi said during an appearance in San Diego yesterday. Garamendi, who is positioning himself to run for governor in 2010, voiced support for a statewide program to reduce marine debris.

Marine debris includes everything from abandoned fishing nets to disposable cigarette lighters. But if there were such a thing as a wanted poster for molesting the ocean, it would contain the image of a plastic bag.

The trend can be traced to San Francisco's action in March to ban single-use plastic bags at high-volume grocery stores and pharmacies. Stores have the option to give out paper bags or compostable plastic bags made from cornstarch.

Similar restrictions were enacted by Manhattan Beach and Malibu. This week, Los Angeles adopted a policy calling for a ban on plastic carry-out bags by 2010, unless the state imposes a 25-cent fee for customers who ask for them.

Ban-the-bag crusades also have sprouted in San Diego County, but lawmakers here are being cautious. Solana Beach was the first to act. In December, the city banned plastic bags used for advertising from being thrown onto driveways or hung from doorknobs.

The next push came from a petition drive in Encinitas organized by the Surfrider Foundation. The signatures prompted the City Council in June to explore a possible ordinance to curb single-use bags. A report outlining various options is being drafted by a citizens committee.

On Wednesday, San Diego Coastkeeper, a local environmental group, urged the San Diego City Council's environmental issues committee to consider legislation to reduce plastic bags.

Lobbyists for the plastics industry and restaurant association issued sharp objections, complaining they had



EDUARDO CONTRERAS / Union-Tribune
Lt. Gov. John Garamendi (center) cleaned up the beach with Dan Jacobson (left) and Angela Howe.

learned of the hearing at the last minute.

Other than agreeing that all sides should be heard and expressing concern that imposing fees on plastic bags could be a burden to low-income families, members of the Natural Resources and Culture Committee could hardly contain their ambivalence.

"I don't think it raised a whole lot of excitement," said Councilwoman Donna Frye, who chairs the committee.

Nonetheless, Frye said she will hold another hearing in September to allow opponents of a bag ban to articulate their concerns and bring legislative options into sharper focus.

Baykeeper attorney and policy expert Gabriel Solmer was disappointed by the committee's unenthusiastic reaction.

"We're concerned that the committee doesn't understand the urgency of this issue and the hazards of waiting," Solmer said.

Frye, who is perceived by many as the council's environmental champion, hinted that advocates of a bag ban face an uphill battle.

"I think its still up to debate whether a bag ban accomplishes a significant reduction in marine debris," Frye said.

A San Francisco Bay Area lawyer, Stephen Joseph, recently launched a counter-bag-ban crusade with a Web site called SaveThePlasticBag.com.

"The anti-plastic campaign is based on myths that are repeated over and over again on the Internet," Joseph said. "Decision-makers have bought into these myths without asking questions and checking facts."

Environmentalists have erroneously claimed that plastic bags are made from crude oil, when in fact nearly all of those manufactured in the U.S. are made from natural gas, he said.

"The best solution is to offer people a third choice, which is to offer reusable bags but keep the plastic and paper choice there, too," Joseph said.

The plastics industry contends that bans are self-defeating because they discourage ongoing efforts to increase recycling of plastic bags.

A state law in effect the past year requires high-volume supermarkets to install recycle bins at their stores. The law also prohibits local governments from imposing fees on plastic bags. A new bill, AB 2058 by Assemblyman Lloyd Levine, D-Van Nuys, would repeal that prohibition.

The marine debris reduction program endorsed by Garamendi was developed by the state's Ocean Protection Council. It calls for a multilayered strategy that includes enhanced public education, increased recycling and possible user fees on plastic litter.

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Find this article at:

<http://www.signonsandiego.com/news/metro/20080726-9999-1m26bags.html>

The Mercury News

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California considers ban on plastic bags to protect marine life

By Mike Zapler
Mercury News Sacramento Bureau

Article Launched: 07/30/2008 01:31:15 AM PDT

Have your say!

- **Vote and comment:**
- Is a statewide ban on single-use plastic bags a good idea?

SACRAMENTO - Should California become the first state to ban plastic bags?

One of the state's top environmental officials embraced the idea Tuesday, citing the devastating impact on marine animals, which die after ingesting plastic bags or becoming entangled in them.

