

San Diego
Regional Water Quality
Control Board



Executive Officer's
Report

January 18, 2008

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SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

January 18, 2008

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Storm Water Coordination Meetings *(Jimmy Smith)*

On December 13, 2007, Christina Arias, Jody Ebsen, Dat Quach, Ben Neill, Peter Peron, and Tony Felix from the Watershed Protection Units of the California Regional Water Quality Control Board, San Diego Region attended an information session on Low Impact Development (LID) and Watershed Management given by Dr. Gary Wolff of the State Water Resources Control Board. Also in attendance were copermitttee groups from San Diego, Orange and Riverside Counties. Dr. Wolff's presentation had an emphasis on the economic benefits of implementing LID. The meeting was sponsored by the County of San Diego's Watershed Protection Program.

Pollution in urban storm water runoff from existing and new developments can have serious and long-term impacts on ecosystems. LID is a storm water management approach that actually integrates older techniques with new innovative methods that strive to manage urban runoff as close to the source as possible. LID relies on landscape and engineering features, known as site-specific Best Management Practices (BMPs) to abate or eliminate pollution by using detention and treatment solutions to fit the needs of a particular site. This is accomplished by mimicking or recreating a site's predevelopment hydrologic conditions by using design techniques that infiltrate, filter, store, evaporate and detain runoff on-site as much as possible. LID techniques can greatly reduce these non-point source pollution risks by slowing runoff, increasing the sorption of pollutants in soils and organic matter, and through the uptake of pollutants in vegetation.

Incorporation of LID design is a requirement of the San Diego County municipal storm water permit, and is also included as a requirement in the draft Orange County municipal storm water permit, which will be considered for adoption by the Regional Board on February 13, 2008.

Also on December 13, Lilian Busse attended the San Diego Regional Monitoring Workgoup meeting. The following topics were discussed:

- Weston Solutions, Inc. gave an update on sampling of the first storm event of the season. Monitoring was conducted at Mass Loading Stations and included pyrethroid monitoring. The stations which had equipment

destroyed during the October 08 wildfires are now equipped with new sondes.

- Weston Solutions, Inc. is working on a final draft of the 2006-2007 Regional Monitoring Annual Report. Weston Solutions received 400 comments on the previous draft.
- Jo Ann Weber of the County of San Diego and Lisa Kay of Weston Solutions, Inc. gave an update on Bight '08. The Bight 08 project is the continuation of monitoring surveys of the Southern California Bight intended to assess anthropogenic impacts. Lilian Busse gave a summary of the Wetlands Group of Bight '08.

2. Southern California Coastal Waters Research Project Symposium (*Mariah Mills*)

On January 15, 2008 the Southern California Coastal Waters Research Project (SCCWRP) held a symposium for member agencies at the SCCWRP offices in Costa Mesa, CA. SCCWRP is a research institute focusing on the coastal ecosystems of southern California. The scope of their work has expanded from marine/estuarine waters to inland surface waters. SCCWRP was formed in 1969 as a joint powers agency with the goal of contributing to the scientific understanding of linkages among human activities, natural events, and the health of the Southern California coastal environment; to communicate this understanding to decision makers and other stakeholders; and to recommend strategies for protecting the coastal environment for this and future generations. The purpose of the symposium was to familiarize member agencies with SCCWRP's structure and mission, to provide an overview of current research, and to offer an opportunity to meet SCCWRP scientists. Lectures were provided on regional monitoring, nutrients, microbiology, wetlands, toxicology, information management, watersheds and chemistry. Attendees were also given the opportunity to tour the SCCWRP facility. Mike McCann, David Barker, Bruce Posthumus, Deborah Jayne, Cynthia Gorham-Test, Benjamin James and Mariah Mills of the Regional Board attended the symposium. More information on SCCWRP, including a list of member agencies, can found at: <http://www.sccwrp.org/>

3. California Stormwater Quality Association (CASQA) 2008 Meeting (*Jody Ebsen*)

On January 11, 2006, CASQA held their Annual Federal and State Stormwater and Water Quality Regulatory Programs Update Meeting. The meeting was attended largely by representatives from storm water agencies and consultants. Presenting the federal and state updates were Alexis Strauss, Director of Water Division, USEPA Region 9 and Jonathan Bishop, Chief Deputy Director, State Water Resources Control Board. They talked on a number of issues including: timely reissuance of NPDES storm water permits, implementation of TMDLs through those permits, consideration of a state-wide municipal storm water (MS4) NPDES permit, and the upcoming public release of the new state-wide construction storm water permit. Ken Schiff, Deputy Director of Southern California Coastal Water Research Project (SCCWRP) gave an overview of SCCWRP's current storm water research projects. Regional Board staff in

attendance was Christina Arias, Lilian Busse, Jody Ebsen, Tony Felix, David Gibson, Chad Loflen, and Mike McCann.

PART B **SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

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

From November 1 to November 30, 2007, there were 28 reported public sanitary sewer overflows (SSOs) in the San Diego Region, including four spills of 1,000 gallons or more, reported on-line pursuant to the requirements of State Board Order No. 2006-0003-DWQ (General Statewide Waste Discharge Requirements for Collection Agencies). Fifteen of the 28 SSOs reached surface waters, including storm drains. Two of these SSOs resulted in closure of recreational waters. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of November 2007 was 16,501 gallons.

From December 1 to December 31, 2007, there were 18 reported public SSOs in the San Diego Region, including two spills of 1,000 gallons or more, reported on-line pursuant to the requirements of State Board Order No. 2006-0003-DWQ. Seven of the 18 SSOs reached surface waters. Two of these SSOs resulted in closure of recreational waters. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of December 2007 was 61,875 gallons.

In November 2007, there were ten reported discharges of untreated sewage from private laterals reported on-line pursuant to the San Diego Regional Board Order No. R9-2007-0005, "Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region." One of these discharges was 1,000 gallons or more, and three of these discharges reached surface waters. None of the discharges resulted in closure of recreational waters. In December 2007, there were 23 private lateral sewage discharges reported on-line pursuant to the San Diego Regional Board Order No. R9-2007-0005. None of these discharges was 1,000 gallons or more, and eight of these discharges reached surface waters. One of the discharges resulted in closure of recreational waters. The combined total volume of reported private lateral sewage discharges for the months of September and October 2007 was 14,467 gallons.

During November and December 2007, 0.97 and 0.80 inches of rainfall were recorded at San Diego's Lindbergh Field, respectively. For comparison, in November 2006, 17 SSOs and 10 private lateral sewage discharges were reported during a period of time when 0.15 inches of rainfall was recorded at Lindbergh Field. Further, in October 2006 there were 18 SSOs and 20 private lateral sewage discharges reported during a period of time when 0.71 inches of rainfall was recorded at Lindbergh Field.

Attached is a table titled "Sanitary Sewer Overflow Statistics", updated through December 31, 2007, which contains a summary of all SSOs by fiscal year (FY) from each agency since FY 2002-2003.

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

2. Significant Enforcement Actions-December 2007 (*Jeremy Haas*) (*Attachment B-2*)

The following is a summary of all enforcement actions during the month of December 2007. During this period the Regional Board initiated 15 enforcement actions (four Staff Enforcement Letters, two Notices of Violation with Investigative Orders, three Investigative Orders, two Cleanup and Abatement Orders, and four Administrative Civil Liability Orders).

