

San Diego
Regional Water Quality
Control Board



Executive Officer's
Report

January 24, 2007

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

	There are no items to report in Part C this month.	
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Attachments for B-1, B-2, B-5, B-9, and B-17 are included at the end of the report. Also included as an attachment are the Significant NPDES Permits, WDRs and RB Actions.

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

January 24, 2007

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Coordination with USEPA Region IX *(Jody Ebsen and John Odermatt)*

On December 12, 2006; the Regional Board staff attended a coordination meeting with the Dr. Matt Small, of the U.S. Environmental Protection Agency Region IX Office of Underground Storage Tanks (USEPA), to discuss the status of nine leaking Underground Storage Tank (UST) cases recently transferred to the Regional Board from the County of San Diego Department of Environmental Health – Local Oversight Program. The objective of the meeting between the Regional Board and USEPA staffs was to develop a strategy to best manage the recently transferred leaking UST cases through the corrective action process to case closure, under the California Accelerated Cleanup Project (CACP).

2. California Stormwater Quality Association (CASQA) Conference in San Diego
(Michael McCann)

On January 12, 2007 CASQA convened their Annual Federal and State Stormwater and Water Quality Regulatory Program Update meeting at the Red Lion Hanalei Hotel in San Diego. The well-attended conference featured a number of excellent speakers, most particularly Phil Hammer of the San Diego Regional Board; Gary Wolff, Vice-Chair of the State Water Resources Control Board; and Alexis Strauss, Director, Water Division, USEPA Region 9. Phil provided an informative overview of the new requirements in the draft MS4 permit for San Diego County that the Board will be considering on January 24. Phil also was able to answer questions posed to him following his presentation.

3. Retirement of Peter Michael, Staff Environmental Scientist *(Michael McCann)*

Peter Michael, long-time scientist for the San Diego Region Board, ended 31 years of dedicated and distinguished service to the Regional Board. Staff honored Peter Michael's retirement at a lunch in his honor on January 11. His career at the Board as chief scientist was preceded by his work at the San Francisco Bay Regional Board and his military service in the Navy as an F-8 Crusader pilot.

4. Presentation on the Media by Terry Rodgers, San Diego Union-Tribune
(Michael McCann)

Terry Rodgers, reporter on coastal issues for the San Diego Union Tribune newspaper, was a featured speaker on December 14, 2006 in addressing Board staff on the needs of a newspaper reporter and ways in which information can be effectively provided to the media and to the public. The presentation was

extremely informative and timely for staff, and Terry Rodgers took the opportunity to provide thoughtful answers to staff questions.

PART B **SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

1. Sanitary Sewer Overflows (SSO) – December 2006 (*Eric Becker, Charles Cheng, Joann Cofrancesco, Michelle Mata, Olufisayo Osibodu, Melissa Valdovinos*) (*Attachment B-1*)
From December 1 to December 31, 2006, there were 18 sanitary sewer overflows, including four spills of 1,000 gallons or more, reported to the Regional Board office pursuant to the requirements of Order No. 96-04 from publicly-owned sewage collection systems. Eight of the 18 spills reached surface waters or storm drains, one of which resulted in closure of recreational waters. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of December 2006 was 7,860 gallons.

There were also 20 sewage overflows from private property reported in December 2006. Fourteen of these spills reached surface waters or storm drains, and one resulted in closure of recreational waters. All of the reported sewage spills from private property were less than 1,000 gallons.

During December 2006, 0.71 inches of rainfall was recorded at San Diego's Lindbergh Field. For comparison, in November 2006, 0.15 inches of rainfall was recorded at Lindbergh Field, and 17 public SSOs were reported. Also for comparison, in December 2005, 0.25 inches of rainfall was recorded at Lindbergh Field, and 17 public SSOs were reported.

Attached is a table titled "Sanitary Sewer Overflow Statistics", updated through December 31, 2006, which contains a summary of all SSOs by fiscal year (FY) from each agency since FY 2002-2003.

It should be noted that the data for spill volume per volume conveyed (GAL/MG) could be easily misinterpreted. For a sewage collection agency that has a relatively small system, a spill of a few hundred gallons or more could result in a high value for spill volume per volume conveyed. On the other hand, a high volume spill event for a large collection system may still result in a low value for this statistic. Hence, these numbers by themselves are not sufficiently representative of the measures being taken by a sewer agency to prevent SSOs, nor can the numbers be compared directly between sewage collection agencies. The data does represent a different way to review and analyze SSO volume data as it relates to system size.

One Notice of Violation (NOV) for an SSO was issued in December. The NOV was sent on December 5, 2006 to Eastern Municipal Water District for a one million-gallon SSO that occurred on November 14, 2006. The SSO was caused

by an accidental break in a force main pipe, which resulted in discharge of raw sewage to Murrieta Creek, a tributary to the Santa Margarita River.

As of November 2, 2006, sewage collection agencies in Region 9 were required to be enrolled under State Board Order No. 2006-003-DWQ (General Statewide Waste Discharge Requirements for Collection Agencies). Enrollment under State Board Order No. 2006-003 requires sewage collection agencies to submit electronic SSO reports to the State Board. The content of future monthly SSO Executive Officer Reports will change due to the new electronic reporting system.

Tentative Order No. R9-2007-0005, a Region 9 Order prohibiting SSOs, which will supersede the current Order No. 96-04, was presented to the Regional Board in October 2006. Tentative Order No. R9-2007-0005 has been revised to clarify findings, definitions, and reporting requirements. The Tentative Order has been mailed to the sewage collection agencies and will be presented to the Regional Board on January 24, 2007.

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/ss0.html>.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in December 2006 *(Chiara Clemente) (Attachment B-2)*

Section 401 of the Clean Water Act requires that any person applying for a federal permit which may result in a discharge of pollutants into Waters of the United States must obtain a water quality certification that the discharge complies with all applicable state water quality standards, limitations, requirements, and restrictions. The most common federal permit that requires a 401 Certification is a CWA Section 404 permit, issued by the Army Corps of Engineers, for the placing of fill (sediment, rip rap, concrete, pipes, etc.) in Waters of the U.S. (i.e. Ocean, bays, lagoons, rivers and streams).

Upon receipt of a complete 401 certification application, the Regional Board may either certify the project or deny certification, with or without prejudice. In cases where there are impacts to Waters of the U.S., the Regional Board may issue a conditional certification. The certification can be either in the form of a conditional certification document approved by the Regional Board Executive Office, or Waste Discharge Requirements (WDRs), adopted by the Regional Board. And, in the case where a federal permit is not required because impacts have been determined to be only to Waters of the State, the Regional Board may adopt WDRs. Table B-2 (attached) contains a list of actions taken during the month of December. Public notification of pending 401 Water Quality Certification applications can be found on our web site at: <http://www.waterboards.ca.gov/sandiego/programs/401cert.html>.

3. Grants Update *(David Gibson)*

Statewide Proposition 50 Integrated Regional Water Management (IRWM) Grant Program

The State Water Resources Control Board (SWRCB) and the Department of Water Resources (DWR) released the IRWM Step 2 Implementation Grant Program Draft Funding Recommendations on November 13, 2006. The Draft Funding Recommendations and proposal evaluations are available on the IRWM web site: <http://www.waterboards.ca.gov/funding/irwmgp/index.html>

The SWRCB and DWR hosted a public meeting in Sacramento on November 16, 2006. The meeting provided an opportunity for applicants to discuss their proposal evaluations and comment on the IRWM process and the future of the program. Also, the SWRCB and DWR are soliciting public input on the Draft Funding Recommendations. The recommendations may change based on public comments, the applicant's ability to meet funding requirements (i.e. adopted IRWM plan, urban water management plan), and SWRCB and DWR Director approval. Written comments were due on December 8, 2006.

Following consideration of the public comments, the SWRCB and DWR will develop the Final Funding Recommendations. The funding recommendations may change based on public comments, the applicant's ability to meet funding requirements (i.e. adopted IRWM plan, urban water management plan, etc.). The SWRCB will consider adoption of the Final Funding Recommendations on January 18, 2007. DWR anticipates approval from the DWR Director in January 2007.

