

The State of the Central Valley Region - 2009



Pamela Creedon
Executive Officer



EO Report

Central Valley Water Board
Meeting of 7/8 October 2009

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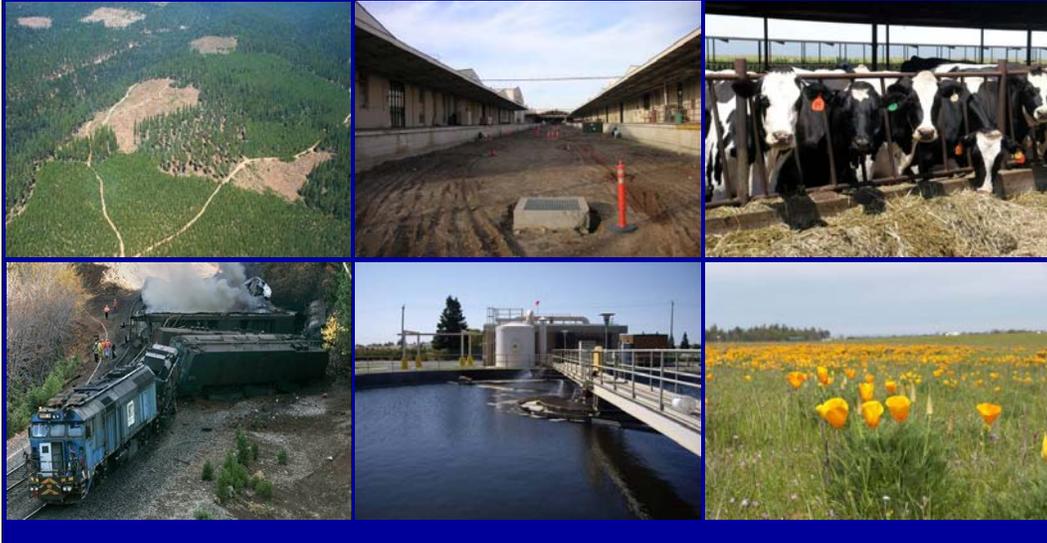
Good Morning, Chair Longley and members of the Board, I am happy to provide to you this third State of the Central Valley Region Address.

Today I will be providing you a summary of some of our accomplishments since my last address. I am proud to report that we have accomplished many things. Also scattered throughout my presentation are stories and examples of current or previous success stories to help illustrate how effective our water quality protection programs have been.

You know, the Central Valley Water Board has been blessed with a fabulous staff that is very technically competent and dedicated to the mission of the Central Valley Water Board. They work very hard to ensure the waters of our Region are protected and restored, and that we are doing our part to ensure California has a sustainable source of water for our current and future generations. So for the next few minutes, I will be sharing with you our story, a story that provides successes for this past fiscal year and our program initiatives for this current and future year as we move forward.

Today, I'd like to focus my presentation on two major areas: successes and accomplishments for this past fiscal year (FY08/09) and the upcoming region-wide priorities and initiatives for this current year (FY09/10).

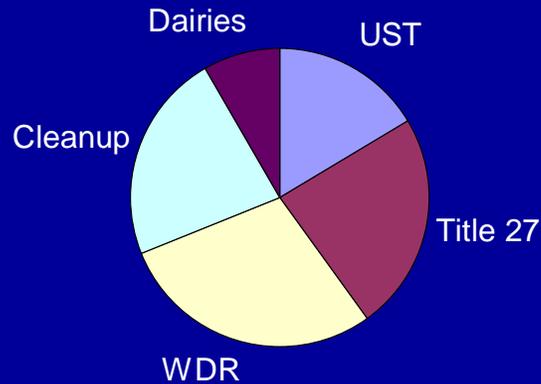
Part I Successes and Accomplishments by Major Programs



Let me start with our accomplishments and successes.

Groundwater Protection

Resource Distribution by Major Program Area



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Let me first address our Groundwater Protection Program. We continue to be criticized for not doing enough in this program. Clearly we have problems with legacy pollutants caused by man's activities in the Central Valley. However, we have done a significant amount of work that has resulted in the protection and improvement of our groundwater quality.

The groundwater protection programs include our Waste Discharge Requirements, Land Disposal or Title 27, Dairies, Underground Storage Tanks and our Site Cleanup Programs. I will present the major successes and accomplishments for each program separately.

WDR Program

- Increased consolidation of wastewater flows



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Consistent with the Central Valley Water Board's policies promoting consolidation and recycling, some examples for Increased Consolidation of Wastewater Flows include:

- The cities of Modesto and Ceres have initiated studies to regionalize their system.
- Beale Community Partners are seeking opportunities to regionalize in Sutter/Yuba region.
- The Tejon Industrial Complex and the TravelCenters of America complex, which are on opposite sides of Interstate 5 from each other, currently have separate individual wastewater treatment facilities. Construction is underway to consolidate flows from both complexes into a new regional facility.
- Tulare County is in the process of upgrading the Traver wastewater treatment facility to consolidate businesses along Freeway 99, which currently discharge to individual septic systems.

WDR Program Cont'd

- Increased use of recycled water
- Gray water ban on Shasta Lake



City of Clovis
79,000 feet of purple pipe



Shasta Lake

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Increased Use of Recycled Water:

In these times of diminishing water supplies, more and more communities in the Central Valley are increasing the use of recycled water. The City of Clovis recently installed approximately 79,000 feet of purple pipe to supply recycled water to various users within the City and to deliver water to irrigation canals in the area. The City will double its capacity in the future. Construction is underway at the California Correctional Institute in Tehachapi to enable recycling of 100% of its treated effluent on surrounding crop land.

Shasta Lake:

The Board has effected a ban on gray water discharges within Shasta Lake, stopping a long standing source of pollutants to the Lake. In the last year, additional and/or expanded land disposal sites have been built to handle the gray water discharges.

Land Disposal Program (Title 27)

- 16 Waste Discharge Requirements
220 Site Inspections
Over 300 Report Reviews
- Maintained aggressive oversight and reduced backlog



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The Title 27 program's purpose is to contain waste and prevent pollutants from being released to waters of the State. The types of facilities regulated include landfills, industrial wastewater impoundments, waste piles, and land treatment units. All of these units have a liner system to prevent percolation of pollutants to groundwater or discharges to surface water.

The Title 27 program has had a very successful year in managing the Central Valley Water Board sites regulated by this program:

- Within this last year, we have closed two landfills that have been long time problems, expanded other landfills in compliance with Title 27 waste containment regulations, and provided oversight for over 300 other Title 27 facilities.
- This year we completed 16 WDRs, 220 inspections, and over 300 report reviews.
- We have been able to maintain consistent regulatory oversight of landfills and have continued to reduce the backlog. However, because the landfill budget we receive from the Integrated Waste Management Board has been reduced (tipping fee reductions due to downturn in construction waste), it will be difficult to maintain this level of effort.

Land Disposal Program Cont'd

- Closure of Jamestown Landfill
- Clean Closure of Folsom Corporation Yard Landfill



Jamestown Landfill



Folsom Corp. Yard

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These two landfills represent successful closures that were completed in the last year:

- The Jamestown Landfill has a long closure history and the initial closure failed because of engineering and construction issues. They redesigned their closure by significantly reducing the steepness of the side slopes and installing a new final cover. The closure has been successful and is now in complete compliance with Title 27.
- Folsom Corporation Yard Landfill was a small landfill that has been clean-closed by separating and removing the waste from the landfill area. The landfill has been backfilled with the inert waste and soils and this area is now available for reuse by the City of Folsom.

Land Disposal Program - Mines

- Presently working on approx. 60 mines
 - 37 legacy mines: 21 with Orders
 - 22 mines with WDRs or stormwater permits
- Identifying additional resources for mine cleanups



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Mines

Past and recent mining operations are major contributors of metals and salts to surface and groundwater throughout the Central Valley Region. Resources for characterization and cleanup of legacy mining operations are limited. This resource limitation also hinders our ability to identify and find responsible parties.

