# Water Board Program Areas

## 401 Water Quality Certification

Under federal Clean Water Act Section 401, every applicant for a federal permit or license for any activity that may result in a discharge to a water body must obtain state water quality certification that the proposed activity will comply with state water quality standards. Most Water Board 401 water quality certifications are issued for dredge and fill discharges. Other 401 water quality certifications pertain to projects seeking licensing for hydropower projects. Each program area is described in more detail below:

### 401 Water Quality Certification (FERC)

This program involves the review of applications for 401 water quality certification from projects seeking a license or relicense from the Federal Energy Regulatory Commission (FERC), such as hydroelectric dams, power plants, and other facilities, comply with water quality standards. The certification process for these projects is coordinated with the State water rights permit process.

### 401 Water Quality Certification (Dredge and Fill) and Wetlands

A core responsibility of this program is to review applications for 401 water quality certification from projects that involve dredge and fill discharges to waters, including wetlands, that require U.S. Army Corps of Engineers' permits under Section 404 of the Clean Water Act. Such discharges may result from navigational dredging, flood control channelization, levee construction, channel clearing, fill of wetlands for development, or other activities. In addition, the program has responsibility for the protection of wetlands and riparian areas, and the regulation of hydromodification impacts, many of which occur from instream fill and excavation projects.

## Abandoned Mine Remediation

This program, established under Water Code sections 13397 and 13398, provides a process for public agencies and cooperating private parties to reduce the threat to water quality caused by abandoned mine lands. Under this program, a remediating agency is responsible for implementing approved remediation measures without being deemed responsible for completely remediating abandoned mine waste to a point that meets water quality objectives and related regulatory requirements. The State Water Board or a Regional Water Board, depending on the assignment or the remediating agency, acts as an oversight agency for implementation of the approved remediation plan.

## Administrative Support

Each function and task that the Water Boards perform requires some level of administrative support. Supporting roles include, but are not limited to, contracts, personnel, accounting, budgets, legal, information technology, and clerical or administrative assistance.

## Basin Planning

Basin Plans are the water quality control plans of the Regional Water Boards. Mandated by both the federal Clean Water Act and the State Porter-Cologne Water Quality Act, they provide the basis for protecting water quality in California. Basin Plans are. Sections 13240-13247 of Porter-Cologne specify the required contents of a regional basin plan, which include beneficial uses, water quality objectives that ensure the reasonable protection of beneficial uses and the prevention of nuisance, and a program of implementation for achieving those objectives. The program of implementation includes a description of the nature of actions that are necessary to achieve the objectives, time schedules for the actions to be taken, and a description of surveillance to be undertaken to determine compliance with objectives. Basin Plans are regulatory tools used by the Regional Water Boards, as well as other agencies in their permitting and resource management activities. They also serve as educational and reference documents for the regulated community and the general public. Part of the basin planning process is a triennial review that involves solicitation of input from stakeholders.

## Bay-Delta

This program is designed to protect the beneficial uses of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary through the development and implementation of water quality control plans and policies. These plans and policies are adopted consistent with Water Code section 13000 et seq. and pursuant to the authority contained in section 13170. The current Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary was adopted on December 13, 2006. The State Water Board periodically will review this plan pursuant to Water Code section 13240 to ensure that it provides reasonable protection for the designated beneficial uses. The State Water Board's measures to implement this plan, including flow and water quality standards, consists of regulating existing water rights, regulatory measures to protect water quality, and recommendations to other entities.

## Clean Beaches

In 1997, California created a beach program to protect public health from pathogen contamination in coastal waters. The program requires sampling and reporting of coastal county health agencies. If a sewage spill occurs or bacterial indicators show that the water quality standards have been exceeded, then the beach is closed or posted until the water quality is back within compliance. The program maintains the statewide California Beachwatch database to collect all State beach water quality information, displays the counties' closure and posting data on the Internet monthly, and compiles information into an annual report that includes additional data on sources of pollution, testing methods, and causes of beach posting and closures. The program also distributes funds for local assistance projects aimed at reducing pathogen contamination in California's coastal waters, and for research to develop detection methods, study the relationship between bacterial indicators and the incidence of disease, and other relevant issues.

