

**State Water Resources Control Board  
January 18, 2011 Board Meeting  
Item 13 - Executive Director's Report**

**DIVISION OF FINANCIAL ASSISTANCE**

**Small Community Wastewater Grant (SCWG) Program:**

**City of Woodlake Groundbreaking Ceremony**

On December 1, 2010, State Water Board staff attended the City of Woodlake's (City) groundbreaking ceremony for the Wastewater Treatment Plant (WWTP) Improvement Project (Project). The City's Project will allow the existing WWTP to comply with Waste Discharge Requirements Order No. 5-01-076 and Cease and Desist Order No. 5-01-077 issued by the Central Valley Regional Water Quality Control Board. The Project will upgrade the WWTP to a secondary treatment level with increased capacity. As a small, disadvantaged community, the City's Project received \$2 million in grant funding from the State Water Board's Small Community Wastewater Grant Program. The City's total Project cost is estimated at \$11.5 million, with the remaining funding provided in grants and loans from the United States Department of Agriculture's Rural Development Programs.

**Funding Approvals:** The Deputy Director of the Division approved the following Preliminary Loan/Grant Commitments from December 1, 2010 to January 1, 2011:

**Delta Diablo Sanitation District: *Aeration System Improvement Project***

The Division of Financial Assistance is making \$6.8 million in Clean Water State Revolving Funds available to the District for specific improvements to the Wastewater Treatment Plant (WWTP) in an effort to continue to meet its treatment requirements and accommodate projected growth within the District's service area. Other benefits of the Project will be improved performance of the aeration basins, improved energy efficiency, reduced odor problem, and increased permitted capacity of the WWTP from 16.5 mgd to 22.7 mgd.

**Sonoma Valley County Sanitation District: *Main Sewer Trunk Replacement***

The objective of using \$4.1 million in Clean Water State Revolving Funds for this Project is to repair and improve the existing sewer trunk main to reliably handle dry and wet weather flows. Implementation of the Project will eliminate SSOs, enhance system wet weather capacity and reliability, and improve surface water quality.

**Sonoma Valley County Sanitation District: *Biosolids Management Upgrade Project***

The proposed Project will upgrade the existing biosolids handling facility to provide operational flexibility and efficiency. \$3.1 million in Clean Water State Revolving Fund upgrades include modifications to the existing thickening process, including replacement of the gravity thickener mechanism, new thickened sludge pumps and building upgrades. The project also includes a new Solids Dewatering Building that will include a screw press, polymer system, dewatered cake pumps, and a truck loadout area.

**Castro Valley Sanitary District:**

*Master Plan Priority 2 Phase 1 (Mpp2) Sewer Improvement And Streetscape*

\$6.2 million from the Clean Water State Revolving Fund program is proposed for improvements at the MPP2 and Streetscape Sites, consisting primarily of installation of new 12-inch, 18-inch, and 24-inch diameter trunk sewers to replace or parallel existing sewers that do not have sufficient capacity to convey existing peak wet weather flows. The construction of these sewers will reduce the risk of overflows during wet weather conditions.

**Eastern Municipal Water District:** *San Jacinto Valley Regional Water Reclamation Facility Title 22 Tertiary Treatment Upgrade And Plant 2 Facilities*

The San Jacinto Valley has experienced rapid growth in the range of five percent per year over the past decade. The use of \$194 million in Clean Water State Revolving Funds for this water reclamation project is to improve and expand capacity to meet future demands in compliance with regulatory criteria. Objectives will be met by modifying existing facilities and constructing new facilities to increase reliable capacity from 7.5 to 14.0 MGD with improved efficiency and better effluent quality. All water discharged from the SJVRWRF will be delivered to the District's water recycling system for subsequent use.

**Goleta Sanitary District:** *Wastewater Treatment Plant Upgrade To Secondary Treatment*

The District's objectives for implementing the proposed \$22.4 million in Clean Water State Revolving Funds are to meet the anticipated NPDES standards for a full secondary effluent discharge to the Pacific Ocean, under the settlement agreement with the Central Coast Regional Water Board, by November 2014; produce secondary effluent of adequate quality to supply on-site water reclamation requirements, and upgrade the level of treatment with more efficient methods and better use of existing treatment processes.

**Union Sanitary District:** *Substation No. 1 Replacement*

The Clean Water State Revolving Fund will provide \$2.1 million for this Project to replace Substation No.1 to ensure a continued supply of electricity to the Wastewater Treatment Facility and to comply with current seismic, safety, and industry codes.

## **DIVISION OF WATER QUALITY**

**Groundwater Ambient Monitoring and Assessment (GAMA):** The GAMA Priority Basin Project implemented by the U. S. Geological Survey (USGS) and Lawrence Livermore National Laboratory (LLNL) continues to sample, assess, and report on groundwater quality throughout the state. Proposition 50 funding which was scheduled to end in 2012 has been extended through 2014. The AB 2222 (Caballero, 2008) Report to the Legislature that discusses options for future funding of the GAMA program was updated and resubmitted to the Governor's office.

GAMA's Domestic Well Project sampling is scheduled for Monterey County in 2011. Pamphlets will be mailed to prospective private well owners requesting permission to sample their wells.

GeoTracker GAMA data are being included in the "Safe to Drink" portion of the "My Water Quality" portal.

**Groundwater Reports to Legislature - Contaminants and Drinking Water Options:**

AB 2222 (2008) and SB X2 1 (2008) require that the State Water Board prepare reports to the Legislature that identify areas of contaminated groundwater and recommend funding options and solutions for resolving the contaminant problem including providing clean water for drinking. AB 2222 requires a statewide analysis of the most common groundwater contaminants (Statewide Contaminants Project), and SB X2 1 requires an analysis of nitrates only in the Tulare Basin and Salinas Valley (Nitrate Project).

AB 2222 Statewide All Contaminants – The U. S. Geological Survey (USGS) presented its GAMA Priority Basin Project findings on natural and man-made contaminants to the Water Board team and its partners in the Department of Public Health in December.

SB X2 1 Nitrate Project – State Board convened an interagency task force (ITF) and met in August with Regional Boards and the UC Davis Project Team. The next ITF meeting will be held in early summer 2011 after preliminary research findings from UC Davis can be discussed.

**Irrigated Lands Regulatory Program Update Report:**

The Irrigated Lands Regulatory Program update report is attached as Appendix 2.

**Storm Water Caltrans Permit:** The statewide National Pollutant Discharge Elimination System (NPDES) permit for discharges by the California Department of Transportation of storm water is targeted for reissuance. This permit is commonly referred to as the Caltrans Permit. The current Caltrans Permit (State Water Board Order No. 99-06-DWQ) was issued on July 15, 1999. The current permit regulates all storm water discharges from Caltrans-owned facilities and construction activities. The revisions to the Caltrans permit are expected to follow many of the approaches in the Storm Water Construction General Permit (State Water Board Order No. 2009-0009-DWQ). On November 8, 2010, staff released an administrative draft permit. Staff has evaluated the comments received on the administrative draft permit and held discussions with Regional Water Quality Control Board staff. Staff released a draft for public review on January 7, 2011.

**Storm Water MS4 Effectiveness Assessment Document:** On October 27, 2010, staff released a Notice of Staff Workshops and Opportunity for Public Comment on the draft Storm Water MS4 Effectiveness Assessment document. This document was prepared in response to Assembly Bill 739, Chapter 610, Statutes of 2010. The workshops were held on November 4 in Sacramento, and November 9 in the City Hall in Rancho Cucamonga. The comment deadline was 12:00 noon on November 30, 2010. Staff has begun to evaluate the comments received and will make changes to the document as appropriate.