Secretary of Resources Mike Chrisman is head of a cabinet-level panel - the California Ocean Protection Council - that is mulling over a list of proposals, including the bag ban, to improve the health of the ocean. While the panel has no power to impose such a prohibition, its recommendation would give the idea a tremendous shot of momentum.

Other ideas under consideration include imposing fees or regulations on producers of plastic food packaging, another big contributor to ocean debris, and cracking down on beach litter such as cigarette butts.

"There is no question these kinds of steps are critical if we're going to address the issue of marine debris in a serious way," Chrisman said in a

statement.

The notion of banning plastic bags is clearly spreading: Several cities, including San Francisco and Los Angeles, have adopted measures to severely restrict them. San Jose officials are currently working with business owners on a plan to phase them out. Plastic-bag use in Ireland has plunged 95 percent since that country adopted a tax on their distribution in 2002, according to research conducted by the council.

At the state level, a bill pending in the Legislature, AB 2058, would require retailers to recycle 70 percent of plastic bags by 2011 or face a 25-cent-a-bag fee. An estimated 19 billion plastic bags are used in California each year - roughly 522 per person.

It remains to be seen whether Gov. Arnold Schwarzenegger would sign that legislation if it reaches his desk, or support an outright ban. But for a governor who has staked his legacy on his environmental policies, it could prove tempting.


Lisa Page, a spokeswoman for the governor, would only say that Schwarzenegger believes the proposals to cut plastic waste are "important" and "need to be discussed and debated."

The Ocean Conservancy estimates that plastic debris kills 1 million seabirds and 100,000 other animals worldwide each year. Turtles often mistake the bags for jellyfish, one of their main food sources.

"Given the enormous impact of plastic on marine life, this would have landmark international implications for the health of the Pacific Ocean," said Warner Chabot, a vice president at the conservancy.

Critics say recycling plastic bags should be given

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more of a chance to work before the state moves to an outright ban. Replacing plastic bags with paper would carry its own environmental risks, said Tim Shestek of the American Chemistry Council.

"Plastic bags take 70 percent less energy to manufacture" than paper, he said. "It takes seven trucks to deliver the same amount of paper bags as plastic. In this era of climate change, that's something that has to be taken into consideration."

Drew Bohan, the executive director of the Ocean Protection Council, countered that the goal is to wean people off plastic and paper bags, and encourage them to use canvas or other reusable sacks instead.

The Ocean Protection Council is set to take up the plastic proposals Sept. 11. If adopted, the measures would need to be enacted with legislation to take effect.

On a related front Tuesday, Schwarzenegger announced an initiative with the governors of Oregon and Washington to promote the health of West Coast ocean ecosystems.

Contact Mike Zapler at mzapler@mercurynews.com or (916) 441-4603.

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Front Page

August 1, 2008

Plastic Bags' Shelf Life Growing Short

By COURTENAY NEARBURG

The city's environmental committee on Monday discussed drafting a recommendation to the City Council for a plastic bag ban in Laguna Beach, similar to bans being enacted in Malibu, Santa Monica and most recently Los Angeles.

Maxwell Isles outlined options to fellow committee members for imposing such a ban, which he said passed successfully in Malibu this spring without controversy.

In June, Isles reported on San Francisco's ban, passed earlier this year. Afterwards, Mike Phillips, the staff liaison to the committee, told Isles local city officials would not likely follow suit because of the threat of legal action from plastic bag makers.

According to Phillips, plastic manufacturers challenged a proposed ban in Oakland and conducted research showing the alternative use of paper bags would create as much, if not more, environmental damage. With that argument, the ban was defeated in Oakland.

Given a sea change stemming from the lack of opposition to a ban on one-time use bags in Malibu, Isles revived his proposal for a local ban. He received the go-ahead to research the consequences of the newly enacted bans with the help of a sub-committee of fellow committee members Tom Osborne and Chris Prelitz before making any formal recommendations.

Isles said Malibu also conducted a study on the affect of forbidding plastic bags and came to very different results: banning plastic bags would not introduce any new negative environmental impact.

The study was conducted as a precaution should manufacturers attempt to block the proposed ban, which was not challenged and was adopted in Malibu on May 13. The law was effective June 26, but retailers have until December to give up plastic entirely.

"I'm hopeful that Laguna Beach will be more ready to consider a ban," said Isles, who has yet to draft a proposed ordinance.