- Board staff is presently working on approximately 60 mine sites with 37 of the mines being legacy mines and 22 being more recent mining operations. Twenty-one (21) of the legacy mine sites have some type of order on them. This includes Cleanup and Abatement Orders, NPDES permits, Cease and Desist Orders and Superfund Sites. We presently have 22 current or recent mine sites that either have WDRs or stormwater permits.

- Board staff is currently researching the possibility of developing a cost recovery system for mine sites, which will hopefully include more staff resources to identify past mine operators to share in the responsibility for mine cleanup.

Mines Cont'd

- Iron Mountain Mine
- Squaw Creek
- Carson Hill Mine



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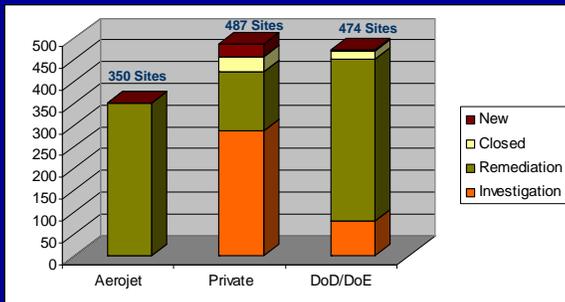


The mine program has had many small to large successes this year. Many sites have started cleanup or are progressing toward cleanup. Examples include the Iron Mountain Mine, Keystone/Early Bird/Balakalala, and Weil Mines, and the Carson Hill Gold Mining Corporation.

- Iron Mountain Mine has reduced metal loading to the Sacramento River by 95 percent (cumulative reduction).
- Work at the Keystone, Early Bird, Balakalala and Weil Mines has reduced metals loading to West Squaw Creek by 90 percent (cumulative reduction).
- Carson Hill Gold Mining Corporation has placed impermeable geosynthetic covers on three former heap leach piles, thereby reducing infiltration of rainwater through them which would threaten groundwater.

Site Cleanup Program

- Total number of active sites: 1,311 (private and DOD)
- Approximately 857 sites in active remediation, including groundwater
- Closed 53 sites



Summary for FY 08/09

- Approximately 1,311 active sites in the Site Cleanup Program.
- Of the 1,311 sites, 487 sites are private (cost recovery), 474 sites are DoD/DoE, and the remainder are Aerojet (350).
- Many of the DoD sites are large facilities (McClellan, Mather, Castle, Beale, etc) that have hundreds of sub-sites or areas, including tanks.
- The graph shows the allocation of sites that are either in investigation, remediation, have closed, or have been added as new sites. Sites in the Cleanup Program progress from discovery, investigation, remediation (if warranted), and then site closure.
- In FY 08/09, 857 sites were undergoing active remediation (including groundwater) and 53 sites were closed.
- Most of the sites in remediation are in the private sites/cost recovery program but a lot of progress has been made in cleaning up military sites and moving them forward through the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process.

Site Cleanup Program Cont'd

- Cleanup and reuse at military bases
- Permit reviews resulting in violations
- State-wide staff training/technology development



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•Noteworthy last year in terms of reuse at military facilities was the successful completion of an 'early transfer' of the former Davis Global Communications Site from the Air Force to Yolo County. This was one of the first early transfers with the Regional Water Board taking the lead role in obtaining the Governor's concurrence. 'Early transfer' is important because it accelerates property transfer prior to cleanup of all contamination.

-We also conducted 17 NPDES permit reviews, resulting in follow-up on 6 violations/penalties (Migden penalties)

-Staff hosted training sessions on Dry Cleaners and supported statewide Vapor Intrusion Pathway training. Additionally, two staff are actively participating in technology development through ITRC – the Interstate Technology and Regulatory Council. In FY08/09, staff was active on three separate teams: 1) investigation and remediation of contaminated sediments, 2) perchlorate, and 3) Integrated Dense Non-Aqueous Phase Liquid (DNAPL) Source Site Strategy. Involvement in ITRC ensures our staff makes a significant contribution to the development of ITRC guidance documents.

Site Cleanup Program Cont'd

- Major redevelopment of Geotracker database
- General Order for In-Situ Treatment
- On-going progress at dry cleaners
- Responding to emergencies and spills



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-We made significant progress with Geotracker, a database and Geographic Information System that provides on-line access to environmental data for responsible parties, public, and regulators. In FY08/09, we participated in major redevelopment and upgrade of the database.

-We completed a General Order for In-Situ Groundwater Remediation which provides consistency among facilities regulated by our Board and interested/impacted stakeholders. The Order also serves as a template for developing waste discharge requirements for sites that do not meet the General Order conditions, ensuring efficiency.

- There is on-going progress at Dry Cleaners, including the settlement with the City of Merced, resulting in the remediation of 6 dry cleaners. State Board also approved \$600K of Cleanup and Abatement Account moneys to remediate PCE-impacted groundwater in the City of Turlock.

- We also received approximately 820 notifications of spills and emergency responses, of which 160 required staff response actions.

UST Cleanup Program

- UST Program FY 08/09
 - 1,040 Regional Board lead cases
 - 1,100 Local Agency lead cases
- Completed cleanup at 98 Regional Board lead cases
- Reviewed over 2,900 work plans and reports
- Prepared over 1,600 directive letters



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Two main programmatic elements for the UST Program – leak prevention and detection which is a local program and spill cleanup which is evenly split between Regional Board and local lead cases.

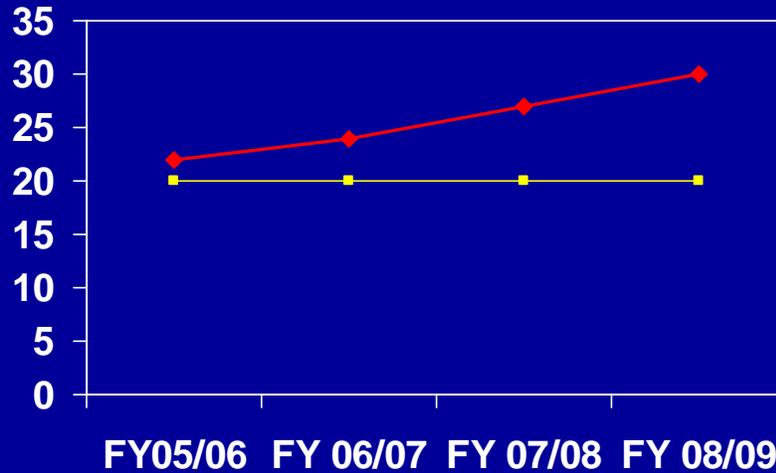
- Within the Central Valley Region, we have approximately 1,040 Regional Board lead cases. These represent over 25% of the Regional Board lead cases State-wide.

- In addition, there are approximately 1,100 cases under local agency lead. Board staff meet and confer with local agencies to discuss these cases. Often the more complicated cases and those with recalcitrant responsible parties are turned over to the Region.

Last year, cleanup was completed on 98 Board lead cases (30% of the Statewide total) and No Further Action Required letters were issued to the responsible parties. In both total counts and, on a per staff basis, Region 5 has the highest rate of case closures of all the Regional Boards. Last year, our 17 UST staff reviewed over 2,900 workplans and reports and wrote over 1,600 directive letters.

UST Cleanup Program Cont'd

Percentage of UST Closures and
Percentage of Statewide UST Resources since FY 05/06



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Here is a graph showing our closures as a percentage of the statewide Regional Board total for the past 4 fiscal years. As you can see, in each of the past 3 years we have increased our share of the total closures. During this period, the Central Valley Region had approximately 20% of the statewide UST resources.

Confined Animal Program (Dairies)

- 96 percent compliance with Dairy General Order Annual Reporting Requirement
- Completion of Nutrient Management Plans for the approximate 1,400 General Order Dairies



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The past year has been a difficult one for the dairy industry in the Central Valley, but I am pleased to report that compliance with our Dairy General Order remains high. Over 96 percent of dairies covered under the General Order submitted the required 08/09 Annual Report.

The Annual Report includes a certification of completion of a Nutrient Management Plan. These plans describe how to apply dairy manure at rates and times when the crops will best uptake the nutrients. Implementation of these Nutrient Management Plans will increase groundwater protection beneath dairy cropland.