**Storm Water Industrial General Permit:** The statewide General National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water associated with industrial activities (commonly referred to as the Industrial General Permit or IGP) is targeted for reissuance. The current IGP is State Water Board Order 97-03-DWQ. In 2005, there was an effort to renew this permit, which resulted in a 2005 draft permit, public workshops, and public comments. At the time the State Water Board convened an expert panel to explore the role of numeric effluent limitations and benchmark values in all storm water permits. The panel's recommendations were incorporated into the Storm Water Construction General Permit (State Water Board Order No. 2009-0009-DWQ), adopted in 2009. The revisions to the IGP are expected to follow many of the approaches in the Storm Water Construction General Permit. Staff expects to release a draft in early 2011.

**Storm Water Phase II MS4 Permit:** The statewide National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water from small municipal separate storm sewer systems (MS4s) (commonly referred to as the Phase II Permit) is targeted for reissuance. The current Phase II MS4 Permit is State Water Board Order No. 2003-0005-DWQ. It provides permit coverage for smaller municipalities, including non-traditional Small MS4s, which are governmental facilities such as military bases, public campuses, and prison and hospital complexes. The revisions to the Phase II permit are expected to follow many of the approaches in the Storm Water Construction General Permit (Order No. 2009-0009-DWQ). Staff expects to release a draft revised Phase II Permit in mid-2011.

**Toxicity Control Provisions for the SIP:** On November 16, 2010, the State Water Board held a Workshop on the draft Policy for Toxicity Assessment and Control. At the workshop, Board members heard comments on the policy, primarily from municipalities concerned about the effects of the Policy on publicly owned treatment works. As directed by the Board, staff has extended the written comment period until January 21, 2011. A public hearing/workshop is planned for Spring, 2010.

**Wetland and Riparian Area Protection Policy:** On January 5, 2011, staff released a combined Notice of Preparation of a Draft Program Environmental Impact Report (NOP - EIR), Notice of Initial Study (IS) Checklist, and Notice of CEQA scoping meetings. This Notice has been posted on the State Water Board's website. The NOP – EIR and IS Checklist has also been distributed to the State Clearinghouse for distribution to other agencies and transmitted electronically via the Wetland Policy Lyris list to interested parties. The CEQA scoping meetings are scheduled to be held in Sacramento on January 31 and in San Diego on February 8. Comments on the NOP – EIR and IS are due by 12:00 noon on February 15.

## **DIVISION OF WATER RIGHTS**

**Water Right Enforcement Cases Withdrawn:** The Prosecution Team of the State Water Board's Division of Water Rights has withdrawn two drafts Cease and Desist Orders (CDO) issued against Juan Navarro and Nelly Mussi and Rudy M. Mussi Investments located in the Delta. Subsequent to issuance of the draft CDOs, these parties have provided evidence of bases of water rights for their parcels. The Delta Watermaster reviewed the documents and concurred with the Prosecution Team regarding these actions. The Prosecution Team informed the State Water Board's Hearing Team of the withdrawals of the draft CDOs and that it does not intend to prosecute these cases.

**Draft Technical Report on the Scientific Basis for Alternative San Joaquin River Flow and Southern Delta Salinity Objectives:** On October 29, 2010, the State Water Board noticed a workshop and released a draft Technical Report on the scientific basis for alternative San Joaquin River flow and southern Delta salinity objectives (Draft Technical Report). The purpose of the January 6 and 7, 2010 workshop was to receive comments and other technical information related to the draft Technical Report. The information and tools described in the draft Technical Report are intended to provide the State Water Board with the scientific information and tools needed to consider potential changes to the San Joaquin River flow and southern Delta salinity objectives included in the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (2006 Bay-Delta Plan), and a program of implementation to achieve these objectives. This workshop was held to receive information to determine whether: 1) this information and these tools are sufficient to inform the State Water Board's decision-making to establish San Joaquin River flow and southern Delta salinity

objectives and a program of implementation to achieve these objectives; and 2) the State Water Board should consider additional information or tools to evaluate and establish San Joaquin River flow and southern Delta salinity objectives, and a program of implementation to achieve these objectives. Through this process, the State Water Board will develop the tools it will then use to prepare the Substitute Environmental Document (SED) and any revisions to the objectives. The report and other information are available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/bay\\_delta\\_plan/water\\_quality\\_control\\_planning/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/)

**On-Line Reporting Regulations:** On December 20, 2010, the Office of Administrative Law approved the State Water Board's on-line reporting regulations. The approval allows the on-line reporting requirements to take effect in 2011 for the 2010 reporting year. On-line reporting includes Reports of Permittee, Licensee, Groundwater Extraction, and Supplemental Statements of water diversion and use. The Division of Water Rights will be holding a stakeholder meeting on January 18, 2011 to discuss ways to assist those needed to provide on-line reports. The discussion will include assistance for rural diverters with limited or no internet access, public access points and if stakeholders can provide internet access at their regional offices. Attendees will include the California Farm Bureau Federation, Western Growers Association, and the California Cattlemen's Association, among others.

## **OFFICE OF THE DELTA WATERMASTER**

**Informational Report on The Reasonable Use Doctrine:** Senate Bill X7 1 established the position of Delta Watermaster. The Delta Watermaster has been granted "specified and delegated authority" from the State Water Board over water diversions in the Delta. The position also requires the Delta Watermaster to submit regular reports to the State Water Board and Delta Stewardship Council over water rights administration, water quality, conveyance operations, and related water rights issues.

On January 18, 2011 (or January 19, 2011), the Delta Watermaster will present a report to the State Water Board on *The Reasonable Use Doctrine and Agricultural Water Use Efficiency*. The report reviews the Reasonable Use Doctrine and the various applications of the doctrine, and presents specific recommendations on future practices of the doctrine to further the efficient use of agricultural water.

## **OFFICE OF ENFORCEMENT**

**OE Assistance to Los Angeles Regional Board Prosecution Team for MMP Enforcement:** Attorneys with OE assisted the enforcement staff in the Los Angeles Regional Board with the review 17 potential administrative civil liability (ACL) complaints for mandatory minimum penalties. Complaints in 10 of those matters were issued on December 17, 2011, and one complaint was issued on December 23, 2010. Six other matters resolved themselves prior to the issuance of an ACL complaint. These complaints will address effluent and reporting violations that occurred prior to December 31, 2007, and are part of Region 4's efforts to resolve those "backlogged" violations. The amounts at issue seek penalties ranging from more than \$800,000 to \$3,000. The targeted dischargers were provided the opportunity to resolve the violations prior to issuance of the ACL complaint. In addition, an ACL complaint for discretionary penalties in the amount of \$310,130 was also issued on December 17, 2010. The ACL Complaint chart below summarizes these actions.

**Government-Owned Tanks (GOT) Enforcement Initiative:** OE has received information regarding the current operations of government owned/operated underground storage tank (UST) facilities in 93 different CUPA (certified unified program agency) jurisdictions. For the reporting CUPAs, there are 1815 GOT facilities. This leaves approximately six CUPAs who have yet to respond to our request for information. OE staff is in the process of contacting the remaining CUPAs who have not responded to facilitate the acquisition of the needed information.

By the end of November, the OE staff performed 182 file reviews at 21 of the CUPAs who had submitted their information representing about 10 percent of the total reported facilities. Actual inspections of the facilities commenced the second week of July and so far 45 inspections in seven of the CUPAs have taken place.

**UST Enforcement Information:** In December 2010, the Office of Enforcement reported the following information to the United States Environmental Protection Agency regarding leak prevention and other underground storage tank-related actions taken by the Office of Enforcement's UST Enforcement Unit for October 1, 2009 through September 30, 2010 (federal fiscal year):

- \* Conducted 13 investigations of 1,832 underground storage tank (UST) facilities;
- \* Settled four civil cases for over \$8.5 million;
- \* Settled one criminal misdemeanor;
- \* Assisted the California Attorney General's Office in settling one civil case of 1,632 UST facilities for \$17.8 million;
- \* Performed file reviews at 145 UST facilities; and
- \* Performing inspections at 29 UST facilities.