"There's a few different options here. We can sit and wait and see what happens come December with Malibu, or we can start the ball rolling knowing that it's going to take awhile anyway. Or we can go down the same route as Los Angeles which isn't going to

DMCA Notices

lead to legal action because it's just a policy, not a legal ban," Isles said.

On Monday night, committee chair Greg O'Laughlin said he thought a plastic bag ban was "inevitable."

BILL NUMBER: AB 2058 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY MARCH 28, 2008

INTRODUCED BY Assembly Member Levine

FEBRUARY 19, 2008

An act ~~to amend Section 42257 of, and~~ to add Section 42252.5 to, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2058, as amended, Levine. Recycling: plastic carryout bags.

~~(1) Existing~~

Existing law requires an operator of a store, as defined, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store. Existing law imposes various requirements on at-store recycling programs, including requiring a store to maintain records describing the collection, transport, and recycling of plastic carryout bags collected by the store.

This bill would, on and after July 1, 2011, prohibit a store from providing plastic carryout bags to customers unless the store demonstrates an increased diversion rate, as defined, of 35% in the number of plastic carryout bags provided by the store during a specified period. The bill would, on and after July 1, ~~2013~~

2012 prohibit a store from providing plastic carryout bags to customers unless the store demonstrates an increased diversion rate of 70% in the number of plastic carryout bags provided by the store during a specified period. ~~The bill would authorize a store to sell a plastic carryout bag to a customer at a cost greater than or equal to \$0.15 per bag as an alternative to demonstrating the increased diversion rates.~~ The bill would require a store that is not complying with the diversion rate requirements to sell plastic carryout bags to customers for not less than \$0.15 per bag. A store charging customers for plastic carryout bags would be required to demonstrate that any revenue collected, excluding the cost of the bags and a reasonable financial return, is used to fund specified programs.

~~(2) Under existing law, the above provisions are effective only until January 1, 2013.~~

~~This bill would extend the effective date of those provisions until January 1, 2015.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 42252.5 is added to the Public Resources Code, to read:

42252.5. (a) Except as provided in subdivision (c), on and after July 1, 2011, a store shall not provide a plastic carryout bag to a customer unless the store demonstrates to the board that, in comparison to the number of plastic carryout bags provided by the

store to customers and subjected to diversion in the 2007 calendar year, at least 35 percent more plastic carryout bags provided by the store to customers during the 12-month period ending on December 31, 2010, and annually thereafter, have been subjected to diversion, as described in subdivision (d).

(b) Except as provided in subdivision (c), on and after July 1, ~~2013~~ 2012, a store shall not provide a plastic carryout bag to a customer unless the store demonstrates to the board that, in comparison to the number of plastic carryout bags provided by the store to customers and subjected to diversion in the 2007 calendar year, at least 70 percent more plastic carryout bags provided by the store to customers during the 12-month period ending on December 31, ~~2012~~ 2011, and annually thereafter, have been subjected to diversion, as described in subdivision (d).

~~(c) A store may sell a plastic carryout bag to a customer at a cost greater than or equal to fifteen cents (\$0.15) per bag.~~

(c) If a store does not comply with subdivisions (a) and (b), the store may only provide a plastic carryout bag to a customer if the store charges the customer not less than fifteen cents (\$0.15) per bag.

(d) A store charging customers for plastic carryout bags pursuant to subdivision (c) shall demonstrate that any revenue collected, excluding the cost of the plastic carryout bags and a reasonable financial return, shall be used, in consultation with local communities, to fund plastic bag litter reduction, cleanup, waste reduction, and recycling activities.

~~(d)~~

(e) (1) Diversion, for purposes of this section, includes a reduction in the volume of plastic carryout bags provided to customers and an increase in the volume of plastic carryout bags recycled.

(2) All of the following are diversion for purposes of this section:

(A) Diversion of plastic carryout bags provided by an individual store.

(B) Diversion of plastic carryout bags provided by a chain of stores under common ownership.

(C) Diversion of plastic carryout bags within a city, county, or region.

(D) Diversion of plastic carryout bags within the entire state.