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

AGENCY/ FACILITY NAME	CITY	PROGRAM ¹	ACTION DATE
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Staff Enforcement Letter			
County of San Diego Descanso Detention Facility	Descanso	WDR	12/4/2007
County of San Diego Rancho del Campo Water Pollution Control Facility	Campo	WDR	12/4/2007
Rancho Santa Fe Community Services District Water Pollution Control Facility	Rancho Santa Fe	WDR	12/4/2007
Ramona Municipal Water District Santa Maria Wastewater Treatment Plant	Ramona	WDR	12/4/2007

Notice of Violation / Investigative Orders (13267 letters)			
County of Orange and Caltrans, District 12 Laguna Canyon Road (SR- 133) Improvement Project	Laguna Beach	CER	12/27/2007
Terry Lovengier Loveacres Ranch	Warner Springs	CER	12/14/2007

AGENCY/ FACILITY NAME	CITY	PROGRAM ¹	ACTION DATE
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Investigative Orders (13267 letters)			
Capistrano Unified School District and Whispering Hills Estates, LLC San Juan Hills High School and Whispering Hills Estates Residential Project	San Juan Capistrano	CER	12/21/2007
Metropolitan Water District Lake Skinner Filtration Plant	Winchester	TANKS	12/27/2007
Bianchi Family Trust Former Bianchi Industry	Temecula	TANKS	12/27/2007

Cleanup and Abatement Orders			
North County Transit District Sprinter Rail	North San Diego County	CONSTW	12/31/2007
Shubert Family Trust / Doberto Corporation 2712 Washington Avenue	Julian	TANKS	12/21/2007

Adopted Administrative Civil Liability Orders			
Eastern Municipal Water District	Temecula	SSO	12/12/2007
North County Transit District Sprinter Rail	North San Diego County	CONSTW	12/12/2007
Ashby USA, LLC Roripaugh Ranch Residential Development	Temecula	CONSTW	12/12/2007
San Diego Unified School District Scripps Ranch Middle School	San Diego	CONSTW	12/12/2007

¹Program Acronyms

CER	Water Act Section 401 Certification
CONSTW	Construction Storm Water
DoD	Department of Defense
INDSTW	Industrial Storm Water
LNDISP	Land Disposal
MNSTW	Municipal Storm Water
NPDES	National Discharge Elimination System

WDR	Waste Discharge Requirements
SSO	Sanitary Sewer Overflow
SLIC	Spills, Leaks, Investigations, and Cleanup
TANKS	Underground Storage Tank

3. State Board Enforcement 13385 Report for Jan through Dec 2007 (*Mark Alpert*)
 The State Water Resources Control Board (State Board) recently issued a draft report on the status of enforcement titled "**Draft-Enforcement Report**" dated January 2008 to comply with reporting requirements found in Water Code Section 13385(o), which requires the State to continuously report and update information on its Web site, and at a minimum to report annually on its enforcement activities. The 48 page report is posted to the State Board's webpage at <http://www.waterboards.ca.gov/enforcement/index.html>.

This report summarizes information on violations of water quality laws and regulations in the surface water programs, specifically, NPDES and Storm Water permits) and enforcement actions taken by each of the 9 Regional Boards in response to those violations. The report covers the period of January through December 2007.

Since mid-2005, information on surface water programs has been recorded in the California Integrated Water Quality System (CIWQS) ¹database which stores facility data as well as violations and the resulting enforcement actions. The State Board maintains a separate database, called Geotracker, to track information related to the Water Boards ground water programs (such as; Landfills, Tanks, Cleanup, and Department of Defense sites).

Highlights of the report

NPDES: The San Diego Region took enforcement on 97% (290) of the 299 violations that occurred during 2007, as compared to a statewide average of 59% of 1513 violations. This continues a long history that this Region has achieved a high level of enforcement in response to violations.

MMP: For violations subject to mandatory minimum penalties (MMP) the San Diego Region initiated or completed enforcement on 88% (560) of 635 violations that occurred during 2007, as compared to a statewide average of 50% of 19,202 violations

Stormwater: The San Diego Region initiated enforcement on 90% (144) of the 160 violations that occurred during 2007, which is comparable to the statewide average of 89% of violations.

¹ Initial deployment of this system occurred before the system was fully ready and serious problems have been encountered that effect recording, maintaining, and retrieving information about violations and enforcement actions.

The report also credited the San Diego Region for developing the model now used statewide to prioritize potential enforcement cases. This method has also been incorporated into the proposed revision to the enforcement policy.

4. San Diego Bay Shipyard Sediment Site Cleanup Status *(David Barker)*
(Attachment B-4)

A January 17, 2008 status report on the preparation of the indexed electronic record of documents and other information from the San Diego Water Board's file records pertaining to the tentative Shipyard Sediment Site cleanup and abatement order (CAO) is attached.

5. Grants Update *(Dave Gibson)* *(Attachment B-5)*

The Regional Board is managing 22 projects worth approximately \$39.7 million in total project costs (Attachment 1). Most of the projects previously behind schedule have been returned to conformance with the Grant Agreements. Three projects, however, have continuing problems. The Regional Board Grant Managers will continue to provide close oversight of these grant funded projects and work with the grantees in order to ensure the success of the projects and conformance to the Grant Agreement terms and conditions. During recent years, several funded projects that have failed to conform to the Grant Agreement terms and conditions have been terminated by the State Water Resources Control Board (State Water Board) on the recommendation of the Regional Board Executive Officer.

Integrated Regional Water Management (IRWM) Grant Program

For Step 1 of Round Two, twenty eight applications were submitted of which 11 were determined to be incomplete or ineligible. Reviews of the applications to the State Water Board and Department of Water Resources (DWR) have been completed. Competitive applicants were notified November 1, 2007 that they may be invited to submit Full Proposals in Step 2.

Eight applicants were invited back to submit Step 2 proposals - four from Northern California and four from Southern California. The four applicants from the North are: County of Humboldt, Kings River Conservation District, Nevada Irrigation District, and Tomales Bay Watershed Council Foundation. The four applicants from the South are: Antelope Valley State Water Contractors Association, County of Orange, San Diego County Water Authority, and County of Santa Barbara. The proposals are due on January 15, 2008. The Step 2 full proposals will be reviewed and funding recommendations completed by June 2008. Information on the IRWM Program is available on the State Water Board IRWM web site at <http://www.waterboards.ca.gov/funding/irwmgp/index.html>

Proposition 84 Storm Water Grant Program

The Proposition 84 Storm Water Grant Program will make \$82.35 million in matching grants available to local public agencies for projects that reduce and prevent pollution of rivers, lakes, and streams from discharges of storm water.

Assembly Bill (AB) 739 (Statutes 2007, Chapter 610) provides additional requirements regarding implementation of this program. The State Water Board will hold scoping meetings for this grant program in early 2008.

To receive e-mail updates regarding the Program, interested persons should sign-up on-line for the "Storm Water Grant Program (Proposition 84)" e-mail list at: http://www.waterboards.ca.gov/lyrisforms/swrcb_subscribe.html.

More information on this grant program can be found at:
<http://www.waterboards.ca.gov/funding/prop84.html>

Proposition 84 Areas of Special Biological Significance (ASBS) Grant Program

Proposition 84 provides approximately \$33.2 million in matching grants to assist local public agencies to comply with the discharge prohibition into ASBSs contained in the California Ocean Plan. The draft Guidelines to implement the Program is currently undergoing an internal management review. The State Water Board anticipates releasing the draft Guidelines for public review and comment the week of January 21, 2008.

2008 Nonpoint Source Conference

The 2008 Nonpoint Source (NPS) Conference, "Integrated Watershed Management: Reducing Nonpoint Source Pollution", is scheduled for May 5-7, 2008 in San Diego at the Mission Valley Marriott. The steering committee has been hard at work planning the 2008 NPS Conference. A partner meeting was held on Tuesday, January 15, 2008 during which the plans for two local field trips were discussed. These field trips will focus on the post-fire BMPs and management measures implemented by local agencies in response to the 2003 and 2007 wildfires, completed Proposition 13 NPS projects, and the San Diego IRWM group's proposed projects. Organizations that are interested in becoming a partner or sponsor, or would like to participate in the conference planning should contact Dave Gibson at 858-467-4387 or dgibson@waterboards.ca.gov or Melenee Emanuel at 916-341-5271 or memanuel@waterboards.ca.gov. For more information on the Conference, please visit <http://www.waterboards.ca.gov/nps/conference2008.html>.

Funding Fair 2008

The State Water Board hosted Funding Fair 2008 at the Cal/EPA Building on Friday, January 11, 2008. More than 250 people attended Funding Fair 2008, to participate in breakout sessions and visit with agencies at table exhibits. Handouts and presentations from Funding Fair 2008 are available on-line at: <http://www.waterboards.ca.gov/funding/fundingfair2008.html>.