**State Board Mandatory Minimum Penalty Enforcement Team:** This section is an update on the status of the 50 cases from Region 4 which have alleged violations subject to mandatory minimum penalties (MMPs). The personnel with State Water Board (SB Team) are handling these violations under the direction of the Office of Enforcement.

At this time, seven cases have been dismissed completely after review by state board staff addressing 140 alleged violations. An additional 20 have agreed to pay proposed liability totaling \$471,000 in MMPs. An additional two have been placed on hold because the responsible entity is in bankruptcy. One case (involving 46 violations) is part of a global settlement being negotiated by Region 4 enforcement staff. Finally, one case will be addressed with discretionary penalties.

The SB Team is scheduling State Water Board hearing panels to address the unresolved violations in the remaining 18 cases. In addition to the 20 cases where the dischargers have agreed to pay the proposed liability, it was the SB Team's intent to file ACL complaints (ACLs), ACL settlements or otherwise resolve the targeted MMP violations with as many of the 18 facilities as possible by December 31, 2010. However, as dischargers present additional evidence for consideration or the impacts of SB 1284 are evaluated, some cases were delayed for ACL complaint issuance.

In summary, of the 17 ACL complaints initially scheduled for hearing, eight have settled resulting in \$261,000 in liabilities. Seven have been continued for settlement discussions and two went to panel hearing on November 18, 2010. Therefore, a total of 27 out of 50 cases have resolved without hearing and have resulted in MMPs of \$609,000 and an additional two cases (with MMPs of \$98,000) have gone through an evidentiary hearing.

**Prohibition Zone Legal Defense Fund v. Regional Water Quality Control Board, Central Coast Region:**

On December 28, 2010, the San Luis County Superior Court denied a petition for Peremptory Writ of Mandate which sought to overturn cease and desist orders issued by the Central Coast Regional Board to individual homeowners using septic systems in violation of a discharge prohibition. Attorneys with OE represented the Prosecution Team that advocated for the issuance of the individual cease and desist orders.

Starting about five years ago, the Central Coast Regional Board stepped up its enforcement of a septic discharge prohibition that had been adopted in 1983. This followed years of cease and desist orders (CDOs) against the County of San Luis Obispo and then the Los Osos Community Services District (LOCSO). After the Board issued an administrative civil liability complaint of more than \$6,000,000 to the LOCSO, the staff next pursued a strategy of seeking CDO's against individual dischargers to prevent discharges to the prohibition zone. Thousands of individual CDOs were contemplated. Forty-five homeowners were randomly selected for the first wave of orders. A majority of the owners accepted a settlement but eighteen resisted and petitioned their orders to the Superior Court.

The Court concluded that the actions of the Regional Board did not violate due process rights of the petitioners, the CDOs issued by the Regional Board were supported by substantial evidence, and were not otherwise deficient. In so finding, the Court observed that "the Court does not come away with the notion of a local government agency run amuck. To the contrary, the Court's overall impression of the hearings is that the Regional Board went out of its way to provide due process of law, allowing affected residents a reasonable opportunity to speak their minds and to present exculpatory evidence."

Following the initiation of these individual CDOs, the County of San Luis Obispo embarked on an effort to develop a sewer treatment and collection project for the affected area and has been making good progress in addressing financial, political and regulatory hurdles for the project. Efforts to seek additional CDOs have been suspended pending progress on the development this alternative to individual septic systems.

**Request for Public Comment re Proposed Administrative Settlement with ECO**

**Resources:** On December 23, 2010, the Office of Enforcement has posted a proposed stipulated order to resolve alleged violations associated with ECO Resources' operation of the following wastewater treatment plants (WWTP): City of Corning WWTP; City of Willows WWTP; City of Winters WWTP; Discovery Bay WWTP; City of Rio Vista, Trilogy WWTP; City of Rio Vista, Beach WWTP; Cypress Ridge WWTP; Tejon Industrial Complex WWTP; Lamont Public Utilities District WWTP; Taft Federal Prison WWTP; City of Taft WWTP; San Simeon Community Services District WWTP; and City of Santa Paula WWTP.

ECO allegedly had permit violations that were attributable to improper or inadequate operation including poor operation and maintenance, inadequate staffing, insufficient training, and monitoring and reporting problems. Nearly all of the inspected WWTPs had effluent limitation violations caused by improper or inadequate operations, and all of the facilities were in violation of reporting requirements.

In response, OE initiated disciplinary actions against several operators employed by ECO. In addition to the disciplinary actions against individual operators, OE engaged in pre-filing discussions with ECO regarding allegations of (1) failing to use reasonable care in the management or operation of WWTPs; (2) negligently causing or allowing violations of waste discharge requirements, and (3) directly violating waste discharge requirements for those facilities where ECO was included as a permittee.

Because the terms were agreed to prior to the adoption of the revised Enforcement Policy, the proposed liability was not calculated using the penalty methodology found in the new Enforcement Policy, and thus, if adopted, will not establish any precedent with respect to future enforcement actions. Even though the penalty methodology was not applied in this case, the proposed liability and settlement provisions were carefully considered.

The principal terms of the proposed settlement are:

**\$1,000,000** in civil liability, allocated as follows:

- \$500,000 paid within 30 days of issuance of the Stipulated Order to the Cleanup and Abatement Account.
- \$500,000 in credit against civil liability for enhanced compliance costs associated with:
  - Implementation of environmental software programs to permit ongoing tracking of operations and compliance with effluent limitations;
  - Development and implementation of a written field operation compliance plan; and,
  - Development and implementation of software to track WWTP maintenance activities.

**\$250,000** in reimbursement for staff costs, paid to the Cleanup and Abatement Account within 180 days of issuance of the Stipulated Order.

The settlement specifically does not resolve any potential liability for Mandatory Minimum Penalties under Water Code sections 13385(h), 13385(i), or 13385.1. These liabilities could be imposed by the Regional Water Boards at a later date.

After the close of the public comment period on January 24, 2011, OE will evaluate the comments and determine whether to bring the matter for approval by or behalf of the State Water Resources Control Board. The proposed order can be found at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/eco\\_resources/eco\\_s\\_tiporder\\_2010dec.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/eco_resources/eco_s_tiporder_2010dec.pdf)

**Referral to Attorney General's Office:** OE prepared a referral for violations of underground storage tank leak prevention requirements which was transmitted to the Attorney General's Office on December 10, 2010. The potential defendant is an independent gasoline marketer with facilities in multiple counties. The referral is based on inspections of a sample of the facilities owned/operated by the potential defendant. Some of the most common alleged violations include:

- Failure to perform annual monitoring certification;
- Failure to maintain a functional cathodic protection system;
- Failure to install or repair line leak detectors (LLDs);
- Failure to provide or maintain maintenance, monitoring, or testing records;
- Failure to maintain a monitoring sensor capable of detecting a leak at the earliest opportunity;
- Failure to perform tank lining inspections;
- Failure to maintain overflow prevention system;
- Failure to perform secondary containment testing; and
- Failure to perform a Designated Operator (DO) inspection or meet DO inspection requirements.

For the facilities investigated by OE, the potential civil penalty exposure ranges from \$6,860,000 to \$68,600,000. If further investigation/discovery finds violations at the potential defendant's other facilities then the liability exposure will increase.

**Administrative Civil Liability (ACL) Actions During December, 2010:** As a regular feature of its contribution to the Executive Director's report, The Office of Enforcement will provide a brief summary of all administrative civil liability complaints and/or orders that were issued in the prior month.

