

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 80-17

APPROVING THE OVERVIEW WORK PROGRAM, CERTIFYING
THE 208 PHASE I PLAN, AND APPROVING THE PHASE II
WORKPLAN FOR THE UPPER NEWPORT BAY WATERSHED ELEMENT

WHEREAS:

1. On July 19, 1979, the State Board:
 - (a) conditionally approved all elements, except the Newport Bay element, of the 208 Phase I Plan prepared by the Southern California Association of Governments (SCAG); and
 - (b) indicated its intention to withdraw the 208 designation of SCAG for the Newport Bay Watershed.

This action was prompted because of the State Board's concern over the adequacy of the problem assessment in the Phase I Plan.

2. SCAG has developed and submitted to the State Board the following three separate work planning documents:
 - (a) Phase II Continuing Planning Program workplan, dated November 1979;
 - (b) Phase III Continuing Planning Program workplan, dated March 1980;
 - (c) Overview Work Program dated March 1980.
3. The March 1980 Work Program addresses the conditions of approval for the 208 Phase I Plan.
4. On April 14, 1980, the State Board conducted a public hearing to receive comments on the Overview Work Program and on the continued designation of SCAG for the Newport Bay Watershed.
5. The comments received at the April 14 hearing are generally supportive of the Overview Work Program and of continued designation of SCAG for the Newport Bay Watershed.
6. The State Board has reviewed the Overview Work Program and has considered the public comments thereon.
7. There are several deficiencies in the Overview Work Program that need correcting in order to address the Board's concerns and public comments. These deficiencies are set forth in Exhibit A of this resolution as conditions for approval.

8. The Overview Work Program identifies the following key milestones in Phase II to assess the performance of SCAG in meeting program objectives:

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| (a) Identification of and implementation commitments obtained from management agencies for all Phase II work by SCAG; | December 1980 |
| (b) Final Construction Activities BMPs submitted to the State Board; | December 1980 |
| (c) Part 1 of Agricultural Activities BMPs submitted to the State Board; | December 1980 |
| (d) Interim San Diego Creek Stormflow Sediment Control Plan submitted to State Board; | December 1980 |
| (e) San Diego Creek System Sedimentation Analysis submitted to State Board; | December 1980 |
| (f) San Diego Creek Sediment Control System Alternatives Conceptual Analysis submitted to State Board. | December 1980 |

THEREFORE BE IT RESOLVED:

1. That the State Board approves the March 1980 Overview Work Program as modified in Exhibit A.
2. That SCAG is directed to update the November 1979 Phase II workplan to be consistent with the March 1980 Overview Work Program as modified in Exhibit A.
3. That the November 1979 Phase II workplan is approved provided the changes in (2) above are made by May 16, 1980.
4. That the State Board certifies the Newport Bay Watershed element of the Phase I 208 Plan prepared by SCAG.
5. That the State Board approval of the Overview Work Program and certification of the Newport Bay element is contingent upon development by SCAG of an implementation schedule for the construction best management practices and for the Interim Sediment Control Plan by January 1981.
6. That the State Board approves the continued designation of SCAG as the 208 planning agency for the Newport Bay Watershed.

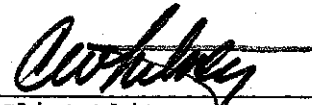
7. That the State Board shall review SCAG's performance in meeting the key milestones identified above for developing construction best management practices and for developing the implementation schedule for those practices. Failure of SCAG to meet these milestones or the deadline for development of an implementation schedule may result in any or all of the following:
- (a) Dededesignation of SCAG;
 - (b) A recommendation by the State Board to EPA that grant funds be withheld or recovered from SCAG; and
 - (c) Enforcement of the prohibition against excessive discharge of silt included in the Water Quality Control Plan for the Santa Ana Region (on page 5-66) against the persons (including public agencies) responsible for such discharges. Violators could be subject to fines of as much as \$6,000 per day of violation for nonpoint sources of silt and \$10,000 per day for point sources (such as storm drains).

Nothing in this provision or in this resolution shall preclude the Board from taking appropriate enforcement at any time.

8. That the Executive Director is directed to inform the Environmental Protection Agency of the Board's (a) approval of the work program prepared by SCAG, and (b) certification of completion of the Phase I 208 Plan prepared by SCAG. Also, the Executive Director is directed to inform SCAG of the above Board actions.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 17, 1980.



Clint Whitney
Executive Director