

San Diego Regional Water Quality Control Board



Executive Officer's Report

May 13, 2009

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

	There are no items to report in Part C this month.	
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Attachments for B-1, B-3, and B-6 are included at the end of the report. Also included as an attachment are the Significant NPDES Permits, WDRs and RB Actions.

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

May 13, 2009

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Personnel Report *(DiAnne Broussard)*

The Organizational Chart of the California Regional Water Quality Control Board, San Diego Region (Regional Board) can be viewed at http://www.waterboards.ca.gov/sandiego/about_us/org_charts/orgchart.pdf

Promotions

David Gibson has been promoted to Environmental Program Manager I. David came to work for the Regional Water Quality Control Board in San Diego as an Environmental Specialist III in July 2000. He was initially assigned to the Storm Water Unit. In July 2004 he was promoted to Senior Environmental Scientist. He supervised the Grants and Projects Assistance Unit and later he supervised the Southern Watershed Unit. Prior to working for the RWQCB he worked for the City of San Diego as a Biologist designing, implementing and evaluating watershed management programs. He has a Bachelor's Degree in Biology from San Diego State University. David will manage the Water Quality Restoration and Standards Branch. His promotion was effective April 14, 2009.

Recruitment

The Regional Board is recruiting for an Office Technician to fill the vacant Receptionist position. The hiring freeze has recently been lifted and we are allowed to accept applications from all State agencies and from the open hiring list. This is the link to the State Personnel Board vacancy web page. http://www.spb.ca.gov/employment/wvpos_index.htm

Vacant positions for the State and Regional Boards are also posted on the State Board web page at http://www.waterboards.ca.gov/about_us/employment/

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Clean Water Act Section 401 Water Quality Certification Actions Taken in March and April 2009 *(Chiara Clemente)* *(Attachment B-1)*

Section 401 of the Clean Water Act requires that any person applying for a federal permit which may result in a discharge of pollutants into Waters of the United States must obtain a water quality certification that the specific activity

complies with all applicable state water quality standards, limitations, requirements, and restrictions. The most common federal permit that requires a 401 Certification is a CWA Section 404 permit, issued by the Army Corps of Engineers, for the placing of fill (sediment, rip rap, concrete, pipes, etc.) in Waters of the U.S. (i.e. Ocean, bays, lagoons, rivers and streams).

Upon receipt of a complete 401 certification application, the Regional Board may either certify the project or deny certification, with or without prejudice. In cases where there are impacts to Waters of the U.S., the Regional Board may issue a conditional certification. The certification can be either in the form of a conditional certification document approved by the Regional Board Executive Office, or Waste Discharge Requirements (WDRs), adopted by the Regional Board. And, in the case where a federal permit is not required because impacts have been determined to be only to Waters of the State, the Regional Board may adopt WDRs. The table in Attachment B-1 contains a list of actions taken during the months of March and April 2009. Certification amendments will be included in these reports, starting with June 2008. Public notification of pending 401 Water Quality Certification applications can be found on our web site at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/publicnotice8_4_08.pdf . Certifications issued from January 2008 on, can also be found on our web site at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/401projects.shtml .

2. Enforcement Actions for April 2009 (Jeremy Haas)

The following is a summary of all enforcement actions taken or initiated during the month of April 2009. During this period the California Regional Water Quality Control Board, San Diego Region (Regional Board) initiated two enforcement actions: one Administrative Civil Liability Order and one Notice of Violation.

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

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

ADMINISTRATIVE CIVIL LIABILITY (ACL) ORDER

ACL Order R9-2009-0043 against North County Transit District

ACL Order No. R9-2009-0043 in the amount of \$15,000 was adopted by the Regional Board on April 8, 2009. The Regional Board assessed mandatory minimum penalties pursuant to Water Code section 13385 for violations of NPDES Order No. R9-2001-0096, *General Waste Discharge Requirements for Groundwater Extraction Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region, except for San Diego Bay*. The violations occurred in discharges

to Loma Alta Creek during construction of the Sprinter Crouch Street Station Culvert Replacement Project.

NOTICE OF VIOLATION (NOV)

NOV No. R9-2009-0052 to Driscoll's West Boat Repair

An NOV was issued to Driscoll's West Boat Repair on April 17, 2009 for alleged violations of Investigative Order No. R9-2008-0102. The Investigative Order was issued pursuant to Water Code section 13267 on August 22, 2008 in response to observed illicit discharges during construction activities at the facility. The NOV alleges that Driscoll's West Boat Repair submitted an inadequate report in response to the Investigative Order. Specifically, the NOV alleges that the report did not identify and describe all constituents of concern and did not identify all areas affected by the illicit discharge.

3. Grants Update (*Laurie Walsh*) (*Attachment B-3*)

Grant Freeze Lifted

On April 22, 2009 Governor Schwarzenegger announced that general obligation bond funded projects, frozen pursuant to the December 18, 2008 Budget Letter 08-33, could be restarted. A preliminary list of projects that are authorized to resume is posted on the Department of Finance's (DOF) website at http://www.dof.ca.gov/infrastructure/bond_funded_projects/. Of the 11 bond funded projects within the San Diego Region, 7 projects were eligible for restart with the States Bond funds and 4 projects were eligible for restart with American Recovery and Reinvestment Act (ARRA) 2009 funds. Grants receiving ARRA funding will be managed under the Clean Water State Revolving Fund Program by State Water Resource Control Board staff. Remaining bond funded projects will be managed by either the State or Regional Board staff according to resource availability and Regional Board priorities.

Clean Water State Revolving Fund (CWSRF) Program

On February 17, 2009, the American Recovery and Reinvestment Act of 2009 was signed into Federal law. The California Clean Water State Revolving Fund (CWSRF) will receive about \$280 million to implement eligible projects on the CWSRF list including, but not limited to, construction of publicly-owned municipal waste treatment facilities, such as, wastewater treatment infrastructure, storm water elimination/treatment/reduction facilities, or municipal landfill leachate treatment systems; implementation of a measure or project in the State's NPS Management Programs; and development and implementation of National Estuary Programs. See Attachment B-3 for the breakdown of funds.

Integrated Regional Water Management (IRWM) Regional Acceptance Process (RAP) Guidelines

The Region Acceptance Process (RAP) is a component of the Integrated Regional Water Management (IRWM) Program Guidelines and will be used to evaluate and accept an "IRWM region" into the IRWM grant program. Although the RAP is not a grant funding application, acceptance and approval of the

composition of an IRWM region into the IRWM grant program is required before any region can submit an application for IRWM grant funds. The Department of Water Resources (DWR) has not previously reviewed and accepted any region. Therefore, this process applies to existing and developing IRWM regions.

Regional Board staff member Laurie Walsh will participate in the group review of RAP applications beginning May 2009. Technical comments from the group reviewers are due to Department of Water Resources (DWR) by the end of May 2009. Final decisions on IRWM regions will be made by DWR in June 2009.

Proposition 84 Grant Topics

Areas of Special Biological Significance (ASBS) Grant Program: The ASBS Grant Program makes approximately \$32 million available for projects designed to ensure compliance with the discharge prohibition into ASBS. A total of 17 Full Proposal Applications were received requesting a total of \$33.1 million. The Recommended Funding List was approved by State Water Board on February 3, 2009.

Proposition 84 Storm Water Grant Program (SWGP): Solicitations for the Proposition 84 SWGP are on hold until further notice. The Guidelines, public workshop details, and additional information on the Proposition 84 SWGP are available on-line at:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/index.shtml.