**a. ACL Complaints Issued**

Region	Name of Facility	Violation	ACL Complaint Amount	Date Issued
4	Cresenta Valley Water District	Late Report	\$ 54,000 (MMP)	12/17/10
4	Casden Properties	Late Reports/Effluent Limit Violations	\$ 675,000 (MMP)	12/17/10
4	Santa Clarita City	Effluent Limit Violations	\$ 3,000 (MMP)	12/17/10
4	Santa Clarita City	Effluent Limit Violations	\$ 816,000 (MMP)	12/17/10
4	Port of Los Angeles	Late Reports/Effluent Limit Violations	\$ 63,000 (MMP)	12/17/10
4	Morgan Adams, Inc.	Reporting Violations	\$ 6,000 (MMP)	12/17/10
4	Jamison Services, Inc.	Late Reports/Effluent Limit Violations	\$ 837,000 (MMP)	12/17/10
4	Jamison Services, Inc.	Late Reports/Effluent Limit Violations	\$ 15,000 (MMP)	12/17/10
4	North Crescent Realty V , LLC	Effluent Limit Violation	\$ 6,000 (MMP)	12/17/10
4	Diamond Tire	Failure to comply with CAO	\$ 310,130	12/17/10
4	CalClean, Inc.	Effluent Limit Violation	\$ 3,000	12/23/10
7	Peter Ormond/Rocky Vandergriff	Effluent Limit Violations, Use of uncertified laboratory	\$ 43,875	12/17/10
8	Hoag Hospital and Veolia ES Industrial Services, Inc.	Unauthorized Discharge	\$ 10,000	12/14/10
8	Orange County Metal Processing	Failure to submit annual storm water report	\$ 1,750	12/15/10
8	Durham Transportation	Failure to submit annual storm water report	\$ 1,750	12/15/10
8	Oakley, Inc	Failure to submit annual storm water report	\$ 1,750	12/15/10

**b. ACL Orders Issued**

Region	Name of Facility	Violation	ACL Order Amount	Date Issued
4	Ashland Chemical	Effluent Limit Violations	\$ 12,000 (MMP)	12/02/10
4	Fillmore City	Effluent Limit Violations	\$ 240,000 (MMP)	12/08/10
4	Kinder Morgan Liquids Terminal, LLC	Effluent Limit Violations	\$ 60,000 (MMP)	12/10/10
4	Washington Mutual	Effluent Limit Violations	\$ 6,000 (MMP)	12/10/10
4	Mole-Richardson Company	Effluent Limit Violations	\$ 63,000 (MMP)	12/14/10
8	Robert Zemel (Starranch Management, LLC)	Violated 13385 by failing to obtain SW coverage	\$ 233,000 (ACLO adopted after hearing)	12/09/10

**OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS**

**Monitoring Council Recommends Comprehensive Monitoring Program Strategy for**

**California:** In late December 2010, the California Water Quality Monitoring Council presented to the Secretaries of Cal/EPA and the Natural Resources Agency its recommended Comprehensive Monitoring Program Strategy for California. As mandated by [CA SB 1070 \(Kehoe, 2006\)](#) and a [Memorandum of Understanding \(MOU\)](#) between the two agencies, the Comprehensive Strategy is a ten-year plan to achieve ambitious goals related to the design and implementation of water quality and associated ecosystem monitoring programs, the use of monitoring data in assessments, and the development of tools and supporting infrastructure to enable wide access to data and information products. These are all essential ingredients to effective decision making to protect, restore, and improve water quality and aquatic ecosystems statewide. Since its formation in 2007, the Monitoring Council has made significant progress toward its goals, working with limited resources and the cooperation of other agencies and programs. The ten-year plan presented in its comprehensive strategy describes the specific actions needed to build on this initial success and create lasting benefits for the State's water quality and associated ecosystem management programs.

The recommended [Comprehensive Monitoring Program Strategy](#) builds on the Monitoring Council's [2008 Recommendations report](#) and two years of progress by its [theme-specific workgroups](#) developing a set of [My Water Quality Internet portals](#).

The Monitoring Council's comprehensive strategy document was developed in coordination with staff of the State Water Resources Control Board, and includes an update of the SWAMP monitoring and assessment strategy, assessment framework and needs assessment, reflecting the benefits of increased coordination and integration of information from other agencies and information sources.

**SWAMP Releases 2010 Monitoring and Assessment Strategy:** In late December 2010, the Surface Water Ambient Monitoring Program ([SWAMP](#)) released the 2010 update to its *Comprehensive Monitoring and Assessment Strategy to Protect and Restore California's Water Quality* ([2010 SWAMP Strategy](#)).

The 2010 SWAMP Strategy reports on the progress SWAMP has made in the first five years of a ten-year effort to develop a coordinated and comprehensive monitoring and assessment framework for California Water Board programs. It also highlights steps that need to be implemented to complete the framework and integrate it into other California Water Board programs and improve coordination among other agencies, non-governmental organizations, and other entities that monitor surface water throughout the state. The 2010 SWAMP Strategy also emphasizes collaboration with the California Water Quality Monitoring Council and SWAMP's commitment to their theme-specific workgroup and *My Water Quality* web portal approach as a way to identify opportunities for improved coordination of monitoring activities, share guidance and information on indicators and their appropriate use, and ultimately lead to increased data sharing and comprehensive assessments based on data from multiple programs.

**eSMR:** State and Regional Board staff has been working on implementing the Electronic Self Monitoring Reports (eSMR) module of the California Integrated Water Quality System (CIWQS). Eventually all individual National Pollutant Discharge Elimination System (NPDES) permit holders will be submitting self-monitoring reports electronically to:

- Facilitate tracking of reports received,
- Reduce staff data entry requirements,
- Capture compliance and receiving water monitoring in a usable electronic format for further analysis, and
- Reduce the amount of paper needed to be managed by the Regional Water Boards.

Efforts during 2010 focused on implementing eSMR for NPDES facilities classified as "majors" (i.e., discharge volume greater than one million gallons per day). Of the 191 major dischargers statewide, 125 have submitted at least one SMR electronically and 61 are exclusively submitting SMRs electronically to eSMR<sup>1</sup>. Dischargers and staff in six of the nine regions have been trained on eSMR. Training for the San Francisco Bay, Lahontan, and San Diego Regional Water Boards is scheduled for the first quarter of 2011.

During the first half of 2011 staff will continue to focus on major dischargers with a goal of having all majors submit SMRs electronically via eSMR. Focus will shift to individual minor dischargers during the second half of 2011.

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<sup>1</sup> As dischargers transition from paper to electronic SMR submittals, there is a period during which they submit both paper and electronic reports. They may submit only electronic reports once they have been notified by Regional Water Board staff that the electronic reports are sufficient. When they have received this notification, they are considered "all electronic."

## OFFICE OF RESEARCH PLANNING AND PERFORMANCE

### Water Board Training Academy:

<p><b>Recent Classes</b></p>	<p><b>Introduction to ARC/GIS with a Water Rights Focus</b> This two-day class combines lectures by professionals with hands-on experience working with ArcGIS (version 9.3) Customized for staff from the Division of Water Rights, it provided students with a working knowledge of GIS and its terminology, as well as a concrete sense of the planning and design work involved in using GIS.</p>
<p><b>Upcoming Classes</b></p>	<p><b>Aligning Your Basin Plan with Water Board Priorities</b> - Basin Plans are the key regulatory documents for water quality in the state and are an essential tool for supporting the Water Board’s most important work. Participants will learn what a Basin Plan is and how it can be used effectively; how the Basin Plan relates to overarching efforts such as the California Water Plan, the Water Board’s Strategic Plan and the Regional Board’s organizational vision; and how Regional Board staff can use the Basin Plan to proactively protect water resources. Participants will also learn how to successfully navigate the Basin Plan amendment process and understand its requirements.</p> <p><b>NPDES Permit Writers Training</b> - This class presents the basic regulatory framework and technical considerations that support the development of wastewater discharge permits as required under the National Pollutant Discharge Elimination System (NPDES) program. The intended audience for the course is state permit writers with less than two years of experience in the NPDES program. Experienced permit writers wanting a refresher course and other water program staff wanting to learn more about the NPDES program also are welcome.</p> <p><b>Bill Analysis</b> - The Office of Legislative Affairs (OLA) is sponsoring Bill Analysis training for managers, supervisors, and staff who review bills or prepare bill analyses.</p>

