

**San Diego
Regional Water Quality
Control Board**



**Executive Officer's
Report**

June 10, 2009

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SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

June 10, 2009

PART A

SAN DIEGO REGION STAFF ACTIVITIES (*Staff Contact*)

1. June 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

New Employees

The Business Support Services Unit has hired Retired Annuitant Betty Stewart to cover the reception desk. Betty works on Monday, Tuesday and Thursday. She is retired from the California Department of Corrections.

Transfers

Senior Engineering Geologist John Odermatt will transfer to the Total Maximum Daily Load Unit as its new supervisor on June 15, 2009. He will fill the vacancy left by David Gibson. John began his career with the San Diego Regional Water Quality Control Board in April 1994. His initial assignment was in the Site Clean-Up Unit as an Associate Engineering Geologist. In August 2000 John was promoted to Senior Engineering Geologist in charge of the Land Discharge Unit. In April 2004 John added the Tank Site Mitigation and Clean-up Unit to his supervisory responsibilities. In July 2007, John became supervisor of the Northern Core Regulatory Unit providing oversight of the NPDES and WDR Programs. Currently, John supervises the Northern San Diego County Ground Water Unit. He has a Bachelor of Science Degree in Geology from California State University, Long Beach and a Master of Science Degree in Geology from California State University, Los Angeles. He holds a license as a Professional Geologist in California.

Recruitment

The Regional Board is continuing recruitment for an Office Technician to fill the receptionist position permanently. A temporary exception to the current hiring freeze has been allowed to accept applications from State agencies and from the open hiring list. However, since over 5,000 State employees have received layoff notices we will look to the State Restriction of Appointment list for candidates before considering other applicants. SROA candidates have the right of first refusal for any vacant State positions for which they qualify.

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/

2. Meeting of the WaterReuse Association, San Diego Chapter (*Robert Morris*)

Bob Morris from the Groundwater Basins Branch spoke on the State Water Board's recently adopted Recycled Water Policy at the San Diego Chapter meeting of the WaterReuse Association last month. Mr. Morris initiated the discussion by noting the Policy outlines the role of recycled water as part of a holistic strategy to sustain the State's water policy. As a measurement for the success of the policy, the State Water Board established a mandate to increase the use of recycled water in California by 200,000 acre feet per year by 2020 and by 500,000 acre feet per year by 2030. To put this mandate in context of local plans for increasing recycled water use, the San Diego County Water Authority expects an increase of 37,000 acre feet per year in recycled water use to occur by 2030 among its member agencies.

The discussion then focused on the provision in the Policy for development of salt and nutrient management plans. It was pointed out that these plans must be driven and controlled by the local water and wastewater entities in a process that is opened to all stakeholders. All water agencies were encouraged to participate, especially those water agencies that depend upon local groundwater aquifers for all or part of their water supplies, so that a watershed-based plan may be developed to control sources of pollutants to their water supply.

After Mr. Morris completed his presentation, a representative from the California Department of Public Health (CDPH) provided a detailed explanation of the State regulations for groundwater recharge reuse projects. The discussion included topics such as the control of pathogenic microorganisms, the control of nitrogen compounds, the diluted water requirements, the determination of the allowable recycled water contribution, and the criteria for CDPH approval of alternatives to the prescriptive requirements. The attendees to the meeting had much interest in this topic resulting in numerous questions of the CDPH and Regional Board.

The WaterReuse Association is a national organization whose objective is to promote reclamation, recycling, reuse and desalination throughout the United States. The members of the San Diego Chapter include water agencies and municipalities, corporations, consulting firms, and recycled water users.

3. Water Conservation Summit (*Chiara Clemente*)

On June 2, 2009, James Smith, Chiara Clemente, John Robertus, and Chairman Richard Wright attended the third annual Water Conservation Summit, at Cuyamaca College, hosted by the San Diego County Water Authority. The summit focused on existing and planned water conservation strategies by the Water Authority and its 24 member agencies.

The Water Authority has recently declared a "Level 2" drought alert condition, thereby shifting from a 10% voluntary conservation strategy, to mandatory cutbacks of up to 20% for each of the member agencies. At the summit, some of the member agencies discussed how they have, or intend to, translate these cutbacks into conservation requirements for the end-users. The strategies differ largely from one member agency to another; but because 40-60% of San Diego's water consumption is for landscape irrigation, all the strategies are largely focused on this aspect of conservation. Minimizing landscape irrigation not only reduces water use, but also energy consumption, and the discharge of pollutants from the MS4 system.

4. LAFCO Workshop on Water Supply and Availability for San Diego County
(Michael McCann)

On June 1, 2009, at the commission's workshop, John Robertus and Michael McCann provided a perspective on the Regional Board's policy on water recycling and efforts to promote water recycling in meeting the San Diego County's needs for water. A major concern of the commission is regulation of recycled water impeding the use of water recycling. Robertus and McCann reported that the Regional Board had conducted a workshop in March to address this specific issue, and from that workshop came the commitment to work closely with the recycled water agencies, the San Diego County Water Authority, and other regulatory agencies to find opportunities for increased use of recycled water.

PART B
SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSOs) March-April 2009 (Joann Cofrancesco)
(Attachment B-1)

The following is a summary of the sewage spills that occurred during the period March and April 2009 that have been reported and certified by May 31, 2009. Sewage Collection Agencies now report Sanitary Sewer Overflows (SSOs) on-line at the State Water Resources Control Board's CIWQS database pursuant to the requirements of State Board Order No. 2006-0003-DWQ (*General Statewide Waste Discharge Requirements for Sewage Collection Agencies*). Reports on sewage spills are available on a real-time basis to the public from the State Board's webpage at: <https://ciwqs.waterboards.ca.gov/>

From March 1 to March 31, 2009, there were 18 public SSOs in the San Diego Region that were reported on-line at the State Board's CIWQS database. These included two spills of 1,000 gallons or more and eight that reached surface waters, including storm drains. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of March 2009 was 52,560 gallons.

From April 1 to April 30, 2009, there were 13 public SSOs in the San Diego Region that were reported on-line at the State Board's CIWQS database. These included two spills of 1,000 gallons or more and five that reached surface waters, including storm drains. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of April 2009 was 6,981 gallons.

In March and April 2009, 25 discharges of untreated sewage from private laterals were reported by the collection agencies 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*). None of the spills were 1,000 gallons or more and 12 of the spills reached surface waters, including storm drains. The combined total volume of reported private lateral sewage discharges for the months of March and April 2009 was 4,072 gallons.

A total of 0.18 and 0.14 inches of rainfall were recorded at San Diego's Lindbergh Field for March and April 2009, respectively. For comparison, in March and April 2008, 16 and 17 SSOs were reported during a period of time when 0.26 and zero inches of rainfall was recorded at Lindbergh Field, respectively. A total of 55 private lateral sewage discharges were reported during March and April 2008.

Attached are three tables titled

- "March 2009 - Summary of Public Sanitary Sewer Overflows in Region 9"
- "April 2009 - Summary of Public Sanitary Sewer Overflows in Region 9"
- "March and April 2009 - Private Lateral Sewage Discharges in Region 9."

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. Enforcement Actions for May 2009 (*Jeremy Haas*)

The following is a summary of all enforcement actions taken or initiated during the month of May 2009. During this period the California Regional Water Quality Control Board, San Diego Region (Regional Board) initiated seven enforcement actions: one Administrative Civil Liability Order, one Time Schedule Order, one Cleanup and Abatement Order, one Investigative Order, two Notices of Violation, and one Staff Enforcement Letter.

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) ORDERS

ACL Order No. R9-2009-0075 against Mountain Water Ice Company

ACL Order No. R9-2009-0075 in the amount of \$243,000 was adopted by the Regional Board on May 13, 2009. The Regional Board assessed mandatory minimum penalties pursuant to Water Code section 13385 for violations of NPDES Order No. R9-2005-0015. The violations occurred in discharges to Sam Luis Rey during operations of the company's Oceanside Ice Plant.