6. U.S. Navy Palmer Hall Barracks Illicit Connection to Storm Drain Near San Diego Bay Illegal Discharge (*Vicente Rodriguez*)

In November 2006, the Navy reported that over a 25-month period approximately 14.2 million gallons of raw (untreated) sewage from US Navy's Palmer Hall Barracks located in Naval Station San Diego had been discharged into the storm water collection system, and into Chollas Creek (Outfall no. 70), approximately ½ mile upstream of San Diego Bay. This section of Chollas Creek is subject to tidal influence. Apparently, the discharge began after the construction of the barracks in October 2004 when a sanitary sewer lateral was erroneously connected to an adjacent storm drain lateral rather than the sanitary sewer system. The discharge was ultimately discovered during a survey for new construction.

The Navy reported that they corrected the misconnection, cleaned the affected storm drain by high pressure washing, and removed trash from Chollas Creek where it passes through Navy property. The Navy also conducted illicit sewer cross-connection survey of all buildings constructed since 2002, conducted visual inspections of storm drains, made a commitment to participate in the Chollas Creek bacterial TMDL, and began a process improvement analysis on the incident to pinpoint the cause of the Palmer Hall cross-connection. However, the Navy did not evaluate the environmental harm caused by the spill that lasted over two years nor did they implement any action to abate the effects of the environmental harm done by the discharge.

The Regional Board issued an investigative order, pursuant to section 13267 of the Water Code, in November 2006. When the Navy's initial response was insufficient for Regional Board to complete its review, a revised investigative order was issued in July 2007. The Regional Board requested additional information regarding how the cross-connection occurred, the Navy's cleanup and mitigation plan, and the results of the Navy's preliminary investigation.

The Navy provided a detailed response on October 9, 2007. The Navy reports that it has a plan in place designed to prevent illicit connections. However, despite the plan, the Navy failed to follow-up on their consultant's observation made during the Palmer Hall construction, in that the difference in pipe elevation of the incorrectly assumed sewer line was actually the elevation of a storm drain clean out line. Had the Navy investigated this situation prior to the completion of the project, the illicit connection and spill would likely have been prevented. The Navy is in the process of redrafting criteria to pre/post inspect sewage line connections with a dye test.

The Regional Board's consideration of an appropriate response to the spill is under review. Federal agencies are exempt from imposition of administrative civil liability. The Regional Board may consider further enforcement action to require the Navy to abate the effects of the environmental harm done by the discharge.

7. San Diego County Farm Bureau Adopts Workplan to Form Region-wide Monitoring Group *(Julie Chan)*

Mr. Eric Larson, Executive Director of the San Diego County Farm Bureau (SDCFB), reported that the SDCFB's Board of Directors recently adopted a detailed workplan for putting in place a region-wide agricultural monitoring group in time to submit a Notice of Intent (NOI) to the San Diego Water Board by the deadline of December 31, 2010. Submittal of an NOI, either as part of a monitoring group or as an individual grower, is required of growers by a condition of the new waiver for irrigated agricultural discharges. All growers who elect to join the monitoring group would be covered by the SDCFB's NOI. The waivers were adopted by the San Diego Water Board in October 2007. The SDCFB has also communicated with the Riverside and Orange County Farm Bureaus to inform them that there will be growers in those counties who may wish to be included in the SDCFB NOI. Mr. Larson stated that, to date, the Riverside and Orange County Farm Bureaus are supporting the SDCFB's work on this issue. In brief, the year by year workplan tasks are:

2008

- Study existing monitoring group structures in California.
- Choose best case models.
- Select legal and professional consultants for recommendations on group structure.
- Submit organizational alternatives to SDCFB board for consideration.
- Select organizational structure.

2009

- Create monitoring group as a legal entity and organize.
- Begin first phase of education for grower community.
- Solicit RFPs from firms qualified to do monitoring and reporting.
- Select firm.
- Set fee structure for participants.
- Develop recruitment material.

2010

- Recruit monitoring group participants.
- Submit NOI to San Diego Water Board.

In addition to the workplan for the monitoring group and NOI, the SDCFB has talked to the University of California Cooperative Extension Service about how that SDCFB can help growers meet the waiver's educational and record keeping requirements this year. Although San Diego Water Board staff has not reviewed the workplan, we appreciate and commend the SDCFB for its proactive work on timely compliance with the conditions of the new waiver for irrigated agricultural discharges.

8. Status of Compliance from North County Transit District Sprinter Rail Site

(Chiara Clemente)

On December 14, 2007, the Regional Board adopted ACL Order No. R9-2007-0219, affirming assessment of a \$160,000 complaint against the North County Transit District (NCTD) for violations of the General Construction Stormwater Permit for the period of February to March 2007. Since the December 2007 Regional Board meeting, three additional inspections by the Regional Board have been conducted at the site, on December 19, 2007, December 28, 2007 and January 7, 2007 and all three revealed continued non-compliance at the 22-mile long construction site. Specifically, these inspections revealed continued lack of construction Best Management Practices (BMPs), and in some instances, failure to correct violations noted in prior inspections. Inspections conducted during, or shortly after significant rainfall events also revealed additional unauthorized discharges of sediment-laden runoff. The December 28 inspection occurred on the same day as the grand opening of the Sprinter Rail project.

In response to NCTD's continuing delays in correcting violations noted and achieving compliance, Cleanup and Abatement Order (CAO) No. R9-2007-0226 was issued on December 31, 2007. The CAO directs the District to implement measures to comply immediately and to report to the Regional Board when compliance is achieved (as determined by an independent party). The CAO also requires a prioritized schedule to achieve compliance and the submittal of status reports on measures taken to comply with that schedule. The Regional Board is currently evaluating appropriate additional enforcement measures, including assessment of civil liability for past and prospective violations and/or referral to the Attorney General.

9. Petition for Administrative Review of ACL Issued to Ashby USA, LLC *(Rebecca Stewart)*

On January 11, 2008, Kathleen O'Prey Truman, an attorney representing Ashby USA, LLC, filed a petition to the State Water Resources Control Board for review of the Regional Board's Administrative Civil Liability (ACL) Order No. R9-2007-0221 against Ashby USA, LLC, Roripaugh Ranch Residential Development, Temecula, California.

The Regional Board adopted the ACL Order imposing \$434,561 in civil liability against Ashby USA, LLC on December 12, 2007, for violations of the Regional Board's 401 Water Quality Certification (File No. 01C-091). Violations included disturbances to Long Valley Wash, failure to submit a Final Mitigation Plan, failure to implement mitigation, and the construction of an inadequately designed detention basin. Information on the status of the petition will be provided when it becomes available.

10. State Route-125 *(Christina Arias)*

At the December 12, 2007 Regional Board meeting, the Regional Board heard a status report on the implementation of post-construction BMPs along the State Route 125 Toll Road project (SR-125 toll road). The Regional Board requested

that Caltrans and South Bay Expressway (the project proponents) provide the status report in response to questions regarding the November 2007 Executive Officer's Report on the subject.

The Clean Water Act section 401 Water Quality Certification, as issued and amended by the Regional Board for this project on April 23, 2001, explicitly requires permanent structural BMPs be fully functional and remove 80% of metals and suspended solids in storm water runoff prior to the opening of the SR-125 toll road. This requirement was not met when the SR-125 toll road opened on November 19, 2007. In some roadway areas, an interim strategy is in place for storm water treatment; in other areas, functionality is lacking. Non-compliance continues as of the date of this report.

Regional Board staff from the Southern Watershed Unit inspected the SR-125 toll road on January 8, 2008 following three days of heavy rainfall. Although erosion was evident on some slopes, for the most part, the construction BMPs appeared in place and functional. No major erosion problems were evident. Vegetation in the bioswales and detention basins were becoming better established compared to previous site visits. At this time, the Regional Board is awaiting monitoring results from the storms occurring in December and early January; this BMP performance monitoring data will be analyzed to determine whether the 80% reduction in metals and total suspended solids in the storm water runoff from SR-125 has been met during these storm events.