### Compliance and Enforcement

These programs implement and enforce the water quality laws, regulations, policies, and plans to protect the groundwater and surface waters of the State. Through the activities of these programs, the beneficial uses of waters of the State are protected compliance with requirements in State and Regional Water Board regulations, plans, policies, and orders are ensured, and it deters potential violators. It is important to note that enforcement of the State's water quality requirements are not solely the purview of the Water Boards, but other agencies as well (e.g., the California Department of Fish and Game).

### Confined Animal Facilities (CAFs)/Concentrated Animal Feeding Operations (CAFOs)

California has approximately 2,200 dairies with an average size of about 700 milk cows per dairy. There are also several hundred feedlots, poultry operations, and other animal feeding operations in the State. This program is responsible for protecting water quality by regulating wastes, including manure, at the facilities. Each Regional Water Board develops the regulatory program it uses for these facilities. Most of the commercial facilities are in the Central Valley Region, including over 80 percent of the dairies.

### Financial Assistance (see Attachment)

### Forest Activities Program

The goal of this program is to protect water quality from various activities (such as timber harvest, mining, grazing, and recreation) that occur at the public and private forest lands. The State Water Board implements Management Agency Agreements (MAAs) with the California Department of Forestry and Fire Protection (the lead State agency for forest practices) and the U.S. Forest Service (the lead federal agency for forest practices) in order to promote coordination and cooperation among these agencies and leverage their authorities, expertise, resources, and funding for water quality protection. Some Regional Water Boards have developed waiver policies to cover a variety of timber operations both on federal and non-federal lands.

### Groundwater Ambient Monitoring Assessment (GAMA)

This program was created by the State Water Board to address the concern of chemicals (MTBE, solvents, and perchlorate) being detected in public water wells. The purpose of the program is to improve statewide ambient groundwater quality monitoring and assessment, and to increase the availability of information about groundwater quality to the public.

### Irrigated Lands Regulatory Program

This program is responsible for regulating growers with irrigated lands that discharge waste that can degrade surface water quality.

### Land Disposal

This program regulates waste discharge to land for treatment, storage, and disposal in waste management units. Waste management units include waste piles, surface impoundments, and landfills.

### National Pollutant Discharge Elimination System (NPDES) Permits

This purpose of this federal program, which has been delegated to the State of California for implementation, is to regulate point source discharges of pollutants into waters of the United States. NPDES permits are issued as Waste Discharge Requirements to comply with State as well as federal laws and regulations. NPDES permits are issued for both stormwater, and treated municipal and industrial wastewater. Each program area is described in more detail below:

#### NPDES Permits -- Stormwater

The goal of the program is to prevent or minimize the discharge of pollutants contained in stormwater runoff to waters of the State. During rainfall events, water runs across surfaces which may be contaminated by pollutants (such as motor oil, litter, etc). The storm water runoff is often directed into storm drains which then discharge to nearby creeks and rivers.

#### NPDES Permits — Wastewater

This program issues permits to regulate the discharge of municipal wastewater, industrial process, cleaning, or cooling wastewaters, commercial wastewater, treated groundwater from cleanup projects, or other wastewater discharged to surface waters. The permits can also regulate discharges to land and groundwater, and regulate reclaimed/recycled water. While the State Water Board has issued some NPDES permits, the vast majority of NPDES permits are issued by the Regional Water Boards.

### Non-Point Source

This program addresses non-point source pollution, which typically results from diffused sources of pollutants such as agricultural, silvicultural, and urban runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification. The federal Clean Water Act requires the State Water Board to develop and implement a non-point source pollution control program and provides funding for this purpose. This program reaches out to dischargers with technical and educational information, and financial support, to assist with management practice implementation to reduce or eliminate non-point source pollution.

### Ocean

This program is responsible for the development and updating of statewide water quality control plans, policies, and standards involving marine waters. These include the California Ocean Plan, the California Thermal Plan, and the development of sediment quality objectives in bays and estuaries. The program is also responsible for providing scientific support to the Water Boards, and inter-agency coordination, regarding marine pollution and resource management issues.