Dairies Cont'd

- Over 310 Inspections last fiscal year
- Continued close cooperation with the Dairy Quality Assurance Program to educate producers



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During the past year, staff conducted over 310 inspections at dairies to ensure compliance with the General Order requirements, and issued 60 Notices of Violation and 11 ACLs for noncompliance. Four (4) ACLs were for surface water discharge and 7 ACLs were for nonsubmittal of required reports.

We continued to work with the California Dairy Quality Assurance Program (CDQAP) to prepare course materials and conduct outreach in a very successful training and outreach effort. CDQAP conducts training courses for dairymen throughout the region to assist them with compliance and reporting issues related to the General Order.

Surface Water Protection

Resource Distribution by Major Program Area



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Now let me address our Surface Water Protection Program. Much of our focus, enforcement and actions have all been dedicated to surface water. The major surface water protection programs include Irrigated lands, water quality certifications, NPDES wastewater and stormwater, as well as the timber harvest programs. I'll go through the major successes and accomplishments for each of the programs separately.

Irrigated Lands Regulatory Program Non-Participant Compliance Activities

	FY 07/08	FY 08/09
Postcards	0	1224
13267 Orders	52	1371
NOVs	10	142
ACLs	5	1



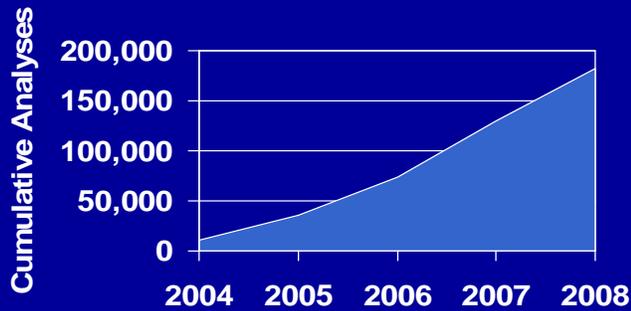
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- Over 25,000 growers are enrolled in the ILRP through Coalition Groups.
- Currently, not all growers must participate in our program since the board has focused its early ILRP on surface water. Thousands of growers are not participating in the ILRP – only those non-participants that have the potential to discharge to surface waters must be in the ILRP.
- Using GIS tools and participant lists from the Coalitions, we are systematically identify non-participants and making them aware of the ILRP requirements.
- In the past fiscal year, we started sending post cards to non-participants prior to issuing a 13267 order. This change in our process saved time and money, since we were able to identify bad addresses for 1/10th of the mailing cost. More importantly, about 10% of the growers receiving the post cards contacted us to either enroll in the ILRP or provide us information to confirm that they did not need to enroll.
- The other 90% of the growers who did not respond to the post cards received 13267 orders requiring them to fill out a one page form. Most growers are responding to the Orders, but some have received a Notice of Violation before responding to the Order.
- As you can see from this table, we have significantly increased our compliance efforts from FY 07/08 to 08/09 and have been pretty successful in getting growers to respond to our Orders.

Irrigated Lands Regulatory Program

Surface Water Analyses



- FY08/09 - Management Plans approved addressing over 500 water body/parameter combinations

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•The Coalitions are conducting a significant amount of monitoring of surface waters that receive discharge from irrigated agriculture. The cumulative amount of analyses conducted by the Coalitions and under Water Board contract is nearly 200,000. About 80% of those analytical results for specific chemical constituents (about 5% toxicity and 15% field parameters).

•Based on these data, a number of water quality problems have been identified – some are clearly associated with agriculture and some may be due to other causes.

•Last fiscal year, we approved management plans prepared by the Coalitions that address over 500 water body / parameter combinations. These plans are required when there are two or more exceedances in a three year period. We are working with the Coalitions to ensure implementation of these plans is vigorously pursued by the Coalitions and their member growers.

Irrigated Lands Regulatory Program Cont'd



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This graph shows the changes in the number of acres enrolled in the Irrigated Lands Regulatory Program.

The acres enrolled peaked in FY 2007 after the Board required Coalitions to submit participant lists. Once the Dairy General Order went into effect, irrigated acres owned by dairy operators were regulated by the dairy order. About 500,000 acres of irrigated lands are currently regulated under the dairy order which accounts for some of the decrease in enrolled acres in the ILRP. In addition, as growers become more aware of the program and evaluate their operations, some have determined that they do not have the potential to discharge to surface waters and have dropped out of the ILRP. We are conducting inspections to confirm those observations.

Water Quality Certification Program

- Provides project certifications for projects involving wetlands
- Assures no net loss of wetland resources



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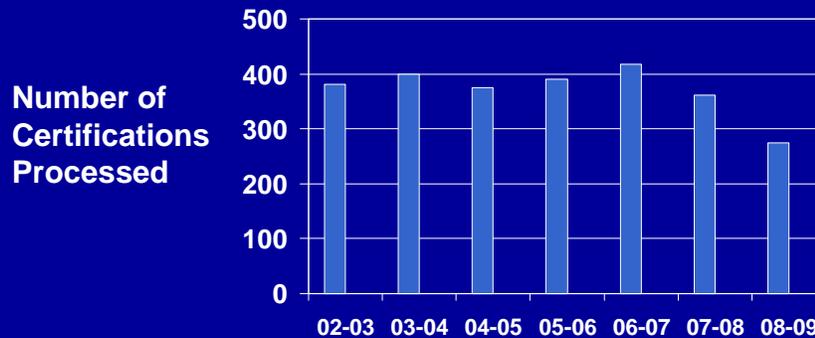
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- Over 90 percent of California's historic wetlands and 98 percent of historic riparian areas have been lost due to development, fill, and changes in hydrology. The purpose of the 401 Certification and Wetland Program (Program) is to protect and enhance California's wetlands and waters of the State in order to achieve the state and federal goal of no net loss of wetlands.
- Recognition of the importance of wetlands and riparian areas has led to a significant increase this fiscal year in resources from 3.0 PY to 4.9 PY. We are now able to participate in pre-project meetings, construction activities to measure compliance with our certifications and increase our level of enforcement of violations of certification conditions and prosecution of projects constructing without required permit.

Water Quality Certifications Cont'd

- 300 project applications received
- 236 projects were provided certifications



- 500 acres of wetlands were mitigated to protect and maintain the resource
- No net loss of acreage functions and values

Accomplishments for this fiscal year include:

- The review and processing of about 300 applications for water quality certifications.
- Of the 300 under review, 236 certifications were issued for those applications.

The number of applications showed a slight dip last year as building was sharply curtailed. However, many developers continue to submit applications anticipating a rebound in the housing market. Also, we have seen an increase in large infrastructure projects due to the availability of various bond funds.

- We have been successful in making efficient use of the certification process to also address construction storm water issues. An example of this effort is the improved storm water management practices implemented for the Lent Ranch Mall in Elk Grove, which is tributary to the Stone Lakes National Wildlife Refuge.

- About 500 acres of wetlands were disturbed but required to mitigate to protect and maintain the resource.

- The program accomplished the goal of no net loss of wetlands in both acreage, and functions and value.

NPDES Wastewater

- 30% of permits Statewide
- Minimal permit renewal backlog
- Addressing major issues
 - CTR compliance by May 2010
 - Salinity
 - Aluminum, hardness, data, etc.
- Regionalization and recycling



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•A major component of our NPDES Program is devoted to regulating municipal and industrial wastewater discharges. There are 210 existing individual NPDES Permits in our Region out of the total 690 permits statewide. This program handles 30% of the NPDES permits adopted State-wide. Staff has devoted increased efforts during the past year to continue eliminating the backlog of permit renewals. Our newly renewed permits are improved in quality and consistency throughout our three offices. This Board renewed 33 existing permit this last fiscal year, reducing our permit renewal backlog and leaving only 10 permit renewals backlogged within our Region.