TIME SCHEDULE ORDERS (TSO)

Time Schedule Order No. R9-2009-0047 to Mountain Water Ice Company

TSO Order No. R9-2009-0047 was issued by the Regional Board on May 13, 2009 to provide a time schedule for Mountain Water Ice to implement control measures and achieve compliance with effluent limits for total dissolved solids (TDS) at its Oceanside Ice Plant prescribed in NPDES Order No. R9-2005-0015. The TSO also included interim effluent limits for TDS. Full compliance with the TDS effluent limitations in NPDES Order R9-2005-0015 must be achieved by March 9, 2010.

CLEANUP AND ABATEMENT ORDERS (CAO)

CAO No. R9-2009-0074 for Orange Glen Market, Escondido

CAO NO. R9-2009-0074 was issued on May 11, 2009 to Mr. Soni and Mrs. Carmen Nanci and Mr. Omar Tartir for the cleanup and abatement of affects from an unauthorized release of petroleum hydrocarbons from a former gasoline facility at the 2741 East Valley Parkway, Escondido. A site assessment workplan is due by August 30, 2009, and corrective action plan is due by April 30, 2010.

INVESTIGATIVE ORDERS (IO)

IO No. R9-2009-0053 to Caltrans, District 11, Santa Ysabel

IO No. R9-2009-0053 was issued on May 5, 2009 to Caltrans for the investigation of water quality at the former Santa Ysabel Inn located at the intersection of Highways 78 and 79 in Santa Ysabel. A former Texaco gasoline service station at the site has released petroleum hydrocarbons into the ground and may be a potential source of groundwater pollution. The IO requires Caltrans to submit quarterly monitoring reports beginning on July 30, 2009. A site conceptual model is due on September 30, 2009.

NOTICES OF VIOLATION (NOV)

NOV No. R9-2009-0083 to Signet Armorlite, Inc., San Marcos

An NOV was issued to Signet Armorlite, Inc. on May 29, 2009 for alleged violations of Investigative Order No. R9-2009-0015. The Investigative Order was issued pursuant to Water Code section 13267 on January 23, 2009 regarding unauthorized releases of chemicals to soil and groundwater at the Signet Armorlite, Inc. facility at 130 North Bingham Drive, San Marcos, San Diego County. The Investigative Order requires Signet Armorlite Inc. to submit two technical reports to address data gaps in site characterization. The NOV alleges that Signet Armorlite, Inc.

submitted inadequate reports in response to the Investigative Order. Specifically, the NOV alleges that: (1) The Comprehensive Soil and Groundwater Investigation Workplan reports failed to include sufficient scope to determine the vertical and lateral extent of contamination; (2) The Workplan did not include sampling of off-site wells for Freon-113; and (3) Certain laboratory data was submitted past the deadlines within the Investigative Order.

NOV No. R9-2009-0086 to City of Lemon Grove

An NOV was issued to the City of Lemon Grove on May 18, 2009 for alleged violations of Order No. R9-2007-0001, the municipal storm water permit draining the watersheds of San Diego County. The NOV alleges that the City failed to provide an adequate jurisdictional urban runoff management plan because the report does not adequately describe certain activities undertaken to implement the Permit's requirements.

STAFF ENFORCEMENT LETTER (SEL)

SEL to County of San Diego, Bonsall Landfill

An SEL was sent to the County of San Diego on May 21, 2009 following review of monitoring reports submitted for the Bonsall Landfill in accordance with Order No. 97-15 and Order No. R9-2008-0097. The SEL identified reporting deficiencies and identified necessary corrective actions. The next semi-annual monitoring report is due on October 30, 2009.

3. Distributions of Administrative Civil Liabilities (Jeremy Haas)

When the Regional Board imposes an administrative civil liability (ACL), funds due to the State are directed, depending on the applicable statute, into the State Water Resources Control Board's Cleanup and Abatement Fund Account (CAA) or the Waste Discharge Permit Fund (WDPF). Liabilities suspended in order to fund supplemental environmental projects (SEPs) are directed to the SEP recipient and not deposited into the State Board accounts. The Regional Board may also request funds from the CAA to pay for local water quality improvement projects pursuant to Water Code sections 13442 and 13443.

Distribution of Regional Board ACLs

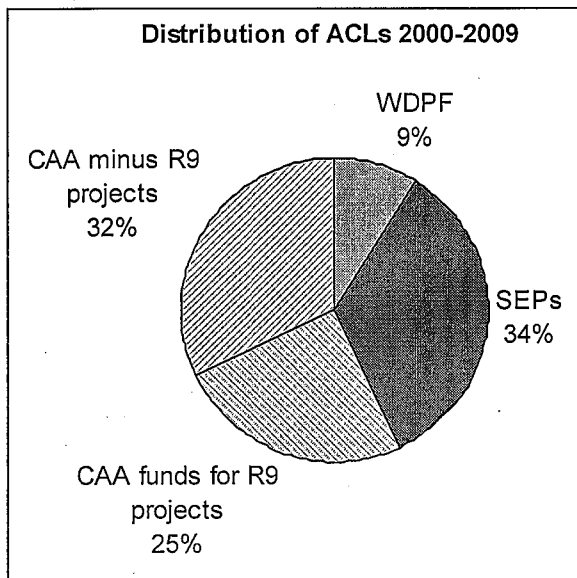
Since 2000, the Regional Board has imposed approximately \$15,906,971 in administrative civil liability penalties. Of that amount, \$9,061,748 (57%) was directed to the CAA, \$1,429,247 (9%) was directed to the WDPF, and \$5,415,976 (34%) was directed to funding 29 SEPs.

Distribution of Regional Board ACLs and Settlements since 2000				
	CAA	WDPF	SEP	Total
	\$9,061,748	\$1,429,247	\$5,415,976	\$15,906,971
Percent of total	57.0%	9.0%	34.0%	

Requesting CAA Distribution for Water Quality Projects

Since 2000, the State Board has approved Regional Board requests for \$3,981,984 in CAA funds to be distributed to the Regional Board and local public agencies for 11 water quality projects. This represents approximately 25% of total liabilities imposed by the Regional Board during that time and 44% of the liabilities directed to the CAA. The cost of individual CAA projects has ranged from \$54,000 to \$975,300. The latest approved allocation was on June 2, 2009 for \$700,000 for the Phase One of the Tijuana River Valley Trash/Sediment Transport and Deposition Study as requested per a March 2009 Regional Board resolution.

As a result of distributions to SEPs and from the CAA, approximately \$9,397,870, or 59%, of total ACL liabilities imposed since 2000 has been used to fund water quality projects within the San Diego Region (see chart).



Notably, since 2000, the Regional Board has been allocated approximately \$8,691,518 in funds from the CAA. The distribution for water quality improvement projects requested by the Regional Board represents approximately 46% of those CAA funds. CAA funds have been used primarily to oversee cleanup and investigation activities and manage various types of contracts, such as ones for student assistants and monitoring and laboratory services. Of that total, approximately \$754,705 was specifically requested by the Regional Board for reimbursement of staff costs associated with ACLs. Additional requests from the CAA for ACL staff cost reimbursement are pending.

Uses of the Cleanup and Abatement Account Funds

The Regional Boards and other public agencies may apply for CAA funds for special water quality improvement projects under Water Code sections 13442 and 13443. Public agencies may apply, with a supportive Regional Board

resolution, for CAA funds to assist in cleaning up a waste or abating its effects on waters of the state. Regional Water Boards may apply for CAA funds to remedy a significant unforeseen water pollution problem. CAA funds are also allocated to the Regional Board for site cleanup activities. In addition, Regional Water Boards may be eligible for reimbursement of their expenditures incurred obtaining court ordered fines or ACLs that are deposited in the CAA. Such reimbursed funds may be used for activities other than cleanup and abatement of wastes.

Because the CAA can be used to fund projects that cleanup or abate the effects or potential effects of waste on waters of the state, the CAA is an alternative funding source for many water quality improvement projects that might otherwise be proposed for SEPs. Staff anticipates increased interest from public agencies in accessing CAA funds because of local budget constraints and the new State Board SEP policy, which may be perceived as potentially increasing SEP oversight costs.