Small Community Wastewater Grants (SCWG)

The SWRCB is accepting proposals and amending the Competitive Project List (CPL) to facilitate timely expenditure of grant funds. A total of \$29,942,971 has been encumbered for local assistance. A total of \$20,000,000 remains available from Propositions 40 and 50 to projects on the approved portion of the CPL, on a first-come, first-served basis. The deadline to submit an application is March 23, 2007. More information on the SCWG can be found at <http://www.waterboards.ca.gov/cwphome/scwg/index.html>

Clean Beaches Initiative Grant Program

The SWRCB adopted the Guidelines for the Proposition 50 Clean Beaches Grant Initiative (CBI) Grant Program on October 25, 2006. The Concept Proposal solicitation period for submission of project proposals via the SWRCB's Financial Assistance Application Submittal Tool (FAAST) started on Thursday, October 26, 2006 and closes on Wednesday, January 31, 2007. More information can be found on the CBI website: <http://www.waterboards.ca.gov/cwphome/beaches/index.html>

4. City of San Diego Illicit Discharge Detection and Elimination (Phil Hammer)

The San Diego County Municipal Storm Water Permit (Order No. 2001-01) requires the City of San Diego and other Copermittees to conduct monitoring during dry weather to detect and eliminate illicit discharges to their municipal separate storm sewer systems (MS4s). Since May of 2005, the City of San Diego has received four Notices of Violation for failure to adequately conduct and report on this aspect of their urban runoff management program. Two of the Notices of Violation were issued due to the City of San Diego's failure to conduct follow-up investigations in successive years in order to identify and eliminate sources of potential illicit discharges. The other two Notices of Violation were issued due to the City of San Diego's inadequate reporting on the subject in response to Regional Board California Water Code section 13267 Directives for Information. The City of San Diego has now reported on all of the necessary follow-up investigations, though most of these investigations were conducted approximately one to two years later than required. Further enforcement action may be warranted for these delayed investigations.

5. Significant Enforcement Actions for December 2006 (Mark Alpert) (Attachment B-5)

The following is a summary of all enforcement actions during the month of December 2006. During the period the Regional Board initiated 16 enforcement actions (1 verbal enforcement, 2 Staff Enforcement Letters, 8 Notices of Violation, and 5 Investigative Orders). A detailed listing of the most significant enforcement actions undertaken by the Regional Board during the month of December 2006 is attached. Information on sewage spills is provided in a separate discussion topic entitled "Sewage Spills").

AGENCY/ FACILITY NAME	CITY	PROGRAM*	ACTION DATE
Verbal Enforcement Action			
Western Pacific Housing Village of La Costa Ridge 2.6	Carlsbad	CONSTW	12/08/2006
Staff Enforcement Letter			
Western Pacific Housing Village of La Costa Ridge 2.6	Carlsbad	CONSTW	12/12/2006
Notice of Violation			
Richard James Ramona Auto Dismantling	Ramona	Industrial	12/4/2006
Kinder Morgan Mission Valley Terminal	San Diego	TANKS	12/5/2006
San Diego Unified School Dist Bell Jr High Landfill	San Diego	LNDISP	12/6/2006

Notice of Violation & 13267 Investigative Orders			
Eastern Municipal Water Dist Sewage Collection System	Temecula	NON15	12/5/2006
Western Pacific Housing Village of La Costa Ridge 2.6	Carlsbad	CONSTW	12/21/2006
City of Carlsbad Municipal Storm Water Prog	Carlsbad	MNSTW	12/21/2006
City of San Diego Municipal Storm Water Prog	San Diego	NON15	12/22/2006
Shea Homes Washington Hills, Escondido	Escondido	CONSTW	12/26/2006

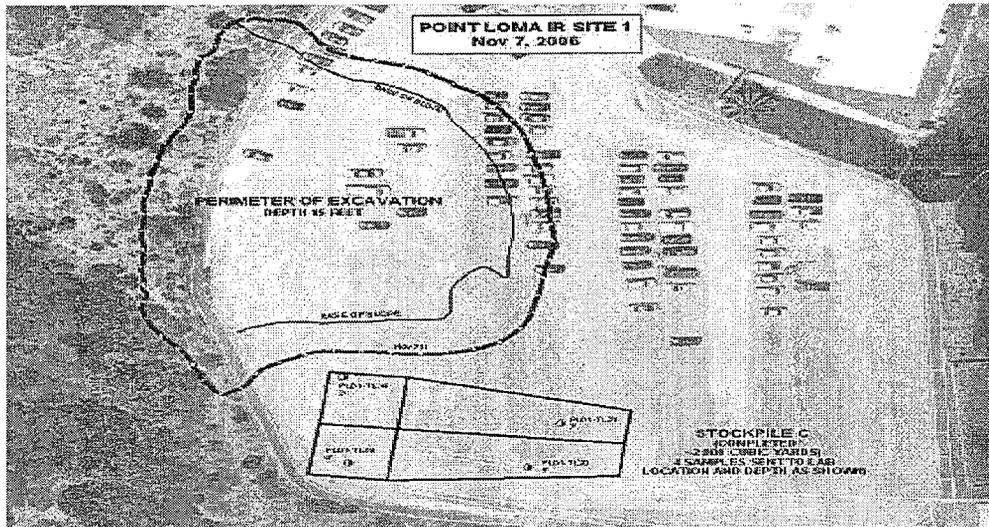
Program Acronyms*

CONSTW	Construction Storm Water
INDSTW	Industrial Storm Water
LNDISP	Land Discharge
MNSTW	Municipal Storm Water
NPDES	National Discharge Elimination System
NON15	Waste Discharge Requirements
TANKS	Underground Storage Tank

6. Auto Shredder Waste Remediation-Naval Base Point Loma Fleet Combat Training Center (FCTC) Update (*Laurie Walsh*)

The Department of Defense (DoD) Installation Restoration (IR) Site 1, Rubble Site, is located on the top of the Point Loma peninsula west of Catalina Blvd at the Third Fleet Headquarters. IR Site 1 was created from the filling of a canyon with rubble and debris, including automobile shredder residue (ASR). Most of the canyon was filled in the middle to late 1970's with approximately 100,000 cubic yards of material, with about 10,000 cubic yards being ASR. By the early 1980's the top was leveled and used as a recreational ball field. In 2003, the 5-acre site was changed to a gravel parking lot. Heavy storms in 2005 eroded the slope, exposing ASR, which contains elevated levels of PCBs, dioxin, lead, cadmium, and chromium.

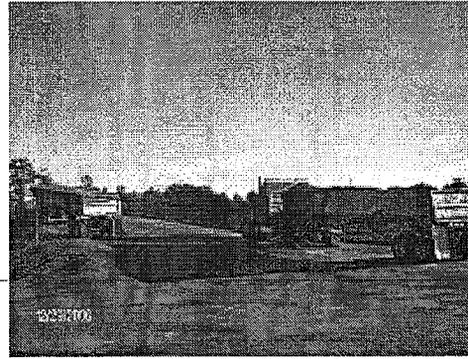
The Navy started to truck ASR waste off of IR Site 1 in late December 2006. Thus far, approximately 20 trucks/day are being accepted by the receiving facility located in Beatty, Nevada. The Navy will increase the number of truck loads leaving the facility to a maximum 40/per day as soon as the trucks become available. The waste is classified as federal Resource Conservation Recovery Act (RCRA) hazardous waste requiring stabilization once received at the facility. The Navy originally estimated removal of approximately 10,000 cubic yards of ASR. Recent estimates reveal approximately 15,000 cubic yards of ASR will be removed. The increased estimate is due to a larger than anticipated layer of ASR present on the west edge slope. Regional Board staff conducts regular site visits to observe the remedial activities.