### Operator Certification

This program is responsible for certifying wastewater treatment operators. The program conducts the exams required by the regulations, including developing the exam questions, processing applications, printing and mailing the certificates, mailing out renewal notices, and processing renewal applications. The program also updates regulations, investigates violations of the law and regulations by certified operators, and classifies wastewater treatment plants.

### Pretreatment

This federal program has been delegated to the State to ensure that publicly-owned treatment works (POTWs) implement pretreatment programs that are consistent with federal regulations. The program regulations require commercial and industrial discharges to comply with pretreatment standards (effluent limitations). It also requires POTWs to identify, permit, sample, and inspect the significant industrial users that discharge to their collection systems, and to enforce the pretreatment requirements. To do this, the Water Boards conduct pretreatment audits and inspections to ensure that the POTWs implement pretreatment programs that are consistent with the federal regulations.

### Site Cleanup Program

This program oversees activities at non-underground storage taknk (UST) sites where soil or groundwater contamination have occurred. Many of these sites are former industrial facilities and dry cleaners, where chlorinated solvents were spilled, or have leaked into the soil or groundwater. The program issues cleanup orders that require investigations and source removals, and establish cleanup standards and long-term monitoring requirements. Among others, Department of Defense and Brownfields sites are covered by this program. Under this program, reasonable expenses incurred by the State and Regional Water Boards in overseeing water quality matters can be recovered from the responsible party. The State Water Board bills and collects these reasonable expenses.

### Surface Water Ambient Monitoring Program (SWAMP)

This program is a statewide monitoring effort designed to assess the conditions of surface waters throughout the State. The program integrates existing water quality monitoring activities of the State and Regional Water Boards, and coordinates with other monitoring programs. Responsibility for implementation of monitoring activities

resides with the nine Regional Water Boards that have jurisdiction over their specific geographical areas of the State.

**Stormwater Program (see NPDES Permits – Stormwater)**

**Total Maximum Daily Load (TMDL)**

The program is designed to create a "pollution budget" to restore the health of a polluted body of water. The TMDL process provides a quantitative assessment of water quality problems, contributing sources of pollution, and the pollutant load reductions or control actions needed to restore and protect the beneficial uses of an individual water body that is impaired from loading of a particular pollutant.

**Underground Storage Tank (UST)**

The purpose of this program is to protect public health and safety, and the environment from releases of petroleum and other hazardous substances from underground storage tanks. There are four elements of this program: Leak Prevention, Cleanup, Enforcement, and Tank Tester Licensing.

**Waste Discharges to Land**

Wastewater is often discharged to land. Several methods can be used. These include percolation though disposal ponds, discharge through leach fields, and irrigation of landscapes and farmland. These discharges, unless waived as allowed by California Water Code Section 13269, must have waste discharge requirements. Facilities that discharge wastewater to land include municipal wastewater treatment plants, dairies, industrial facilities, and commercial facilities such as restaurants, hotels, RV parks, gas stations, and office buildings. Waste discharge requirements for these discharges must ensure that the discharges do not cause violations of water quality objectives listed in Regional Water Quality Control Board Water Quality Control Plans (Basin Plans) for groundwater. They must also comply with the State Water Resources Control Board's antidegradation policy (Resolution 68-16). To comply with the effluent limitations in waste discharge requirements, a wastewater must usually be treated before being discharged.

**Water Quality Standards and Planning**

The water quality planning process consists primarily of developing, adopting, reviewing, and updating a variety of Statewide Water Quality Control Plans and Regional Water Quality Control Plans (Basin Plans) that contain enforceable water quality standards designed to ensure that the beneficial uses of California's waters are protected. Water quality standards contained in these plans are translated into effluent limitations written into NPDES permits and Waste Discharge Requirements. Both Statewide Plans and Basin Plans are subject to triennial review, which may lead to periodic updates. Adoption of these plans follows a prescribed process that involves public review and approval by the State Board**,** the Office of Administrative Law, and EPA.