At the conclusion of the status report on December 12, 2007, the Regional Board requested that staff and the dischargers provide a "lessons learned" report including recommendations for protecting water quality during and after road expansion projects. These reports will be provided to the Board at a later date.

11. State Route 241 Foothill South Toll Road Extension, Orange County (*Mariah Mills*)

The Regional Board members have previously requested periodic updates on the proposed project to construct a southerly extension of State Route 241 - a toll road known as the Foothill Transportation Corridor, located in southern Orange County. The southerly toll road extension project is also commonly referred to as the South Orange County Transportation Infrastructure Improvement Project (SOCTIIP) and as the Foothill Transportation Corridor-South (FTC-South). The Foothill/Eastern Transportation Corridor Agency (TCA), a Joint Powers Authority, is the project sponsor. The planned toll road extension is approximately 16 miles long and includes approximately 0.8 miles of improvements on Interstate 5. The proposed roadway includes four general-purpose travel lanes, two in each direction, for the entire length of the corridor. The planned alignment would connect Interstate 5 at San Onofre State Beach with the existing portion of SR-241 at Oso Parkway in the Coto de Caza area of Orange County. An aerial map of the alignment is available on the TCA web page at:

http://www.tcagencies.com/home/SOCTIIP%20Alignments%2011x17_Rev_A.pdf

The TCA applied to the Regional Board for a section 401 water quality certification for discharges of fill to federal waters and requested waste discharge requirements (WDRs) for discharges of fill to non-federal waters of the State. On Sep. 24, 2007 the Regional Board Executive Officer requested additional information from the TCA regarding the adverse effects from the temporary and permanent discharge of fill into 48,263 linear feet (17.44 acres) of waters of the State. In addition, clarification was sought regarding TCA plans to implement several mitigation measures specified in the project's Environmental Impact Report.

The Northern Watershed Unit met with TCA and its biological consultants on November 13, 2007 to discuss the proposed compensatory mitigation plan. A package containing responses to the September 24, 2007 information request was received on January 7, 2008 and is currently under review. Following review of the requested information, the Regional Board may be asked to consider a combined Order for 401 Certification and WDRs.

The California Coastal Commission will also consider the project for consistency certification during the next public meeting to be held February 6 - 8, 2008 at the City of Oceanside City Council Chambers located at 300 North Coast Highway, Oceanside, CA 92054. More information can be found online at <http://www.coastal.ca.gov>.

Additional information about the proposed project was provided in the September 2006, June 2007, and October 2007 Executive Officer's Reports.

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

1. Statewide Policy on Recycled Water (*John Odermatt*)

The State Water Resources Control Board (State Water Board) held a meeting on October 2, 2007 at the Metropolitan Water District board room in Los Angeles. The agenda included a public workshop on a proposed statewide water recycling policy (draft Policy). The State Water Board accepted verbal comments on the draft Policy during the public workshop and written comments until October 26, 2007. The Regional Board provided written comments on the draft Policy, as described in the Executive Officer Report for November 14, 2007. Additional information on the public workshops, the draft Policy, and the public hearing are available on-line at:

http://www.waterboards.ca.gov/water_recycling_policy/index.html

On February 19, 2008, the State Water Board is scheduled to convene a public hearing to accept oral comments and consider adoption of the revised draft policy. The period for receipt of written comments from the public concluded on October 26, 2007. The Regional Board will evaluate the final adopted State

Water Board Policy and develop a strategy to implement the Statewide Recycled Water Policy in the San Diego Region.

2. Revised Enforcement Policy (*Mark Alpert*) (*Attachment C-2*)

The State Water Resources Control Board (State Board) has an Enforcement Policy for its water quality programs that was last updated on February 22, 2002. The State Board is now proposing revisions to the Enforcement Policy and on January 8, 2008, issued a public notice soliciting input from stakeholders and the public to submit comments and participate in a discussion of the revisions at the Board workshop on February 20, 2008. A copy of the public notice is attached. The draft revisions to the policy can be found on the State Board's webpage at http://www.waterboards.ca.gov/enforcement/policy_revisions.html.

Written comments are due by Thursday February 7, 2008. At this time the State Board anticipates considering a final draft for adoption in mid-June or early July after a 60 day comment period for formal adoption.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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

JANUARY 18, 2008

APPENDED TO EXECUTIVE OFFICER REPORT

SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Disch./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
January 18, 2008	FEBRUARY 13, 2008 RB MEETING City of Mission Viejo Council Chambers									
	ORANGE COUNTY MUNICIPAL STORMWATER PERMIT	Adoption: NPDES Permit Reissuance	100%	100%	90%	80%	February 13, 2008	No	NPDES Workplan FY 2006-07	Smith
	GENERAL PERMIT GROUNDWATER EXTRACTION DISCH. OTHER THAN SD BAY	NPDES Permit Reissuance	100%	100%	100%	20%	February 13, 2008	Yes	NPDES Workplan 2006-07	Rodriguez
	TEMECULA 84--PROFESSIONAL HOSPITAL SUPPLY CONSTRUCTION SITE RIVERSIDE CO.	WDRs and 401 WQ Certification	100%	100%	100%	20%	February 13, 2008	Yes		Schwall
	MARCH 12, 2008 RB MEETING San Diego Regional Board Office									
	NASSCO/GENERAL DYNAMICS CORP. SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	100%	100%	0%	0%	March 12, 2008	No	NPDES Workplan 2007-08	Kelley
	CONTINENTAL MARITIME OF SAN DIEGO SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	100%	100%	0%	0%	March 12, 2008	No	NPDES Workplan 2007-08	Kelley
	BAE SYSTEMS SAN DIEGO SHIP REPAIR SHIPYARD SAN DIEGO BAY	NPDES Permit Reissuance	100%	100%	0%	0%	March 12, 2008	No	NPDES Workplan 2007-08	Kelley
	CITY OF SAN MARCOS BRADLEY PARK LANDFILL SITE	Affirm Investigative Order Directive	100%	NA	100%	100%	March 12, 2008	No	Affirm Investigative Order requiring monitoring program	Grove
	S & S FARMS LIVESTOCK RAISING FACILITY RAMONA SAN DIEGO COUNTY	NPDES Permit Reissuance	0%	100%	0%	0%	March 12, 2008	Yes	NPDES Workplan 2007-08	Kelley
	CITIES OF VISTA AND CARLSBAD SEWAGE DISCHARGE TO BUENA VISTA LAGOON	Adoption: Admin Civil Liability	NA	100%	100%	0%	March 12, 2008	Yes		Becker
	FALLBROOK PUBLIC UTILITY DISTRICT SEWAGE DISCHARGE TO FALLBROOK CRK.	Adoption: Admin Civil Liability	NA	100%	100%	0%	March 12, 2008	Yes	Administrative Civil Liability for \$29,300	Cofrancesco
	APRIL 9, 2008 RB MEETING San Diego Regional Board Office									
	WORKSHOP: NPDES PERMIT--DISCHARGE FROM BAJAGUA'S MINUTE 311 SANITATION PROJECT IN MEXICO TO THE U.S. SO. BAY OCEAN OUTFALL	Workshop: NPDES Permit	50%	80%	0%	0%	April 9, 2008	No		Valdivinos
	TOTAL MAX. DAILY LOAD BASIN PLAN AMEND. REFERENCE SYSTEM APPROACH/INSE	Hearing: Basin Plan Amendment	NA	NA	90%	0%	April 9, 2008	No	Stakeholder Advisory Group reviewing draft amendment	Chan