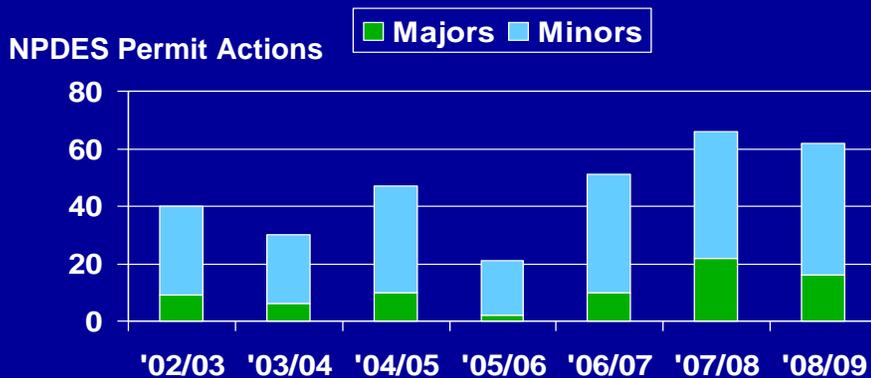
•The majority of our dischargers are now discharging Title 22 quality effluent and complying with the California Toxic Rule effluent limitations.

•All our new permits have provisions to control salinity and require dischargers to conduct the necessary studies to reduce salinity in their discharges through source and treatment controls.

•The Board adopted a Resolution for its support of regionalization of wastewater treatment, recycling and conservation. Staff has been meeting with dischargers and local parties promoting regionalization into existing regional treatment facilities and conducting the proper planning for future regionalization. Our NPDES permits (and enforcement orders) include compliance schedules that are compatible with dischargers' efforts to properly plan and find necessary funding for regionalization. Our permits also now consistently require water recycling studies for agencies that have not yet embarked on these opportunities.

NPDES Wastewater Cont'd

- Permit petitions and State Board remands
- Maintaining increased rate of permit actions
- Maximizing General Order Coverage



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•Fiscal Year 08/09 was very busy in regards to NPDES permit petitions. Staff provided State Board with thorough responses on behalf of this Regional Board for seven permit petitions. Also within this fiscal year, staff has implemented program-wide changes due to precedential direction from State Board-adopted Water Quality Orders.

•Our staff is maintaining the high rate of permitting actions as was seen in the recent years, however, the large amount of petition workload has caused a downward trend of permit renewal actions, as shown on this graph. Regardless, a total of 62 NPDES actions have been adopted this last fiscal year, including the 33 permit renewals mentioned, plus 1 new permit, 9 permit amendments, 7 rescissions and 12 enforcement orders providing necessary time schedules for discharger compliance. We also continue to maximize our opportunity to regulate our low threat and cleanup discharges under general orders. We currently have 123 dischargers enrolled under our five general NPDES permits.

NPDES Storm Water

- Regulates storm water discharges from:

Construction - 4,240 sites

Industrial - 1,941 sites

MS4 Phase I - 7 permitted areas

MS4 Phase II - 77 communities

Caltrans



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The stormwater program regulates stormwater discharges from construction sites, industrial sites, from large urbanized communities with separate storm sewer systems (MS4 Phase I (over 100,000 pop)), and small urbanized communities (MS4s phase II (greater than 10,000 pop)).

- We also regulate discharges from some non-conventional MS4s such as UC Davis, the state fairgrounds (Calexpo), state parks, and Caltrans (construction and facility maintenance) operations.
- There are 4,240 active construction sites; 1,941 active industrial sites; 7 permitted MS4 Phase I areas; and 77 Phase II communities.
- There are thousands of miles roads and highways covered by the Caltrans General permit. Within Caltrans, we deal with 7 separate district offices and headquarters.

NPDES Storm Water Cont'd

- Sacramento's Phase I MS4 permit renewed
- 20 Phase II Annual Report meetings
- 99.7% of Industrial Annual Reports received & reviewed
- 871 Inspections
- 533 NOVs issued
- 7 ACLs for \$784,000



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Sacramento's MS4 permit was adopted by the Board, resulting in significant updates of these permits including the implementation of adopted TMDLs.

This past fiscal year

- we attended/conducted 20 meetings with Phase II Dischargers to discuss their annual reports and how to improve their programs.
- 99.7% of industrial annual reports have been received and reviewed and the data entered into CIWQS.
- we conducted 871 inspections
- we issued 533 NOVs, and
- we issued seven ACL complaints for a total of \$784,000. Five have been settled and fully paid (\$235,000) while two are currently in settlement discussions. (**No SEPs at this time*).
- In addition, we reviewed and approved several Phase II Storm Water Management Plans during this last fiscal year. We also reviewed numerous Storm Water Pollution Prevention Plans for industrial and construction sites, when requesting they be submitted for review as a follow-up to an enforcement action.

Timber Harvest Program

- Increased active & post-harvest inspections
- Positive feedback from industry indicates Waiver MRP is improving Best Management Practices (BMPs)
- Post fire assessment & mitigation development
- Frequent inspections on burned lands
- Assisted other RB Offices (Regions 6 & 3)



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Major successes and accomplishments for the Timber Harvest Program this past year have included the following:

- Staff increased the number of active and post-harvest inspections as they have found this activity provides the best opportunity for mitigation development prior to significant impacts.
- We have received positive feedback from industry representatives on the ease of the Waiver application process and on the information gathered through the Monitoring Reporting Program (MRP) process.
- Staff participated in post-fire resource damage assessments with federal and state agencies.
- Staff conducted frequent subsequent inspections on burned lands, assisted in the development of mitigation measures and provided technical support to the landowners.
- We also supplied staff to other Regional Board offices (6 & 3) to help and assist in post-fire damaged areas, when needed.

Timber Harvest Program Cont'd

- Cooperated with USFS & Colorado State to develop sampling scheme
- Provided technical feedback to USFS on road & restoration issues
- Provided CEQA review for large fuel reduction projects
- Cooperated w/ PG&E, BLM & RCDs to ensure water quality protection



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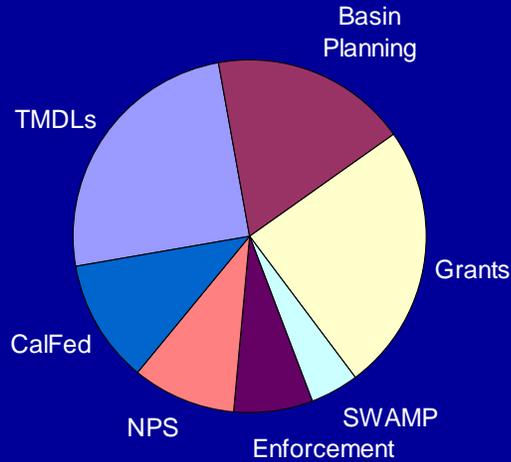
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- Staff cooperated with the USFS and Colorado State University to develop a stratified sampling scheme for in-channel monitoring on USFS lands in California.
- Staff provided technical feedback and support to the USFS for various projects including: road system upgrades, legacy road decommissioning, meadow and Aspen restoration projects, identifying sediment sources to be treated under long term management plans.
- Staff provided review of Initial Studies and Mitigated Negative Declarations for numerous large scale fuel reduction projects.
- Staff worked cooperatively with Butte County Resource Conservation District (RCD) and the Bureau of Land Management (BLM) on implementation of watershed restoration activities in the Butte Creek watershed.
- Staff also worked with PG&E to include improved road maintenance practices into relicensing projects.

Planning, Monitoring, Grants & Enforcement

Resource Distribution by Major Program Area



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“Planning” includes TMDLs, CalFed, and Basin Planning. The TMDL and CalFed funds are used together to address our priority water quality problems through the development of new regulatory policies – usually through Basin Plan Amendments. Others include those programs associated with nonpoint source and enforcement. NPS funds go to grant management, TMDL implementation, and working with watershed groups.

TMDL Program – Implementation

- Cache Creek – Abbott Mine, 4 other C&A for mines, report on hot spots
- Clear Lake – Middle Creek sediment project
- Delta – Fish and Game wetland studies



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Following are examples of the progress made this last fiscal year in the TMDL Program:

- Cache Creek Watershed – In addition to the cleanup completed at Abbott Mine, C&A orders were adopted for two mines in the Sulfur Creek Watershed. Two more C&A orders were heard yesterday. A hot spot report has been completed.
- Clear Lake – Staff has been coordinating closely with local stakeholders. Local stakeholders have entered into an MOU for implementation of the mercury and nutrient TMDL. Grant work is underway on a sediment reduction project in the Middle Creek watershed and another grant project has been completed on hot spots in tributaries to the lake.
- Delta – A significant collaborative effort has been implemented. Fish and Game and others have begun studying management practices that can be implemented to limit methylmercury production and discharge from wetlands.