Site map showing perimeter of excavation and position of stockpile C



ASR Loaded In Trucks



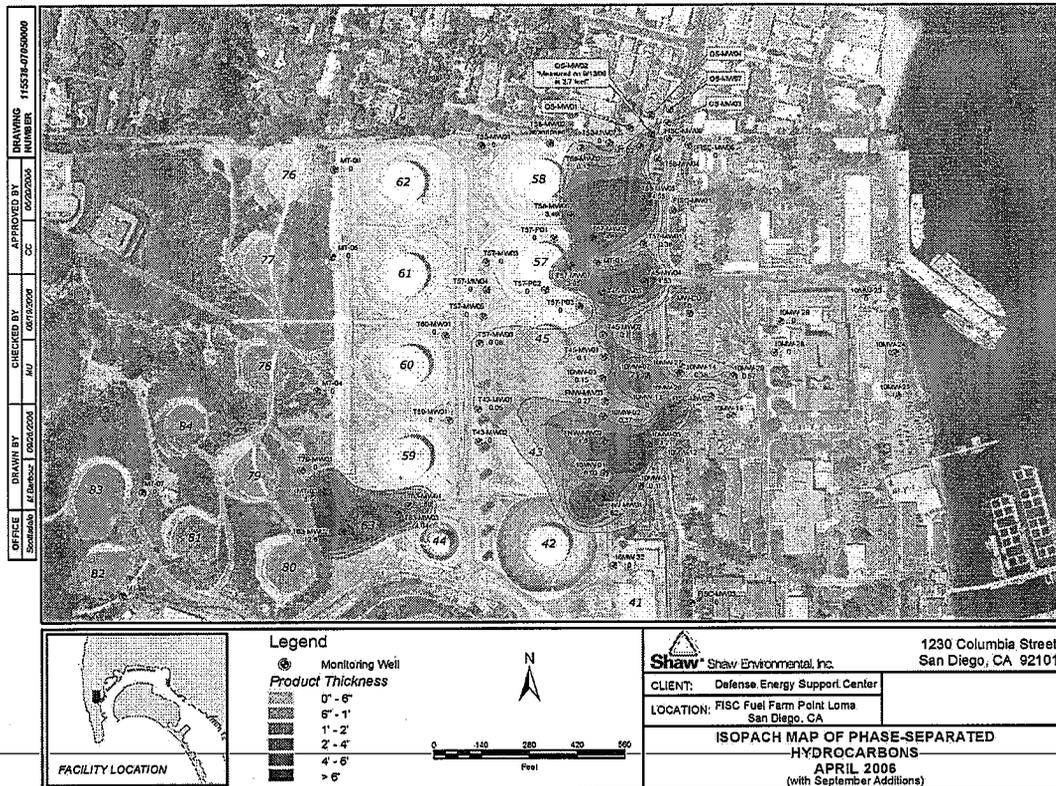
Truck with ASR Leaving IR Site 1

7. Naval Base Point Loma Fuel Plume Release Update (Laurie Walsh)

In November 2006, the Navy completed its effort to define the extent of the 1.5 million gallon fuel release beneath the Fuel Facility at Naval Base Point Loma. Throughout their effort to complete delineation, the Navy continues to take interim action to extract free product through the fluids extraction system installed at the facility. On December 11, 2006, the Navy and the Defense Energy Support Center (DESC) submitted a draft Corrective Action Plan (CAP) to the Regional Board. The Regional Board is currently reviewing the draft CAP. The complete Site Assessment Report is scheduled for delivery to the Regional Board by January 31, 2007.

The Navy, in concert with City of San Diego Councilmember Kevin Faulconer's Office and Congresswoman Susan Davis's Office provided a status report to the public at the December 7, 2006 Town Hall Meeting. The Navy will make a formal presentation to the Community Liaison Group at their next meeting scheduled for February 7, 2007 at 5:30pm located in Captain Patton's Point Loma Naval Base Conference Room. Laurie Walsh of the Site Mitigation and Cleanup Unit is the San Diego Regional Board's contact with the public regarding the status of the

release. Updated information on the release and public participation can be found on the State's Geotracker Website at www.geotracker.waterboards.ca.gov under Global ID T0608185714 (Tank 43) and ID T0607390913 (Tank 45).



8. Workplan Development Meeting - Lagoons TMDLs Investigation Order
(Cynthia Gorham-Test)

Last October, the Regional Board made a difficult decision to set the due dates for the Workplans required by Investigation Order No. R9-2006-0076 for September 1, 2007. The Investigation Order was issued because the Regional Board needs water quality and hydrodynamic data reports to develop TMDLs for the seven small estuaries (lagoons), three beaches near estuary tidal passes, and one creek listed as water quality limited segments pursuant to section 303(d) of the Clean Water Act. The Responsible Dischargers argued that the due date was unreasonable, and that they couldn't complete agreements and contracts in time to meet the due date for the Workplans and commence monitoring activities in October 2007.

In November 2006, the Southern California Coastal Water Research Project (SCCWRP) received a Coastal Non-Point Source Grant from the State Water Board to conduct studies and produce reports on nutrient fate and transport in the 5 estuaries impaired by nutrients. The SCCWRP lagoon nutrient study reports will fulfill the requirements for special studies in the Investigation Order, provided that the SCCWRP studies and Responsible Discharger monitoring are conducted at the same time.

To aid its member organizations, and to ensure that the Responsible Dischargers are prepared to commence monitoring activities in October 2007, the SCCWRP offered to develop the workplans for the Responsible Dischargers in a cooperative process with Regional Board and TMDL stakeholders. The SCCWRP intends to complete the workplans by June 2007, which will allow the Responsible Dischargers to complete contracting procedures in time to start field work by October 2007. The first meeting to develop the workplans was held on January 9, 2007.

Ken Schiff from SCCWRP facilitated the meeting and encouraged input from the audience. The meeting was well attended. Representatives from all but one Responsible Discharger participated as well as Regional Board TMDL Program staff. Several consultants attended the meeting as well. The goals of this meeting were 1) to review and discuss the conceptual models of the lagoon systems, 2) to review and refine the study questions listed in the Investigation Order, and 3) to discuss the type of computer model needed to develop the TMDLs, and allocations. The group agreed upon the resulting conceptual models and the questions. Additional discussion and information is required before the group makes a final decision on the appropriate model to use in the TMDLs study.

A second meeting is scheduled for February 25, 2007, to review and refine the monitoring activities needed to address the study questions and construct the computer model. A third meeting probably will be necessary before the SCCWRP can complete the monitoring workplans for each estuary.

9. Project POWER (*Dave Gibson*) (*Attachment B-9*)

On January 13, 2007, Dave Gibson together with Cindy Wallace, and Andrew Schuker from the Education Department of the San Diego Zoological Society conducted a wetlands education workshop titled Project POWER (Protecting Our Wetlands with Educators and Regulators) at the Wild Animal Park. The emphasis of the Project POWER workshop was on the values and importance of wetlands and the regulatory and community tools to protect them. The Project POWER workshop was recognized by Sen. Barbara Boxer in a letter on January 13, 2007 (attachment).

The workshop was attended by 62 out of 72 registered participants including staff from the City of San Diego, the County of San Diego, US Army Corps of Engineers, San Dieguito River Valley Conservancy, Pala Band EPA and representatives from several local non-governmental organizations including Heal the Bay; San Diego Coast Keeper; Batiquitos Lagoon Foundation; and UCSD. Program evaluations indicated the program was very well received and provided the Project POWER Team with excellent suggestions to improve the workshop.

The Project POWER program was funded through a US EPA National Leadership grant to the NY State Department of Environmental Conservation and New York Aquarium-Wildlife Conservation Society. The Regional Board and Wild Animal Park successfully submitted a joint proposal to offer the program in San Diego.

The goal of the San Diego Project POWER education program is to foster local stewardship to protect inland and coastal wetlands in San Diego. The program initially targeted local watershed and water quality interest groups and interested members of the public. The Project POWER Team is refining the workshop based on feedback from the participants and will seek funding sources to bring the program to a larger audience including representatives of homeowners associations, realtor and building industry organizations, and civic and sporting groups.

Dave Gibson (dgibson@waterboards.ca.gov) and Cindy Wallace, the Associate Education Director of the San Diego Wild Animal Park (CWallace@sandiegozoo.org) are the primary contacts for information regarding Project POWER. The presentation will be posted on the Regional Board website.

10. Leaking UST Cases (*Jody Ebsen and John Odermatt*)

The Regional Board staff convened a case review coordination meeting with the technical contractors provided by the U.S. Environmental Protection Agency, Office of Underground Storage Tanks. The participants discussed criteria for closure of leaking UST cases, formerly overseen by the San Diego County Department of Environmental Health Local Oversight Program (DEH LOP), transferred to the Regional Board in early December 2006. It was determined that 4 of the 16 cases transferred to the Regional Board may be candidates for closure, pending notification of the fee interested property owner(s), assessment of compliance with applicable electronic reporting requirements, and completion of applicable public participation requirements under CCR Title 23, Chapter 16. The San Diego DEH LOP recently transferred an additional 11 leaking Underground Storage Tank (UST) cases to the Regional Board for further enforcement. The transfer of the former LOP cases is part of a coordinated Federal, State, and local agency strategy to more effectively move leaking UST cases through the corrective action process under the U.S. EPA California Accelerated Cleanup Project (CACCP).

11. Camp Pendleton Box Canyon Landfill (*Amy Grove and John Odermatt*)

The Box Canyon Landfill is included in the Base Installation Restoration (IR) Program, implementing the Federal CERCLA/Superfund that is overseen, under a Federal Facilities Agreement (FFA). The signatories to the FFA include the Department of Navy, the U.S. Marine Corps, the Regional Board, the Department of Toxic Substances Control (DTSC), and the U.S. EPA (comprising

the "FFA Team"); and the California Integrated Waste Management Board (CIWMB) is another interested party for the Box Canyon Landfill.