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
January 18, 2008										
	MAY 14, 2008 RB MEETING San Diego Regional Board Office									
	US NAVY NAVAL BASE PT. LOMA SAN DIEGO BAY	NPDES Permit Reissuance	0%	100%	0%	0%	May 14, 2008	No	NPDES Workplan 2007-08	Kelley
	US NAVY NAVAL BASE SAN DIEGO SAN DIEGO BAY	NPDES Permit Reissuance	0%	100%	0%	0%	May 14, 2008	No	NPDES Workplan 2007-08	Kelley
	US NAVY NAVAL BASE CORONADO SAN DIEGO BAY	NPDES Permit Reissuance	0%	100%	0%	0%	May 14, 2008	No	NPDES Workplan 2007-08	Kelley
	MAY 28, 2008 RB MEETING TBD									
	PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	Hearing: New WDRS	100%	85%	85%	0%	May 28, 2008	No		Tamaki
	JUNE 11, 2008 RB MEETING San Diego Regional Board Office									
	CITY OF SAN DIEGO POINT LOMA OCEAN OUTFALL PACIFIC OCEAN	NPDES Permit Reissuance	0%	100%	0%	0%	June 11, 2008	No	NPDES Workplan 2007-08	Kelley
	OCEAN DISCHARGER RECEIVING WATER MONITORING PROGRAM UPDATES	NPDES Permits Revisions	NA	50%	0%	0%	June 11, 2008	No		Kelley
	NPDES GENERAL PERMIT HYDROSTATIC TESTING AND POTABLE WATER DISCH.	NPDES Permit Reissuance	NA	0%	0%	0%	June 11, 2008	No	NPDES Workplan 2006-07	Kelley
	AUGUST 13, 2008 RB MEETING San Diego Regional Board Office									
	US NAVY GRAVING DOCK SAN DIEGO BAY	NPDES Permit Reissuance	0%	100%	0%	0%	August 13, 2008		NPDES Workplan 2008-09	
	USMC CAMP PENDLETON DISCHARGE TO OCEANSIDE OCEAN OUTFALL	NPDES Permit Reissuance	0%	100%	0%	0%	August 13, 2008		NPDES Workplan 2008-09	
	IDEC PHARMACEUTICALS-OCEANSIDE DISCH. TO OCEANSIDE OCEAN OUTFALL	NPDES Permit Reissuance	0%	100%	0%	0%	August 13, 2008		NPDES Workplan 2008-09	

SANITARY SEWER OVERFLOW STATISTICS (Updated through December 31, 2007)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B Miles	NO. OF SEWAGE SPILLS [LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30]							SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2007-08 ^A GAL	NO. OF PRIVATE SPILLS ^D 07-08	VOLUME OF PRIVATE SPILLS GAL
		02-03	03-04	04-05	05-06	06-07	07-08 ^A	02-03	03-04	04-05	05-06	06-07	07-08 ^A			
ORANGE COUNTY:																
EL TORO WD	65.1	1	3	3	2	1	1	1	1.8	5.5	5.5	3.6	1.5	1.5	0	0
EMERALD BAY SERVICE DISTRICT	6.5	0	0	1	0	0	0	1	0.0	0.0	16.7	0.0	0.0	15.4	0	0
IRVINE RANCH WD	36.0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0	0
LAGUNA BEACH, CITY OF	99.5	27	8	12	6	7	1	1	28.4	8.4	12.6	6.3	7.0	1.0	3	28
MOULTON NIGUEL WD	530.0	1	2	5	1	1	1	2	0.2	0.4	0.9	0.2	0.2	0.4	1	150
SAN CLEMENTE, CITY OF	185.0	7	2	7	5	7	0	3	3.9	1.1	3.9	2.8	3.8	0.0	3	487
SAN JUAN CAPISTRANO, CITY OF	548.3	0	1	6	0	2	0	0	0.0	1.0	6.0	0.0	0.4	0.0	0	0
SANTA MARGARITA WD	702.0	4	5	7	4	4	5	1	0.7	0.9	1.3	0.7	0.6	0.7	0	0
SOUTH COAST CWD	138.2	8	7	10	3	2	1	1	6.1	5.3	7.6	2.3	1.4	0.7	4	180
TRABUCO CANYON WD	47.0	0	1	3	0	1	0	0	0.0	2.3	7.0	0.0	2.1	0.0	0	0
RIVERSIDE COUNTY:																
EASTERN MWD	1,811.0	3	7	1	3	8	1	1	0.7	1.7	0.2	0.7	0.4	0.1	2	325
ELSINORE VALLEY MWD	79.6	0	1	1	1	0	0	0	0.0	1.3	1.3	1.3	0.0	0.0	0	0
MURRIETA MWD	200.0	c	1	0	0	0	1	1	c	4.0	0.0	0.0	0.0	0.5	0	0
RANCHO CA WD	81.0	0	1	1	1	2	1	1	0.0	1.4	1.4	1.4	2.5	1.2	0	0
SAN DIEGO COUNTY:																
22ND DISTRICT AGRICULTURAL ASSOCIATION ^F	2.7	N/A	N/A	N/A	N/A	0	0	0	N/A	N/A	N/A	N/A	0	0.0	0	0
BUENA SANITARY DISTRICT	197.9	2	1	0	1	0	0	0	2.4	1.2	0.0	1.2	0.0	0.0	3	657
CALIFORNIA DEPARTMENT OF CORRECTIONS ^E	N/A	N/A	N/A	N/A	N/A	0	0	0	N/A	N/A	N/A	N/A	0	0.0		
CALIFORNIA STATE UNIVERSITY, SAN MARCOS ^E	N/A	N/A	N/A	N/A	N/A	0	0	0	N/A	N/A	N/A	N/A	0	0.0		
CARLSBAD MWD	410.8	6	6	17	12	17	5	2	2.8	2.8	3.3	3.3	5.6	4.1	6	150
CHULA VISTA, CITY OF	460.6	3	1	13	1	3	2	0	0.8	0.3	0.3	0.3	0.7	0.4	6	480
CORONADO, CITY OF	46.9	2	5	13	11	0	0	0	3.8	9.4	24.5	20.8	0.0	0.0	0	0
DEL MAR, CITY OF	30.8	7	1	5	6	0	3	4	23.4	3.3	16.7	20.1	0.0	9.7	1	10
EL CAJON, CITY OF	195.0	3	0	3	0	3	4	1	1.5	0.0	1.5	0.0	1.5	2.1	6	155
ENGINTAS, CITY OF	119.0	6	1	5	0	1	2	2	5.1	0.8	4.2	0.0	0.8	1.7	0	0
ESCONDIDO, CITY OF	370.7	3	2	3	3	7	0	0	0.9	0.6	0.9	0.9	1.9	0.0	7	850
FAIRBANKS RANCH COMM SERV DIST	15.5	0	0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0	0
FALLBROOK PUBLIC UTILITY DIST	76.6	22	9	12	8	2	2	2	30.6	12.5	16.7	11.1	2.6	2.6	6	4,955
IMPERIAL BEACH, CITY OF	44.2	14	2	10	4	3	0	0	16.7	2.4	11.9	4.8	6.8	0.0	4	30
LA MESA, CITY OF	155.0	3	4	2	0	0	0	0	1.9	2.6	1.3	0.0	0.0	0.0	1	90
LEMON GROVE, CITY OF	62.5	4	4	3	0	0	1	1	5.8	5.8	4.3	0.0	0.0	1.6	0	0
LEUCADIA CWD	207.0	6	1	6	4	1	1	1	3.2	0.5	3.2	2.2	0.5	0.5	3	50
NATIONAL CITY, CITY OF	97.9	1	2	1	4	1	1	1	1.0	2.1	1.0	4.1	1.0	1.0	0	0
OCEANSIDE, CITY OF, WTR UTIL DEP	475.0	23	22	17	7	9	8	0	5.2	4.9	3.8	1.6	1.9	1.7	0	0
OLIVENHAIN MWD	35.5	2	0	3	0	0	0	0	12.5	0.0	18.8	0.0	0.0	0.0	0	0
OTAY MWD	81.6	3	1	0	1	1	1	1	3.5	1.2	0.0	1.2	1.2	1.2	0	0
PADRE DAM MWD	246.0	3	3	1	1	1	0	0	2.0	2.0	0.7	0.7	0.4	0.0	1	300
PAUMA VALLEY COMM SERVICE DIS	11.5	0	0	0	1	0	0	0	0.0	0.0	0.0	12.3	0.0	0.0	0	0
POWAY, CITY OF	219.0	5	3	1	4	1	0	0	2.9	1.8	0.6	2.4	0.5	0.0	0	0