CALFED Watershed Grant Program Topics

Solicitations to Implement Watershed Plans: On August 6, 2008, the State Water Board issued a focused solicitation for up to \$4 million of Proposition 50 Funds. Project(s) must be ready to proceed and help achieve one of the Watershed Program's goals to better define and quantify the impacts of community-based watershed management on natural resource conditions within the Bay-Delta System. Full proposals have been submitted and are under review.

Riparian Buffer Sizing Tool: The State Water Board received six applications on November 14, 2008, requesting a total of approximately \$3 million. The State Water Board has conditionally selected to fund the U.C. Berkeley Team's application for \$500,000. This award is conditional upon the rescission of the bond fund suspensions imposed by Budget Letter 08-33.

319(h) Nonpoint Source (NPS) Implementation Grant Program

Approximately \$4.5 million is available for this solicitation, with a minimum grant amount of \$250,000 and a maximum grant amount of \$1,000,000 per project. The purpose of the program is to provide funds to restore and protect the beneficial uses of water throughout the State through the control of NPS pollution consistent with completed Total Maximum Daily Loads (TMDLs) or TMDLs under

substantial development. There were no projects from the San Diego Region on the recommended funding list.

4. GAMA Program Small Domestic Well Testing - San Diego County Results

(John Anderson)

The State Water Board's Groundwater Ambient Monitoring and Assessment (GAMA) Program has reported its findings on water quality testing of 137 private "domestic" wells in San Diego County. County residents who accepted the offer of free well testing were included in the study. Regional Board staff assisted the GAMA team in conducting the monitoring which was done during the spring and winter of 2008. Most of the tested wells are located east of Interstate 15 in the mountainous central portion of San Diego County. Most of the tested wells are in Region 9, but some wells are in Region 7.

The results show that 25 percent (34 of 137 wells) tested positive for total coliform bacteria and 18 percent (25 of 137 wells) had nitrate levels at or above the drinking water standards. A summary of the results from the San Diego County sampling is included here and can be found at:

http://www.waterboards.ca.gov/gama/docs/sd_dwpsummary.pdf.

Although identification of specific contaminant sources is beyond the scope of the GAMA study, these results indicate that a high percentage of domestic wells may be vulnerable to contaminants from surface activities. Residents, whose well water showed levels of contaminants higher than the drinking water standards, have been sent information by the State Water Board on actions they can take including well re-testing, and depending on the results, investigating the construction of their wells and piping for possible sources of contamination.

<http://www.cdph.ca.gov/certlic/drinkingwater/Pages/Chemicalcontaminants.aspx>

Domestic wells are not regulated under the law. Unlike public drinking water systems, testing of private domestic wells is the responsibility of the well owner. When compared to public water wells, domestic wells typically are not as deep or as well-constructed. Therefore, it is not uncommon for changes to local water quality to occur after well installation.

Test results from San Diego County wells differ from other GAMA county focus areas with respect to detections of radionuclides. The results show that 35 percent of the San Diego County wells (19 of 54 wells) had Gross Alpha concentrations above drinking water standards, and 30 percent (16 of 54 wells) had Uranium concentrations above drinking water standards. The detection of radionuclides is not unexpected because granitic rocks found in the eastern parts of the County contain small amounts of naturally occurring Gross Alpha and Uranium. These granitic rocks are the likely source of elevated concentrations of radionuclides in groundwater.

The GAMA Program tested private domestic wells in these four other counties from 2003 to 2006: El Dorado, Yuba, Tehama, and Tulare. Those tests showed:

27 percent (248 of 928) of the domestic wells sampled tested positive for total coliform. Fewer than 2 percent (11 of 749) of wells in El Dorado, Yuba, and Tehama Counties combined were above the nitrate drinking water standard; however, 41 percent (75 of 181) wells in Tulare County were above the nitrate standard. A summary of sampling results from GAMA county focus areas can be found at:

http://www.waterboards.ca.gov/gama/docs/overallsummarysheet03_07.pdf.

The main objectives of the GAMA Program are to improve ambient groundwater quality monitoring and assessment and to increase the availability of groundwater quality information to the public. Participation in the GAMA Program is voluntary. The State Water Board is implementing the GAMA Program with the US Geological Survey and Lawrence Livermore National Laboratory.

5. Recycled Water Policy Presentation at San Diego County Water Authority
(Robert Pierce)

The San Diego County Water Authority (SDCWA) Integrated Regional Water Management (IRWM) Committee asked for a Regional Board staff presentation on the State Water Board's recently adopted Recycled Water Policy and discussion of the implications of the policy for recycled water uses for the San Diego region. Robert Pierce of the Groundwater Basins Branch attended the Regional Advisory Committee meeting, on April 15, 2009, and gave a presentation on the purpose, strategies, and tools included in the Recycled Water Policy. The IRWM Committee was particularly interested in policy effects upon reuse of storm water runoff, groundwater recharge, indirect potable uses, and stakeholder participation in the development of regional salt and nutrient management plans. Committee members include SDCWA agencies, local government officials, natural resource conservancies and other water resource professionals. The Regional Advisory Committee strongly encouraged and received public participation in this event. The IRWM planning is a process to coordinate projects and funding within the greater San Diego region. Additional information on uses of recycled water in the San Diego Region can be found on-line at <http://www.sdcwa.org/manage/sources-recycling.phtml>.

6. Orange County Municipal Separate Storm Sewer System Permit (Ben Neill)
(Attachment B-6)

The fourth draft of the Southern Orange County Municipal Separate Storm Sewer System (MS4) Permit, Tentative Order R9-2009-0002, was released for public review on March 13, 2009. This National Pollutant Discharge Elimination System Permit regulates the discharge of storm water and non-storm water from the MS4 to receiving waters in South Orange County. This public release continues the process of issuing the fourth term permit that began with an initial public workshop on March 12, 2007, and continued with a Regional Board hearing on April 11, 2007, and adoption consideration on February 13, 2008. At the February 2008 meeting, a motion to approve the previous version of the tentative order did not pass by a two to three vote. At that time, staff was instructed to

return with a permit containing measurable performance criteria and to address low impact development, hydromodification, total maximum daily loads, and monitoring.

During the interim period, permitting staff held discussions with the Los Angeles Regional Board, Santa Ana Regional Board, State Water Resources Control Board, and the United States Environmental Protection Agency. Through the course of researching State and federal regulations pertinent to installing performance measures, several other issues arose and have been added to the tentative order. The most substantial of these issues were discussed at a public workshop on April 3, 2009. The issues discussed were:

- Removal of the word "urban" from the permit;
- Municipal action levels for storm water discharges;
- Prohibition of over irrigation discharges;
- Numeric effluent limits for non-storm water discharges;
- Hydromodification;
- Low impact development; and
- Retrofitting existing development.

On April 16 and April 30, 2009, Regional Board staff met separately with the cities and Orange County who are regulated by the Permit. Those discussions have made progress in resolving differences regarding the municipal action levels for storm water discharges, numeric effluent limits for non-storm water discharges, and low impact development. Continued discussions are planned to address over irrigation, removal of the word "urban," land development and redevelopment, retrofitting, total maximum daily load implementation, fiscal analysis, areas of special biological significance, and sewage spill response. The Regional Board's Northern Watershed Unit will continue to meet with the cities and Orange County to ensure a thorough understanding of the various aspects of the issues. While consensus is the goal, meaningful discussions are occurring.