4. Orange County Water Summit (*Robert Morris*) (*Attachment B-4*)

The 2009 Orange County Water Summit, which was held in Anaheim on May 15th, provided an opportunity for local, state, and federal water agency officials to discuss the challenges of ensuring adequate future water supplies in Southern California. The Summit began with a panel discussion about the possible consequences if timely action is not taken soon to address the challenges, such as drought, climate change, and water restrictions, is having on water supply in the State. As part of the panel, a representative from the Victoria Environmental Protection Agency in Australia described the hardship that a 12-year drought is having on the lives of the people in his country. The speaker noted that there are many similarities between the water supply conditions in California today and those in Australia ten years ago. It was pointed out that the April 2009 issue of *National Geographic* has an article on the situation in Australia.

Other panels discussed the effects that current water restrictions in the Central Valley are having on California's agricultural economy, the impacts of water shortages on business, and the short and long term actions being taken in Orange County to invest in the development of local supplies. A panel discussion on the status of the California State Water Project, San Joaquin - Sacramento Bay Delta, and protection of native habitat was reported on by the Orange County Register. (*Attachment B-4*)

The presentations at the Orange County Water Summit accentuated the importance of reducing the dependency on imported water. Staff from the Groundwater Basins Branch received valuable information at the Summit to support future efforts to promote the use of recycled water and urban runoff.

5. Proposed Gregory Canyon Landfill Update (*Carol Tamaki and Julie Chan*)
(Attachment B-5)

The Olivenhain Municipal Water District (OMWD) informed the Regional Board and other interested parties of its decision not to provide recycled water to the proposed Gregory Canyon Landfill in a letter dated May 14, 2009 (attachment B-5a). The Recycled Water Addendum to the County of San Diego's Final Certified Environmental Impact Report for the project clearly indicates that the OMWD would provide all of the recycled water to support the proposed landfill. The Final EIR available on-line at http://www.sdcountry.ca.gov/deh/waste/chd_gregory.html.

Given OMWD's decision, it appears that further consideration of the water supply issue in a revised California Environmental Quality Act (CEQA) evaluation may be necessary. In an letter dated June 1, 2009 (attachment B-5b), the Executive Officer requested that the County of San Diego (County) provide the Regional Board with an estimate of the timeline to complete the documents and procedures necessary for compliance with the CEQA in light of the OMWD's decision.

The Regional Board cannot consider adoption of the tentative waste discharge requirements (WDRs) for the proposed landfill until the CEQA process is complete. Consistent with its public notice, the Regional Board will continue to receive public comments on the tentative waste discharge requirements until July 12, 2009. The public hearing on the WDRs, however, will not be scheduled until the County completes its CEQA process.

6. Corrective Actions at the Bonsall Landfill (*Cheryl Prowell*)

The County of San Diego has proposed upgrading the landfill cover, the storm water conveyance system, and landfill gas extraction system to address a release of waste constituents from the closed Bonsall Landfill that has polluted the underlying groundwater. The Bonsall Landfill, located on the southeast corner of the intersection between Gopher Canyon Road and Twin Oaks Valley Road in Bonsall, contains approximately 1.8 million tons of municipal solid wastes. The landfill was operated by the County of San Diego (County) from 1968 to 1985. The County's proposals for corrective action are contained in an amended Report of Waste Discharge submitted to the Regional Board on April 30, 2009, in compliance with Investigation Order No. R9-2008-0097. The Amended Report of Waste Discharge is also needed to comply with corrective action requirements of Title 27 California Code of Regulations. The ROWD is incomplete because it does not contain required components, including a public participation plan and a list of contaminants of concern. The County is continuing to delineate the groundwater pollution and must submit a revised ROWD by September 30, 2009. The ROWD is available via the GeoTracker database on-line at: www.geotracker.waterboards.ca.gov Site ID L10001753716.

7. Integrated Regional Water Management Region Acceptance Process Update (Laurie Walsh)

The Region Acceptance Process (RAP) is a component of the Department of Water Resources (DWR) 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. 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 is participating in the group review of RAP applications that began in May 2009. Within the San Diego Regional Board boundary, RAP applications were received from the San Diego County Water Authority on behalf of the San Diego Regional Water Management Group, County of Orange on behalf of the South Orange County Watershed Management Area, and Rancho California Water District on behalf of the Upper Santa Margarita Planning Area Regional Water Management Group. Group Interviews are scheduled from May 26th through July 7th, 2009. Final decisions on IRWM regions will be made by DWR after interviews are complete.

8. Regional Harbor Monitoring Program (Bruce Posthumus)

The Regional Harbor Monitoring Program (RHMP) was initiated in response to a July 24, 2003 letter issued by the Executive Officer pursuant to California Water Code Section 13225. As indicated in that letter, existing harbor monitoring efforts at the time did not provide information on overall water quality status and trends in individual harbors and did not provide the ability to compare water quality conditions between harbors or portions of harbors. The RHMP is intended to rectify such shortcomings by addressing the following questions, as a minimum:

- What are the contributions and spatial distributions of inputs of pollutants to harbors in the San Diego Region and how do these inputs vary over the long term?
- Are the waters in the harbors safe for body contact activities?
- Are fish in the harbors safe to eat?
- Do the waters and sediments in the harbors sustain healthy biota?
- What are the long-term trends in water quality for each harbor?

Waters to which the RHMP is intended to apply and the agencies with primary responsibility for managing those waters are as follows:

Dana Point Harbor	County of Orange
Del Mar Boat Basin	United States Marine Corps
Oceanside Harbor	City of Oceanside
Mission Bay	City of San Diego
San Diego Bay	San Diego Unified Port District

These agencies and the municipal storm water permittees with jurisdiction in the watersheds of these waters are responsible for implementing the RHMP. To date, the Marine Corps has not participated in the RHMP.

RHMP includes both core monitoring and special studies. The core monitoring focuses on the following five types of areas (strata): freshwater influenced, marinas, industrial/port, shallow water, and deep water. A three-year pilot monitoring effort was conducted by the RHMP starting in 2005. Additional monitoring was conducted by the RHMP in 2008. A report of the results of the 2008 monitoring is scheduled for completion and submittal in the fall of 2009.

9. Beach Water Quality Monitoring (*Bruce Posthumus*)

Since 1999, county health departments have been required to monitor waters at certain coastal beaches for microbiological indicators during the period from April 1st through October 31st and to close and/or post notifications at those beaches if bacterial indicator standards are not met. These requirements, which were established by Assembly Bill 411 (AB 411), apply only if the State provides sufficient funding to carry out such activities. As previously reported in Executive Officer reports for November 2008, February, and April 2009, funding for this program was eliminated from the State budget for fiscal year 2008-2009 by the Governor's line item veto. The State Water Resources Control Board (SWRCB) agreed to provide funding for continuation of such activities, but the funding to be provided by the SWRCB was to have come from state bond funds, and expenditures of these funds were frozen in December 2008.

As of the latter part of April 2009, the freeze on the state bond funds was lifted. As of mid-May 2009, the SWRCB had entered into an agreement with the Department of Public Health (DPH) whereby the SWRCB would provide funding for AB 411 beach water quality monitoring activities to DPH and DPH would contract with individual counties to conduct such activities. This funding would cover such activities through June 2010. More information on AB 411 can be found at: http://www.leginfo.ca.gov/pub/97-98/bill/asm/ab_0401-0450/ab_411_bill_19971008_chaptered.pdf

Information on the California Clean Beaches Program can be found at: http://www.waterboards.ca.gov/water_issues/programs/beaches/beach_water_quality/beaches_program.shtml and at http://www.waterboards.ca.gov/water_issues/programs/beaches/beach_water_quality/index.shtml

10. Tijuana River Valley Recovery Team Update (*Michael McCann*) (*Attachment B-10*)

On the May 29 the Policy Committee of the TJR Valley Recovery Team reviewed the Recovery Team's first written update (attachment B-10) and acknowledged support of from Open Oceans Global, a non-profit organization providing assistance to the Recovery Team. The US Bureau of Reclamation was

represented at the meeting along with representatives from USD's School of Peace Studies. More information on the Recovery Team can be accessed on its website: www.tjriverteam.org

On June 2 in Sacramento, the SWRCB approved the use of Cleanup and Abatement Account funds--\$700,000--for the County of San Diego's proposed Phase I of the Trash and Sediment Deposition Study in the valley. The Regional Board on March 11, 2009 approved the submittal of this request for the funding to the SWRCB.