SANITARY SEWER OVERFLOW STATISTICS (Updated through December 31, 2007)

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		02-03	03-04	04-05	05-06	06-07	07-08 ^A	02-03	03-04	04-05	05-06	06-07	07-08 ^A				
SAN DIEGO COUNTY (continued):																	
RAINBOW MWD	56.0	2	6	2	1	1	2	3.7	11.1	3.7	1.8	1.8	3.6	540,500	2	610	
RAMONA MWD	134.0	2	2	4	2	1	1	2.4	2.4	4.8	2.4	0.7	0.7	20	2	43,020	
RANCHO SANTA FE COMM SERV DIST	78.0	1	0	2	0	0	0	1.9	0.0	3.9	0.0	0.0	0.0	0	0	0	
SAN DIEGO CO. PUBLIC WORKS	289.9	11	2	4	5	2	3	2.9	0.5	1.1	1.3	0.7	1.0	1,310	1	30	
SAN DIEGO, CITY OF, MWW	5,004.0	193	115	95	71	85	40	6.7	4.0	3.3	2.5	1.7	0.8	422,676	38	7,374	
SAN DIEGO STATE UNIVERSITY ^E	9.0	N/A	N/A	N/A	N/A	0	0	N/A	N/A	N/A	N/A	0	0.0	0	0	0	
SOLANA BEACH, CITY OF	45.0	1	6	1	0	0	0	1.9	11.5	1.9	0.0	0.0	0.0	0	0	0	
UNIVERSITY OF CALIFORNIA, SAN DIEGO ^F	30.0	N/A	N/A	N/A	N/A	1	1	N/A	N/A	N/A	N/A	3.3333	3.3	20	0	0	
USMC BASE, CAMP PENDLETON	217.0	23	14	14	15	18	12	11.9	7.2	7.2	7.7	8.3	5.5	8,235	0	0	
US NAVY	122.8	12	11	0	10	14	2	9.8	9.0	0.0	8.1	11.4	1.6	1,440	0	0	
US MARINE CORPS RECRUIT DEPOT ^F	6.5	N/A	N/A	N/A	N/A	1	0	N/A	N/A	N/A	N/A	15.385	0.0	0	0	0	
VALLECITOS WD	260.0	5	4	9	4	1	0	2.5	2.0	4.5	2.0	0.5	0.0	0	2	61	
VALLEY CENTER MWD	70.0	3	1	0	0	1	0	6.3	2.1	0.0	0.0	1.4	0.0	0	0	0	
VISTA, CITY OF	416.8	4	7	15	5	4	3	2.0	3.5	7.6	2.5	1.0	0.7	4,695	2	140	
WHISPERING PALMS COMM SERV DIS	25.0	1	0	0	0	0	0	5.8	0.0	0.0	0.0	0.0	0.0	0	0	0	
REGION 9 TOTAL	14,855	427	275	266	201	214	108	4.4	2.9	2.8	2.1	1.4	0.7	1,600,521	104	60,132	
AVERAGE ¹								7.0	3.4	4.4	2.5	3.0	2.6				
STANDARD DEVIATION ²								2.4	2.0	2.5	1.0	0.6	0.4				
MEDIAN ³																	

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

^B Most of the Agencies' System Sizes are based on the online Collection System Questionnaires. The System Sizes for California State University San Marcos, US Navy, and California Department of Corrections are based on the 2003 questionnaire or are not available (N/A) because these agencies have not completed the online Collection System Questionnaires. The System Sizes for El Toro Water District and Irvine Ranch Water District are based on the 2003 questionnaire because the online Collection System Questionnaires for these agencies includes the sewage collection system in Region 8 and 9. The System Sizes includes laterals that the agencies are responsible for and may not have been included in past reports.

^C Included with Eastern Municipal Water District

^D Private spills are listed to indicate their locations. Public sewer agencies are not responsible for private property spills.

^E These agencies were not regulated prior to January 2007 and thus do not have any sewage spill history from July 2002 to December 2006.

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

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

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

Significant Enforcement Actions in December 2007

Agency/Entity: Facility:	Eastern Municipal Water District (EMWD) Murrieta Creek	12/12/2007
Program:	Sanitary Sewer Overflow	
Enforcement Action:	Administrative Civil Liability (ACL) Order No. R9-2007-0217	
Description:	<p>The Regional Board imposed \$53,500 civil liability based on ACL Complaint No. R9-2007-0096 issued for the discharge of 1.07 million gallons of untreated sewage into Murrieta Creek in the City of Temecula.</p> <p>EMWD waived its right to a hearing and paid the full amount.</p>	

Agency/Entity: Facility:	North County Transit District (NCTD) Sprinter Rail	12/12/2007
Program:	Construction Storm Water	
Enforcement Action:	Administrative Civil Liability (ACL) Order No. R9-2007-0219	
Description:	<p>The Regional Board imposed \$160,000 civil liability based on ACL Complaint No. R9-2007-0093 issued for violations of State Water Board Order No. 99-08-DWQ. Liability was assessed based upon ten discharges of sediment, inaccurately assessing best management practice (BMP) effectiveness in four inspection reports, and failure to implement and maintain adequate BMPs on two days.</p> <p>NCTD paid the full amount and waived its right to a hearing.</p>	

Agency/Entity: Facility:	Ashby USA, LLC Roripaugh Ranch Residential Development, Temecula	12/12/2007
Program:	Clean Water Act Section 401 Water Quality Certification	
Enforcement Action:	Administrative Civil Liability (ACL) Order No. R9-2007-0221	
Description:	<p>The Regional Board imposed \$434,561 civil liability after a hearing on ACL Complaint No. R9-2007-0064, issued for violations of 401 Certification No. 01C-091. Liability was assessed based upon 93 days of disturbance to Long Valley Wash in violation of conditions within the Certification, failure to submit a final revised mitigation plan, failure to implement required mitigation, and failure to adequately design a detention basin. The Order requires an initial payment of \$46,411 within 30 days, with the balance due August 30, 2008.</p>	

Agency/Entity: Facility:	San Diego Unified School District Scripps Ranch Middle School	12/12/2007
Program:	Construction Storm Water	
Enforcement Action:	Administrative Civil Liability (ACL) Order No. R9-2007-0210	
Description:	<p>The Regional Board imposed \$128,000 civil liability based on ACL Complaint No. R9-2007-0061, issued for 42 inaccurate and incomplete inspection reports, failure to implement adequate BMPs on seven days, and three days of unauthorized discharges.</p> <p>The Discharger waived its right to a hearing and paid the full amount.</p>	

Agency/Entity: Facility:	North County Transit District (NCTD) Sprinter Rail	12/31/2007
Program:	Construction Storm Water	
Enforcement Action:	Cleanup and Abatement Order (CAO) No. R9-2007-0226	
Description:	<p>CAO issued for violations of the State wide construction stormwater permit (State Water Board Order No. 99-08-DWQ). Regional Board inspections conducted at the start of the rainy season (October 2007) identified multiple violations, including best management practices needed for erosion or sediment control were not adequate or effective, resulting in multiple sediment discharges into the local storm water conveyance systems and navigable waters. The CAO cited violations that were not within the scope of adopted ACL Order No. R9-2007-0219.</p>	



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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<http://www.waterboards.ca.gov/sandiego>

TO: John Robertus, Executive Officer
Shipyard Sediment Site Advisory Team

FROM: David Barker, Supervising Water Resources Control Engineer
Shipyard Sediment Site Cleanup Team
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: January 17, 2008

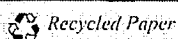
**SUBJECT: SHIPYARD SEDIMENT SITE 2005 TENTATIVE CLEANUP AND
ABATEMENT ORDER No. R9-2005-0126**

This is an updated status report on the preparation of the indexed electronic record of documents and other information from the San Diego Water Board's file records pertaining to the tentative Shipyard Sediment Site cleanup and abatement order (CAO) and the supporting technical report. For additional background information, see the July 19, October 9, and December 7, 2007 status reports as well as other project information posted on the San Diego Water Board website at <http://www.waterboards.ca.gov/sandiego/programs/shipyards/Shipyard%20Sediment%20Cleanup/intro%20r9-2005-0126.html>.