## Appendix 1

# Statewide Policies/Significant General Permits

<b>Division of Water Quality</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
A*	Anti-Degradation Policy / Implementation Triennial Review	Scoping meeting held on 11/17/08. Reviewing the 30+ comment letters received. Preparing recommendation for the Board. Work delayed by petitions.
A-11	Aquatic Pesticide General Permit – Aquatic Animal Invasive Species	Public Hearing held on November 2, 2010. Board consideration targeted for February 15, 2011.
A-11*	Aquatic Pesticide General Permit – Vector Control, (Adulticide/Larvicide)	Public Hearing held on October 19, 2010. Board consideration targeted for February 15, 2011.
A-11	Aquatic Pesticide General Permit – Weed Control, Aquatic Application	Expect to release formal draft in February 2011, Public Hearing targeted for March 2011 and Board consideration targeted for May 2011.
P	Aquifer Storage and Recovery Policy	Delayed due to other priorities.
A-11	Areas of Special Biological Significance (ASBS): Special Protections	Targeting Public Hearing in February 2011 and Board consideration in May 2011.
A-11	Bacterial Objectives for Inland Surface Waters	Staff preparing draft policy and staff report. Economic study delayed due to contract funding issues. Adoption hearing targeted for April 2011.
A	Biological Objectives Development	Established Stakeholder Advisory Group and held meetings in May and November 2010. Established Scientific Advisory Group and held first meeting in October. First meeting of the Regulatory Advisory Group is planned for early 2011. Initiated planning for the CEQA Scoping meeting.

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-11	Cadmium Objective and Implementation Policy	Final internal review of draft policy and staff report prior to upcoming release for public comment. Targeting Public Hearing in March 2011 and Board consideration in June 2011.
A-10	Constituents of Emerging Concern (CEC) Monitoring – Recycled Water Policy	Staff report released November 18, 2010. Public Hearing held on December 15, 2010. Comment deadline extended until 12:00 noon on January 10, 2011.
A-11	Chlorine Residual Objectives and Implementation Policy	Scientific Peer review received. Report and policy will be revised as necessary to address peer review comments. Adoption hearing targeted for November 2011.
A	Composting Facilities Statewide Waiver	Continuing to meet with CalRecycle and Regional Boards on preparing draft statewide waiver.
P	Grazing	No Statewide effort at this time, Regions are issuing watershed based waivers. Grazing on national forest system lands will be considered under Statewide Water Quality Management Plan and waiver.
A-11	Listing Policy Update (Sediment Quality Objectives and Procedural Changes)	CEQA Scoping Meeting held on March 29, 2010. Comment period closed April 12, 2010. Targeting Adoption Hearing in April 2011.
A	Marina Permit	Permit is postponed while working with other agencies and Marina and Boating groups to develop interim approaches.
P	Mercury Offset Policy	Partial economic analysis received from contractor (SAIC). No further contract funding available to complete economic analysis.
P	Methylmercury Objectives	Delayed by loss of key staff. Preparing economic analysis (SAIC).
A	Nutrient Numeric Endpoints Tools	Freshwater: to be peer reviewed. Contract with SCCWRP to develop estuary nutrient framework and numeric endpoints underway. Technical, stakeholder, and regulatory (Water Boards and U.S. EPA) advisory groups have been formed.
A-11*	Ocean Plan Amendment: model monitoring provisions	Drafting delayed by Once-Through Cooling 316(b) Policy Revisions Consideration. Public Hearing targeted for March 2011 and Board consideration targeted for May 2011.
A	Ocean Plan Amendment: desal provisions	Board Workshop targeted for May 2011.

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
P	Ocean Plan Amendment: vessel provisions	Pending completion of other Ocean Plan Amendments.
A-10	Ocean Plan Triennial Review	Public workshop held September 22, 2010. Adoption Hearing targeted for February 2011.
A	Off-Highway Vehicle (OHV) WDRs/Waiver	Developing concepts for WDRs/waiver for OHVs at State Parks.
A-11*	Onsite Waste Water Treatment Regulations/Waiver	Drafting new approach. Planning further public hearings on a new draft proposal in Fall 2010.
A	Rapid Diagnostic Tests for Bacterial Indicators in Coastal Waters	Pilot testing on 9 Orange County beaches completed. Evaluation meeting held by Rapid Methods Task Force on September 27, 2010. Task Force preparing final recommendation to present to SCCWRP Commission at December 3, 2010 meeting.
A-11	Sanitary Sewer System (SSS) WDR Update	Information Item presented to Board on September 21, 2010. Public Hearing / Board workshop scheduled for February 2011. Targeting Board consideration in April 2011.
A	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Phase II staff draft released. Scientific Steering Committee convened in July 2009. CEQA Scoping Meeting held on May 19, 2010. Public Hearing for Sediment Quality Objectives for Wildlife targeted for April 4, 2011, followed by Board consideration on April 6, 2011.
P	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase III	Pending completion of Phase II and availability of funding
A-10*	Spray Applications Permit (CDFA and USFS Eradication Programs)	Public Hearing held on November 2, 2010. Comment period was extended until December 16, 2010. Board consideration targeted for February 15, 2011.
A-11*	Storm Water CalTrans Permit	Revising to incorporate similar provisions to Construction General Permit and to incorporate TMDLs. Planned release on January 7, 2011 and Board consideration in late 2011.
A-11*	Storm Water Industrial General Permit	Revising to incorporate similar provisions to Construction General Permit and to incorporate TMDLs. Planned release in early 2011 and Board consideration in late 2011.

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-11	Storm Water MS4 Effectiveness Assessment Document (AB 739, Ch. 610, Statutes of 2007)	On October 27, 2010, staff issued a revised Notice of Staff Workshops and Opportunity for Public Comment on draft document. Workshops scheduled for November 4 in Sacramento and November 9 in Rancho Cucamonga. Comments due 12:00 noon on November 30, 2010. Targeting March 2011 for presentation to the Board.
A-11*	Storm Water MS4 Phase II Permit	Revising to incorporate similar provisions to Construction General Permit and to incorporate TMDLs. Planned release in mid-2011 with consideration in early 2012.
P	Suction Dredge General Permit	On hold, and working instead with Dept of Fish and Game to coordinate with their suction dredge regulation and permit revision.
A-10*	Timber Activities on National Forest System Lands	Drafting Statewide Waiver for USFS, based on Region 1 waiver. Public hearing and adoption in March 2011.
P	Timber Activities on Non-federal Lands	Work with California Board of Forestry, Department of Forestry and Fire Protection, and Regional Water Boards. Work delayed pending the outcome of a petition.
A-10*	Toxicity Control Provisions for the SIP	Workshop held on November 16, 2010. Comment period extended until 12:00 noon on January 21, 2011. Staff-level Workshop targeted for April 2011.
A-11*	Trash Policy	CEQA Scoping Meetings held on October 7 in Rancho Cordova and October 14 in Chino. Targeting Adoption Hearing in June 2011.
A-10	UST Low-Threat Case Closure Policy	Staff has convened a small work group to develop recommendations regarding low-threat UST sites. Targeting Board consideration for 2011.
A-11	Wetlands and Riparian Areas (Dredge and Fill) Policy – Phase I	Request for scientific peer review for the Technical Advisory Team's (TAT's) wetland definition. CEQA Scoping Meetings scheduled for for January 31, 2011 and February 8, 2011. Initial Study released for public comment on January 5, 2011. Comments due by noon February 15, 2011.

Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
P	Wetlands and Riparian Areas Policy – Phase II	Pending completion of Phase I.
P	Wetlands and Riparian Areas Policy – Phase III	Pending completion of Phase II.

**Note: \* indicates Board Priority**

**Status Code Key:**

White = Active effort (A)

Yellow = Targeted for completion in 2010 (A-10)

Green = Targeted for completion in 2011 (A-11)

Blue = Completed (C)

Grey = Suspended or No statewide effort at this time or Pending (P)

## Policies/General Permits Completed in 2010

C*	Once-Through Cooling (316b) Policy Limited Revisions	Adoption Hearing held on December 14, 2010. No changes made to Policy.
C	Leaking Underground Fuel Tank (LUFT) Manual	The LUFT manual was drafted as a guidance document with state-of-the-art information on the cleanup of leaking UST sites. The LUFT manual is considered a draft/evergreen document that will be updated periodically in response to comments.
C	Storm Water Construction General Permit Limited Revisions	Adopted on November 16, 2010.
C	Integrated Report Adoption (2010)	Board approved 303(d) list on August 4, 2010. Transmitted to USEPA on October 13, 2010, and awaiting their approval.
C*	Once-Through Cooling (316b) Policy	Approved by Office of Administrative Law (OAL) on September 27, 2010. Effective date October 1, 2010.
C	South Bay Power Plant	Notice of Cancellation of Public Hearing issued on November 2, 2010 due to permit application withdrawal.
C	UST Regulatory Program Task Force	Final task force recommendations submitted to the Board in January 2010. DWQ staff updated the Board at the May 18 Board meeting in conjunction with DFA staff report on the UST Cleanup Fund.

<b>Division of Water Rights</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
(A)	Draft WQCP update for San Joaquin River flows and southern Delta salinity objectives	Draft SED science chapter was released October 29, 2010. Workshop held on SED science chapter January 6 and 7, 2011. Draft plan amendment to be brought to the Board for a spring 2012 hearing.
(A)	Russian River Frost Protection Regulation	Public Scoping Meeting on draft EIR held on November 17, 2010. A Rulemaking Notice package will be submitted to Office of Administrative Law in February 2011. A Target date for release of draft EIR is May 15, 2011.
(C)	Delta outflow recommendations (SBX7 1)	The Board adopted the final report on August 3, 2010, and provided it to the Delta Stewardship Council on August 25, 2010.
(C)	Instream Flow Policy (AB 2121)	The Board adopted the Policy on May 4, 2010. The Division delivered the administrative record to OAL on August 11, 2010. OAL approved the administrative record in September 2010. The Division filed a Notice of Decision with the Secretary for Resources on September 28, 2010. The policy is now effective.

**Status Code Key:**

White = Active effort (A)

Yellow = Targeted for completion in 2010 (A-10)

Blue = Completed (C)

Grey = Suspended or No statewide effort at this time or Pending (P)

<b>Office of Enforcement</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit*</b>	<b>Status</b>
C	Policy on Supplemental Environmental Projects	Approved by Board and OAL.
C	Revised Water Quality Enforcement Policy	Approved by Board on November 17, 2009

**Status Code Key:**

White = Active effort (A)

Yellow = Targeted for completion in 2010 (A-10)

Blue = Completed (C)

Grey = Suspended or No statewide effort at this time or Pending (P)

<b>Division of Financial Assistance</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
A	Clean Water State Revolving Fund Regulations	Under development. Process has slowed considerably to accommodate getting the ARRA stimulus funds out to projects. Currently project 2010/2011
C	Orphan Site Cleanup Fund (OSCF) Proposed Rulemaking Package	Office of Administrative Law approved the OSCF regulations on September 15, 2009.
A	Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Regulations	Regulations are being drafted to include fiscal considerations and provisional operator. Anticipate being released for public review in Spring 2011.

**Status Code Key:**

Targeted for completion in 2010

Completed Items

Suspended / No statewide effort at this time

## Appendix 2

# IRRIGATED LANDS REGULATORY PROGRAM MONTHLY REPORT

This month's Irrigated Agricultural Lands Regulatory Program (ILRP) report covers the December 2010 period and will provide an update on the activities of the North Coast, Central Coast, Los Angeles, Colorado River Basin, Santa Ana, and San Diego Regional Water Quality Control Board programs.

Future monthly reports will alternate between the status of the ILRP from the Central Valley Water Board for one month, and the status of other Regional Water Boards for the alternate month. Current and past ILRP monthly reports can be found on the State Water Boards Irrigated Agricultural Waiver Program website:

[http://www.waterboards.ca.gov/water\\_issues/programs/agriculture/](http://www.waterboards.ca.gov/water_issues/programs/agriculture/)

**For additional information** on the statewide ILRP, please contact State Water Resources Control Board staff:

Johnny Gonzales	(916) 341-5510	<a href="mailto:jgonzales@waterboards.ca.gov">jgonzales@waterboards.ca.gov</a>
Gita Kapahi	(916) 341-5501	<a href="mailto:gkapahi@waterboards.ca.gov">gkapahi@waterboards.ca.gov</a>

ILRP contact information for each Regional Board is found at the end of each report below.

### NORTH COAST REGION AGRICULTURAL REGULATORY PROGRAM Update to SWRCB – December 2010

#### **Klamath River Basin Compliance Program and Regionwide Scoping:**

Regional Board staff is in the process of developing a water quality compliance program for grazing and irrigated agriculture in the Klamath Basin, pursuant to the Klamath River TMDL Action Plan. Staff is currently implementing the tasks outlined in a workplan that was presented to the Regional Board in June 2010. Regional Board staff is now planning the stakeholder development process with the help of consultants experienced in stakeholder involvement and natural resource planning. In January, Regional Board staff plan to meet with staff of UC Davis to discuss the framework for the stakeholder process. In addition, staff is developing a contract with the Center for Collaborative Policy (CCP) to assist Regional Board staff in the development of the Klamath Basin program. The CCP is a unit within the College of Social Sciences at Sacramento State University. The State Board Office of Public Participation maintains a contract with the CCP to provide consulting and facilitation services to the Regional Boards. Regional Board staff is defining a scope of work for the CCP contract that will be funded by existing contract funds and funds set aside for Klamath TMDL implementation. The existing contract funds will allow CCP to begin work on the project while the Klamath TMDL funds are being transferred to the CCP contract by spring 2011. Staff intends to bring a grazing and irrigated agriculture water quality compliance program for the Klamath Basin for Regional Board consideration by December 2012.

For additional information on the North Coast Regional Board's water quality compliance program for grazing and irrigated agriculture please see the following website or contact Ben Zabinsky at [BZabinsky@waterboards.ca.gov](mailto:BZabinsky@waterboards.ca.gov) or (707) 576-6750: [http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/grazing\\_and\\_irrigated\\_agriculture/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/grazing_and_irrigated_agriculture/)

## **CENTRAL COAST REGION AGRICULTURAL REGULATORY PROGRAM Update – December 2010**

**Agricultural Order Renewal – Overview:** On July 8, 2010, the Central Coast Water Board extended the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Irrigated Ag Order R3-2010-0040) through March 31, 2011 to ensure that farming operations are protecting and restoring water quality through the effective implementation of appropriate management measures. By law, all waivers must be reviewed, and renewed, revised, or replaced at least every five years. Central Coast Water Board staff plans to release a revised draft Agricultural Order in November 2010 and will bring a new draft Agricultural Order to the Board by March 2011.