11. Lake San Marcos Voluntary Study (*Chiara Clemente*)

In response to discussions with residents of San Marcos who are concerned about the water quality of Lake San Marcos, the Regional Board staff has initiated a number of meetings to engage in a voluntary study of Lake San Marcos. The objectives of the study would be to identify water quality contamination issues in the Lake, determine the sources of pollutants, and make recommendations on remedial measures necessary to restore beneficial uses and objectives in the Lake. Lake San Marcos is 303(d) listed for ammonia (as Nitrogen), phosphorous, and nutrients. The TMDL for these impairments is currently scheduled for 2018.

Regional Board staff has offered to request matching funds from the SWRCB Cleanup and Abatement Account if the stakeholders can cooperatively agree on the study scope, oversight, cost-sharing, and outcome. To date, meeting participants include the City of San Marcos, the County of San Diego, Vallecitos Water District, La Jolla Development Corporation, Surfrider/Coastkeeper, the Lake San Marcos Community Association, and individual members of the Lake San Marcos community. Staff has recently invited the City of Escondido, North County Transit District, and CSU San Marcos, also dischargers to Lake San Marcos, to participate.

The US Bureau of Reclamation has provided the Regional Board with staff resources in the form of a 1-month detail, focused on a water quality and water rights assessment of Lake San Marcos. Amy Campbell, a Water Resource Planner from the Bureau of Reclamation, concluded her detail on June 5, 2009. During her detail, Ms. Campbell was tasked with compiling historical information and existing water quality data (from the Regional Board and the dischargers) into a compendium document to be used for assessing the baseline water quality conditions of the Lake. Ms. Campbell also had the opportunity to conduct interviews, site visits, photo documentation, and water quality sampling at the Lake.

Lake San Marcos is a privately owned man-made lake, dammed in 1953 for agricultural irrigation purposes. It is currently owned by the La Jolla Development Corporation and is used by the surrounding community for recreational and aesthetic purposes.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. The Surface Water Ambient Monitoring Program (SWAMP) Report on Contaminants in Fish from Lakes in California (*Benjamin Tobler and Cynthia Gorham-Test*)

The State Water Board has released a report, ***Contaminants in Fish from California Lakes and Reservoirs*** (Lakes Survey), which presents initial results from an extensive statewide survey conducted by SWAMP. A press release, fact sheet and FAQs were part of the release package. The monitoring indicates that concentrations of mercury in indicator species are above human health thresholds across much of the state. Polychlorinated Biphenyls (PCBs) were second to mercury in exceeding thresholds, although far fewer lakes reached concentrations that pose potential health risks. Concentrations of other pollutants were generally low and infrequently exceeded thresholds.

The report presents findings from the first year of a two-year study. This Lakes Survey marks the beginning of a new program that will track sport fish contamination in California lakes, rivers, streams, and coastal waters.

The Lakes Survey sampled more than 200 of the most popular fishing lakes in the State and also conducted a random sampling of 50 of California's other 9,000 lakes to provide a statistical statewide assessment. This survey is a preliminary screening of contamination in sport fish from these lakes. The species selected for sampling are known to accumulate high pollutant concentrations and are good indicators of contamination problems. This study is not providing consumption advice - which would require more detailed monitoring (with a broader array of species and larger numbers of fish analyzed) and a much higher level of funding.

The report presents results from monitoring in 2007 in which the study team collected over 6,000 fish from 150 lakes and reservoirs. The team sampled an additional 130 lakes in 2008. Results from this second round of sampling will be available in 2010. Fish tissue concentrations were evaluated using thresholds developed by the California Office of Environmental Health Hazard Assessment (OEHHA) for methylmercury, PCBs, dieldrin, DDTs, chlordanes, and selenium.

Lakes were considered clean if all average pollutant concentrations in all species were below all OEHHA thresholds. For this comparison, individual composite samples were used. If any one composite from a lake was above a threshold, it was disqualified from the clean category. Only 15% of the lakes sampled in 2007 were in the clean category. In general, high elevation lakes, where trout were caught, had the lowest levels of contaminants in this statewide study. Low elevation lakes in Northern California had the highest mercury concentrations, while low elevation lakes in Southern California had the highest PCB

concentrations. In the southern Regions, all five lakes included in the Lake Study, namely Hodges Reservoir, Loveland Reservoir, Lower Otay Reservoir, San Vicente Reservoir, and Sweetwater Reservoir, were disqualified from the clean category.

This data will be assessed in the next 303(d) listing cycle. The Region 9 SWAMP Team is considering whether additional sampling should be conducted in order to gather sufficient data for fish consumption advisories at lakes that were high in contaminants, but do not currently have advisories in place.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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

June 10, 2009

APPENDED TO EXECUTIVE OFFICER REPORT

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%	95%	95%	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	
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
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	

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
7/1/2009	Ametek Inc. (<i>Laurie Walsh / John Anderson</i>)	ACL Settlement	NA	NA	95%	NA	Yes	Discharger has requested this be a consent item.
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	South Orange County Wastewater Authority MMP (<i>Jeremy Haas</i>)	ACL Order	100	NA	100	NA	No	Continuation of Board's consideration of MMP Order for \$204,000. Hearing was conducted and closed at May 13, 2009 meeting.
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	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
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	

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	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	75%	0%	No	Finalizing the decisions and drafting staff report underway. Planning on July 1 release for public review and comments.
8/12/2009	Initial Hearing -2008 Basin Plan Triennial Reivew (<i>Deborah Woodward</i>)	Hearing: Basin Plan Triennial Review	NA	0%	0%	0%	No	
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
8/12/2009	NASSCO / General Dynamics Corp. - Shipyard San Diego Bay (<i>Vicente Rodriguez</i>)	NPDES Permit Reissuance	100%	90%	80%	0%	No	NPDES Workplan FY 2007-08

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	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 Rescission	100%	100%	0%	0%	Yes	
September 9, 2009 Regional Board Meeting San Diego Regional Water Board Office								

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	Adoption Hearing - Tecolote Creek Bacti TMDL (<i>Amy Mecklenborg / Benjamin Tobler / Wayne Chiu</i>)	Hearing: TMDL Basin Plan Amendment	100%	100%	100%	0%	No	Combined with Bacti I, both set for June 15th public release for review and comments.
9/9/2009	Sweetwater Authority Groundwater Demineralization (<i>Michelle Mata</i>)	NPDES Permit Reissuance	0%	80%	0%	0%	No	
9/9/2009	Hubbs Research Facility Carlsbad - Agua Hedionda Lagoon (<i>Michelle Mata</i>)	NPDES Permit Reissuance	100%	80%	80%	50%	No	Pending receipt of information from Hubbs Res.
9/9/2009	CALTRANS - Buckmann Springs Rest Stop (<i>Fisayo Osibodu</i>)	New WDRs	70%	0%	0%	0%	Yes	
9/9/2009	Readoption Hearing - Revised Bacteria Impaired Waters TMDL Project I For Beaches And Creeks (<i>Wayne Chiu / Benjamin Tobler / Amy Mecklenborg</i>)	Hearing: TMDL Basin Plan Amendment	100%	100%	100%	0%	No	Revise TMDL for Bacti Indicators using Exceedance Days Approach. TMDL withdrawn by Regional Board in December 2008. Combined with Tecolote Bacti project; scheduled for public release June 15th.
9/9/2009	USMC Las Pulgas Landfill (<i>Amy Grove</i>)	WDRs Revision	30%	50%	0%	0%	Yes	Construction of new phase
<p>October 14, 2009 Regional Board Meeting San Diego Regional Water Board Office</p>								