In early January 2008 the Board's contractor, D-M Information Systems Inc (D-M), finished digitizing and indexing all of the material to complete the indexed electronic record for the Shipyard Sediment Cleanup proceedings. In reviewing and discussing the proposed final deliverable with the contractor we became aware of page numbering and indexing anomalies within the electronic record. When record page numbers were assigned, inconsistencies resulted. For some items, each page was assigned a unique record page number, but for others only the first page of the item received a page number. For multi-page documents labeled with their own internal page numbers, this posed only a small inconvenience to those wishing to cite specific pages.

More serious, however, was the effect this inconsistency had on the index for multi-page documents. Where a document was numbered correctly, receiving a record page number for each page, the listing for the document would indicate that it consisted of multiple pages. (For example, a 50-page document might be listed as record pages "0001-0050.") In the case where the document was assigned only a single page number, however, the index would show only that one page number. Where the

California Environmental Protection Agency



original document in question has internal page numbers, a reader who opened the document would know the document actually consisted of multiple pages. Several multi-page documents do not bear internal page numbers, however. A reader opening such documents could very conceivably (but erroneously) believe the document consisted of a single page.

We also noted some additional inconsistencies in the index where a single line item referred to a group of documents or electronic files. This would result in a reader not being able to directly access a specific document in a subsection of the document group. A reader accessing a document via the index line item link could also very conceivably ((but erroneously) believe that the link referred to a single document rather than a group of documents.

Because of the widespread interest in this matter, the multiple parties and members of the public involved, we concluded that the possibility of confusion was too great to leave these inconsistencies uncorrected. I have accordingly instructed the contractor to correct the page numbering deficiencies and ensure that all document images and other electronic files are linked to a line item in the index. The work on that is proceeding. The contractor anticipates completing this work and shipping the final deliverable portable hard drives housing the indexed electronic record to the San Diego Water Board by February 11, 2008. Based on these considerations the expected final distribution of the tentative cleanup and abatement order, the technical report, and the supporting indexed electronic record documents to designated parties documents is projected to be completed no later than February 15, 2008.

cc Shipyard Sediment Distribution List

No.	HSA	Watershed(s)	Grantee/Contractor	Project Title	Grant Program	Grant	Match	Project Total	Begin Term	End Term	Contract No.	Contract Manager	Contact	Status
1	Multiple	Region 9	San Diego State University Foundation	San Diego Watershed Ambient Water Quality Monitoring by Citizens	Prop. 13 WPP	\$497,798	\$0	\$497,798	1/15/2003	3/31/2008 per Amendment new end date proposed 6/30/08	04-202-559-0	Woodward	Dr. Tennessee Grama (619) 594-0957	A significant amount of the data produced by SDSU was compromised by the failure of the Project Director to follow the Quality Assurance Project Plan (QAPP). The grantee may be asked to return funds received for the project due to the failure to comply with the Grant Agreement and QAPP. The project may, however, be extended to replace the lost data and perform a side by side lab intercalibration.
2	901	San Juan Hydrologic Unit	City of Laguna Niguel	The Sulphur Solution - Prevent, Control, Restore	Prop. 13 NPS	\$2,300,000	\$1,134,500	\$3,434,500	8/15/2004	3/31/2008 per Amendment	04-066-559-2	Schwall	Nancy Palmer (949) 362-4384	Project on schedule. Major construction complete, finishing up details and monitoring.
3	901	San Juan Hydrologic Unit	Municipal Water District of Orange County	SmartRiver/Eggscape Evaluation Program (SEEP)	USWP (2005-06 CGP, Prop 40)	\$992,000	\$488,439	\$1,480,439	1/1/2006	9/30/2008	06-311-559-0	Mills	Joe Berg (704) 592-5008	Project on schedule.
4	902	Santa Margarita River	Department of Public Works Watershed Protection Program	Rainbow Creek Nutrient TMDL Implementation	319(a) Non-Point Source	\$321,456	\$59,618	\$381,054	TBD (likely 1/1/05)	12/31/2008	05-194-559-0	Felix	Jo Ann Weber (858) 495-5317 Sheri McPherson (858) 495-5285	Project behind schedule
5	902	Santa Margarita River	County of San Diego	Nutrient Reduction & Monitoring in Santa Margarita Watershed	AWQGP (2005-06 CGP, Prop 40+50)	\$600,000	\$200,000	\$800,000	3/31/2007	3/1/2009	06-301-559-0	Felix	Jo Ann Weber (858) 495-5317 Sheri McPherson (858) 495-5285	Project on schedule.
6	903	San Luis Rey River	Mission RCD	Arnold Control San Luis Rey Water Conservation, Pollution Reduction & Riparian Habitat Restoration	CNPS (2005-06 CGP, Prop 50)	\$900,000	\$225,000	\$1,125,000	3/31/2007	3/1/2010		Woodward	Judy Mitchell (760) 728-1332	Project on schedule.
7	904	Carlsbad Hydrologic Unit	Aqua Hedionda Lagoon Foundation	Caulerpa taxifolia Eradication Project	319(a) Non-Point Source	\$500,000	\$600,000	\$1,100,000	9/1/2004	12/30/2008	03-285-559-0	Clemente	Craig Elliott (760) 720-4248	Project on schedule.
8	904	Carlsbad Hydrologic Unit	City of Vista	Aqua Hedionda Watershed Management Project	IWMP-H (2005-06 CGP, Prop 40)	\$500,000	\$278,000	\$778,000	1/1/2006	9/1/2008	06-139-559-0	Porter	Jayne Strommer (760) 726-1340 S1373	Project on schedule.
9	Multiple	Region 9	Aqua Hedionda Lagoon Foundation	Caulerpa taxifolia Surveillance and Eradication Program	Prop. 13 WPP	\$2,266,000	\$536,775	\$2,802,775	10/1/2004	3/31/2008 per Amendment	04-144-559-0	Clemente	Craig Elliott (760) 720-4248	Project on schedule.
10	904	Carlsbad Hydrologic Unit	SCCWRP	Creating tools for numeric nutrient criteria and TMDL development in San Diego Coastal Inlets	CNPS (2005-06 CGP, Prop 50)	\$989,000	\$245,000	\$1,234,000	3/31/2007	3/1/2010	06-337-559-0	Busse	Martha Stuhls (714) 755-2222	Project on schedule.
11	905	San Dieguito River	San Dieguito River Park	Treatment Ponds	IWMP-Im (2005-06 CGP, Prop 40)	\$550,017	\$136,000	\$1,911,017	1/1/2006	9/1/2008	06-138-559-0	Porter	Susan Carter (858) 674-2270	Project on schedule.
12	906	Los Penasquitos Hydrologic Unit	Los Penasquitos Lagoon Foundation	Los Penasquitos Sediment Basin	NPSFCP (2005-06 CGP, Prop 40)	\$1,107,000	\$370,000	\$1,477,000	1/1/2006	9/1/2008	06-136-559-0	Woodward	Joan Jackson (760) 729-3261	Project is behind schedule. Clarification is being sought that the City of San Diego will assume responsibility for the long term maintenance and operation of the basin after construction.
13	907	San Diego River	County of San Diego, Dept of General Services	Porous pavement & model municipal operations center - Phase II	NPSFCP (2005-06 CGP, Prop 40)	\$1,500,000	\$300,000	\$2,000,000	1/1/2006	9/1/2008	06-135-559-0	Arias	Dennis Verilli (858) 694-2059 Steven Miller (619) 258-4100 (ext. 182) 10601 Magnolia Ave. San Marcos, CA 92071	Project on schedule.
14	907	San Diego River	City of Santee	Forester Creek Improvement Project	Prop. 13 WPP	\$3,000,000	\$8,692,500	\$11,692,500	10/15/2004	3/31/2008 per Amendment	04-112-559-0	Clemente	Stephen Paul (858) 966-1347	Project on schedule.
15	907	San Diego River	County of San Diego	San Diego County Flinn Springs Regional Park LID Porous Pavement Ponds Installation	USWP (2005-06 CGP, Prop 40)	\$798,500	\$399,500	\$1,198,000	12/2/2006	9/1/2008	06-220-559-0	Arias	Stephen Paul (858) 966-1347	Project on schedule.
16	908	Pueblo Hydrologic Unit	City of San Diego	Chollas Creek Water Quality Protection & Habitat Enhancement Project	Prop. 13 NPS	\$2,244,000	\$529,406	\$2,773,406	7/1/2004	3/31/2008 per Amendment (pending)	04-015-559-0	Quach	Drew Kleiss (619) 525-8623	Project on schedule.
17	911	Tijuana River	Southwest Wetlands Interpretive Association	Tijuana River Valley Invasive Plant Control Program - Phase 3	NPSFCP (2005-06 CGP, Prop 40)	\$719,000	\$50,000	\$769,000	1/1/2006	9/1/2008	06-137-559-0	Means	Marysa Winter (619) 575-0550	Project on schedule.
18	911	Tijuana River	County of San Diego Department of Public Works Watershed Protection Program	Invasive Species Removal in the Cottonwood Creek area of the Tijuana River Watershed	Prop. 13 WPP	\$637,500	\$72,762	\$710,262	7/15/2004	6/30/2008 per Amendment (pending)	04-065-559-0	Means	Matthew Schmid (858) 694-2685	Project cannot be completed as originally proposed. The project costs have greatly exceeded the planned costs due to unforeseen NEPA and permitting issues. The upper watershed sites will not be completed, but the lower watershed sites will not be treated under this grant. This area may be treated under another project at a later time.
19	Multiple	Multiple - Regions 3, 4, 8, 9	SCCWRP	Development of multimeric tools for setting numeric nutrient targets incl. a periphyton index	CNPS (2005-06 CGP, Prop 50)	\$1,476,400	\$224,000	\$1,700,400	3/31/2007	3/1/2010	06-375-559-0	Busse	Betty Foescher (714) 755-3237	Project on schedule.
20	Multiple	Multiple - Regions 4, 8, 9	SCCWRP	Development of Tools for Hydromodification Assessment and Management	CNPS (2005-06 CGP, Prop 50)	\$907,440	\$230,000	\$1,137,440	3/31/2007	3/1/2010	06-295-559-0	Busse	Eric Stein (714) 755-3233	Project on schedule. The project may be revised to consider post fire effects. Overhead expenses are being resolved with the grantee and subcontractors.