The USMC operated the Box Canyon Landfill (a.k.a. I.R. Site 7) as a municipal solid waste landfill until 1984. The landfill is located adjacent to a single-family base residential housing development (Wire Mountain) and an elementary school (Santa Margarita Elementary School). To date, the landfill gas has migrated through subsurface soils to a location approximately 150 feet from base residential housing, known as the Wire Mountain Housing Area at Camp Pendleton. Reported concentrations of methane (landfill gas) in some soil vapor probes have regularly exceeded state regulatory limits (5% methane at facility boundary per CCR Title 27 §20921) between 2001 and 2006. Agency members of the FFA Team have regularly expressed their concerns with the reported increases (since 2001) of landfill gas concentrations in soil gas probes located in proximity to the Box Canyon Landfill. During 2005, the U.S. Navy began to take a more aggressive approach to developing a strategy for controlling landfill gas emissions from the Box Canyon Landfill.

On December 19, 2006; the Regional Board staff provided written technical comments on recently reported results from a pilot test to support the design of a vapor/Landfill Gas extraction system and recently completed modifications to the surface water drainage system at the Box Canyon Landfill located at Marine Corps Base (MCB) Camp Pendleton.

12. SERE Camp Landfill (*Amy Grove and John Odermatt*)

The Regional Board staff plans to schedule an agenda item on February 14, 2007 for the Regional Board to consider adoption of tentative Addendum No. 5 to Order 97-11. Tentative Addendum No. 5 would, if adopted, terminate enrollment in Order 97-11 for the Survival, Evasion, Resistance, and Escape (SERE) Camp Landfill, previously operated by the Department of the Navy (the Discharger) near Warner Springs in Riverside County.

The SERE Camp Landfill (the "Unit") is currently regulated under general waste discharge requirements, Order No. 97-11 and addenda thereto, issued by the San Diego Regional Board. The Discharger conducted a time critical removal action, including field sampling and clean closure activities, during February 2005 through December 2005. On July 26, 2006 the Discharger provided the Regional Board with a Removal Action Closeout Report. Based on the information provided to the Regional Board, the Unit meets the applicable State requirements for clean closure of a landfill/Unit, under California Code of Regulations (CCR) Title 27, §21090(f).

13. USMC Las Pulgas Landfill (*Amy Grove and John Odermatt*)

On February 24, 2006, the Regional Board Executive Officer issued Cleanup and Abatement Order No. R9-2006-0016 (CAO) to the United States Marine Corps (USMC) at Camp Pendleton. The CAO was issued to address construction

deficiencies within the Phase 1 landfill liner system at the Las Pulgas Landfill. The documented construction deficiencies violate the applicable Waste Discharge Requirements (WDR Order 2000-54) for the Las Pulgas Landfill. The CAO established a due date for the final Corrective Action Plan (CAP) on December 31, 2006.

On December 26, 2006, the Regional Board received a paper copy of the CAP from the USMC. The CAP must contain information on how the USMC will identify and correct all the deficiencies in the existing liner system, clean close the existing Phase 1 Unit in compliance with California Code of Regulations, Title 27, or identify an alternative corrective action. However, the USMC failed to upload an electronic copy of the CAP into the on-line Geotracker database. The CAO requires that the USMC comply with the applicable electronic reporting requirements (CCR Title 23, section 3890 et seq.) by December 31, 2006. A copy of CAO R9-2006-0016 and the technical staff report are available on-line at <http://www.waterboards.ca.gov/sandiego/rb9board/Mar-06.html>. Additional information on this item can also be found in previous Executive Officer Reports (see reports for January, March, and October 2005, available on-line at http://www.waterboards.ca.gov/sandiego/eo_report/eoreport.html).

14. Bradley Park/Old Linda Vista Landfill (*Amy Grove and John Odermatt*)

Between 1948 and 1968, the Linda Vista Landfill was operated by the County of San Diego within the current limits of the City of San Marcos. Subsequently, the City of San Marcos redeveloped the inactive Linda Vista Landfill into a recreation facility known as "Bradley Park." Since 1997, the facility has been regulated under Waste Discharge Requirements (WDRs) issued to the City of San Marcos under Order 97-11 (and addenda thereto).

During January and May 2005, the Regional Board staff conducted a compliance inspection and determined that site conditions constituted violations of waste discharge requirements (in Order 97-11 and addenda thereto). In response to observed conditions at the landfill, the Regional Board issued Notices of Violation (NOV) Nos. R9-2005-0046 and R9-2005-0172 to the City of San Marcos for discharging wastes in violation of waste discharge requirements (in Order 97-11 and addenda thereto). Additional information on this item can be found in previous Executive Officer Report (see report for August 2006, available on-line at http://www.waterboards.ca.gov/sandiego/eo_report/eoreport.html).

The NOVs referenced above are available on-line from the Geotracker database at:

http://www.geotracker.waterboards.ca.gov/reports/luft.asp?global_id=L10006943141&assigned_name=LANDFILL .

On April 17, 2006, the Regional Board issued "Water Quality Investigation Order R9-2006-0044" under authority of Water Code section 13267. Order R9-2006-0044 requires the Discharger to investigate and delineate impairment of water resources by discharges of waste constituents into groundwater, surface water

(including volatile organic chemicals and inorganic waste constituents), and the vadose zone (via landfill gas/soil vapors) from the Unit [pursuant to CCR Title 27, § 20080(g), §20385(a)(3), and §20425]. Additional information for the public can be found, under the heading of "Landfills in the News", on Regional Board web page at <http://www.waterboards.ca.gov/sandiego/units/ldu/ldu.html>.

On May 16, 2006, the Regional Board received a letter from the Discharger's legal counsel, initiating an appeal on behalf of the Discharger (City of San Marcos), regarding issuance of Order R9-2006-0044. On September 15, 2006, the Regional Board received a letter, from the Discharger's legal counsel, requesting that the Regional Board extend the due date for the Evaluation Monitoring Program (EMP) workplan. The request was based upon the Discharger's anticipation of potential participation by the County of San Diego in the investigation process, and the time necessary to complete a mutual exchange of information between the Discharger and County. On October 10, 2006, the Regional Board convened a meeting with the interested parties, including representatives from the City of San Marcos, County of San Diego, Regional Board's legal counsel, and the Regional Board staff. The City and County were unable to develop a joint stipulation agreement on responsibility for the Bradley Park/Old Linda Vista Landfill.

To initiate the appeal process, it was agreed that the City and County would submit legal briefs concerning the issuance of Order R9-2006-0044. The Regional Board received legal briefs from the Discharger on November 30, 2006, and from the County of San Diego on December 27, 2006. The legal briefs are currently under review by the Regional Board's legal counsel and the Regional Board technical staff.

15. City of Escondido, Capacity Studies for Hale Avenue Resource Recovery Facility, San Diego County (*Eric Becker*)

On December 28, 2006, the City of Escondido submitted two technical reports that were required as part of the settlement of Administrative Civil Liability (ACL) Order No. R9-2006-0095. This ACL was issued in October 2006 for violations of effluent limitations and reporting requirements contained in the waste discharge requirements for the Hale Avenue Resource Recovery Facility. The settlement in the ACL included provisions to suspend \$ 462,150 of the potential liability.

The first report presents an analysis of the flow projection at the Hale Avenue Resource Recovery Facility (HARRF). The study indicates that the current 18 million gallons per day (MGD) capacity will be reached in 2014 and that the plant will need an additional 9.5 MGD of capacity for ultimate build-out in 2041. The average daily flow at the facility in 2005 was 15.2 MGD. Of that amount, 3.5 MGD comes from the City of San Diego that has a contract for 5.3 MGD of treatment and disposal capacity with the City of Escondido.

Most of the treated wastewater from the HARRF is disposed through a 14.3 mile land outfall and then through the San Elijo Ocean Outfall. Based on the most sensitive segment of the outfall alignment, the nearshore pipes which are rated to withstand up to 50 feet of internal pressure, the peak capacity of the outfall is 25.5 MGD. The City of Escondido shares the capacity of the San Elijo Ocean Outfall with the San Elijo Joint Powers Authority (SEJPA). Under contract, 5.3 MGD of capacity is reserved for SEJPA, allowing the City to discharge as much as 20.1 MGD.

The second report presents alternatives to the City for increasing treatment and disposal capacity. The report concludes that near term improvements are necessary to guarantee reliability of the existing facility and to increase the capacity of the land portion of the outfall pipeline to 25 MGD. Long term disposal options for the ultimate build-out flow projection of 27.5 MGD were identified as either a second pipeline to the ocean or a year-round discharge to Escondido Creek.

The Northern Core Regulatory Unit is currently reviewing the submitted reports and will provide feedback to the City in the near future. As part of the review, an assessment will be made regarding the adequacy of the current waste discharge requirements to address the implementation of the improvements by the City of Escondido.