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
10/14/2009	Adoption Hearing - 2008 Fed. Clean Water Act Sec. 303(D) List of Water Quality Segments (<i>Alan Monji</i>)	Adoption: CWA 303(d) WQ List	0%	0%	0%	0%	No	
10/14/2009	San Diego County Solid Waste Trust Fund (<i>John Odermatt</i>)	Information Item	NA	NA	NA	NA	No	Vicky Gallagher (SD County) will be invited to make a presentation to the Board and answer questions.
10/14/2009	Adoption -2008 Basin Plan Triennial Reivew (<i>Deborah Woodward</i>)	Adoption - Basin Plan Triennial Review	0%	0%	0%	No	No	
November 10, 2009 Regional Board Meeting San Diego Regional Water Board Office								
11/10/2009	Dynegy South Bay LLC, South Bay Power Plant Discharge to San Diego Bay (<i>Vicente Rodriguez</i>)	NPDES Permit Reissuance	100%	75%	20%	0%	No	
Unscheduled								
Unscheduled	Ocean Discharger Receiving Water Monitoring Program Updates (<i>Bruce Posthumus</i>)	NPDES Permit Revisions	NA	50%	0%	0%	No	

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
Unscheduled	NPDES Permit Rescissions-- Frank J. Konyon Dairy, Van Ommering Dairy, Tom Van Tol Dairy, (Michelle Mata)	NPDES Permit Rescission	0%	0%	100%	50%	No	
Unscheduled	Proposed Gregory Canyon Landfill - North San Diego County (Carol Tamaki / Bob Morris)	Hearing: New WDRs	100%	100%	100%	0%	No	Postponed indefinitely pending outcome of CEQA issue.

March 2009 - Public Sanitary Sewer Overflows in Region 9

Responsible Agency	Collection System	Total Number of SSO locations	Total Vol of SSOs (gal)	Total Vol Recover (gal)	Total Vol Reach Surface Water	Percent Recover	Percent Reach Surface Water	Miles Pressure Sewer	Miles Gravity Sewer	Miles of Laterals	Total Number of SSO locations per 100 miles of Sewer	Tot Vol of SSOs Reach Surface Water per 100 miles of Sewer
CARLSBAD MWD	Carlsbad MWD CS	3	210	190	10	90	4	4.8	282	1	1	3.4
La Mesa City	City Of La Mesa CS	3	1,105	600	0	54	0	0	155	0	1.9	0
Laguna Beach City	City Of Laguna Beach CS	1	20	20	0	100	0	4.5	95	0	1	0
Moulton Niguel Water District	Moulton Niguel Water District CS	1	750	0	750	0	100	20	510	0	0.1	141.5
Padre Dam Municipal Water District	Padre Dam CS	1	25	25	0	100	0	5	161	0	0.6	0
SOLANA BEACH, CITY OF	City Of Solana Beach CS	1	10	10	0	100	0	2	39	0.1	2.4	0
San Diego City	San Diego City CS	6	2,025	365	1,660	18	81	139	2,991.00	2,000.00	0.1	32.3
US Marine Corps Camp Pendleton ROICC	Usmc Base, Camp Pendleton CS	2	48,415	6,000	42,415	12	87	32	104	80	0.9	19,636.50
		18	52,560	7,210	44,835			207.3	4,337.00	2,081.10		

April 2009 - Public Sanitary Sewer Overflows in Region 9

Responsible Agency	Collection System	Total Number of SSO locations	Total Vol of SSOs (gal)	Total Vol Recover (gal)	Total Vol Reach Surface Water	Percent Recover	Percent Reach Surface Water	Miles Pressure Sewer	Miles Gravity Sewer	Miles of Laterals	Total Number of SSO locations per 100 miles of Sewer	Tot Vol of SSOs Reach Surface Water per 100 miles of Sewer
La Mesa City	City Of La Mesa CS	1	400	400	0	100	0	0	155	0	0.6	0
Laguna Beach City	City Of Laguna Beach CS	2	80	40	30	50	37	4.5	95	0	2	30.1
Oceanside PWD	La Salina WWTP, Oceanside Ofll CS	1	280	0	280	0	100	39	450	0	0.2	57.2
SOLANA BEACH, CITY OF	City Of Solana Beach CS	1	2,030	1,100	930	54	45	2	39	0.1	2.4	2,262.70
San Diego City	San Diego City CS	4	1,360	1,115	245	81	18	139	2,991.00	2,000.00	0	4.7
San Diego Cnty	County Of San Diego CS	2	2,450	450	2,000	18	81	4	371	0	0.5	533.3
US Marine Corps Camp Pendleton ROICC	Usmc Base, Camp Pendleton CS	1	1	1	0	100	0	32	104	80	0.4	0
Vista City	City Of Vista CS	1	380	380	0	100	0	0.2	229.1	0	0.4	0
		13	6,981	3,486	3,485			220.7	4,434.10	2,080.10		

March and April 2009 - Private Lateral Sewage Discharges in Region 9

Reporting Agency	Collection System	Total Number of PLSD locations	Total Vol of PLSDs (gal)	Total Vol Recover (gal)	Total Vol Reach Surface Water	Percent Recover	Percent Reach Surface Water	Miles Private Lateral	Total Number of PLSD locations per 100 miles of Sewer	Tot Vol of PLSDs Reach Surface Water per 100 miles of Sewer
CARLSBAD MWD	Carlsbad MWD CS	3	456	2,015	0	441	0	124	2.4	0
Chula Vista City	City Of Chula Vista CS	2	1,200	750	450	62	37	0	0	0
EL CAJON, CITY OF	City Of El Cajon CS	3	245	85	160	34	65	189	1.5	84.6
Encinitas City	City Of Encinitas CS	1	25	0	25	0	100	98	1	25.5
Fallbrook Public Utility Dist	Fallbrook Plant 1, Oceanside of CS	1	50	50	0	100	0	18	5.5	0
Laguna Beach City	City Of Laguna Beach CS	3	80	35	30	43	37	102	2.9	29.4
Padre Dam Municipal Water District	Padre Dam CS	1	68	0	68	0	100	160	0.6	42.5
San Clemente City	City Of San Clemente CS	1	300	50	250	16	83	0	0	0
San Diego City	San Diego City CS	4	1,407	955	452	67	32	4,049.00	0.1	22
Santa Margarita WD	Santa Margarita Water District CS	1	100	0	100	0	100	331	0.6	60.2
South Coast County Water District	South Coast Water District CS	1	50	50	0	100	0	150	0.6	0
Vallecitos Water District	Meadowlark CS	1	1	0	0	0	0	265	0.3	0
Vista City	City Of Vista CS	2	40	40	0	100	0	151.5	1.3	0
		1	50	20	30	40	60	102	0.9	29.4
		25	4,072	4,050	1,565			5,739.50		

The Orange County Register

Thursday, January 24, 2008

**San Juan Capistrano
shuts well where
banned chemical
found**

**Gas additive MTBE linked to
decade-old leaks at 2 nearby
Chevron stations.**

By SEAN EMERY and VIK JOLLY
The Orange County Register

SAN JUAN CAPISTRANO – The discovery of trace amounts of a now-banned fuel additive prompted city officials Thursday to shut down one of the six city wells that feed into the community's groundwater recovery plant.

The discovery of the additive – called methyl tertiary butyl ether, or MTBE – in the well marks the first time that a more than decade-old leak at two Chevron stations has been found to have entered the city's water system.

MTBE was once added to gasoline throughout the state to help reduce air pollution. It was banned in 2003, but not before it leaked from underground storage tanks statewide, in some cases contaminating water supplies.

San Juan officials stressed that the MTBE level is still "way below" one that would pose a threat to public health, but said the shutdown is a proactive step to quell public concern.

"As miniscule as the MTBE may be, any trace of MTBE in our groundwater is

unacceptable," Mayor Joe Soto said. "Our staff will ensure that Chevron's feet are held to the fire on this thing."

The leaks, at the intersections of Camino Capistrano and Del Obispo and Ortega Highway and the I-5, occurred during the late '80s, according to Chevron representatives, when the MTBE entered an aquifer under the stations.

The aquifer was not used for drinking water at the time of the leaks, but two wells were dug nearby during construction of the city's groundwater recovery plant in 2004.

Richard Sanchez, director of environmental health with the Orange County Health Care Agency, said that the county has 418 cases of chemical leaks from storage tanks, about 375 of them MTBE, undergoing cleanup. The agency has handled more than 2,000 cases of leaks from tanks involving a variety of chemicals since 1984, he said.