**Opportunities for Public Input to the Agricultural Order:** The process of renewing the Agricultural Order started in December 2008. Since that time, Central Coast Water Board staff has met with stakeholders and received numerous comment letters regarding the Agricultural Order. Stakeholders continue to have the opportunity to provide input to the draft Agricultural Order and staff will discuss consideration of any input provided in the staff report accompanying the draft Agricultural Order. A formal public comment period will follow the planned November 2010 release of the draft Agricultural Order and additional public input can be submitted at that time. In considering input to requirements, staff continues to encourage stakeholders to consider necessary actions to resolve water quality impairments, points of compliance, milestones to measure progress, compliance monitoring and reporting, and time schedules to compliance. A copy of public comments received regarding the Agricultural Order Renewal is available on the Water Boards website.

**California Environmental Quality Act (CEQA) Process - August 16, 2010:** CEQA Scoping Meeting for the Regulation of Waste Discharges. The Central Coast Water Board held a CEQA scoping meeting on August 16, 2010 to discuss the regulation of waste discharges from irrigated lands within the Central Coast Region. A copy of public comments received regarding the Agricultural Order Renewal CEQA process is available on the Water Boards website.

**Draft Agricultural Order – November 19, 2010:** On November, 19, 2010, Central Coast Water Board staff released recommendations for a new Agricultural Order. Staff's recommendations (including the Draft Agricultural Order, Draft Monitoring and Reporting Program, Staff Report, and Subsequent Environmental Impact Report for the Regulation of Waste Discharge from Irrigated Lands) are now available for public review and comment. The deadline for comments is January 3, 2011. All comments received before January 3, 2011 will be considered in the formulation of staff recommendations regarding the draft Agricultural Order. The Central Coast Water Board will not accept written comments or other written submittals on the draft Agricultural Order after

January 3, 2011. On March 17, 2011, the Central Coast Water Board will hold a public meeting to consider staff's recommendations. Below are links to the documents and supporting attachments.

Public comments received regarding the Agricultural Order Renewal process are available on the Water Boards website. The Central Coast Water Board received a revised agricultural alternative on December 3, 2010, which is available for viewing on the Water Board's website.

**For additional information** on the Central Coast Conditional Waiver for Irrigated Lands, please contact Angela Schroeter at (805-542- 4644) [ASchroeter@waterboards.ca.gov](mailto:ASchroeter@waterboards.ca.gov)

## **LOS ANGELES REGION CONDITIONAL WAIVER FOR IRRIGATED LANDS**

### **STAFF UPDATE TO THE SWRCB**

**December 2010**

**Conditional Waiver Renewal:** On October 7, 2010 the Los Angeles Regional Board adopted an Order renewing the Los Angeles Region Conditional Waiver for Irrigated Lands (Order No. R4-2010-0186). The conditions established in the Order ensure that discharges from irrigated agricultural lands are managed such that they do not exceed water quality benchmarks. Water quality benchmarks are defined as Basin Plan requirements (including discharge prohibitions and water quality objectives), Statewide plan or policy requirements, USEPA criteria (including those in the California Toxics Rule and the applicable portions of the National Toxics Rule), and load allocations established pursuant to a TMDL. The Order establishes a regulatory program for irrigated agricultural lands that requires dischargers to quantitatively assess in-stream water quality conditions and attain water quality benchmarks through the implementation of targeted best management practices. The renewed Conditional Waiver for Irrigated Lands builds on the accomplishments and progress of the original waiver program established in November 2005. The primary requirements of the renewed Conditional Waiver for Irrigated Lands program are presented below:

- Submit a Notice of Intent (NOI). The NOI is required for enrollment under the Conditional Waiver and contains information regarding site conditions and the agricultural operation.
- Submit a Monitoring and Reporting Plan (MRP).
- Conduct wet- and dry-weather monitoring.
- Submit a Water Quality Management Plan (WQMP), if water quality benchmarks are exceeded. The WQMP identifies BMPs to address water quality benchmark exceedances and presents a schedule for implementation activities.
- Implement BMPs in accordance with an approved WQMP.
- Submit required monitoring reports.

The Conditional Waiver also implements eleven TMDLs. Each TMDL included in the Conditional Waiver identified irrigated agriculture as a source and assigned agricultural dischargers a load allocation. The Conditional Waiver is the regulatory program to implement and attain the load allocations for these TMDLs. The TMDL load allocations were directly incorporated into the Conditional Waiver as water quality benchmarks.

During the development and renewal of the Conditional Waiver, Regional Board staff worked with stakeholders, including the two established irrigated agriculture discharger groups, the Ventura County Agricultural Irrigated Lands Group (VCAILG) and the Nursery Growers Association - Los Angeles County Irrigated Lands Group (NGA-LAILG), as well as local environmental organizations. Staff met individually with stakeholders to address specific questions and comments.

**Grant Management:** Additionally, staff continues to manage a Clean Water Act section 319(h) grant for grower education and outreach in the Calleguas Creek and Santa Clara River Watersheds. Staff is working with the grantee to ensure that the grant effectively implements the renewed Los Angeles Region Conditional Waiver for Irrigated Lands, and specifically implements BMPs according to VCAILG's WQMP.

**For additional information** on the Los Angeles Region Conditional Waiver for Irrigated Lands, please contact Rebecca Veiga Nascimento at (213) 576-6784 [rveiga@waterboards.ca.gov](mailto:rveiga@waterboards.ca.gov) or Jenny Newman at (213) 576-6691 [jnewman@waterboards.ca.gov](mailto:jnewman@waterboards.ca.gov)

## **COLORADO RIVER BASIN CONDITIONAL PROHIBITION FOR AGRICULTURAL DISCHARGES**

### **Update from a December 21, 2010 staff report**

**Palo Verde Ag Discharge Prohibition:** The Palo Verde Ag Prohibition went before the Regional Board for consideration of adoption on September 16. The Regional Board staff held a workshop on November 16, 2010 at the Palo Verde Irrigation District Headquarters (180 West 14th Street, Blythe, CA). The amendment is now scheduled to go before the Board January 20, 2011. Documents for the PV Ag Discharge Prohibition can be obtained from the Colorado River Water Board website at: [http://www.waterboards.ca.gov/coloradoriver/water\\_issues/programs/basin\\_planning/](http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/)

The intent of the proposed amendment to the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) is to ensure agricultural wastewater discharges and drain maintenance discharges occur in a manner that does not adversely affect the beneficial uses defined in the Basin Plan for the Palo Verde Valley Drains and the Palo Verde Valley Lagoon and Outfall Drain. Accordingly, the amendment establishes a conditional prohibition for agricultural wastewater discharges originating within the Palo Verde Valley and Palo Verde Mesa, and incorporates an Implementation Plan. The amendment also establishes a conditional prohibition for drain maintenance discharges that occur as a result of drain operation and maintenance (O&M) activities.

Agricultural wastewater discharges addressed in this prohibition include: (1) storm water runoff from irrigated lands; and (2) irrigation return water, which includes surface discharges (also known as "tailwater"), and subsurface discharges (known as "tile water")

in tiled areas, and groundwater or "seepage" in areas not tiled). Most agricultural wastewater discharges in the Palo Verde Valley and the Palo Verde Mesa are collected in open drains dug at least one foot below groundwater levels of adjacent fields. These drains are tributary to the Palo Verde Outfall Drain (PVOD), which discharges into an old channel of the Colorado River. This old channel flows for eight miles before joining the active River channel in the Cibola National Wildlife Refuge, about one mile above Cibola Lake.

Pursuant to the conditions of the prohibition, Responsible Parties will be required to implement management practices that address their agricultural wastewater and drain maintenance discharges. As such, the amendment will establish:

- Conditions/requirements for any entity with an existing or potential agricultural wastewater discharge in the area,
- Conditions/requirements for Palo Verde Irrigation District (PVID) and any individual who operates and maintains drains that cause a discharge of wastewater or wastes, or both, and
- Designated requirements for Compliance Programs.