16. Corcom/Storm Water Round Table Meeting in San Diego (*James Smith*)

The Urban Runoff Task Force (URTF) and the Section 401 Coordinating Committee (Corcom) held a joint roundtable meeting in San Diego on January 10-11 in San Diego. The first day involved a field trip to Forester Creek to view a 401/Prop 13 Grant/Construction Storm Water Project. The site afforded the opportunity to view active construction, stream diversion, and restoration (concrete removal, invasive plant removal, and revegetation) efforts. Chiara Clemente, Dave Gibson and Ben Neill attended the field trip from Region 9.

The second day involved a URTF round table meeting in the morning, followed by a Corcom business meeting in the afternoon. The meeting was moderated by Greg Gearhart, Senior Water Resource Control Engineer, Division of Water Quality. Highlights from the meeting include the following.

- Discussion and feedback of the field trip to Forester Creek;
- Discussion of elements common to Storm Water Programs and to the 401 Certification program. This included storm water strategy and the regulatory boundaries of 401 vs. NPDES permits;
- Updates on issues pertaining to Phase 1 MS4 permits, the CalTrans permit, the industrial permit, and treated industrial storm water; and,
- Discussion of hot topics or issues occurring within the nine Regions.

The most striking topic dealt with making the Storm Water Pollution Prevention Plan (SWPPP) a less significant component of the regulatory requirements for the Storm Water Program. The SWPPP is often used as an inspection tool which aids inspectors in evaluating compliance with the storm water permit requirements. The updated storm water permits would prescribe a minimum of Best Management Practices (BMPs) that dischargers must implement to meet minimum compliance. Chiara Clemente, Jeremy Haas, Tony Felix, Ben Neil and Pete Peuron represented Region 9.

17. Regional Board Staff Analysis of Senate Bill 729 (Mark Alpert) (Attachment B-17) Senate Bill (SB) 729 was approved by the Governor on September 18, 2006 with an effective date of January 1, 2007. The bill makes significant modifications to sections 13225, 13267, 13268, and 13323 of the California Water Code (CWC). The following is a summary of the changes and potential effects. An edited version of those sections of the CWC is attached.

Regional Water Board coordination on water quality control matters

Each Regional Water Board shall coordinate with; the State Water Board, other Regional Water Boards; and, other state agencies on water quality control matters, including the prevention and abatement of water pollution and nuisance. This should have minimal effect on current processes of the San Diego Regional Board, and may result in increased consistency in the manner Regional Boards regulate certain types of discharges or industries.

Coordinated regional planning and action for water quality control

Each Regional Water Board shall encourage coordinated regional planning and action for water quality control. Regional Board review and comment on local agency decisions affecting land use planning may be one way to satisfy this requirement.

Increased use of the Internet to report on enforcement actions

The Regional Boards are now required to identify and post on their Internet websites a summary list of all enforcement actions undertaken and the dispositions of those actions, including any fines assessed on at least a quarterly basis. This should have minimal effect on current processes of the San Diego Regional Board. The San Diego Regional Board is one of only a few Regions that routinely conducts hearings on all ACL complaints issued by the Executive Officer, including those that have waived their hearing rights and have proposed settlements. In FY 2005, the San Diego Regional Board began posting a summary of all enforcement actions each month in the Executive Officer's Report as well as post all formal enforcement actions on the Regional Board's web page.

Increased use of the Internet to report on rates of compliance

Regional Boards are now required to report on discharger rates of compliance with the Water Code. At this time, CIWQS, the State Board's new centralized

database, does not have the capability to report on rates of compliance. For the time being, The Regional Board will report, on its' website, discharger violations and the Regional Board responses to those violations.

State Water Board use of Authority to investigate water quality (CWC 13267) and to issue and impose liability (CWC 13268)

The State Water Board now has authority to investigate, inspect, and to require technical and monitoring reports where there is a real or suspected threat to water quality (CWC Section 13267), provided it first consults with and does not duplicate the efforts of a Regional Water Board. The State Board also has authority to assess civil liability if a discharger fails to comply with actions required CWC 13268.

18. City of San Diego Pt. Loma Ocean Outfall NPDES Permit Reissuance
(Michael McCann)

The current NPDES permit, Order No. R9-2002-0025, expires on June 15, 2008. The expiration date of this current permit is extended beyond the Order's specified expiration date of April 10, 2007 (5 years from the Order's adoption) as a result of the Clean Water Act Sec. 301(h) waiver process and the US Environmental Protection Agency's (EPA) Notice of Stay of Permit Terms dated May 16, 2003. The City of San Diego is required to submit to the Regional Board and the EPA a complete NPDES permit application no later than December 18, 2007, 180 days prior to the permit's expiration date.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

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

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

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

January 24, 2007

APPENDED TO EXECUTIVE OFFICER REPORT

SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
January 24, 2006										
	FEBRUARY 14, 2007 RB MEETING San Diego Regional Board Office									
	SO. ORANGE CO. WASTEWATER AUTHORITY ALISO CREEK DISCHARGE TO OCEAN OUTFALL	NPDES Permit Revision	100%	100%	100%	50%	February 14, 2007	No		Cofrancesco
	SAN DIEGO STATE UNIV. RESEARCH COASTAL WATER LABORATORY SAN DIEGO BAY	NPDES New Permit	100%	100%	100%	50%	February 14, 2007	Yes	NPDES Workplan FY 2006-07	Vasquez
	US NAVY SERE CAMP LANDFILL RIVERSIDE COUTY	WDR Termination of Enrollment	100%	NA	100%	50%	February 14, 2007	No	Cleanup and Closure of landfill	Grove
	MARCH 14, 2007 RB MEETING San Diego Regional Board Office									
	DAKOTA RANCH DEVELOPMENT CO. 401 WATER QUALITY CERTIFICATION	Hearing: Admin. Civil liability	100%	NA	100%	20%	March 14, 2007	No	ACL COMPLAINT \$140,500	Melbourn
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR SAN DIEGO BAY	NPDES Permit Reissuance	NA	100%	80%	0%	March 14, 2007	No	NPDES Workplan FY 2004-05	Alpert
	HUBBS RESEARCH AGUA HEDIONDA LAGOON PERMIT REISSUANCE	NPDES Permit Reissuance	100%	100%	100%	0%	March 14, 2007	No	NPDES WORKPLAN FY 2006-07	Becker
	HUBBS RESEARCH AGUA HEDIONDA LAGOON COMPLIANCE TIMESCHEDULE	Hearing: Cease Desist Order	NA	100%	100%	0%	March 14, 2007	No		Becker
	VALLECITO MUN. WATER DISTRICT MEADOWLARK FACILITY	WDR Update	90%	50%	0%	0%	March 14, 2007	Yes		Becker
	APRIL 11, 2007 RB MEETING Meeting Location in Orange County									
	ORANGE COUNTY MUNICIPAL STORMWATER PERMIT	Hearing: NPDES Permit Reissuance	100%	80%	80%	0%	April 11, 2007	No		Smith
	GROUNDWATER EXTRACTION GENERAL PERMIT FOR REGION OTHER THAN SD BAY	NPDES Permit Reissuance	NA	100%	50%	0%	April 11, 2007	No	NPDES Workplan FY 2004-05	Alpert
	FRANK J. KONYN DAIRY SAN PASQUAL VALLEY SAN DIEGO COUNTY	NPDES Permit Reissuance	80%	90%	0%	0%	April 11, 2007	Yes	NPDES Workplan FY 2005-06	Valdovinos
	T.D. DAIRY (VAN TOL DAIRY) RAMONA	NPDES Permit	0%	90%	0%	0%	April 11, 2007	Yes	NPDES Workplan FY 2005-06	Valdovinos
	MAY 9, 2007 RB MEETING San Diego Regional Board Office									
	OCEAN DISCHARGER RECEIVING WATER MONITORING PROGRAM UPDATES	NPDES Permits Revisions	NA	0%	0%	0%	May 9, 2007	No		Kelley