TMDL Program – Implementation Cont'd

- Diazinon/chlorpyrifos TMDLs adopted for Sacramento, Feather, San Joaquin Rivers and the Delta
- Sacramento, Feather and San Joaquin Rivers proposed for delisting on 303(d) list
- Water quality improvements measured



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Previously, TMDLs have been adopted for diazinon and chlorpyrifos in the Delta and main tributaries to the Delta. These TMDLs - along with new dormant spray regulations from DPR, prohibition of urban uses and federal grants focused on pesticide applications - have resulted in significant reductions in the use of these pesticides and the concentrations in our waters. As a result of these efforts, the Regional Board recommended to State Board that the Feather River, Sacramento River and San Joaquin River be removed from the 303(d) list of impaired water bodies. And, as would be expected, water quality in the Delta has improved.

TMDL Program 303(d)/305(b) Report

- Integrated 303(d)/305(b) Report
- 2+ years work
- 386 water bodies
(135 based on SWAMP data)
- 1,800 fact sheets
- Delistings – pesticides, selenium, metals, bacteria

Another TMDL program success was the approval by the Regional Water Board of the Integrated 303(d)/305(b) Report, the culmination of an effort that took more than 2 years to complete. The effort included an evaluation of 386 water body segments (135 were evaluated based on SWAMP data), involving 70 different pollutants, and spending a great deal of time entering the assessment information into a new database. SWAMP and TMDL staff worked together to prepare 1,800 fact sheets that detailed the results of the data analysis for each water body. There were many new impairment listings mostly resulting from increased monitoring and assessment efforts. There were also success stories: water bodies that were delisted because water quality problems had been addressed. Delistings included diazinon in the Sacramento, Feather and San Joaquin Rivers, metals in the Sacramento River, bacteria in Whiskeytown Reservoir, and salinity and selenium in parts of the San Joaquin River.

Delta Strategic Workplan

- Regional Monitoring Program
- Contaminants
- TMDLs
- Ammonia workshops



EO Report



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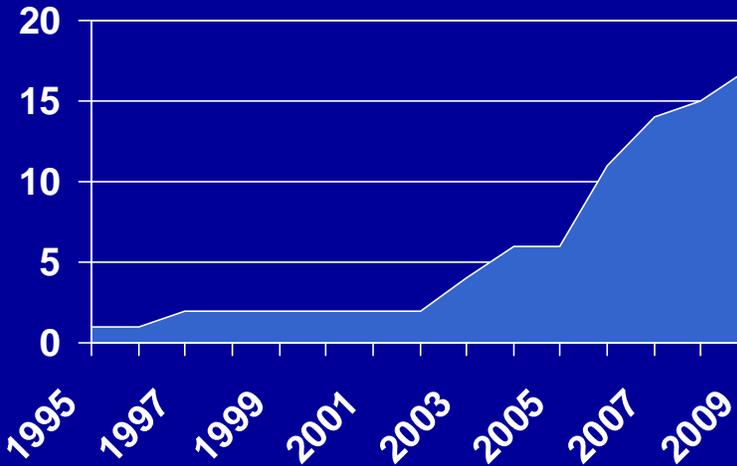
The Delta team has been moving forward implementing the initiatives laid out in the Delta Strategic Workplan. Two key parts of the workplan are 1) the continued work on contaminants (including development and implementation of TMDLs) and 2) the development of the Regional Monitoring Program.

In the past year, we:

- initiated the stakeholder process for developing the Regional Monitoring Program, executed contracts with the Aquatic Science Center and researchers at U.C. Davis to support the effort, and established a planning team to guide the effort.
- continued to coordinate with the Interagency Ecological Program (IEP) and others on contaminant issues in the Delta and continued to develop and implement TMDLs.
- collaborated on research and monitoring.
- collaborated in two workshops on ammonia in the Delta.

Basin Planning

Total # Amendments in Effect Since 1994



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Often, concern has been expressed about the lack of resources to do basin planning. And, there is also a concern that parts of the Basin Plans need updating. However, it is important to recognize that, while basin planning resources have been limited, there has been a recent upsurge in basin planning activities, partly because of basin plan amendments associated with TMDLs.

As presented on the graph, there have been a total of 17 amendments since 1994, the most recent two are 1) pH and turbidity amendments and 2) the beneficial uses of Sulphur Creek (part of Cache Creek watershed). Most of the amendments not related to TMDLs were accomplished through reimbursable contracts.

The pH and turbidity basin plan amendments were completed with funds provided by our NPDES stakeholders. The water quality objectives for these two constituents allowed only limited changes from background conditions. However, the background conditions in certain streams can fluctuate more rapidly due to environmental factors than wastewater effluent causing the discharge to violate basin plan objectives. Since scientific information showed that removing the limitations on changes would not adversely impact the beneficial uses and current federal criteria do not limit changes in pH or turbidity, we adopted an amendment to modify these water quality objectives to resolve the regulatory compliance issues.

The Sulphur Creek amendment recognized that Sulphur Creek, tributary to Bear Creek in the Cache Creek watershed, does not support the municipal and domestic supply beneficial use nor does it support human consumption of aquatic organisms because of the naturally high levels of dissolved solids and mercury. However, because of the creek's location in a mercury enriched area with anthropogenic impacts that elevated the levels of mercury, the amendments included water quality objectives for mercury. The mine cleanup orders on this month's agenda will help achieve these water quality objectives.

Basin Planning Cont'd

- Evaluation of Sandy Creek (Tulare Lake)
 - Affirmed beneficial uses



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Here is an example of a basin planning project that did not result in a basin plan change. Last year, an evaluation was conducted of the aquatic life uses in Sandy Creek in the Tulare Lake Basin. EPA determined that Sandy Creek was not a water of the US subject to federal jurisdiction. However, we recognized that Sandy Creek was a water of the State and subject to the State waste discharge requirements. We worked closely with the Department of Fish and Game to evaluate the aquatic life uses. The Department of Fish and Game affirmed that the warm freshwater habitat beneficial use was appropriate. We then moved forward with waste discharge requirements that protected the warm freshwater habitat beneficial use. This slide shows upstream and downstream locations from a treatment plant.

Surface Water Ambient Monitoring Program (SWAMP)

- ID Pyrethroid Contamination
- Central Valley Index of Biological Integrity (IBI)
- Delta Regional Monitoring Program (RMP) Support
 - Web-based monitoring directory



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Data has been collected from the watersheds and points highlighted on the map (see poster) and served multiple purposes. The primary products during FY08/09 are included in the slide as follows.

•**Pyrethroid Contamination to the Delta:** Water column pyrethroid loads to the Delta were evaluated for both overall distribution of sources as well as potential toxicity. The study also pointed toward unexpected pyrethroid contamination in the American River which will be followed up with a separate study in 2010.

•**Central Valley IBI (Index of Biological Integrity):** Bioassessment data collected under SWAMP and in conjunction with the TMDL program was utilized by DFG to develop a preliminary index to identify good, fair and poor biological condition in Central Valley water bodies

•**Delta RMP (Regional Monitoring Program):** SWAMP has funded key staff to facilitate the Delta RMP effort, including beta-testing a web-based monitoring directory that supported the development of a draft report identifying all Delta monitoring efforts and potential points of collaboration as part of the Delta RMP process.

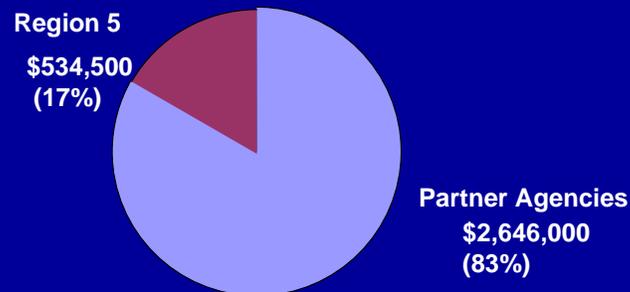
In addition to the efforts mentioned, SWAMP has been involved in numerous other special studies.