As expected, this draft Permit has received considerable attention from the public, including local industry and environmental groups. For example, Attachment B-6a is an April 23, 2009 news article regarding the Permit from the Laguna Beach Coastline Pilot; Attachment B-6b is the City of Ranch Santa Margarita's April 22, 2009 staff report regarding the Permit, and Attachment B-6c is the California Storm Water Quality Association's April 20, 2009 Newsflash item. It is important to note that while some erroneous statements have been made that mischaracterize and misrepresent the Regional Board's interests and the draft Permit's language, staff are actively working to engage the public and clear up any misconceptions and confusion.

Another public stakeholders meeting was held on May 6 at the Ocean Institute in Dana Point. May 15 is the deadline to submit written comments that will receive

a written response from the Regional Board prior to the July 1 Regional Board Hearing at the Ocean Institute in Dana Point, Orange County.

7. April 2009 USIBWC Citizens' Forum (*Melissa Valdovinos*)

The United States Section of the International Boundary and Water Commission (USIBWC) held a Citizens' Forum meeting on April 16, 2009 in Imperial Beach to discuss issues related to the United States/Mexico cross-border pollution that may impact water quality. Meeting attendees included representatives from the United States Environmental Protection Agency, the San Diego Regional Water Quality Control Board, environmental organizations, researchers, and local residents.

The meeting focused primarily on 1) an introduction/orientation for the new Citizens' Forum board members, and 2) an overview of South Bay ocean observations and monitoring performed by Scripps Institution of Oceanography (SIO) over a 16-month period. Pursuant to a consent decree with Surfrider, USIBWC contracted SIO to conduct studies with the following objectives:

- Identify and track wastewater plumes from the South Bay Ocean Outfall (SBOO), which discharges primary-treated effluent from USIBWC's International Wastewater Treatment Plant (IWTP) and secondary-treated effluent from the City of San Diego's South Bay Water Reclamation Plant to the Pacific Ocean
- Characterize land-based bacteria sources, with a focus on sampling in the Tijuana River
- Identify the regional oceanographic conditions that lead to high bacteria concentrations on South Bay beaches

Findings and monitoring recommendations from these studies were presented in a SIO report, dated April 6, 2009, which has been submitted to the Regional Board. The report is available on-line:

cordc.ucsd.edu/about/docs/sboo_ibwc/IBWC_Monitoring_SBOO.pdf

The report's recommendations are based on equipment and techniques SIO used to evaluate ocean conditions and corresponding SBOO plume migration. The Regional Board may consider incorporating these recommendations into the next National Pollutant Discharge and Elimination System permit reissuance.

8. Public Workshop on Tentative Waste Discharge Requirements (WDRs) for the Proposed Gregory Canyon Landfill (*Carol Tamaki and Bob Morris*)

A public workshop on the tentative WDRs for the proposed Gregory Canyon Landfill was conducted by staff from the Regional Board's Groundwater Basins Branch on April 29, 2009. This proposal, by Gregory Canyon Limited, consists of constructing a new municipal solid waste landfill having a design capacity of 46 million cubic yards (or 31.1 million tons) in northern San Diego County. The site is located just south of the San Luis Rey River, approximately three miles east of Interstate 15 and two miles southwest of the community of Pala.

The workshop was held at the City of Escondido, City Council Chambers, and provided the public with an opportunity to ask questions about the requirements and the technical report prepared in support of the requirements. The workshop commenced with a brief presentation by staff member Carol Tamaki on the development of the tentative requirements, which would regulate the discharge of nonhazardous solid waste, treated wood, sewage sludge, contaminated soils, landfill leachate, and condensate to the waste management unit (WWMU). Additionally, the requirements would regulate the discharge of inert fill material to waters of the State during construction, the use of recycled water at the landfill, and would serve as the Clean Water Act Section 401 Water Quality Certification for the project. In addition, the permitting process provides the public with an opportunity to comment on the project's Storm Water Pollution Prevention Plan that was prepared for compliance with the NPDES Industrial / Construction Storm Water Permit.

The staff presentation was followed by a presentation from representatives of Gregory Canyon Limited, who described some of the water quality protection measures which have been incorporated into the landfill design. One of the key measures is a double composite liner system that is equivalent to those used at landfills that accept hazardous wastes. The Gregory Canyon Landfill would be the first nonhazardous landfill to have such a liner system in California.

After the presentation by Gregory Canyon Limited, approximately 35 people spoke mostly in opposition to the landfill. The fundamental position of the opponents is that a municipal landfill at this location, no matter how it is designed, poses an unacceptable risk to the future beneficial uses of the San Luis Rey groundwater aquifer. The comments and questions from the workshop will be compiled and posted with responses on the Regional Board web page in the near future. This item is tentatively scheduled for consideration by the Regional Board at its August 12, 2009 meeting.

9. April 2009 San Diego River Watershed Forum (*Melissa Valdovinos and Dave Gibson*)

The first annual San Diego River Watershed Forum was held on April 24, 2009; sponsored by the Metropolitan Water District of Southern California, the San Diego River Conservancy, the City of San Diego Water Department, the City of El Cajon, and the San Diego River Park Foundation. Approximately 100 people attended consisting of representatives from local municipalities, San Diego River organizations, research groups, consulting firms, and the local residential community. Dave Gibson and Melissa Valdovinos represented the Regional Board. Dave Gibson gave presentations on the monitoring assessment, and condition of the San Diego River Watershed and the nexus between municipal storm water permits and TMDL development and implementation and the potential for a watershed based permit approach.

The agenda included the following topics:

- Water Supply - Tap into groundwater resources to accommodate growth without increasing imported raw water demand.
- Biological Resources - Protect San Diego River trout populations by addressing water quality issues and restoring native habitat.
- Watershed Monitoring - Recognize the health of the watershed is most accurately evaluated using a combination of monitoring tools, not simply chemical analysis; physical alterations (i.e., engineering structures) and biological diversity/integrity significantly represent the health of the watershed. Monitoring approaches will be considerably enhanced using a combined assessment approach and through collaborative watershed-based (rather than simply effluent-based) monitoring by dischargers.
- Planning Considerations – The City of El Cajon is developing a master plan to update the version established in the 1950's. The City recognizes a shift in philosophy with respect to handling runoff. The previous standard of channelizing flows with concrete structures is outdated. New runoff collection designs must incorporate best management practices and storage/detention of surface water flows.
- In addition to the group meeting topics summarized above, there was a series of afternoon break-out sessions that covered watershed based permits and TMDLs, restoration tools, wireless monitoring development, and civic engagement.