SIGNIFICANT NPDES PERMITS, WDRS, AND RB ACTIONS

DATE OF REPORT January 24, 2006	NAME OF PERMIT/WDR/RB ACTION	Action Type	Initial Document Application Complete	Dish./RWQ Limits and Monitoring Plan Known	Draft Complete	Public Rev. & Comment	BOARD HEARING & ADOPTION	Consent Item	COMMENTS	Staff
	JUNE 13, 2007 RB MEETING Mtg. Location either Orange Co. or RB Office									
	ORANGE COUNTY MUNICIPAL STORMWATER PERMIT	Adoption: NPDES Permit Reissuance	100%	80%	80%	0%	June 13, 2007	No	NPDES WORKPLAN FY 2006-07	Smith
	AUGUST 8, 2007 RB MEETING San Diego Regional Board Office									
	HYDROSTATIC TEST WATER/POTABLE WATER DISCHARGES GENERAL PERMIT	NPDES Permit Reissuance	NA	90%	0%	0%	August 8, 2007		NPDES Workplan 2007-08	
	S & S FARMS LIVESTOCK RAISING FACILITY RAMONA SAN DIEGO COUNTY	NPDES Permit Reissuance	0%	90%	0%	0%	August 8, 2007		NPDES Workplan 2007-08	
	SEPTEMBER 12, 2007 RB MEETING San Diego Regional Board Office									
	US NAVY BASE YARD PT. LOMA INDUSTRIAL STORMWATER SAN DIEGO BAY	NPDES Permit Reissuance	0%	50%	0%	0%	September 12, 2007		NPDES Workplan 2007-08	
	PENDING / UNSCHEDULED ACTIONS									
	PROPOSED GREGORY CANYON LANDFILL NORTH SAN DIEGO COUNTY	Hearing: New WDRs	100%	85%	85%	0%		No		Tamaki
	CHOLLAS CREEK HEAVY METALS TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	100%	20%		No	TMDL Workplan FY 2006-07	Tobler
	REGIONWIDE BACTERIA TOTAL MAXIMUM DAILY LOAD	Adoption TMDL	NA	NA	100%	20%		No	TMDL Workplan FY 2005-06	Atlas

SANITARY SEWER OVERFLOW STATISTICS (Updated through December, 31 2006)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B		NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)				SPILLS PER 100 MILES (LISTED BY FY)				SPILL VOLUME 2006-07 ^A		NO. OF PRIVATE SPILLS ^E 06-07	VOLUME OF PRIVATE SPILLS		
	Miles	MGD	02-03	03-04	04-05 ^A	05-06 ^A	06-07 ^A	02-03	03-04	04-05 ^A	05-06 ^A	06-07 ^A		GAL	GAL/MG ^C	GAL
ORANGE COUNTY:																
EL TORO WD	55	2.2	1	3	3	2	1	1.8	5.5	5.5	3.7	1.8	0	0	0	8
EMERALD BAY SERVICE DISTRICT	6	0.1	0	0	1	0	0	0.0	0.0	16.7	0.0	0.0	0	0	0	0
IRVINE RANCH WD	36	2.0	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
LAGUNA BEACH, CITY OF	95	2.4	27	8	11	5	2	28.4	8.4	12.6	5.3	2.1	1,000	2	273	0
MOULTON NIGUEL WD	530	13.0	1	2	5	1	1	0.2	0.4	0.9	0.2	0.2	600	0	0	0
SAN CLEMENTE, CITY OF	179	4.5	7	2	5	2	4	3.9	1.1	2.8	1.1	2.2	2,050	2	100	3
SAN JUAN CAPISTRANO, CITY OF	100	3.4	0	1	2	0	1	0.0	1.0	2.0	0.0	1.0	5,300	8	0	0
SANTA MARGARITA WD	546	10.7	4	5	6	4	1	0.7	0.9	1.1	0.7	0.2	0	0	300	1
SOUTH COAST CWD	132	4.0	8	7	4	3	2	6.1	5.3	3.0	2.3	1.5	450	1	80	3
TRABUCO CANYON WD	43	0.7	0	1	3	0	1	0.0	2.3	7.0	0.0	2.3	0	0	0	0
RIVERSIDE COUNTY:																
EASTERN MWD	421	9.5	3	7	0	0	2	0.7	1.7	0.0	0.0	0.5	1,071,000	613	0	0
ELSINORE VALLEY MWD	80	2.0	0	1	3	1	0	0.0	1.3	3.8	1.3	0.0	0	0	0	0
MURRIETA MWD	25	0.5	0	1	0	0	0	0	4.0	0.0	0.0	0.0	0	0	0	0
RANCHO CA WD	71	2.9	0	1	2	1	1	0.0	1.4	2.8	1.4	1.4	600	1	0	0
SAN DIEGO COUNTY:																
BUENA SANITARY DISTRICT	84	1.9	2	1	2	3	0	2.4	1.2	2.4	3.6	0.0	0	0	0	0
CARLSBAD MWD	214	7.2	6	6	12	10	8	2.8	2.8	4.7	4.7	3.7	2,657	2	690	3
CHULA VISTA, CITY OF	400	16.0	3	1	7	4	1	0.8	0.3	1.3	1.0	0.3	200	0	377	5
CORONADO, CITY OF	53	3.8	2	5	0	0	0	3.8	9.4	0.0	0.0	0.0	0	0	0	0
DEL MAR, CITY OF	30	1.1	7	1	0	2	0	23.4	3.3	0.0	6.7	0.0	0	0	0	0
EL CAJON, CITY OF	198	9.1	3	0	3	0	3	1.5	0.0	1.5	0.0	1.5	4,100	2	0	0
ENCINITAS, CITY OF	118	4.1	6	1	5	0	1	5.1	0.8	4.2	0.0	0.8	0	0	0	0
ESCONDIDO, CITY OF	350	10.8	3	2	4	4	5	0.9	0.6	1.1	1.1	1.4	860	0	190	3
FAIRBANKS RANCH COMM SERV DIST	15	0.2	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
FALLBROOK PUBLIC UTILITY DIST	72	2.0	22	9	10	8	0	30.6	12.5	13.9	11.1	0.0	0	0	90	2
IMPERIAL BEACH, CITY OF	84	2.2	14	2	8	2	0	16.7	2.4	9.5	2.4	0.0	0	0	0	0
LA MESA, CITY OF	155	5.8	3	4	3	0	0	1.9	2.6	1.9	0.0	0.0	0	0	0	0
LEMON GROVE, CITY OF	69	2.4	4	4	3	0	0	5.8	5.8	4.3	0.0	0.0	0	0	0	0
LEUCADIA CWD	185	4.2	6	1	6	3	0	3.2	0.5	2.7	1.6	0.0	0	0	0	0
NATIONAL CITY, CITY OF	97	5.1	1	2	1	4	0	1.0	2.1	1.0	4.1	0.0	0	0	0	0
OCEANSIDE, CITY OF, WTR UTIL DEP	446	13.0	23	22	13	7	2	5.2	4.9	3.1	1.6	0.4	770	0	700	1
OLIVENHAIN MWD	16	0.4	2	0	3	0	0	12.5	0.0	18.8	0.0	0.0	0	0	0	0
OTAY MWD	86	1.4	3	1	0	0	0	3.5	1.2	0.0	0.0	0.0	0	0	0	0
PADRE DAM MWD	150	5.1	3	3	1	1	0	2.0	2.0	0.7	0.7	0.0	0	0	0	0
PAUMA VALLEY COMM SERVICE DIS	8	0.7	0	0	0	0	0	0.0	0.0	0.0	0.0	0.0	0	0	0	0
POWAY, CITY OF	170	4.0	5	3	0	5	1	2.9	1.8	0.0	2.9	0.6	100	0	0	0

SANITARY SEWER OVERFLOW STATISTICS (Updated through December, 31 2006)