SWAMP Cont'd

Collaborative Monitoring

- DWR, Northern District
- Grassland Bypass Multi-Agency
- Labor Day Swimming Hole Study

Leveraging \$3.2-mil Annual Contract Resources



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One of the primary objectives of Region 5's SWAMP efforts is to facilitate collaborative efforts and leverage available resources.

Collaborative Monitoring:

DWR Northern District: Initiated long-term effort to jointly monitor 41 water bodies in the northern Sacramento Valley 4x/year with SWAMP comparable methodologies.

Grassland Bypass Project: SWAMP has allowed continued weekly selenium, salt and boron monitoring within the San Joaquin River Basin to both evaluate contaminant load reductions as well as provide information for a potential Basin Plan Amendment.

Labor Day Swimming Hole Study: Coordinated with 21 local watershed groups to provide information on one of their primary interests — 57 of their local swimming holes over the 2008 Labor Day weekend. Follow-up studies including bacteria source identification with UC Davis have also been initiated.

The pie chart shows the amount of contract dollars that have been leveraged through the collaborative monitoring efforts and some smaller joint studies with the Delta Regional Monitoring Program - such as developing better analytical tools for identifying pyrethroid contamination.

With a small amount of SWAMP resources, we are able to influence the design and execution of much bigger monitoring efforts.

It should be noted that the pie chart does not attempt to quantify the staff resources that have been leveraged between agencies and programs.

NPS Program

- ~40 watershed groups
- Technical assistance
- Feather River Coordinated Resource Management Group (CRM)
 - established in 1985
 - implemented 60 on-the-ground projects



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Staff are collaborating with approximately 40 watershed groups that are working to improve watershed conditions. Staff provides technical guidance and support regarding monitoring and assessment, watershed planning, restoration, education and outreach, and funding opportunities. One such success is the Feather River Coordinated Resource Management Group (CRM), which was established in 1985. Staff has provided technical assistance and support for their numerous studies and successful restoration projects over the years.

NPS Program Cont'd

Lassen Creek Restoration, Feather River (CRM)



2005

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2008

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Lassen Creek Restoration is an example of a successful project using the “pond and plug” method to restore wet meadows in the northern Sierra. Historic channel modification and cattle grazing can initiate a channel-down-cutting process that discharges sediment and dewateres wetland meadows. The restoration involves plugging the incised channel and reestablishing the creek in a historic channel on the floodplain. The old incised channel is converted into a series of wetlands. These projects have a wide variety of benefits to water quality including flow, temperature, sediment trapping, and nutrient uptake.

Grants

Fiscal Year	Grants	Grant Dollars	PYs
FY08-09	52	\$48.8mil	5.2
FY09-10	46	\$44.9mil	0

In the past, the grants program staff have managed several million dollars in water quality improvement grants that supported the ILRP, Dairy, TMDL, and watershed programs. In December 2008, all bond funded grants were frozen due to the State budget crisis. Work was suspended by grantees. By March 2009, bond sales had not improved and all PYs were cut indefinitely by the State Water Board. Without support to manage these grant projects, I made the decision to transfer nearly all the grant management activities back to the State Water Board.

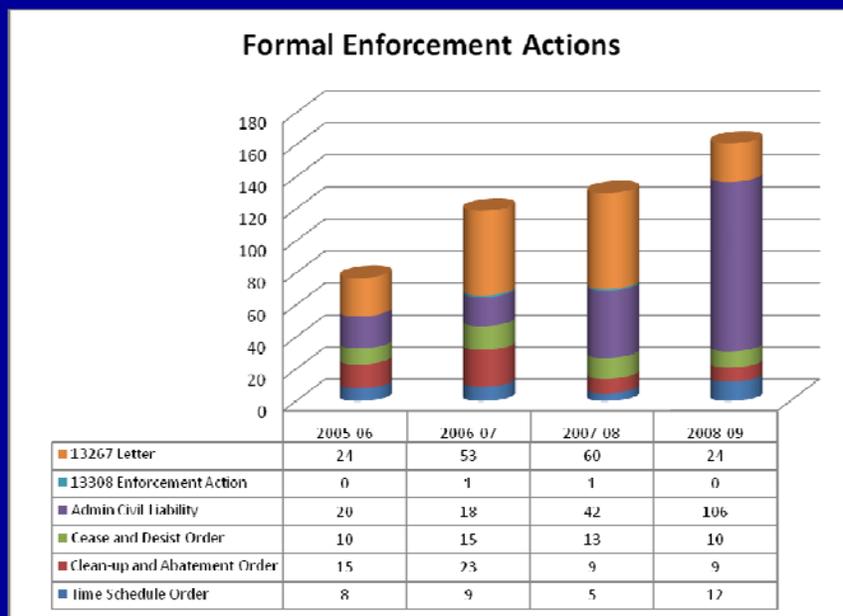
Enforcement

- Successful conclusion of the Mandatory Minimum Penalty (MMP) Initiative
- Supplemental Environmental Project (SEP) List Operational

In Enforcement, the Regional Board was very active and had a banner year. A few of the highlights include:

- Our Regional Board, together with the State Board and the other regions, finalized the Mandatory Minimum Penalty (MMP) Initiative. After a period of intense and focused effort, the Water Boards addressed a significant backlog of MMPs accumulated through the years. We will continue to focus staying on top of this issue so that we do not develop another significant backlog. It is also a high priority for State Board, which is reflected by the recently issued draft enforcement policy.
- The creation of the Supplemental Environmental Project (SEP) List for our region. Now, stakeholders that want to propose for consideration projects that may have beneficial environmental outcomes for the water quality in our region can do so. They can make proposals based on the criteria adopted by the Board and their projects may be selected for inclusion on the SEP List. Those projects may be considered for funding during enforcement action settlement discussions and may be a win/win situation for water quality and for settling enforcement actions expeditiously.

Enforcement Cont'd



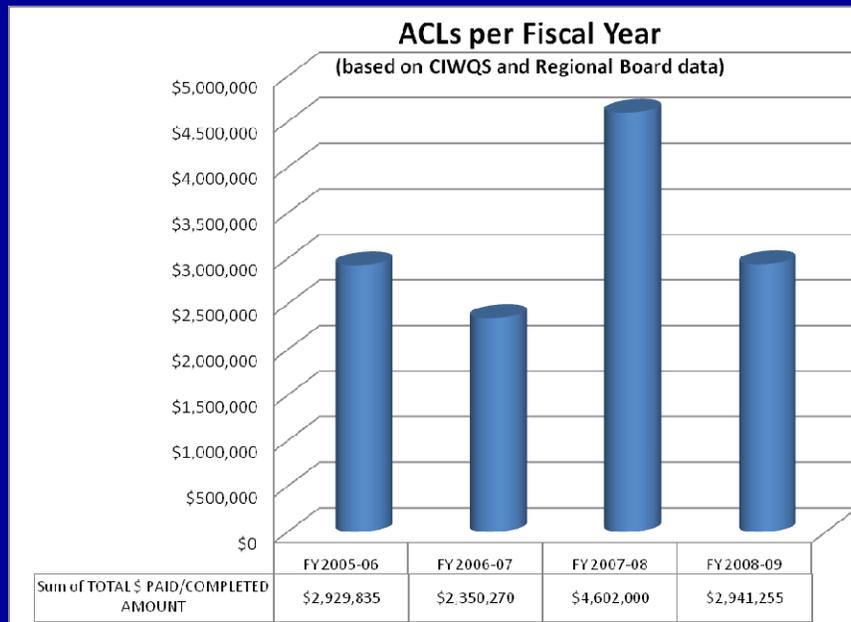
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•This graph depicts a tally of the formal enforcement actions for core regulatory programs based on the data recorded in CIWQS. It represents another good measurement of the overall sustained effort in this area of compliance and enforcement. In addition to the actions represented in this graph, about 300 Notices of Stormwater Non-compliance have been issued on average per year.