"It's very common for underground tanks to leak," Sanchez said.

The chemical is considered a possible carcinogen. But even at levels too small to be a likely cancer threat, it can lend a foul smell and odor to drinking water.

The first signs of groundwater contamination in Orange County turned up in 1995, though drinking water hasn't been affected. But in Santa Monica, 75 percent of municipal drinking water wells were contaminated. The problem also plagued South Lake Tahoe and other communities.

In the late 1980s, underground storage tanks were reinforced and new technology enabled leak detection systems to be installed.

While Chevron officials say they reported the situation to the county health care agency at the time of the spill, city leaders are angry that they didn't learn of the leaks until last year. City leaders in May hired a consulting firm to oversee Chevron's cleanup efforts, which involve the installation of monitoring wells to track the movement of the MTBE plume.

Sanchez said the city was notified of the leak when the plume approached city-owned wells earlier last year. "We've been monitoring the movement of a plume underground," he said.

The first confirmed MTBE detection was found Jan. 9 at the dance hall well, near the Old Hot Springs Dance Hall at the south end of Paseo Adelanto, city officials said.

The maximum contaminant level allowed under state and federal environmental standards is 13 micrograms per liter, officials said, with a contaminant level of 5 micrograms per liter considered safe to drink but aesthetically unappealing. The contaminant level at the dance hall well is 1.3 micrograms per liter, officials said.

"I understand they are going ahead and taking that action, but it is a surprise to us," Chevron Spokesman Juan Garcia said of the decision to close the well. "Right now it is at levels that pose no human health risk whatsoever."

The City Council on Feb. 5 will get an update on Chevron's cleanup efforts. The meeting is at 6:30 p.m. at City Hall, 32400 Paseo Adelanto.

Contact the writer: 949-454-7329 or semery@ocregister.com

Enclosure 1

Board of Directors
 Edmund K. Sprague, President
 Robert F. Topolovac, Vice President
 Mark A. Muir, Treasurer
 Jacob J. Krauss, Secretary
 Susan J. Varty, Director



Municipal Water District

50 Years of Pure Excellence

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General Manager
 Kimberly A. Thorner, Esq.
 General Counsel
 Wesley W. Peltzer, Esq.

May 14, 2009

RE: Olivenhain MWD Recycled Water Agreement with Gregory Canyon

Dear Interested Party:

Thank you for previously contacting the Olivenhain Municipal Water District (OMWD) to express your concerns about the proposed establishment of a pick-up point in your neighborhood from which OMWD could supply recycled water for use at the proposed Gregory Canyon Landfill site. I am writing to follow up on my commitment to inform you of any further developments in this manner relative to OMWD.

After considering the views expressed by residents in your neighborhood, and water quality concerns raised by neighboring water districts, the OMWD Board of Directors decided yesterday that:

- OMWD will not establish a pick-up point for recycled water in your area,
- OMWD will not provide recycled water to Gregory Canyon; and,
- OMWD will not be engaging in future conversations about supplying recycled water to Gregory Canyon.

The OMWD Board takes no position on the Gregory Canyon project itself, and continues to support the expanded use of recycled water.

Thank you again for contacting OMWD. Please contact us again if issues of concern to you arise.

Sincerely,

Kimberly A. Thorner
 General Manager



1966 Olivenhain Road • Encinitas, CA 92024
 Phone (760) 753-6466 • Fax (760) 753-1578 • www.omwd.com





California Regional Water Quality Control Board

San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

June 1, 2009

Certified Mail – Return Receipt Requested
Article Number: 7009 0080 0000 7308 0875

Mr. Gary Erbeck, Director
Department of Environmental Health
County of San Diego
1255 Imperial Avenue, 3rd Floor
San Diego, CA 92112

In reply refer to:
227954:ctamaki

Dear Mr. Erbeck:

SUBJECT: COMPLETENESS OF CEQA EIR FOR PROPOSED GREGORY CANYON LANDFILL

The Olivenhain Municipal Water District (OMWD) recently issued a letter dated May 14, 2009 (copy enclosed), which states that OMWD will not provide recycled water for use at the proposed Gregory Canyon Landfill.

The Addendum to the County of San Diego's Certified Final Environmental Impact Report (Recycled Water Addendum)¹ clearly indicates that the OMWD will provide all of the recycled water to support the proposed landfill.

The decision by the OMWD, not to provide recycled water for the proposed landfill project, appears to make the existing Final Certified EIR an incomplete and inaccurate assessment of the proposed project. The California Regional Water Quality Control Board, San Diego Region (Regional Board) is a responsible agency under the California Environmental Quality Act (CEQA) with respect to the landfill project and cannot act on adoption of waste discharge requirements until the CEQA process is complete.

The Regional Board is currently in the process of establishing waste discharge requirements for the proposed landfill. The Regional Board has already convened two public workshops, and issued tentative waste discharge requirements (tentative Order) for public review and comment for the proposed landfill project. The public comment period for the tentative Order ends on July 12, 2009, and the anticipated Regional

¹ Addendum to the Certified Environmental Impact Report (Recycled Water Addendum), State Clearinghouse No. 1995061007, San Diego County DEH Environmental Log No. ER 98-02-025, dated July 2008 available on-line at http://www.sdcounty.ca.gov/deh/waste/chd_gregory.html

California Environmental Protection Agency

June 1, 2009

Board meeting for adoption is October 14, 2009. The Regional Board is required to rely upon the information certified by the County in the Final Certified Environmental Impact Report (EIR) for compliance with (CEQA), including the Recycled Water Addendum.

Given the recently issued letter by the OMWD, it appears that further consideration of the water supply issue in a revised CEQA evaluation may be necessary. I request that the County of San Diego provide an estimate of when it intends to address the issue of water supply for the proposed landfill, and the timeline to complete the documents and procedures necessary for compliance with CEQA.

The Regional Board intends to continue the waste discharge requirement process at least through July 12, 2009 when public comments are due. The Regional Board's resumption of the process after July 12, 2009 will depend on the schedule followed by your agency to complete CEQA for the proposed landfill.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter.

For questions pertaining to the subject matter, please contact Ms. Carol Tamaki at (858) 467-2982 or via e-mail at ctamaki@waterboards.ca.gov.

Sincerely,

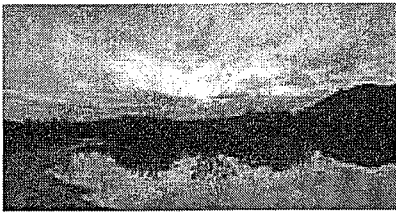


JOHN H. ROBERTUS
Executive Officer

Enclosure: Olivenhain Municipal Water District letter dated May 14, 2009

cc: Mr. Jerry A. Riessen, President, Gregory Canyon Ltd., LLC, 3 Embarcadero Center, Suite 2360, San Francisco, CA 94111 (w/encl)

Ms. Rebecca Lafreniere, Supervising Environmental Health Specialist, County of San Diego Solid Waste Local Enforcement Agency, 9325 Hazard Way, San Diego, CA 92123 (w/encl)



Tijuana River Valley Recovery Team

The River Team Update

June 5, 2009

June 5, 2009

Lots of good work is underway as we move into June. First, our ability to provide you with information about the work of the River Team is evolving as evidenced by this newsletter and the growth of information on the web site, now including a photo gallery at www.tjriverteam.org.

Second, we really gathered together as a team to meet an April 6 deadline to submit two grant applications to NOAA. We are hopeful that our applications will be perceived as strong ones. The first is a \$9.5 million proposal will help put shovels to work removing existing trash and stopping trash from entering the valley. If that work is funded, we can move forward with plans to do the same for unwanted sediment. Another grant called for the removal of non-native vegetation. The efforts of the City, County, SIO, SDSU, and SWIA to submit these grants was phenomenal, and the support letters that were generated in a matter of days was even more phenomenal. We now have on record letters from 15 different agencies, including those from federal, state and local elected officials, various agencies, and the Governor's California/Mexico Border Relations Council,

Much more work needs to be done. One of the topics that was discussed at the recent River Team Policy Committee meeting was how our collaboration should be structured. Concepts from conservancies, to JPAs, to just doing what we are doing were discussed. The consensus seemed to be that simply letters from various agencies formalizing their participation in the River Team collaboration might be the best strategy, so as not to distract from the real work we are doing and need to do. What do you think? Please let us know!