SEWAGE COLLECTION AGENCY	SYSTEM SIZE ^B		NO. OF SEWAGE SPILLS (LISTED BY FISCAL YEAR (FY) - JULY 1 THROUGH JUNE 30)					SPILLS PER 100 MILES (LISTED BY FY)					SPILL VOLUME 2006-07 ^A		NO. OF PRIVATE SPILLS ^E 06-07	VOLUME OF PRIVATE SPILLS GAL	
	Miles	MGD	02-03	03-04	04-05 ^A	05-06 ^A	06-07 ^A	02-03	03-04	04-05 ^A	05-06 ^A	06-07 ^A	GAL	GAL/MG ^C			
			02-03	03-04	04-05 ^A	05-06 ^A	06-07 ^A	02-03	03-04	04-05 ^A	05-06 ^A	06-07 ^A					
SAN DIEGO COUNTY (continued):																	
RAINBOW MWD	54	0.7	2	6	2	0	1	3.7	11.1	3.7	0.0	1.8	3,000	22	1	761	
RAMONA MWD	83	1.3	2	2	4	4	0	2.4	2.4	3.6	4.8	0.0	0	0	0	0	
RANCHO SANTA FE COMM SERV DIST	52	0.4	1	0	2	0	0	1.9	0.0	3.9	0.0	0.0	0	0	0	0	
SAN DIEGO CO, PUBLIC WORKS	380	11.0	11	2	2	3	0	2.9	0.5	0.5	0.8	0.0	0	0	0	0	
SAN DIEGO, CITY OF, MWWD	2,894	170.1	193	115	122	82	43	6.7	4.0	3.3	2.8	1.5	58,666	2	49	7,870	
SOLANA BEACH, CITY OF	52	1.2	1	6	1	1	0	1.9	11.5	0.0	1.9	0.0	0	0	1	2,000	
USMC BASE, CAMP PENDLETON	194	3.1	23	14	12	16	5	11.9	7.2	5.2	8.3	2.6	6,900	12	0	0	
US NAVY	123	4.0	12	11	13	11	8	9.8	9.0	10.6	9.0	6.5	14,227,990	19,332	1	50	
VALLECITOS WD	202	6.1	5	4	6	7	0	2.5	2.0	2.5	3.5	0.0	0	0	0	0	
VALLEY CENTER MWD	48	0.3	3	1	1	0	0	6.3	2.1	2.1	0.0	0.0	0	0	0	0	
VISTA, CITY OF	198	6.5	4	7	9	5	1	2.0	3.5	4.6	2.5	0.5	6,000	5	0	0	
WHISPERING PALMS COMM SERV DIS	17	0.3	1	0	0	0	0	5.8	0.0	0.0	0.0	0.0	0	0	0	0	
REGION 9 TOTAL	9,615	363	427	275	266	201	95	4.4	2.9	2.8	2.1	1.0	15,392,243		81	13,489	
AVERAGE¹								7.0	3.4	4.4	2.6	1.3	426			2,819	
STANDARD DEVIATION²								2.4	2.0	2.5	1.0	0.0	0			0	
MEDIAN³																	

^A Includes available preliminary data for July 1, 2004 through December 31, 2006, and may not include all spills less than 1,000 gallons that did not enter surface waters or storm drains during this period.

^B As of June 2003.

^C Total spill volume (in gallons) divided by the volume of wastewater conveyed (in million gallons) from July 1, 2006 through December 31, 2006.

^D Included with Eastern Municipal Water District

^E Private spills are listed to indicate their locations. Public sewer agencies are not responsible for private property spills and are not required by Order No. 96-04 to report private property spills.

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

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

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

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF DECEMBER 1, 2006 THROUGH DECEMBER 31, 2006**

DATE	APPLICANT & LOCATION	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
12/1/06	Alfred Pedroza, Otay Water District	La Presa Pipeline Maintenance Project	Replace two pump outs along the pipeline and raise them to facilitate routine future maintenance. The excavated areas will be backfilled with the original soil when work is completed.	Unnamed Ephemeral Drainage Tributary to Tecolote Creek	0.0046 (T) Wetland	1:1 Restore Wetland	Low Impact Certification and Waiver of Waste Discharge Requirements
12/7/06	County of San Diego, Department of Public Works	Black Canyon Road Bridge Replacement Project (2C4002)	Construction of a new cast-in-place post-tensioned pre-stressed concrete box girder bridge to replace the existing structurally deficient bridge. Existing bridge will be cosmetically rehabilitated and remain in place for pedestrian use.	Santa Ysabel Creek	0.04 (P) Waters 0.115 (T) Waters	5:1 Create/Restore Wetland for Permanent Impacts; 1:1 Restore Waters for Temporary Impacts	Technically-Conditioned Certification and Waiver of Waste Discharge Requirements
12/11/06	The Welk Group, Inc., Escondido	Lawrence Welk Garden Villas	Project consists of 148 condominium units with private recreational facilities on an approximately 49-acre site.	Unnamed Tributary to Moosa Canyon Creek	0.03 (P) Streambed	Create 0.03 Wetland; Enhance 0.03 Wetland	Technically-Conditioned Certification and Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF DECEMBER 1, 2006 THROUGH DECEMBER 31, 2006**

DATE	APPLICANT & LOCATION	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
12/15/06	Edward Borysewicz, Ramona	Borysewicz Subdivision	Subdivision project consisting of 4 residential housing pads and the construction of an access road/driveway for 2 of the proposed housing pads.	Unnamed Tributary to San Vicente Creek	0.01 (P) Streambed	Create 0.01 Streambed	Technically-Conditioned Certification and Waiver of Waste Discharge Requirements
12/22/06	San Diego Gas and Electric, Miramar Transmission District	5422-Permanent Erosion Repair, Gas TL 1600, Shawn Canyon	The proposed project is to fill rills/gullies around 5 sections of a natural gas pipeline. The pipeline will be excavated, re-wrapped, covered with sand, concrete, and native rock.	Shawn Canyon Creek	0.0094 (P) Streambed ; 0.0295 (T) Streambed	No compensatory mitigation is proposed.	Low Impact Certification and Waiver of Waste Discharge Requirements
12/22/06	San Diego Gas and Electric, San Diego	Grant Hill Substation	The project involves stabilization of a 13 foot section of channel with 45 cubic yards of riprap in the area around the storm drain inlet, 5 cubic yards of which will be placed below the ordinary high water mark	Unnamed Tributary to San Diego Bay	0.0005 (P) Waters	3 :1 Enhancement at the drainage	Low Impact Certification and Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF DECEMBER 1, 2006 THROUGH DECEMBER 31, 2006**

DATE	APPLICANT & LOCATION	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
12/27/06	San Diego Gas and Electric, Miramar Transmission District	Erosion Repair Gas Transmission TM 3010 Tecolote Canyon	The proposed project is to repair erosion around a 30-inch diameter natural gas main transmission line. The pipeline will be covered with sand, concrete, and native rock. Additional native rock will be placed downstream of the repair to prevent further erosion.	Unnamed Ephemeral Tributary to Tecolote Canyon Creek	0.002 (P) Streambed	No compensatory mitigation is proposed.	Low Impact Certification and Waiver of Waste Discharge Requirements
12/28/06	ADJ Holdings, LLC, San Marcos	The Groves	Development of 85 single family lots, 1 commercial lot, and associated infrastructure in the Bonsall area.	Unnamed Tributary to San Luis Rey River	0.006 (P) Streambed	0.515 Preservation of combined Wetland and Streambed	Low Impact Certification and Waiver of Waste Discharge Requirements

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION ACTIONS
FOR THE PERIOD OF DECEMBER 1, 2006 THROUGH DECEMBER 31, 2006**

DATE	APPLICANT & LOCATION	PROJECT TITLE	PROJECT DESCRIPTION	WATERBODY	IMPACT (Acres) ¹	MITIGATION (Acres) ¹	CERTIFICATION ACTION ²
12/28/06	Richard and Kristen DeAndero, Wildomar	DeAndero Bridge	To construct an Arizona Crossing on private property to gain access for construction of a new single family residence.	Los Alamos Creek	0.05 (P) Streambed ; 0.05 (T) Streambed	Restore 0.05 Streambed	NWP 29 Certification by State Board

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

Construction Storm Water (CONSTW)

Notice of Violation and 13267 Investigative Order		Date:	December 21, 2006
Agency/Entity: Facility:	Western Pacific Housing Villages of La Costa Ridge 2.6, Carlsbad		
Description:	Issued for inadequate Best Management Practices to reduce the threat of discharges of sediment into storm water conveyance system and Waters of the State. A technical report requiring a Storm Water Pollution Prevention Plan update, a site status report and a site resource analysis is due to the Regional Board by January 19, 2007.		

Notice of Violation and 13267 Investigative Order		Date:	December 26, 2006
Agency/Entity: Facility:	Shea Homes Washington Hills, Escondido		
Description:	Issued for inadequate Best Management Practices to reduce the threat of discharges of sediment into storm water conveyance system and onto public streets. A technical report requiring a site status report was due to the Regional Board by January 9, 2007.		

Industrial Stormwater (INDSTW)

Notice of Violation and 13267 Investigative Orders		Date:	December 4, 200612/4/2006
Agency/Entity: Facility:	Ramona Auto Dismantling Ramona		
Description:	Issued for failure to have adequate Best Management Practices to prevent the discharge of automotive fluids and other non-stormwater discharges to the stormwater conveyance system. At technical report is required to be submitted by January 15, 2007 with details on proposed steps to achieve compliance.		

Land Discharge (LNDISP)

Notice of Violation		Date:	December 6, 2006
Agency/Entity: Facility:	San Diego Unified School Dist Bell Jr High Landfill, San Diego		
Description:	Issued for failure to file regularly scheduled groundwater monitoring reports pursuant to requirements of General Order R9-1997-011.		

Municipal Storm Water (MNSTW)

Notice of Violation		Date:	November 29, 2006
Agency/Entity:	City of Carlsbad		
Facility:	Municipal Storm Water Program, Carlsbad		
Description:	Issued for a failure to inspect industrial sites and for submitting an inadequate Jurisdictional Urban Runoff Management Program Annual Report for fiscal year 2004-2005.		