### Water Recycling

This program is responsible for promoting water recycling by providing technical and financial assistance to local agencies and other stakeholders in support of water recycling projects and research. The program is also responsible for developing a statewide Water Recycling Policy to establish more uniform requirements for recycled water projects.

### Water Recycling Funding Program (see Appendix 2A)

### Water Rights Permitting/Licensing

The exercise of some water rights in California requires a permit or license from the State Water Board. This program is responsible for administering water rights in the State. Water right permits and licenses include terms that not only limit how much and during which season water can be diverted, but also require minimum flows to bypass the point of diversion to protect in-stream beneficial uses.

**ATTACHMENT**

## Water Board Financial Assistance Programs

The Division of Financial Assistance (DFA) is responsible for administering the State Water Board's financial assistance programs, which includes loan and grant funding for the construction of municipal sewage facilities and water recycling facilities, remediation of effects of releases from underground storage tanks, watershed protection projects, and non-point source pollution control projects. DFA also provides program implementation assistance in the regulation of waste discharges to land, including underground storage tanks, toxic pits, landfills, and unauthorized waste discharges that may affect the State's groundwaters.

### Bond Funding Programs

Several financial assistance programs have been established by the State through voter-approved bond measures to build necessary public infrastructure and assist the regulated community in complying with water quality laws and regulations. The State and Regional Water Boards administer numerous grant-funding programs from these bond measures for the purposes of improving water quality, implementing watershed programs, and monitoring groundwater.

### Clean Beaches Initiative Grant Program

This program provides funding to local agencies, non-profit organizations, and public agencies for implementing projects that protect and restore beaches and coastal water quality from pollution and toxic contamination. The funded projects address postings and closures at California public beaches caused by bacterial contamination.

### Orphan Site Cleanup Account (OSCA)

The OSCA program provides financial assistance for the cleanup of Brownfield sites contaminated by leaking petroleum underground storage tanks where there is no financially responsible party. An important component of the OSCA Program is to clean up blighted properties for reuse and protect water quality. The OSCA program authority is found under the California Health and Safety Code, Chapter 6.75, Section 25299.50. The OSCA program received an annual $10 million dollar appropriation for fiscal years, ‘05, ‘06 and ‘07. The OSCA program sunset on January 1, 2008 and all OSCA funds have been awarded to eligible applicants in grant agreements. The maximum available per occurrence was $1.5 million.

### Replacing/Repairing Underground Storage Tank (RUST) Grant and Loan Programs

These programs provide low interest loans and grants for underground storage tank (UST) owners or operators of small independent UST facilities who need to upgrade their tanks to meet new regulatory requirements. Loans range from $10,000 to $750,000 and grants range up to $50,000.

### State Revolving Fund Program (SRF)

The SRF Loan Program provides low-interest loan funding for construction of publicly-owned wastewater treatment facilities, local sewers, sewer interceptors, water reclamation facilities, as well as, expanded use projects such as implementation of non-point source projects or programs, development and implementation of estuary Comprehensive Conservation and Management Plans, and storm water treatment. The total funds available to the program as of June 30, 2007, is $4.085 billion.

### The State Water Pollution Cleanup and Abatement Account (CAA)

Established by Water Code Sections 13440-13443, the CAA provides funding for the cleanup or abatement of a condition of pollution when there are no viable responsible parties available to undertake the work. The CAA is supported by court judgments and administrative civil liabilities assessed by the Water Boards. The Water Boards or public agencies with authority to clean up or abate a waste are eligible to receive CAA funding.

### Underground Storage Tank Cleanup Fund (USTCF)

The USTCF program was created to provide a means for petroleum UST owners and operators to meet the federal and State requirements of maintaining financial responsibility to pay for any damages arising from their tank operations. The program also provides money to the Regional Water Boards and local regulatory agencies to abate emergency situations or to cleanup abandoned sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

### Water Recycling Funding Program

The purpose of the program is to promote water recycling by providing technical and financial assistance to local agencies and other stakeholders in support of water recycling projects and research. The program's core activities are to review and process requests for funding of water recycling planning and construction projects in accordance with the WRFP Guidelines adopted in 2004. In addition to the core activities, the program participates in other tasks in support of water recycling.