~~SEC. 2. Section 42257 of the Public Resources Code is amended to read:~~

~~42257. This chapter shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.~~

FOR IMMEDIATE RELEASE: JANUARY 31, 2007

Plastic Industry Focus of 2007 Enforcement Initiative

Manufacturers and Transporters Violating Clean Water Statutes Subject to \$10,000 Fines, Criminal Prosecution

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Plastic manufacturers and transporters throughout the Los Angeles Basin are the focus of a new enforcement initiative being conducted by the Los Angeles Regional Water Quality Control Board. The initiative seeks to stop plastic pellets from entering area storm drains, rivers, bays and the Pacific Ocean. The initiative, which was launched in January 2007, includes:

- Developing a comprehensive list of area businesses manufacturing, transporting and using resin pellets, the raw material used to produce plastic products. This list is being compiled from several sources, including business licenses, environmental permits and chamber and association databases.
- Advising businesses of water quality permit, monitoring and reporting requirements. Assisting businesses with obtaining requisite permits will be a key next step.
- Conducting unannounced inspections of businesses to determine if existing handling and housekeeping practices are sufficient to prevent pellets from leaving the site and reaching local waterbodies.
- Notifying business owners of any violation of clean water regulations. The notification describes the violation and specifies when compliance must be achieved and the penalties for failing to achieve compliance.
- As required, assessing fines and/or referring business owners to the California Attorney General for prosecution. State law permits the Regional Board to impose fines up to \$10,000 per violation per day and the State Attorney General to pursue civil or criminal sanctions.

“When managed appropriately, resin pellets are not a threat to water quality or aquatic life,” said Francine Diamond, Chair of the Los Angeles Regional Water Quality Control Board. “However, when allowed to enter our storm drain system and waterways they become very problematic. They blight our world-famous beaches and, in turn, endanger our coastal economy. When consumed by fish and birds, the

Plastic Industry Focus of 2007 Enforcement Initiative

Contacts: Stephen Cain. Phone: 213.576.6694; Cell: 213.305.2560

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pellets stay in their digestive systems and cause them to die slowly from starvation. For these reasons, the Regional Board has made zero pellet loss an enforcement priority.”

The California Film Extruders and Converters Association, the American Chemistry Council, and the Society of the Plastics Industry support the Regional Board’s enforcement initiative. “Pellet loss is a critical issue for the plastics industry,” said Cathy Browne of Crown Poly and Chair of the inter-plastic industry group working with the Board. “Maintaining good housekeeping practices and keeping pellets contained is easy and inexpensive, especially when compared to the substantial fines for allowing resin pellets to pollute our waterways and ocean.”

“Environmental protection and product stewardship are key operating principles for the plastics industry,” noted Pete Dinger of the Plastics Division of the American Chemistry Council. “It is in everyone’s best interest to make zero pellet loss a reality.”

To assist plastic manufacturers and transporters with meeting environmental laws, the American Chemistry Council and the Society of the Plastics Industry, in conjunction with the California Film Extruders, launched Operation Clean Sweep in 2005. This program provides free information on effective and economical housekeeping and pellet containment practices. “Operation Clean Sweep has, without significant additional cost, helped give us the direction and tools to improve our overall plant cleanliness,” said Peter Grande, President of Command Packaging and the state film and bag association. “It has also increased awareness among all of our employees that each of us is able to protect the environment. As a business owner in an overly-regulated state, I welcome the opportunity to become part of the solution while at the same time helping to avoid any further government regulations or penalties.”

“SPI’s collaboration with our fellow trade associations, regulators and environmentalists on Operation Clean Sweep and efforts to contain plastic pellets dates back several years,” said SPI President and CEO William R. Carteaux. “This work exemplifies the plastics industry’s spirit of cooperation and its resolve to continue building positive and progressive relationships with all entities concerned about the environment.”

To learn more about Operation Clean Sweep and to receive the manual on how to reduce the loss of resin pellets to the environment, visit its web site: www.opcleansweep.org

The Los Angeles Water Board is one of nine regional boards in the State. Among its principal duties, the Board sets region-wide water quality standards and waste discharge requirements, enforces both federal and state clean water statutes, regulates cleanup of sites which pose an immediate or potential threat to water quality and educates the public on water quality issues. The Los Angeles Regional Water Quality Control Board is comprised of nine individuals, each of whom is appointed by the Governor, and a small professional staff, comprised mostly of scientists, engineers and geologists. To learn more about the Regional Board, visit its web site: www.waterboards.ca.gov/losangeles/

(END)