The overall focus of the Forum was to unite a diverse group of interested parties to share knowledge and discuss collaboration with respect to the San Diego River Watershed's many resources and challenges; such as habitat, water quality, water supply, community health, and flooding.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

There are no items to report in Part C this month.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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

May 13, 2009

APPENDED TO EXECUTIVE OFFICER REPORT

DATE OF REPORT
May 13, 2009

**TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB**

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
June 10, 2009 Regional Board Meeting San Diego Regional Water Board Office								
6/10/09	Western MWD (<i>Fisayo Osibodu</i>)	New Master Reclamation Permit New	100%	100%	90%	90%	Yes	Includes WDRs for conveyance and use of Recycled Water.
6/10/09	City of San Diego Pt. Loma Ocean Outfall Discharge to Pacific Ocean - Deliberation and Adoption of NPDES Permit (<i>Melissa Valdovinos / Brian Kelley</i>)	NPDES Permit Reissuance	100%	90%	90%	90%	No	Pending resolution of issues raised by USEPA
6/10/09	BAE Systems San Diego Ship Repair Shipyard - San Diego Bay (<i>Vicente Rodriguez</i>)	NPDES Permit Reissuance	100%	90%	80%	0%	No	NPDES Workplan FY2007-08
6/10/09	US Navy--Naval Base Coronado - San Diego Bay (<i>Vicente Rodriguez</i>)	NPDES Permit Reissuance	100%	90%	80%	0%	No	NPDES Workplan FY 2007-08
6/10/09	Initial Hearing - 2008 Fed. Clean Water Act Sec. 303(D) List Of Water Quality Segments (<i>David Gibson</i>)	Hearing: CWA 303(d) WQ List	NA	NA	50%	0%	No	
6/10/09	Ametek Inc. (<i>Laurie Walsh / John Anderson</i>)	ACL Settlement	NA	NA	60%	NA	No	

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**TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB**

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
July 1, 2009 Regional Board Meeting Ocean Institute, Dana Point, Orange County								
7/1/2009	Resolution of Appreciation for former Board Chair Susan Ritschel (<i>John Robertus</i>)	Resolution Adoption	NA	NA	NA	NA	Yes	
7/1/2009	William and Heidi Dickerson, Larry and Penny Gunning, and Perry & Papenhausen, Inc. Construction Dewatering Discharge To San Diego Bay (<i>Frank Melbourne</i>)	ACL Settlement	100%	NA	50%	0%	Yes	Mandatory Minimum Penalty ACL \$24,000
7/1/2009	Algalita Marine Research Foundation (Information Item on Reducing Marine Debris (<i>John Robertus</i>))	Information Item	NA	NA	NA	NA	Yes	
7/1/2009	Initial Hearing - Orange County Municipal Storm Water Permit (<i>Ben Neill / James Smith</i>)	NPDES Permit Reissuance	100%	80%	80%	0%	No	Pending resolution of issues raised by USEPA
August 12, 2009 Regional Board Meeting San Diego Regional Water Board Office								
8/12/2009	Adoption Hearing - 2008 Fed. Clean Water Act Sec. 303(D) List of Water Quality Segments (<i>Alan Moriji</i>)	Adoption: CWA 303(d) WQ List	0%	0%	0%	0%	No	

DATE OF REPORT
May 13, 2009

TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
8/12/2009	Adoption - Orange County Municipal Storm Water Permit (<i>Ben Neill / James Smith</i>)	Adoption: NPDES Permit Reissuance	0%	0%	0%	0%	No	
8/12/2009	Initial Hearing -2008 Basin Plan Triennial Review (<i>Deborah Woodward</i>)	Hearing: Basin Plan Triennial Review	NA	0%	0%	0%	No	
8/12/2009	Proposed Gregory Canyon Landfill - North San Diego County (<i>Carol Tamaki / Bob Morris</i>)	Hearing: New WDRs	100%	100%	100%	0%	No	
8/12/2009	San Diego County Solid Waste Trust Fund (<i>John Odermatt</i>)	Information Item	NA	NA	NA	NA	No	County has requested that this item be scheduled for either September or October. John O will work with County to solidify a date.
8/12/2009	Anza Commercial Center (<i>Fisayo Osibodu</i>)	New WDRs	90%	50%	0%	0%	No	Commercial OWTS
8/12/2009	NPDES General De Minimis Discharges Permit - San Diego Region (<i>Michelle Mata</i>)	NPDES Permit Adoption	NA	0%	0%	0%	No	
8/12/2009	Carlsbad Energy Center, LLS Power, Agua Hedionda Lagoon Seawater Intake and Brine Discharge To Pacific Ocean (<i>Michelle Mata</i>)	NPDES Permit New	90%	80%	50%	0%	No	Proposed use of existing Encina Power Station Intake structure

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TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCCB

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
8/12/2009	NASSCO / General Dynamics Corp. - Shipyard San Diego Bay (Vicente Rodriguez)	NPDES Permit Reissuance	100%	90%	80%	0%	No	NPDES Workplan FY 2007-08
8/12/2009	NPDES General Permit Hydrostatic Testing and Potable Water Discharge (Michelle Mata)	NPDES Permit Reissuance	NA	100%	80%	0%	No	NPDES Workplan FY 2006-07
8/12/2009	US Navy Graving Dock San Diego Bay (Vicente Rodriguez)	NPDES Permit Reissuance	100%	90%	20%	0%	No	NPDES Workplan FY 2008-09
8/12/2009	US Navy-- Naval Base Pt. Loma - San Diego Bay (Vicente Rodriguez)	NPDES Permit Reissuance	100%	90%	80%	0%	No	NPDES Workplan FY 2007-08
8/12/2009	US Navy--Naval Base San Diego - San Diego Bay (Vicente Rodriguez)	NPDES Permit Reissuance	100%	90%	80%	0%	No	NPDES Workplan FY 2007-08
8/12/2009	Agriculture Waiver Status Report (Peter Peuron)	Status Report	NA	NA	NA	NA	NA	
8/12/2009	Oglebay Norton - Mission Viego Sand (Cathryn Henning)	WDRs Revision	50%	100%	0%	0%	Yes	Revisions to the MRP

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May 13, 2009

**TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB**

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
8/12/2009	Kkottongnae Retreat Camp (Cathryn Henning)	WDRs Revision	0%	0%	0%	0%	Yes	Update requirements for change in facility
8/12/09	Hanson Elementary School (Cathryn Henning)	WDRs Revision	90%	80%	80%	0%	Yes	Change in point of compliance
September 9, 2009 Regional Board Meeting San Diego Regional Water Board Office								
9/9/2009	Adoption Hearing - Tecolote Creek Bacti TMDL (Amy Mecklenborg / Benjamin Tobler / Wayne Chiu)	Hearing: TMDL Basin Plan Amendment	NA	NA	50%	NA	No	
9/9/2009	Sweetwater Authority Groundwater Demineralization (Michelle Mata)	NPDES Permit Reissuance	0%	80%	0%	0%	No	
9/9/2009	Hubbs Research Facility Carlsbad - Agua Hedionda Lagoon (Michelle Mata)	NPDES Permit Reissuance	100%	80%	80%	50%	No	Pending receipt of information from Hubbs Res.
9/9/2009	CALTRANS - Buckmann Springs Rest Stop (Fisayo Osibodu)	New WDRs	70%	0%	0%	0%	Yes	

DATE OF REPORT
May 13, 2009

**TENTATIVE SCHEDULE
SIGNIFICANT NPDES PERMITS, WDRS, AND ACTIONS OF THE SAN DIEGO RWQCB**

Scheduled Board Meeting Date	Action Agenda Item	Action Type	Initial Document Application Complete	Discharge & Receiving Water Quality Limits and Monitoring Plan Known	Draft Complete	Public Review & Comment	Consent Item	Comments
9/9/2009	Readoption Hearing - Revised Bacteria Impaired Waters TMDL Project I For Beaches And Creeks (Wayne Chiu / Benjamin Tobler / Amy Mecklenborg)	Hearing: TMDL Basin Plan Amendment	100%	100%	0%	0%	No	Revise TMDL for Bacti Indicators using Exceedance Days Approach. TMDL will be remanded to Regional Board in October 2008.
9/9/2009	USMC Las Pulgas Landfill (Amy Grove)	WDRs Revision	30%	50%	0%	0%	Yes	Construction of new phase
October 14, 2009 Regional Board Meeting San Diego Regional Water Board Office								
10/14/2009	Adoption -2008 Basin Plan Triennial Reivew (Deborah Woodward)	Adoption - Basin Plan Triennial Review	0%	0%	0%	No	No	