No.	HSA	Watershed(s)	Grantee/Contractor	Project Title	Grant Program	Grant	Match	Project Total	Begin Term	End Term	Contract No.	Contract Manager	Contact	Status
21	Multiple	Region 9	SCCWRP	Ensuring Biological Integrity of Nonperennial Streams	CNIPS (2005-06 CGP, Prop 50)	\$400,000	\$100,000	\$500,000	3/31/2007	3/1/2010	06-294-539-0	Busse	Ken Schitt (714) 755-3202	Project timeline may be affected by the 2007 fires. The grantee and Regional Board are working on the monitoring design to determine if an extension is necessary for the project.
22	901	San Juan Hydrologic Unit	National Audubon Society	Bell, Dove, and Tick Creek Water Reclamation and Habitat Restoration Project	Prop. 13 NPS	\$402,000	\$148,000	\$550,000	6/20/2004	3/31/2007 per Amendment	03-188-559-0	Mills	Peter Desimone (949) 838-0309	Project on schedule for closeout by March 2008 as planned.
TOTALS						\$23,256,091	\$16,296,500	\$39,672,591						



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board



Arnold Schwarzenegger
Governor

Office of Enforcement
1001 I Street, 16th^d Floor, Sacramento, California 95814
P.O. Box 100, Sacramento, California 95812-0100
(916) 341-5272 ♦ FAX (916) 341-5896 ♦ <http://www.waterboards.ca.gov>

NOTICE OF PUBLIC WORKSHOP

Workshop to Receive Comments Regarding Draft Water Quality Enforcement Policy

Wednesday February 20, 2008

1:00 P.M. – 5:00 P.M.

Joe Serna, Jr. / Cal-EPA Building
Sierra Hearing Room
1001 I-Street, 2nd floor
Sacramento, California

SUBJECT OF WORKSHOP

The purpose of the workshop is to receive comments from water quality stakeholders concerning revisions to the Water Quality Enforcement Policy

BACKGROUND

The State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (Regional Water Board) (together "Water Boards") are the state agencies with primary responsibility for the coordination and control of water quality. In the Porter-Cologne Water Quality Control Act (Porter-Cologne), the Legislature declared that the "state must be prepared to exercise its full power and jurisdiction to protect the quality of the waters in the state from degradation...." (California Water Code section 13000). Porter-Cologne grants the Water Boards the authority to implement and enforce the water quality laws, regulations, policies and plans to protect the groundwater and surface waters of the State. Timely and consistent enforcement of these laws is critical to the success of the water quality program and to ensure that the people of the State have clean water. It is the policy of the State Water Board that the Water Boards will strive to be fair, firm and consistent in taking enforcement actions throughout the State, while considering the unique facts of each case.

The State Water Board has an Enforcement Policy for its Water Quality Program that has not been updated since February 22, 2002. On June 28, 2007, the State Water Board held a workshop to gather input from stakeholders prior to revising the policy. The State Water Board is now proposing revisions to the Enforcement Policy and asking stakeholders to submit comments and participate in a discussion of the revisions at the Board Workshop on February 20, 2008. The Board will not take any action on the Enforcement Policy at the workshop but will consider comments and feedback from stakeholders regarding the proposed changes.

California Environmental Protection Agency

PROCEDURAL MATTERS

The workshop will be informal. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions.

Participants should submit written comments prior to the workshop. At the workshop, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient workshop, and to ensure that all participants have an opportunity to participate, oral presentations may be given time limits. Participants with similar comments are requested to make joint presentations.

Participants are requested to provide written comments **by 12 p.m. on Thursday, February 7, 2008**. When submitting preliminary comments, the State Water Board requests that an original and ten hard copies, plus one electronic copy be sent to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Written comments and electronic presentations are to be submitted to the Clerk to the Board via email at commentletters@waterboards.ca.gov. Please indicate in the subject line: **"Water Quality Enforcement Workshop - 2/20/08."**

Hand and special deliveries should also be addressed to the Clerk to the Board at the address above.

Couriers delivering comments must check in with lobby security and have them contact Jeanine Townsend at (916) 341-5600.

INFORMATION REGARDING WORKSHOP

Questions concerning this notice may be directed to Reed Sato, Director of the Office of Enforcement, at (916) 341-5889, or Ann Marie Crum, Enforcement Coordinator, at (916) 327-8195.

PARKING AND ACCESSIBILITY

There is a parking garage across from the building with entrances on 10th and 11th Streets between "I" and "J" Streets, and metered parking spaces are in the vicinity of the building. For a map, see our Web site at: <http://www.calepa.ca.gov/EPAbldg/location.htm>.

Due to enhanced security precautions at the Joe Serna, Jr. (Cal/EPA) Building, all visitors are required to sign in prior to entering the building. Visitors can sign in and obtain badges in the Visitor and Environmental Services Center, which is just inside and to the left of the building's public entrance. Visitors may be asked to show valid picture identification. Valid identification can take the form of a current driver's license, military identification card, or state and federal identification cards. Depending on the size and number of meetings scheduled on any given

day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

The Joe Serna, Jr. (Cal/EPA) Sierra Hearing Room is accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Ann Marie Crum at (916) 327-8195, at least five working days prior to the public meeting date. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device. HEARING IMPAIRED RELAY SERVICE: TDD to voice 1 800-735-2929; voice to TDD 1-800-735-2922.

January 8, 2008

Date

Jeanine Townsend

Jeanine Townsend
Clerk to the Board