*John Robertus and Carl Nettleton
Co-Chairs, The River Team*

Governor's California/Mexico Border Relations Council Tours Valley; River Team Presents the Plan

On April 14, 2009, the River Team was invited to make a presentation to the Governor's California/Mexico Border Relations Council.

The Council consists of six of the Governor's Cabinet members: Linda Adams, Secretary of the California Environmental Protection Agency (Council Chair), Mike Chrisman, Secretary of the Resources Agency; Kim Belshe, Secretary of the Health and Human Services Agency; Dale Bonner, Secretary of the Business, Transportation and Housing Agency; A.G. Kawamura, Secretary of the Department of Food and Agriculture, and Matthew Bettenhausen, Secretary, California Emergency Management Agency.

As part of the day's activities, the Council toured the valley to see conditions first-hand and, following a presentation by Co-Chairs John Robertus and Carl Nettleton, unanimously offered to send a letter supporting the River Team's application for a NOAA Coastal Habitat Restoration Grant. The Council asked to be kept apprised of the River Team's work and to report back at future meetings.

Of interest, each of the members of the Council have an important perspective that can contribute to the River Team's efforts. Whether it is agriculture, homeland security, transportation, human health, solid waste, water quality, or natural resources, all of these considerations are present in or adjacent to the valley.

www.tjriverteam.org



River Team member Clay Phillips led the Governor's California/Mexico Border Relations Council on a tour of the Tijuana River Valley.

River Team Gains \$700,000 Water Resources Board Grant

A \$700,000 application for a State Water Resources Board cleanup and abatement grant was approved by the State Board on June 2. The grant for the Tijuana River Valley Trash/Sediment Transport and Deposition Study was awarded to the County of San Diego to expand the \$100,000 characterization study funded by the California Integrated Waste Management Board (see page 2). Additional work will include mapping the valley and providing a baseline for integrating cleanup up work with ultimate restoration.

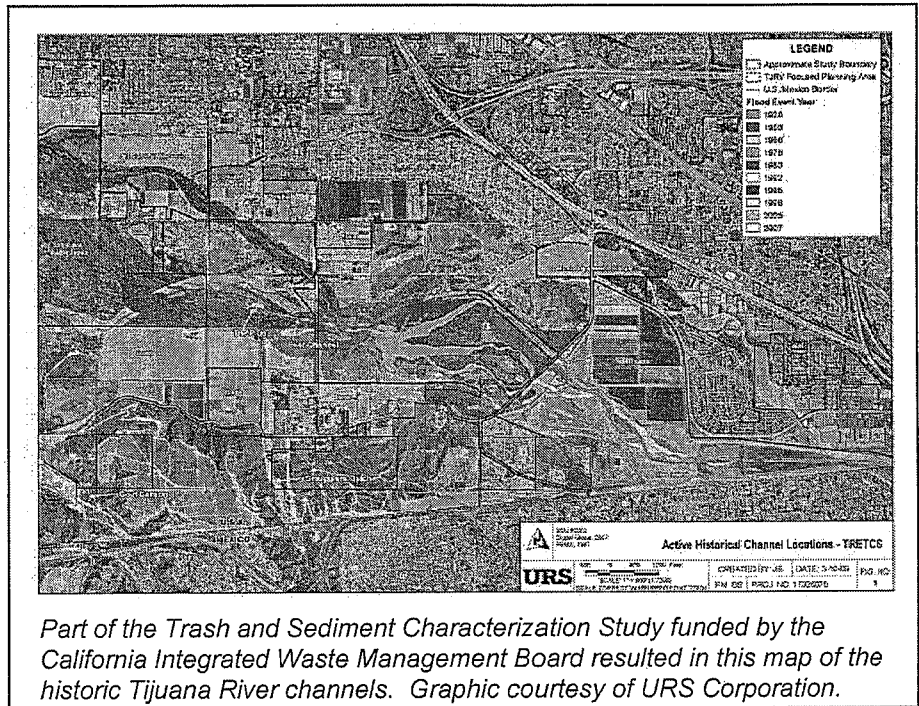
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Action Teams	page 4
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Grants Update

NOAA Grant Applications

After being alerted to a NOAA Coastal Habitat and Restoration Grant, the River Team moved into action. Tony Heinrichs, chair of the Border Action Team, took the lead in a multi-agency \$9.5 million grant coordination effort that included trash capturing devices in Goat Canyon and Smugglers Gulch, a County-led effort to sweep the valley and remove all surface trash, a trash collection and sorting center, and a science monitoring component managed by SDSU and Scripps Institution of Oceanography. City of San Diego Stormwater Department Director Heinrichs utilized a URS Corporation contract with the City that allowed the grant application to be completed by the April 6 deadline. The Southwest Wetland Interpretive Association also submitted a compatible grant to restore portions of the Tijuana River Estuary Research Reserve. Grant awardees are expected to be announced in mid-to-late June



Part of the Trash and Sediment Characterization Study funded by the California Integrated Waste Management Board resulted in this map of the historic Tijuana River channels. Graphic courtesy of URS Corporation.

CIWMB Characterization Study

Work on a \$100,000 trash and sediment characterization study, funded by the California Integrated Waste Management Board, is scheduled to be completed in June. A URS Corporation team is working in cooperation with the County to assess and estimate the location and amount of trash and anthropogenic sediment in the valley. Part of the work includes mapping the historic river channels in the valley (see photo above).

Goat Canyon Sediment Basin and Trash Nets

Implementation of a \$250,000 California Integrated Waste Management Board grant to pilot trash nets in the Goat Canyon sedimentation basin and to clear the sediment out of the basin in time for the rainy season is waiting for final permitting. (See drawings of the proposed boom installations at bottom right.)

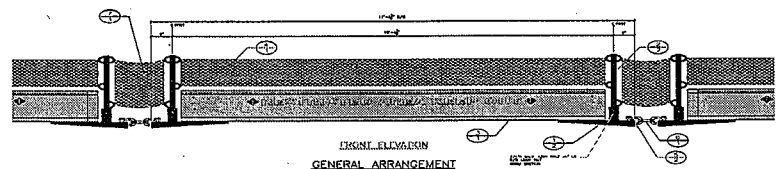
Sediment Fate and Transport Study

The Sediment Fate and Transport Study which intends to determine if sand from the Goat Canyon sedimentation basins can be safely placed on Border Field State Park beaches has been delayed by the state bond freeze. Because baseline work had been started, was stopped, and now must be started again, an additional \$500,000 must be found for the project to move forward. The California Coastal Conservancy funded both the Goat Canyon sedimentation basin and the Fate and Sediment Study. Karen Bane, the Coastal Conservancy's coordinator for the Southern California Coastal Wetlands Project, made a presentation of the issue to the San Diego Association

of Government's Shoreline Preservation Group on June 4.

BECC Grant Opportunity

Another grant opportunity has been announced by the Border Environmental Cooperation Commission. The grants are offered in cooperation with the U.S. EPA Border 2012 program, and priorities include pilot projects that reduce trash and sediment loading in rivers, improving environmental health, and improving monitoring of flow and pollution in the Tijuana River. The Bi-National Action Team is working on an RFP to meet the June 30 deadline.



A net like the one above would be stretched across the Goat Canyon sediment basin to test the ability to capture trash and to assess the amount and type of trash entering the valley via the canyon. Graphic courtesy of California State Parks.

So What's News in the Valley?

Pete Silva Named to Top U.S. Water Post

Metropolitan Water District of Southern California Senior Advisor Pete Silva has been named Assistant Administrator for the U.S. Environmental Protection Agency's Water Office. Mr. Silva is very familiar with border water and wastewater issues. He is a civil engineer who has served as the vice-chair of the California Water Resources Control Board, as a member of the Board of the Border Environment Cooperation Commission (BECC), and as the BECC Deputy General Manager in Ciudad Juarez, Mexico. Mr. Silva also spent four years in charge of the IBWC San Diego Office and served on the San Diego Regional Water Quality Control Board. He began his career with the City of San Diego and was the Deputy Director for the City's Water Utilities Department and also was the City's Technical Border Affairs Liaison.