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF MARCH 1, 2009 THROUGH APRIL 30, 2009**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
3/3/09	County of San Diego	Tavern Road Drainage Improvement Project	The proposed project is to replace and improve a drainage facility to increase the capacity for a 100 year flood, which includes installing a 6x3 foot double box culvert that is approximately 127 feet in length at the intersection of Tavern Road and Arnold Way in Alpine.	Alpine Creek (Alpine HSA - 907.33)	(P) 0.013 acre of non-wetland waters	On-site enhancement of 0.025 acre of non-wetland waters at a 2:1 ratio.	08C-065 Technically-Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
3/4/09	City of Solana Beach	City of Solana Beach Opportunistic Beach Restoration Program	The project proposes to place a maximum of 150,000 cubic yards per year (for five years) of beach-quality sand from upland or dredging projects on Fletcher Cove Park in the City of Solana Beach. The material will include up to 25,000 cubic yards per year of fine-grained sediment (11% - 25%) between September and February. The material placed on the beach will provide erosion control, recreational benefits, and habitat enhancement.	Pacific Ocean (Rancho Santa Fe HSA - 905.11)	(T) 5 acres of waters of the U.S.	The project is self-mitigating as the project will restore sand-based marine habitats, and recreational opportunities, therefore compensatory mitigation is not proposed.	08C-023 Technically-Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF MARCH 1, 2009 THROUGH APRIL 30, 2009**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
3/5/09	East Main Street, LLC	Valley Meadows - Broadway Channel Improvement Project	The proposed project involves widening and lining the Broadway channel with interlocking brick and replacing the existing box culvert under Ballantyne Street with a larger, cast-in-place structure.	Broadway Channel (a construction drainage channel) tributary to the San Diego River (El Cajon HSA - 907.13)	(T): 0.07 acre of wetland	Mitigation will be the creation of 0.14 acre of freshwater marsh.	08C-086 Certified by Default
3/10/09	Marine Group Boat Works	Maintenance Dredging	The project proposes to dredge 10,000 cubic yards of sediment and removal of 22 linear feet of existing north breakwater to allow mega yachts to use the facility. The dredged material will be disposed at Otay Landfill.	South San Diego Bay	Dredge: 10,000 cubic yards	Temporary impacts will be restored to pre-existing conditions, therefore no compensatory mitigation is proposed. Monitoring of nearby eelgrass beds will be performed, no impacts are anticipated.	08C-083 Technically-Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
3/13/09	City of Murrieta	Ivy Street Bridge Replacement	The proposed project is the removal of an existing in-stream crossing, replacement of the in-stream crossing with a bridge, and road improvements to surrounding paved and unpaved roads.	Murrieta Creek (Murrieta HA - 902.30)	Not applicable.	Not applicable.	08C-091 Denial of Water Quality Certification
3/13/09	Palmilla, LP	Palmilla Mixed-Use Development/City of Murrieta Conditional Use Permit No. 02-401	The proposed project is to restore no less than 1,045 linear feet of jurisdictional drainage on-site pursuant to Resolution No. R9-2007-0010 for Cleanup and Abatement Order No. R9-2005-0259. Additionally, the project proposes to develop the	Unnamed tributary to Murrieta Creek (Murrieta HSA - 902.32)	No permanent impacts.	1,045 linear feet of on-site re-establishment of wetlands/waters of the State.	08C-073 Technically-Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF MARCH 1, 2009 THROUGH APRIL 30, 2009**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
			impacted parcel where the restoration will occur. The proposed development project consists of an 8.2 acre commercial retail center and 5.0 acre residential center on the existing 13.2 acre parcel. The restoration will occur between the proposed commercial and residential areas.				
3/16/09	San Diego Unified Port District	Structural Upgrades to Broadway Pier, San Diego	The proposed project involves the installation and repair of various utility lines under and penetrating through the pier dock; the installation of an escalator pit; the encasement of concrete beams below the deck and pit; concrete encasement under the deck; and the installation of seismic joints and 24 concrete pile caps.	San Diego Bay (Lindbergh HSA - 908.21)	No significant impacts.	No mitigation is required.	09C-001 Low Impact Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
3/17/09	California Department of Parks and Recreation	Goat Canyon Enhancement Project	Amendment to allow the installation of two trash boom systems within the Goat Canyon Sediment Basin complex.	Goat Canyon Creek (San Ysidro HSA - 911.11)	No changes in impacts.	No changes to mitigation.	03C-038 Amendment to a Technically-Conditioned Certification

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF MARCH 1, 2009 THROUGH APRIL 30, 2009**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
3/19/09	North County Transit District	Oceanside Passing Track Extension Project	Amendment to remove the requirement for a preservation mechanism to protect the mitigation area. Any inadvertent impacts to the mitigation area must be mitigated on-site and in-kind.	Loma Alta Creek (El Salto HSA - 904.21)	No changes in impacts.	Any future temporary impacts to the mitigation area must be replaced on-site and in-kind within one year. Any future permanent impacts must be mitigated off-site at a ratio higher than 1:1 to be approved by Regional Board.	07C-017 Amendment to a Technically-Conditioned Certification
3/26/09	City of Vista	City of Vista Storm Water Conveyance System Maintenance Project	The proposed project is the recurring removal of debris, sediment, and vegetation (native and mostly exotic) by hand and equipment within and around drainage structures at 33 sites throughout the City of Vista. Only sediment within the first 20 feet of the structure will be removed. Stream channel width will not be increased as a result of sediment removal, and channel elevations will not be altered beyond that which restores the original functioning system.	Sites 1 & 2: San Luis Rey River, Site 32b: Buena Vista Creek. Sites 3-23 & 30-32a. Vista hydrologic subarea (904.22). Sites 25-28: Buena hydrologic subarea (904.32).	(P) 0.3 acre of wetland and streambed	Enhancement of 0.52 acre of Southern willow scrub, enhancement of 0.38 acre of Freshwater marsh.	08C-068 Technically-Conditioned Programmatic Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF MARCH 1, 2009 THROUGH APRIL 30, 2009**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
3/27/09	City of Chula Vista	Autopark Sewer Pipeline Installation Project	The proposed project will involve the installation of an 8-inch, 343 foot long sewer pipeline across an existing drainage. The proposed pipeline will be protected by a 24" steel casing in areas where the pipelines spans the drainage. A 40 foot long, and 15 foot piece of Armorflex will be installed below the ordinary high water mark for erosion protection.	Tributary to Otay River (Otay Valley HA - 910.2)	(P) 0.007 acres of non-wetlands waters of the U.S.	Mitigation for the permanent impacts to 0.007 acre of water of the U.S. will be achieved by purchasing creation credits at the Rancho Jamul Mitigation Bank at a 3:1 ratio.	08C-053 Low Impact Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
3/27/09	County of Orange Public Works	San Juan Creek Bike Trail at Pacific Coast Highway	The proposed project is to replace a 511-foot section of existing paved bike paths with a concrete U-channel within the existing footprint in order to alleviate seasonal flooding on the bike trail.	San Juan Creek Lower San Juan HAS (901.27)	Not applicable.	Not applicable.	08C-032 Withdrawn
4/15/09	Mechling Construction	Mechling Subdivision	The proposed project is the subdivision of 22-acres into ten residential lots ranging in size from 2.0 to 2.7 acres. Three ephemeral streams will be impacted by grading and the installation of five culverts for future driveways.	3 unnamed ephemeral drainages to Rattlesnake Creek Poway HA (906.20)	(P) 0.02 acre/123 linear feet of stream bed	Proposed mitigation is the onsite creation of three ephemeral streams totaling 270 linear feet and 0.037 acre.	08C-016 Technically-Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF MARCH 1, 2009 THROUGH APRIL 30, 2009**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
4/15/09	Marine Group Boat Works	Maintenance Dredging	Amendment of Certification Condition B.6. to include that dredge material may be delivered to Miramar Landfill as well as Otay Landfill and that copies of waste manifests and receipts from the landfills must be included with the final project report.	South San Diego Bay	No changes in impacts.	No changes in mitigation.	08C-083 Amendment to a Technically-Conditioned Certification
4/21/09	City of Coronado	City of Coronado Beach Opportunistic Beach Restoration Program	The project proposes to place a maximum of 100,000 cubic yards per year (for five years) of beach-quality sand from upland or dredging projects on Coronado City Beach. The material placed on the beach will provide erosion control, recreational benefits, and habitat enhancement.	Pacific Ocean	(T) 13.5 acres of waters of the U. S.	The project is self-mitigating as the project will restore sand-based marine habitats, and recreational opportunities, therefore compensatory mitigation is not proposed.	08C-029 Technically-Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ
4/22/09	City of Solana Beach	City of Solana Beach Opportunistic Beach Restoration Program	Amendment to Certification C.1.d. to clarify the size of sediment particles that may be placed on the beach.	Pacific Ocean (Rancho Santa Fe HSA - 905.11)	No changes in impacts.	No changes in mitigation.	08C-023 Amendment to a Technically-Conditioned Certification