The conditional prohibition will not prohibit drain O&M activities, or limit the quantity of agricultural wastewater discharges released into drains (and ultimately into the Colorado River). Likewise, the conditional prohibition will not regulate or restrict the amount of water applied to private lands for agricultural purposes, such as to furrows, beds, and other ancillary structures.

**Imperial Valley Sediment TMDL Implementation:** The Imperial County Farm Bureau's CWA 319(h) grant funding terminated in September 2010. The ICFB submitted a concept proposal in the 2011 319(h) grant competition, which was not invited back by the statewide selection committee. The ICFB continues to investigate alternative funding mechanisms to continue the Voluntary TMDL Compliance Program.

The Imperial Irrigation District continued start up of the Ag Water Quality Grant Program, Prop 50/84 funded (\$900,000) project titled: Precision Drain Cleaning BMP Plan. This project started in July 2010.

**For additional information** on the Colorado River Basin Conditional Prohibition for agricultural discharges, please contact Doug Wylie at (760) 346-6585  
[dwylie@waterboards.ca.gov](mailto:dwylie@waterboards.ca.gov)

**SANTA ANA REGION  
CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR  
AGRICULTURAL  
DISCHARGES (CWAD PROGRAM)**

**An update to the SWRCB-ILRP Coordinator  
December 28, 2010**

Regional Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and other agricultural operations not already regulated by the Regional Board, enroll in a conditional waiver of waste discharge requirements.

Regional Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). Regional Board staff proposes that the CWAD program be developed and implemented as a in a phased watershed- based approach. The first phase of this program is being developed for waste discharges from agricultural operations (irrigated and non-irrigated) in the Lake Elsinore/San Jacinto Watershed. The Regional Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore. The TMDLs are now part of the Basin Plan the CWAD program is being designed to be part of the implementation program for these TMDLs.

In order to formulate a strategy to develop a CWAD program, the Regional Board staff has been conducting meetings with key potential stake-holders, including the Western Riverside County Agricultural Coalition (WRCAC), a NGO, and the Lake Elsinore San Jacinto Watershed Authority (LESJWA), -which is a joint-powers authority that includes the Cities of Canyon Lake and Lake Elsinore, Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Santa Ana Watershed Project Authority).

During this year, Regional Board staff have also met with other potential stake-holders and related agencies, including the Riverside County Farm Bureau and Riverside County Agricultural Commissioner's offices. Regional Board staff is coordinating with representatives of WRCAC and LESJWA and the Southern California Coastal Water Research Project (SCCWRP) to to explore establishing a CWAD monitoring group program for the San Jacinto River watershed that uses both probabilistic and targeted monitoring. Also, in coordination with the San Diego Water Board, SCCWRP and State Board, the Regional Board is exploring ways to integrate monitoring programs for both the San Diego Water Board conditional agricultural waiver and the Santa Ana Region's CWAD program into the regional water quality monitoring program for Southern California coastal watersheds that is being developed and implemented by the Stormwater Monitoring Coalition (SMC).

During the summer of 2009, Regional Board staff conducted field surveys of various agricultural operations in the CWAD Program project area and also have been meeting with local growers and farmers to introduce the CWAD program and to get their feedback. Regional Board staff is also coordinating with TMDL staff and staff of other regions, particularly the Los Angeles and San Diego Water Boards, to establish criteria for the minimum acreage threshold for enrollment in its CWAD program.

The Regional Board has developed a "CWAD Program Advisory Group" which consists of about 13 members that include local growers, industry groups, and major stake-holders, etc.

On September 29, 2010, a second CWAD Advisory Group meeting was held in Nuevo Water District's meeting room to introduce and discuss the current status of the CWAD program. Discussions on this topic were expanded in order to get feed back from group members, and to present regulatory and enforcement options, as well as various program permitting options (i.e. WDRs, General Permitting, Basin Plan Prohibitions, and Ag. Waiver). Regional Board staff solicited feedback from group members on the presented items. Regional Board staff also discussed the CWAD program's proposed draft conditions and solicited comments and input from group members. Regional Board staff received feedback from the group members. Feedback will be incorporated and will

be discussed at the next advisory group meeting. The group members have been providing feedback in other matters related to the ag. waiver program.

Other topic of discussions from the group members included the State Board's 2009-2010 Fee Schedule (Section 2200.6-Annual Waiver Fee Schedules). Some of the group members had questions and requested clarification. Regional Board staff addressed the issues presented by the group. Group members also raised the issue of "wet season" vs. "the flooding time" in the San Jacinto watershed area. Regional Board staff will explore this topic with Riverside County Flood Control District and will follow up with the group in a future meeting.

Regional Board CWAD program staff has been working on the comments received from the CWAD advisory group regarding draft ag. waiver conditions, definition of agricultural operations, agricultural discharges, CWAD program coalition group formation, and pro/cons of different regulatory options available for implementation of CWAD program.

Staff from the Western Riverside County Ag. Coalition (WRCAC), one of the local stakeholders, will provide input regarding "coalition forming". Further discussion and feedback from the group on this topic will be continued at the next meeting.

On December 13, 2010, Board staff had a meeting with WRAC and a private consultant regarding CWAD monitoring program planning and strategy forming. Various options, including individual, group and watershed based monitoring were discussed. Also discussed was how to link the ongoing TMDL monitoring efforts in the San Jacinto watershed area with CWAD monitoring. Further discussions will be scheduled on this topic with stakeholder groups in the near future.

The next Advisory Group meeting is scheduled for January 20, 2011, at the Riverside County Farm Bureau office. The agenda topics include a discussion from Regional Board staff and group members on action items regarding program fees, definitions, CWAD conditions, and winter farming in San Jacinto watershed area. The following listed action items and proposed topics for the next meeting are:

- Watershed specific non-irrigated winter cropping practices-by Don Domenigoni-Riverside County Ag. Commissioner
- Proposed Ag. operation categories in CWAD program-by Regional Board staff
- Coalition Forming, fees, and monitoring-by WRCAC staff
- Recycled water use in the project watershed and Boron issue-by Eastern Municipal Water District
- Wet season and flooding season clarification-by Riverside County Flood Control staff

***For more information, please contact:***

Athar Khan 951 782-3219 [akhan@waterboards.ca.gov](mailto:akhan@waterboards.ca.gov)

Mark Adelson 951 782-3234 [madelson@waterboards.ca.gov](mailto:madelson@waterboards.ca.gov)

**SAN DIEGO WATER BOARD IRRIGATED LANDS REGULATORY PROGRAM  
(CONDITIONAL AG WAIVER)  
December 21, 2010 staff report.**

Conditional Waiver No. 4 (the Ag Waiver) requires growers in the San Diego Region to enroll in the waiver by December 31, 2010. There are currently three monitoring groups in the San Diego Region, all of which have closed their enrollment periods in order to prepare the group Notices of Intent. They will reopen enrollment at the beginning of January of 2011. In January, using information supplied in the monitoring group Notices of Intent, the San Diego Water Board will determine which growers have not enrolled and take appropriate enforcement action. On January 9th, we will meet with the Region's three monitoring groups to discuss the status of enrollment as well as the monitoring plans which the groups are required to submit by the last day of 2011. At February's board hearing, staff will present a proposal to amend the waiver to include a definition of "agricultural and nursery operation" in the waiver. It is proposed in the amendment that this term be changed to "commercial agricultural and nursery operation" and that such commercial operations be defined as only those operations which gross (not net) over \$1,000 per year (on average). The amendment is a Basin Plan amendment since the Ag Waiver was included in the Region's Basin Plan as an amendment and therefore, both Regional and State Board approval of the amendment is required. Public noticing documents for the February hearing will be sent out during the week of December 20th.

For additional information on the San Diego Conditional Waiver for Irrigated Lands, please contact Peter Peuron at (858) 637-7137 [ppeuron@waterboards.ca.gov](mailto:ppeuron@waterboards.ca.gov)