Enforcement Cont'd



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- This graph shows the outcome of administrative civil liability actions. It demonstrates that the formal enforcement effort resulted in significant completion of compliance projects and penalty collection. A total of over 12 million dollars have been paid in penalties or spent on completed environmental projects between 2005 and 2009. The increase for the FY 2007-08 reflects the implementation of the MMP Initiative to address the backlog of violations not assessed MMPs. A number of compliance projects are still in progress currently due to the MMP Initiative effort. There are also a number of supplemental environmental projects that are in the process of implementation.

- Additional funds have been received, but have not been entered by the State Board in CIWQS. This graph reflects the general pattern of ACL amounts paid and/or projects completed.

Part II

Region-Wide Priorities/Initiatives



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Developing a Groundwater Quality Protection Strategy

- Develop roadmap
- Active stakeholder participation
- FY 09/10
 - Draft strategy to Board for adoption



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- Success/Accomplishments - Workshops were held the last week of August in Sacramento, Redding, Delano, and Fresno to identify overlaps and gaps in the protection of groundwater quality. Over 210 stakeholders attended one of the four workshops.
- Summary – Workshops will be held to receive stakeholder comments on the draft strategy. Anticipate the draft strategy to be presented to the Board in 2010.

Groundwater Monitoring Advisory Work Group

- Purpose
 - Advise and comment on how studies are conducted
- Members
 - Experts in groundwater monitoring
- Monthly Meetings
 - Discuss technical issues
- Product
 - “white papers” on technical issues



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- Purpose – advise and provide comments to staff on technical issues related to how groundwater monitoring is conducted and subsequent evaluation of data.
- Members – are experts in groundwater monitoring representing: academia, USGS, SWRCB, USEPA, private consultants, and Board staff.
- Meetings – are held monthly and will discuss technical issues, the first issue the workgroup will be discussing is “background”, what is it and how should it be determined.
- Resulting products of the workgroup will be “white papers” on technical issues for review by management and dissemination to staff.

WDR Program Initiatives

- Increase output of WDRs
- Reduce backlog of RWDs
- Update older WDRs
- Improve efficiency



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The WDR Program Initiatives are as follows:

- The WDR program has developed a prioritization matrix and work plan and is committed to increasing the output of WDRs.
- One of the highest priorities is to reduce the 270 backlog of Reports of Waste Discharge (RWDs).
- Another high priority is to update older WDRs that are not effectively protecting water quality.
- Staff is working with representatives of the wine industry and the concrete industry to develop guidelines and management practices to streamline permitting and ensure consistency.
- Staff has prepared new waivers for small wineries and food processors, and other small low-threat discharges, to replace the ones that expired in 2008. At least 100 facilities were covered under the expired waivers, so the effort will save much staff time.
- Staff will look for other opportunities to regulate facilities through existing general permits or waivers, and to develop new general orders, where applicable, to reduce workload.

Dairy Program FY 09/10

- Prepare a General NPDES Permit for dairies
- Continue to write WDRs for new or expanded dairies
- Prepare a Program EIR for co-digestion at dairies and related facilities
- Continue our compliance inspections
- Continue our cooperative efforts with California Dairy Quality Assurance Program (CDQAP)
- Monitoring of first encountered groundwater



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- This year, we are planning to prepare a General NPDES permit for dairies.
- Although we have seen approximately 50 dairies close during these difficult economic times, we have also seen about 70 new or expanded dairies (that we have become aware of during the past year) that will require individual WDRs based on submittal of reported waste discharges (RWDs). We understand there are other dairies in the process of submitting information regarding expansions. As staffing allows, we anticipate 7-10 individual WDRs for dairies to be presented to the Board this year (3 individual WDRs adopted last year).
- We are currently preparing contract documents for a Programmatic Environmental Impact Report (EIR) for facilities that will codigest dairy manure and other organic feedstocks in the Central Valley. This Programmatic document will substantially reduce the time required to permit these facilities for the Regional Board and other state and local permitting agencies. This effort will continue into FY10/11 with anticipation that a general order for dairy digesters will be adopted in December of 2010.
- Compliance inspections for dairies will continue at a rate of approximately 15% of the facilities under the general order and our cooperative efforts with the California Dairy Quality Assurance Program (CDQAP) for outreach and producer education.
- We are implementing monitoring of first encountered groundwater at dairies covered by the General Order. At the same time, we are working with industry and stakeholder representatives to identify an acceptable groundwater monitoring alternative.

Long-Term Irrigated Lands Regulatory Program

- Stakeholder advisory work group has developed alternatives
- Draft EIR circulated this FY



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In 2003, the Board directed staff to develop an Environmental Impact Report (EIR) for a long-term irrigated lands program. In the fall of last year, we formed a stakeholder advisory work group to help us develop programmatic alternatives. The work group came to consensus on the range of alternatives that should be considered in the EIR. The draft EIR, with a staff recommended alternative, will be circulated later this fiscal year. Adam Laputz, our staff lead for the long-term program, will be providing more details on the status of this important effort later today.

TMDL Program

- TMDLs adopted for many significant impairments
- Measurable improvements – pesticides, selenium
- Must improve efficiency



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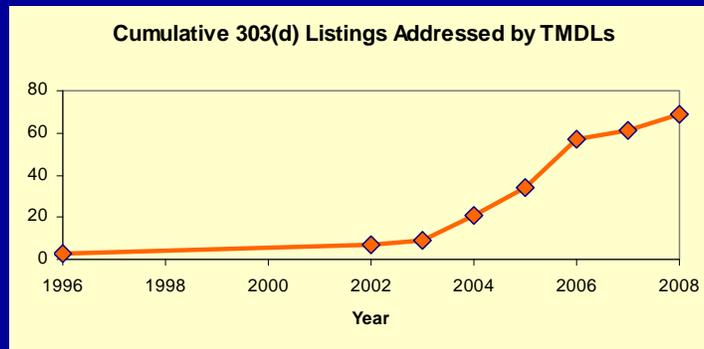
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The formal TMDL program was initiated in 1996. Since then, TMDLs have been adopted that addressed some significant water quality problems and have resulted in significant water quality improvements in several areas. Nevertheless, there is a need to make the program more efficient. We need to get more TMDLs, covering more water bodies adopted quicker. Implementation needs to be streamlined. The list of impaired water bodies is growing and there are hundreds of existing impairment listings. We now have a total of 708 listings. We cannot continue to work water body by water body through the list of impairments. The State Strategic Plan recognizes the need to implement new approaches and has set an aggressive goal of adopting TMDLs by 2019 that address all impairments on the current 303(d) list. We anticipate that our own Regional Board Strategic Plan will build on the State Plan.

TMDL Program Cont'd

- Watershed-wide TMDLs
- Streamlined adoption process
- Adopt basin TMDLs with re-openers
- Make TMDL provisions simple



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So, consistent with the Strategic Plan, over the next several years we will be integrating the following strategies into our TMDL Program:

- Where possible, we will try to adopt TMDLs that apply to multiple water bodies or, if feasible, to entire watersheds.
- We will try to implement a more streamlined TMDL adoption process, involving early stakeholders collaboration.
- We will adopt basic TMDLs with provisions for re-evaluation and consideration of new information.
- We will make TMDL provisions simple so they are easy to implement.

We are initiating this effort on two existing TMDLs: the mercury TMDL for the Delta and our valley-wide pesticide TMDL. The innovative strategies will be integrated into our other TMDL efforts, as appropriate.

Delta Mercury TMDL

- Working on TMDL for several years
- TMDL complicated and controversial
- December 2008 – enhanced stakeholder process
- Adopt “Bifurcated” TMDL – just the basic elements of TMDL with reopeners



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We have been working on the Delta mercury TMDL for several years. Preliminary staff recommendations for the TMDL were brought to the Regional Board in 2008. There was controversy on all aspects of the proposed program. As a result, we decided to initiate a rigorous stakeholder process to try to implement a collaborative effort aimed at completing a reasonable TMDL before June 2010. Through this collaborative effort, we have developed a more or less agreed-upon approach, referred to as the ‘bifurcated approach’. The key feature of this approach is to adopt a TMDL and establish an adaptive management framework for continued re-evaluation and re-consideration of TMDL elements as new science and information become available.