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF MARCH 1, 2009 THROUGH APRIL 30, 2009**

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
4/23/09	Pacifica Enterprises, LLC	Ash - 10	The proposed project is the subdivision of 10 acres into 4 residential lots.	Not applicable.	Not applicable.	Not applicable.	07C-074 Withdrawn
4/27/09	Orange County Transportation Authority	Laguna Niguel Turnback Facility Project	The proposed project involves the construction of a 6,000 feet of storage track extension, 1,550 feet of turnback tracks, the removal and replacement of a 25 foot concrete training wall within the Oso Creek Channel with a new reinforced wall, and the extension of box culvert at the Strom Drain L03P04.	Oso Creek Channel and Storm Drain L03P04 Dana Point HSA (901.14)	(T) 0.136 acre (90 linear feet) of impacts to streambed (P) 0.015 acre (30 linear feet) of impacts to streambed	Mitigation will be achieved via the purchase of 0.422 acre (18,530 square feet) of enhancement and/or restoration through the National Audubon Society's Starr Ranch Sanctuary In Lieu Fee Transfer Program.	08C-082 Technically-Conditioned Certification & Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

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

Number of Projects Received Between March 1, 2009 and March 31, 2009: 9
 Number of Amendment Requests Received Between March 1, 2009 and March 31, 2009: 1

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF MARCH 1, 2009 THROUGH APRIL 30, 2009**

Number of Project Received Between April 1, 2009 and April 30, 2009: 8
Number of Amendment Requests Received Between April 1, 2009 and April 30, 2009: 1
Number of Projects Received Between January 1, 2009 and April 30, 2009: 35
Number of Certifications Issued Between January 1, 2009 and April 30, 2009: 19
Number of Projects Withdrawn Between January 1, 2009 and April 30, 2009: 9
Number of Projects Certified by Default Between January 1, 2009 and April 30, 2009: 2
Number of Projects Denied Between January 1, 2009 and April 30, 2009: 1



American Recovery and Reinvestment Act Funds (ARRA)
\$281 Million for California's
 Clean Water State Revolving Fund (CWSRF)



Subsidy Funds
(\$140 Million*)

Project Category	Funds Available	Conditions
Wastewater Projects for Communities with a Median Household Income (MHI) less than 80 percent of statewide MHI. Currently, community median income would need to be less than \$46,731.20	\$ 70 million	<ul style="list-style-type: none"> ▪ Maximum per Projects of \$10 million. ▪ Projects must meet CWSRF and ARRA eligibility requirements. ▪ Financing agreement must be executable before September 1, 2009. ▪ Complete Approval of Award request must be received before January 1, 2010. ▪ Copy of an executed construction contract must be received before February 1, 2010.
Restart – Projects that lost previously committed Water Board grant funding	\$ 70 million	<ul style="list-style-type: none"> ▪ Maximum: \$5 million or the amount needed to replace grant funds. ▪ Projects may not receive more than 100 percent subsidy financing. ▪ Projects must meet CWSRF and ARRA eligibility requirements. ▪ Projects must have an executed State Water Board grant agreement that was suspended and an executed construction contract or proof of project initiation received before May 17, 2009.

* The Executive Director, in consultation with the State Water Board Chair and Vice Chair, may allocate an additional 15% of ARRA funds to the two categories above, not to exceed 65% of total ARRA funds.

Interest and Service Rate Incentives
(\$140 Million ARRA Funds & \$220 Million Revolving Funds)

Project Category	Interest/Service Rate	Conditions
Innovation and efficiency projects	Zero (0) Percent	<ul style="list-style-type: none"> ▪ Up to a total of \$60 million in cumulative financing. ▪ Financing agreement must be executable between March 17, 2009 and July 18, 2009. ▪ Complete Approval of Award request must be received before January 1, 2010. ▪ Copy of an executed construction contract must be received before February 1, 2010.
All projects	One (1) Percent	<ul style="list-style-type: none"> ▪ Up to a total of \$300 million in cumulative financing. ▪ Financing agreement must be executable between March 17, 2009 and September 1, 2009. ▪ Complete Approval of Award request must be received before January 1, 2010. ▪ Copy of an executed construction contract must be received before February 1, 2010.

For more information please go to:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml

Or contact us at: CleanWaterSRF@waterboards.ca.gov or (916) 327-9978

LAGUNA BEACH
COASTLINE PILOT

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Top Stories

Tougher law is proposed

Requirements in storm water permit may include testing on private property and a crackdown on watering.

By Barbara Diamond

Runoff from private property onto city streets will be more than a nuisance under the terms of the proposed storm water permit — it will be illegal, and it could be a real drain on the city budget.

The proposal by the Regional Water Quality Board-San Diego attempts aims to prevent any runoff from reaching storm drains. City Water Quality staff are reviewing the permit and will report to the council on the probable effect on Laguna.

"It's a very big deal, and it will affect everybody," Schissler said. "Enforcement will be an issue. The new order will require the city to really clamp down on residents."

City Manager Ken Frank advised the council in his April 10 Memorandum that so-called nuisance water — whether from watering lawns or washing cars — will be prohibited by the proposed permit.

"Of course," he wrote, "the city will have to enforce it, and all the residents will be mad at us rather than the board."

And the changes in the permit could be costly, also aggravating to the public in these economic times.