Channel 10 Story Focused on Ducheny Tire Legislation

SB 167, legislation by Senator Denise Ducheny, was the focus of an April 17, 2009, story on Channel 10. SB 167 requires the Integrated Waste Management Board to adopt a five-year plan, which is to be updated biennially, to establish goals and priorities for waste tire programs that include, among other things, specified border region activities, conducted in coordination with the California Environmental Protection Agency, related to waste tires in the California-Mexico border region. The bill was approved by the Senate 25 to 9 and now awaits hearings in the Assembly. Ben McCue of Wildcoast and Clay Phillips from California State Parks were both interviewed. A link to the Channel 10 story can be found at www.tjriverteam.org in the media section, along with other news about work in the valley.

CIWMB Agenda Included Waste Tire Study for the Border Region

Several items on the April 21 agenda for the California Integrated Waste Management Board (CIWMB) meeting addressed tire issues. The items included

a presentation of the "Final Report on the Waste Tire Study for The California Mexico Border Region."

The Life Cycle of a Tire

River Team member Christina Buchanan of the City of San Diego's Local Enforcement Agency has provided the River Team with a PowerPoint that describes the life cycle of a tire purchased in San Diego, sold to Mexico and abandoned and returned across the border into places like the Tijuana River Valley. The presentation is now available on the River Team web site.

Assemblymember Salas Introduces Conservancy Legislation

Assemblymember Mary Salas has introduced legislation that could be used to create a Tijuana River Valley Conservancy. AB 687 is a two-year spot bill intended to be helpful to the River Team as the collaboration considers whether and how to more formally organize the multiple agencies currently working together. Assembly member Salas' office is more than happy to meet with anyone who has questions or concerns regarding the bill. The Policy Committee discussed organizational structure issues at its April 24 meeting. A key focus of the discussion was a reminder not to let a focus on organization take away energy from the work currently moving forward.

Tijuana River Valley Cleanup Set for Saturday, June 6

The Tijuana River Citizens' Council is hosting the Second Tijuana River Valley Cleanup on June 6 from 9 a.m. until noon. The event begins at the Tijuana River Valley County Regional Park-Equestrian Staging Area. The event is also supported by Wildcoast, Surfrider San Diego, Tijuana River Valley Equestrian Association, REI, Patagonia, and Allied Waste. If the work of the River Team goes as hoped, these annual events will become a thing of the past. For now, they have become a primary way to remove trash from the valley, and the participating organizations and volunteers are to be

commended. Contact Kelly Keniston from the TRCC Steering Committee for information about how to participate in the cleanup: k.keniston@trcc-action.org.

River Team to Present at Good Neighbor Environmental Board

The River Team has been invited to make a presentation before the Good Neighbor Environmental Board on June 10 at the Sycuan Resort. The River Team presentation will be part of the panel titled "Water Issues in the California-Baja California Border Region." The panel will also include presentations on the City of Tijuana's wastewater system and Colorado River projects. The Good Neighbor Environmental Board is an independent federal advisory committee. Its mission is to advise the President and Congress of the United States on good neighbor practices along the U.S. border with Mexico. Its recommendations are focused on environmental infrastructure needs within the U.S. states contiguous to Mexico.

Web Site Update

The River Team web site has now been updated. New features include a photo gallery (still needs some work), updated presentations and calendars, the current list of Action Team action items, a map of historical Tijuana River channels, a presentation on the life cycle of a tire, updated action team rosters, current grant applications, meeting agendas, and stories in the media. We are still looking for links to and/or pdfs of historical studies, maps, etc. Thoughts on the web site are welcomed! Go to www.tjriverteam.org.

Pending Meetings

Quarterly Meeting of the River Team
Friday, June 26, 2009, 10 a.m. - noon
SDRWQCB

9174 Sky Park Court, Suite 100
San Diego, CA 92101

River Team People . . .

IBWC Names River Team Participants to Citizens Forum

The U.S. section of the IBWC has appointed ten new members to its Citizens' Forum, including three who have been active participants with the Tijuana River Valley Recovery Team. The purpose of the forum is to promote the exchange of information between the USIBWC and the community about the Commission's projects and related issues in San Diego County. A public meeting with the new board was held on April 16 at the Imperial Beach Community Room. The new members include Ben McCue, Coastal Conservation Program Manager for Wildcoast; Carolyn Powers, Chair of C.A.R.E.; and Oscar Romo, from the Tijuana River National Estuarine Research Reserve. All three have been active in helping to shape the work of the River Team, and Oscar chairs the Bi-National Action Team and sits on our Policy Committee. Congratulations to all!

Emerson to Seek Master's Degree

As some of you know, team member Sarah Emerson will be leaving The Tijuana River Estuary Research Reserve to obtain a Master's degree in International Environmental Policy at U.C. San Diego's School of International Relations and Pacific Studies. Sarah has been a great member of the River Team in her position of Community Outreach Coordinator of the Reserve and we wish her well! An active recruitment is underway to fill her position.

More Agency Representatives Join the River Team

Interest continues to build in the Tijuana River Valley Recovery Team as more agencies are represented. The initial fact sheet said that "more than 20" agencies are involved. The number of organizations who have participated or want to become part of the team now exceeds 30.

Mexican Agencies Join In

After the Border 2012 presentation in March three Mexican agencies raised

their hands to be part of the effort. They included Marcos Sarabia Rodelo, director of the City of Tijuana's Urban Planning Department, Sigfrido Pineda Popoca from the same department, Toribio Cuevas, director of the Comisión Estatal de Servicios Públicos de Tijuana (CESPT), and Robert Spinosa Mora from the Mexican Section of the IBWC.

More Federal, State and Local Agencies

Also joining the team were representatives from several federal, state and local agencies. They include Karen Bane from the California Coastal Conservancy who has a wealth of experience in Tijuana River Valley issues and joined in the Policy Committee meeting in April to provide input on conservancies. Amy Campbell from the Bureau of Reclamation has joined, in part to provide expertise on groundwater, as did Greg Cross from the City of San Diego's Water Department for the same reason.

Also joining the River Team are Ed de Mesa and Dan Sulzer from the Planning Division of the U.S. Army Corps of Engineers and Cesar Lopez from the San Diego County Water Authority.

Regulatory Representation

Prior to determining the scope of the April 6 NOAA grant application, a conference call was convened with several regulatory agencies to gain a sense of the permitting requirements. As a result of that meeting and other communications, relationships are developing with a number of representatives from the U.S. Fish and Wildlife Service, including Betty Grizzle, Don Brubaker, Slader Buck, Brian Collins, David Zoutendyk and Pat Gower. That same meeting included Lee McEachern from the California Coastal Commission. Also joining the team are Paul Schlitt, assigned from the California Department of Fish and Game.

More representatives are joining regularly, so please contact us if we have missed welcoming you!



The River Team Update

June 5, 2009

A publication of the
Tijuana River Valley Recovery Team

Our Vision:

A Tijuana River Valley free of historical trash and sediment, protected from future deposits of trash and sediment, restored to a sustained physical, chemical and biological integrity, and performing its hydrologic functions, while respecting the rights of current and future landowners and users.

Our Mission:

To bring together the governmental administrative, regulatory, and funding agencies in tandem with advice from the scientific community, the environmental community, and affected stakeholders to protect the Tijuana River Valley from future accumulations of trash and sediment, identify, remove, recycle or dispose of To existing trash and sediment, and restore the Tijuana River floodplain to a balanced wetland ecosystem.

Our Action Teams:

Border Action Team

Capturing and diverting cross-border trash and sediment.

Clean-up Action Team

Cleaning up trash and sediment in the river channel.

Restoration Action Team

Planning and implementing restoration of the river ecosystem.

Bi-National Action Team

Abating pollution at sources in the U.S. and Mexico.

For more information:

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