Delta Program

- Delta ecosystem collapse
- Multiple factors likely contribute



Invasive clam



Water export



Delta smelt

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Delta aquatic life resources have been in a downward spiral for many years. In 2005, data from the Delta identified unprecedented declines in the abundance of some pelagic fish and zooplankton (dubbed the pelagic organism decline or POD). Studies conducted in 2005 and 2006 suggested that multiple factors likely contribute to the declines, including export pumping, invasive species, contaminants, and other factors related to alterations in food chain dynamics.

Delta Program Cont'd

- Continue collaboration on contaminants
- Develop and implement TMDLs
- Regional Monitoring Program
- Coordination with BDCP, CALFED, Delta Vision, IEP



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We are now starting to implement the workplan that includes a number of important elements, including the following:

- Increased collaboration with the Interagency Ecological Program (IEP) and others on pelagic organism decline (POD) and contaminant issues in the Delta.
- Continue developing a Regional Monitoring Program – there has been wide agency and stakeholder support.
- Continued coordination with Bay Delta Conservation Plan (BDCP) steering committee in development of their Conservation Plan.
- Continued coordination with Delta Vision and CALFED.
- Continued coordination with stakeholders in development and implementation of TMDLs.

Our Delta program goal is to make sure contaminants are not contributing to aquatic resource impacts to the Delta ecosystem and to coordinate with other agencies and stakeholders in efforts to protect beneficial uses.

SWAMP Initiative: Develop a Collaborative Region-Wide Monitoring Framework

- **Coordination & Tool Development (Delta RMP; ILRP; Stormwater; NPDES)**
 - CV Monitoring Directory
 - Toxicity Mixing Study
 - Toxicity Identification Evaluation (TIE) Development
- **Source Identification**
 - American River Toxicity
 - Bacteria Source ID
- **Comparable Data Management**



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The ultimate goal of Region 5 SWAMP is to develop a collaborative Region-wide Monitoring Framework.

FY09/10 will focus on three components:

1. **Facilitating Coordination and Tool Development**

- Finalize and release web-based Central Valley monitoring directory to facilitate ongoing monitoring coordination (currently being utilized by Delta RMP effort during beta testing to facilitate coordination of >\$7-mil of ongoing monitoring)
 - Verifies MRP receiving water requirements for over 280-permitted discharges;
 - Identifies planned monitoring for ILRP (and grants not under suspension);
 - Provides outreach and training for external agencies to feed the directory
- Provide resources for key studies identified by the Delta POD Team to better identify toxic impacts of mixtures of chemicals including pyrethroids

2. **Following up on high priority water quality concerns**

- Pyrethroid loading to the Delta study identified ongoing, low level toxicity along 30-miles of the American River. This study focuses on source identification.
- Multiple programs (SWAMP, ILRP, Confined Animal Feeding Operation (CAFO), volunteer monitors) have identified either ongoing or seasonal spikes in E. coli concentrations. This study identifies whether the source is human, cattle, or other and also analyses for specific pathogens of concern (E. coli O157:H7; salmonella; giardia; and cryptosporidium).

3. **Insuring that the data is collected and captured in a SWAMP comparable manner.**

- Region 5 SWAMP funds are facilitating coordinated data management of information gathered from collaborative efforts through standardized sample collection and data entry into SWAMP comparable formats. The long-term trend sites established at key locations will provide ongoing information to evaluate changes in quality over time and help evaluate effectiveness of water quality improvement efforts.

CV Salts (Salinity)

- EO List of Rec'd Actions
- Demonstrate progress & level of effort
- Governance, management, & accountability concerns addressed
- Work Plan & schedule developed
- Coalition gaining members & outside funding



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CV Salts (Salinity) Cont'd

- CAA funds allocated
- First contract released
- *Salt of the Earth* PBS Documentary won an Emmy Award!
- Statewide Recycled Water Policy
- New Task List
- New contracts to meet Work Plan

CV Salts (Salinity) Cont'd

- Increase outreach
- MOU with Coalition
- Increased Coalition funding and participation
- Salinity Summit
- Consolidating all salt actions through CV-Salts



Strategic Plan

Healthy Sustainable Watersheds

- Board consensus on vision and guiding principles
- Leadership Team drafted goals and objectives
- FY 09/10
 - recommendation to put efforts on hold due to furloughs and other cuts



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Pamela to add notes

I am recommending to the Board that we place the current efforts on hold due to furloughs and other cuts.

Budget Reductions FY 08/09

- **General Fund**
 - 4.4 PYs
 - \$466,600
- **Bond Funds**
 - 3.8 PYs
 - \$503,500
- **Other Funds**
 - 1.5 PYs
- **Furlough Impact**
 - 8.7 PYs

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- In FY 08/09 we experienced several staff reductions.

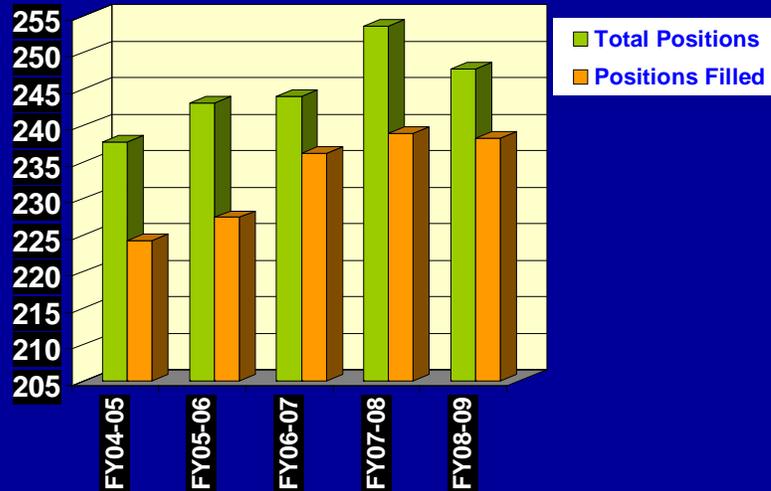
General Fund was reduced by 4.4 PYs

NPDES	.2 PY
ILRP	.8 PY
SLIC	.3 PY
Timber	.4 PY
TMDL	1.0 PY
UST	.7 PY
CalFed	.7 PY
Basin Plan	.3 PY

- The Bond reductions were in Prop 50 Bonds.
- The other was a technical adjustment required to balance our personnel roster with the budget.
- Furlough Impact amounted to a 8.7PY equivalent reduction.

Budget Cont'd

Average Total and Filled Positions



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With the recent changes in the economy, we have been able to fill most of the vacant fillable positions.

Last year, we lost 9.7PYs. Furlough impacts amounted to another 8.7PY equivalent reduction.

[Breakdown of Reductions:

FY 08/09

4.4PY General Fund Reduction

3.8PY Bond Reduction

1.5PY Other Reductions

8.7PY Equivalent due to Furloughs

FY 09/10

39PY Equivalent Reduction due to 15% Furloughs]

Furlough Implementation and FY 09/10 Budget Challenges

- February 2009 - one furlough day/month (5%)
- March 2009 - two furlough days/month (10%)
- July 2009 - three furlough days/month (15%)
- The 15% or three day furlough will impact all programs
- We expect additional GF cuts

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- In February 2009, the Governor implemented a **one** day furlough program. Under this program, all employees were required to take off one day a month without pay. This represented approximately a 5% reduction in staff time and pay. Our budget was reduced by this amount of funds.
- In March 2009, the furlough was increased to **two** furlough days per month. This represented approximately 10% of staff time and pay.
- In July 2009, the furlough was increased to **three** furlough days per month. This represents approximately 15% of staff time and pay.
- The furlough program is expected to run through June 30, 2010.
- All of our programs were impacted by this reduction. The cumulative impact for the fiscal year is 3.5%.
- In FY 09/10, the impact will be approximately a 15% reduction in staff time to all programs. We will continue to redirect staff to our highest priorities to the extent we are able to with the limitations we have on our various fund sources.
- The State fiscal situation continues to be poor. The expectation is that there will be additional GF cuts this year.

Summary

- Exceptional, highly qualified technical staff and superb support staff
- Dedicated and experienced Executive and Leadership Team
- Outstanding achievements
- Addressing complex problems
- Significant accomplishments given continued pressures from loss of resources

Significant achievements to protect, enhance and restore water quality given significant challenges

Questions?