"They are asking for more sampling and monitoring, and that equates to expenses," Schissler said. "It's not just in dry weather, but in wet weather. That could mean testing after every rain. That's not cheap."

Schissler hopes to make recommendations to the City Council at the first meeting in May that will clarify the proposal.

"It takes a while to understand the subtleties," Schissler said. "We have questions about changes in the wording. There shouldn't be any guessing."

The supplemental fact sheet, recently made public, summarizes significant changes in the revised Tentative Order R9-2009-0002, as the storm water permit is designated, and provides a basis for the changes

Among the revisions: deletion of "urban runoff," replaced throughout the tentative order with storm water (wet weather) and non-storm water (dry weather), deemed necessary to prevent the misunderstanding that the permit's regulation only apply to urbanized areas.

The term "urban runoff" is not defined in the Code of Federal Regulations or Federal Registration in the regulation of phase 1 MS4 discharges, according to the fact sheet.

Runoff is defined in the permit as all flows of water in a storm water conveyance system, meaning roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or

storm drains and natural streams.

And at least one aspect of that is good news for Laguna.

"Everyone is talking about Aliso Creek, but virtually nothing goes into the creek from Laguna Beach. Individuals and communities inland will now have to take steps to comply.

"We are hearing discussion of near zero tolerance of discharges into the creek."

That includes discharge from washing cars and landscape, irrigation and hosing down hardscape, which also will be prohibited elsewhere in the city.

Under the terms of the previous permit occasional over watering lawns was overlooked by the city.

"We were trying to educate the public," Schissler said. "Of course we cited when the violations were egregious — soapy water is particularly offensive."

The new mantra is "Wash and Recover."

"Everybody hopes for technology to support the permit, and it's slowly getting there," Schissler said. "Companies are starting to make strides in this area: ways to trap waste water and ways to capture runoff. It used to be really archaic."

Schissler knows that the city is already ahead of the curve on some of the new requirements proposed in the permit..

"In the early 2000s, we had to comply with an Environmental Protection Agency order with a big laundry list," Schissler said. "It actually benefited the city because it got us ahead of the wastewater discharge requirements and we have already [been] complying with the new level of WDRs."

The city will request one change in wording that affects only Laguna.

"We are already working with the state on exemption from the prohibition against discharge of storm water off of Heisler Park, an Area of Special Biological Significance," Schissler said. "This is unique to Laguna because we have the only such area in Orange County Region 9 and obviously we can't stop the rain.

"Our recommendation is that the county permit should read that Laguna be responsible directly to the state instead of duplication. We would prefer to deal with just one agency."

The city and residents have until June 19 to submit written comments about the permit, which will be submitted to the board for review before the public hearing scheduled for July 1. Written responses to comments submitted before May 15 will be provided before the hearing.

Oral comments will be considered at the hearing.

The board has the option of closing the public comment period at the meeting or within a specified period after the meeting.

"People should be informed and make their opinions known about the proposed permit," Schissler said. "Hopefully we can boil it down to terms the public can understand."

The city hearing will be publicly noticed. For more information, call the city clerk's office at (949) 497-0705 or check meeting agendas, posted on the Friday before the council meeting on the city's website www.lagunabeachcity.net.



**CITY OF RANCHO SANTA MARGARITA
CITY COUNCIL
STAFF REPORT**

DATE: April 22, 2009

TO: City Council of the City of Rancho Santa Margarita

FROM: Steven E. Hayman, City Manager *SH*

BY: Derek Wieske, Director of Public Works/ City Engineer *D.W.*

SUBJECT: Update on Draft Fourth Term National Pollutant Discharge Elimination System (NPDES) for Discharges of Runoff from the Municipal Separate Storm Sewer Systems (MS4s) from the San Diego Regional Water Quality Control Board

Recommendation

That the City Council receive and file this report.

Background

The Orange County Stormwater Program was initiated in 1990 as a cooperative local government response to the 1987 amendment to the Federal Clean Water Act (CWA). This amendment extended the provisions of the CWA Section 402 National Pollutant Discharge Elimination System, (NPDES) issuing permit to the municipal storm drain system operators, also known the Municipal Separate Storm Sewer Systems (MS4s), thereby making local governments responsible for the quality of their stormwater discharges. Permit application requirements were promulgated by the US Environmental Protection Agency (EPA) in 1990 and form the basis of the current program.

The NPDES MS4 Permits prescribe that surface water quality protection be addressed in local governments' oversight of construction and development, its regulation of industry and commerce, and in its construction, operation and maintenance of the public urban infrastructure. In most cases, the NPDES MS4 permit program is administered by authorized states. In California, these programs are administered by the State Water Resources Control Board and by nine regional boards that issue NPDES MS4 permits (NPDES No. CAS0108740) and enforce regulations within their respective regions. Orange County lies within the jurisdiction of both the Santa Ana (Region 8) and San

Update on Draft Fourth Term NPDES MS4 Permit
April 22, 2008
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Diego (Region 9) Regions. These two regional boards issued the first municipal NPDES permit in 1990 to the "Orange County Stormwater Program," a partnership between the County, all cities within Orange County, and the Orange County Flood Control District. Since the program's inception, the County has served as the Principal Permittee and the cities as Co-Permittees. The City of Rancho Santa Margarita falls under the jurisdiction of the San Diego Regional Water Quality Control Board (SRWQCB).

NPDES MS4 permits are issued for a five-year term and have generally followed a progressive pattern. Orange County's first permit provided an opportunity for municipalities to establish a program customized to local conditions. In its earliest form, the Orange County Stormwater Program focused on gathering data about existing conditions and implementing an initial set of improvement measures aimed at known water quality deficiencies. The second permit, issued in 1996, was built upon the knowledge gained during the first permit period and was intended to improve water quality incrementally over time. During the second permit term, Orange County also invested heavily in parallel efforts to implement a "watershed approach", a comprehensive but lengthy planning tool for addressing water quality as well as habitat restoration, recreation, and flood control. The Third Term Permits for Orange County area were issued in 2002 and expired in February 2007. During the issuance of the Third Term Permit, the City received a lot of criticism from local community associations initially, but was later able to successfully partner with them on permit implementation. This Permit has been extended until the issuance of the Fourth Term Permit.

Discussion

For the past two years, the SRWQCB staff has been in the process of drafting the Fourth Term NPDES Permit for South Orange County. The first draft of this Permit was published on February 9, 2007 as Tentative Order No. R9-2008-0001. A public hearing was subsequently held on April 11, 2007 to receive oral comments from interested persons. At that time, the Board staff accepted written comments on the Tentative Order until April 25, 2007. Following the review of the comments, a Revised Tentative Order (Second Draft) was published on July 6, 2007 with a Response to Comments document. Following review of the second round of written comments, the Board staff further revised specific sections and published a Third Revised Draft on December 12, 2007 followed by a Public Hearing on February 13, 2008, at the City of Mission Viejo City Hall. As a result of comments received from the participants of this hearing, the Board directed its staff to revise the Third Draft and make it more consistent with other local existing and draft permits including those from the Santa Ana and Los Angeles regional boards.

More recently, on March 13, 2009, SDRWQCB published a Fourth Draft for the South Orange County NPDES MS4 Permit (Tentative Order No. R9-2009-0002). However, to-date, no Fact Sheet for this Draft has been published yet, which is unusual, and has made it difficult for staff to review and analyze this draft. Nevertheless, City staff is

currently reviewing the Draft NPDES MS4 Permit and recently participated in the Board Staff Workshop which was held on April 3, 2009, also at the City of Mission Viejo City Hall. A meeting between the Co-Permittees and the Board staff was held on April 16, 2009 in Dana Point to discuss the provisions of this Draft Permit. The Board staff, at this point, has provided the following timeline for the adoption of the Fourth Term NPDES MS4 Permit:

- May 15, 2009: Submittal date for written comments. The Board staff will send written responses prior to the July hearing.
- June 19, 2009: Deadline for written comments for the July hearing.
- July 1, 2009: Public Hearing. Comment period closed
- August 12, 2009: Regional Board adoption consideration.

Although a Fact Sheet was not provided with the Draft Permit, upon the initial review of this Draft, City staff found the most recent draft to contain the following provisions that will significantly impact the City's Stormwater Program:

- Municipal Action Levels (MALs) for Wet Weather: MALs are numeric goals for certain pollutants, such as sediment, in stormwater. As stated in the Draft, the Permit establishes MALs for pollutants during wet weather and requires the copermitees to affirmatively augment and implement necessary storm water controls and measures to reduce the discharges of associated class of pollutants and will have to meet these MALs within three years from the adoption of the Permit. According to the Board staff, these MALs were calculated from a national database, rather than local monitoring data. This may make them difficult to achieve, due to the type of soil and the natural loading of some of the pollutants in the South Orange County area, such as total suspended solids, copper cadmium, nickel, and nitrate nitrite. The first three drafts of the Fourth Term Permit did not include any requirements for MALs.
- Numeric Effluent Limits (NELs) for Dry Weather: The fourth draft Permit includes NELs for pollutants in runoff during dry weather seasons. According to the County Dry Weather Monitoring Database, most of the South Orange County dry weather runoff contains constituents at levels that exceed those set by the Permit, such as heavy metals.
- Prohibition on Irrigation Runoff: Our City has a comprehensive Stormwater Program that focuses on the elimination of irrigation runoff by working closely with Home Owner Associations and Landscape Companies, conducting water quality inspections and providing educational materials to residents, businesses and landscape companies. However, this provision will require additional staff to enforce this requirement, and is redundant due to the recent passage of AB 1881 and the new water conservation ordinances adopted by the local water districts.

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- Hydromodification: Hydromodification is the alteration of the natural flow of water through a landscape to improve water quality. Each city will be required to prepare a Hydromodification Management Plan within two years, which will include flow rates and duration controls, stream health indicators, design criteria and stream restoration measures. Some of the measurable criteria include erosion potential and the range of flows within the studied area.
- Low Impact Development (LID): This innovative approach to land development works with nature to manage stormwater as close to its source as possible by preserving and creating natural landscape features and to minimize imperviousness to create functional and appealing site drainage. On a broad scale, low impact development standards for new development can maintain or restore a watershed's hydrological and ecological functions.
- Retrofitting of Existing Developments: Retrofitting of the existing developments will require the development of new implementation and enforcement plans by the City. One example would be the use of above-ground cisterns or barrels to catch rain water from gutters which can be used for landscaping at a later date. Additionally, retrofitting existing development will have a major economic impact on property owners.

City staff will continue the communication with the Board staff and will participate in all local meetings and workshops regarding the Draft Permit.

Fiscal Impact

Staff's initial evaluation of the Draft Permit indicates that an increase of 10-30% in the City's Stormwater Program (NPDES) budget will be necessary to develop and implement the Permit new requirements. The current budget for the City's Stormwater Program is approximately \$240,000, so this could increase costs for the Program by \$72,000. Staff will provide details on the fiscal impact after adoption of the Fourth Term NPDES Permit by the SRWQCB.

Alternatives

This report is only informational, so there is no alternative.

Attachment

Tentative Order Number R9-2009-0002 – Available in City Clerk's office



DEDICATED TO THE ADVANCEMENT OF STORMWATER QUALITY MANAGEMENT, SCIENCE AND REGULATION

April 20, 2009

Number 2009-08

Orange County Permits – Santa Ana and San Diego Boards release new drafts – Orange County is under the jurisdiction of two Regional Water Boards, Santa Ana and San Diego, each with a somewhat differing viewpoint on how the Clean Water Act applies to stormwater and non-storm water discharges from MS4s. The two Boards recently released new drafts of the permits for their respective jurisdictions. (The County and Flood Control District as well as three cities straddle the border between the Regions and are regulated by both permits in their respective watersheds.) The permit findings in both proposed permits note that runoff is still causing or contributing to violations of water quality standards. Both permits, require use of low impact design (LID) techniques, include hydromodification controls, and have an increased emphasis on trash controls.

The Santa Ana Board's proposed permit is a reissuance of the current 2002 permit and is scheduled for consideration by the Board on April 24. The proposed permit's LID provisions use a tiered approach similar to the San Francisco Region's Municipal Regional Permit (MRP; See *NewsFlash 2009-04*). Proponents of new projects must "first consider preventative and conservation techniques" (e.g., preserve natural features) prior to considering mitigative techniques (structural treatment such as infiltration systems). The mitigative measures are also prioritized focusing first on pollutant removal. The proposed permit does not include either municipal action levels (MAL) or numeric effluent limits (NEL) for stormwater or non-stormwater. CASQA has been supportive of MALs when applied in a manner consistent with the specific recommendations of the Blue Ribbon Panel (see *NewsFlash 06-26*), but objects to using MALs and NELs as the basis of permit compliance.

The San Diego Board's fourth draft permit is also a reissuance of a 2002 permit; the third public hearing is July 1. Some of this permit's key provisions are similar to the draft Ventura County permit proposed by the Los Angeles Regional Board (see *NewsFlash 2009-05*). For example, the San Diego Board's permit establishes stormwater MALs for 13 parameters: "The exceedance of an MAL will create a presumption that MEP [*maximum extent practicable pollutant removal*] is not being met". Thus, the MALs appear similar to effluent limits. The Ventura draft permit included MALs for four parameters with some significant differences in limits (e.g., lead: 122 ug/l vs. 62 ug/l for OC). The San Diego Board's permit also notes that "Dry weather non-storm water discharges have been shown to contribute significant levels of pollutants and flow in arid, urban Southern California watersheds" and sets end-of-pipe NELs for these non-storm water discharges. The NELs are intended to significantly improve water quality but may present a compliance challenge (iron at 0.3 mg/l; turbidity at 20 NTU; also limits for other metals, bacteria, salts, nutrients).

As in the Santa Ana permit, the San Diego Board's permit focuses on LID controls for new development, but additionally proposes LID for existing facilities: "Retrofitting existing development with storm water treatment controls including LID, is necessary to address storm water discharges from existing development that may cause or contribute to a condition of pollution or a violation of water quality standards [WQS]." Each Copermittee must implement a retrofitting program which addresses chronic flooding, impacts from hydromodification, incorporates LID, supports stream restoration, and prevents discharges from exceeding WQS.

Water Quality NewsFlash is a bi-weekly update of stormwater and related news for CASQA members, co-sponsored by Caltrans Stormwater Program as a public education and outreach partnership. *Verify information before taking action on these bulletins.* Contact CASQA at info@casqa.org or (650) 366-1042 with questions. Posted online in the members-only section at: www.casqa.org. © 2009 California Stormwater Quality Association.