Notice of Violation and 13267 Investigative Orders		Date:	December 21, 2006
Agency/Entity:	City of San Diego		
Facility:	Municipal Storm Water Program, San Diego		
Description:	Issued for a failure to inspect construction sites, failure to conduct enforcement of construction sites, failure to implement Best Management to the Maximum Extent Practicable. A technical report requiring an evaluation of the City's construction oversight program, including procedures for inspection, prioritization, education, and enforcement, is due to the Regional Board by January 23, 2007.		

Underground Storage Tanks (TANKS)

Notice of Violation		Date:	December 5, 2006
Agency/Entity:	Kinder Morgan Energy Partners		
Facility:	Mission Valley Terminal, San Diego		
Description:	Issued for failure to file a timely report of a diesel fuel spill that occurred on December 1, 2006, in violation of Cleanup and Abatement Order R9-1992-001.		

Waste Discharge Requirements (NON15)*

Notice of Violation and 13267 Investigative Order		Date:	December 5, 2006
Agency/Entity:	Eastern Municipal Water District		
Facility:	Sewage Collection System, Temecula		
Description:	Issued for an approximately 1 million gallon spill of raw sewage discharged to Murrieta Creek, a tributary to the Santa Margarita River, that began on November 14, 2006. A technical report was required to be submitted by December 29, 2006 with details of the spill and actions taken by the District.		

* A more detailed discussion on sewage spills can be found in a separate report entitled 'Sewage Spills'.

United States Senate

HART SENATE OFFICE BUILDING
SUITE 112
WASHINGTON, DC 20510-0505
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January 13, 2007

San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Friends:

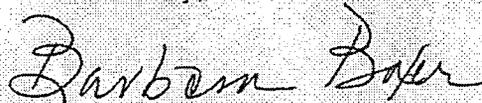
I send my warmest greetings as you gather for "Project POWER: Protecting Our Wetlands with Educators and Regulators." You have my best wishes for a wonderful event.

I commend the San Diego Regional Water Quality Control Board for your dedication to preserving, enhancing, and restoring the quality of California's water resources and ensuring the proper allocation and efficient use of California's water resources.

The workshop that you are offering gives participants an overview of San Diego County's water history, wetlands ecology and the laws that protect these valuable resources. I applaud the hard work of the many organizers, volunteers, and participants. I encourage you to continue your valuable work.

Again, you have my best wishes for an inspiring event.

Sincerely,



Barbara Boxer
United States Senator

BB:rt

SECTION 1. Section 13225 of the Water Code is amended to read:

13225. Each regional board, with respect to its region, shall do all of the following:

(a) ~~Obtain coordinated action in~~ Coordinate with the state board and other regional boards, as well as other state agencies with responsibility for water quality, with respect to water quality control matters, including the prevention and abatement of water pollution and nuisance.

(b) Encourage and assist in ~~self-policing~~ waste disposal programs, as needed and feasible, and upon application of any person, advise the applicant of the condition to be maintained in any disposal area or receiving waters into which the waste is being discharged.

(c) Require as necessary any state or local agency to investigate and report on any technical factors involved in water quality control or to obtain and submit analyses of water; provided that the burden, including costs, of such reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom.

(d) Request enforcement by appropriate federal, state and local agencies of their respective water quality control laws.

(e) Report rates of compliance with the requirements of this division.

(f) Recommend to the state board projects which the regional board considers eligible for any financial assistance which may be available through the state board.

~~(f)~~(g) Report to the state board and appropriate local health officer any case of suspected contamination in its region.

~~(g)~~(h) File with the state board, at its request, copies of the record of any official action.

~~(h)~~(i) Take into consideration the effect of its actions pursuant to this chapter on the California Water Plan adopted or revised pursuant to Division 6 (commencing with Section 10000) ~~of this code~~ and on any other general or coordinated governmental plan looking toward the development, utilization, or conservation of the water resources of the state.

~~(i)~~(j) Encourage coordinated regional planning and action for water quality control.

(k) In consultation with the state board, identify and post on the Internet a summary list of all enforcement actions undertaken by that regional board and the dispositions of those actions, including any fines assessed. This list shall be updated at least quarterly.

SEC. 2. Section 13267 of the Water Code is amended to read:

13267. (a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement authorized by this division, may investigate the quality of any waters of the state within its region.

(b) (1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

(2) When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes may not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies. However, these portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

(c) In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.

(d) The state board or a regional board may require any person, including a person subject to a waste discharge requirement under Section 13263, who is discharging, or who proposes to

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discharge, wastes or fluid into an injection well, to furnish the state board or regional board with a complete report on the condition and operation of the facility or injection well, or any other information that may be reasonably required to determine whether the injection well could affect the quality of the waters of the state.

(e) As used in this section, "evidence" means any relevant evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in a civil action.

(f) The state board may carry out the authority granted to a regional board pursuant to this section if, after consulting with the regional board, the state board determines that it will not duplicate the efforts of the regional board.

SEC. 3. Section 13268 of the Water Code is amended to read:

13268. (a) (1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of Section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor, and may be liable civilly in accordance with subdivision (b).

(2) Any person who knowingly commits any violation described in paragraph (1) is subject to criminal penalties pursuant to subdivision (e).

(b) (1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

(2) Civil liability may be imposed by the superior court in accordance with Article 5 (commencing with Section 13350) and Article 6 (commencing with Section 13360) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

(c) Any person discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, who knowingly fails or refuses to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or who knowingly falsifies any information provided in those technical or monitoring program reports, is guilty of a misdemeanor, may be civilly liable in accordance with subdivision (d), and is subject to criminal penalties pursuant to subdivision (e).

(d) (1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (c) in an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

(2) Civil liability may be imposed by the superior court in accordance with Article 5 (commencing with Section 13350) and Article 6 (commencing with Section 13360) of Chapter 5 for a violation of subdivision (c) in an amount which shall not exceed twenty-five thousand dollars (\$25,000) for each day in which the violation occurs.

(e) (1) Subject to paragraph (2), any person who knowingly commits any of the violations set forth in subdivision (a) or (c) shall be punished by a fine that does not exceed twenty-five thousand dollars (\$25,000).

(2) Any person who knowingly commits any of the violations set forth in subdivision (a) or (c) after a prior conviction for a violation set forth in subdivision (a) or (c) shall be punished by a fine that does not exceed twenty-five thousand dollars (\$25,000) for each day of the violation.

(f) (1) Notwithstanding any other provision of law, fines collected pursuant to subdivision (e) shall be deposited in the Waste Discharge Permit Fund and separately accounted for in that fund.

(2) The funds described in paragraph (1) shall be expended by the state board, upon appropriation by the Legislature, to assist regional boards, and other public agencies with authority to clean up waste, or abate the effects of the waste, in cleaning up or abating the effects of the waste on waters of the state or for the purposes authorized in Section 13443.

(g) The state board may carry out the authority granted to a regional board pursuant to this section if, after consulting with the regional board, the state board determines that it will not duplicate the efforts of the regional board.

SEC. 4. Section 13323 of the Water Code is amended to read:

13323. (a) Any executive officer of a regional board may issue a complaint to any person on whom administrative civil liability may be imposed pursuant to this article. The complaint shall

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allege the act or failure to act that constitutes a violation of law, the provision of law authorizing civil liability to be imposed pursuant to this article, and the proposed civil liability.

(b) The complaint shall be served by certified mail or in accordance with Article 3 (commencing with Section 415.10) of, and Article 4 (commencing with Section 416.10) of, Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure, and shall inform the party so served that a hearing before the regional board shall be conducted within 90 days after the party has been served. The person who has been issued a complaint may waive the right to a hearing.

(c) In proceedings under this article for imposition of administrative civil liability by the state board, the executive director of the state board shall issue the complaint and any hearing shall be before the state board, or before a member of the state board in accordance with Section 183, and shall be conducted not later than 90 days after the party has been served.

(d) Orders imposing administrative civil liability shall become effective and final upon issuance thereof, and are not subject to review by any court or agency except as provided by Sections 13320 and 13330. Payment shall be made not later than 30 days from the date on which the order is issued. The time for payment is extended during the period in which a person who is subject to an order seeks review under Section 13320 or 13330. Copies of these orders shall be served by certified mail or in accordance with Article 3 (commencing with Section 415.10) of, and Article 4 (commencing with Section 416.10) of, Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure upon the party served with the complaint and shall be provided to other persons who appeared at the hearing and requested a copy.

(e) Information relating to hearing waivers and the imposition of administrative civil liability, as proposed to be imposed and as finally imposed, under this section shall be made available to the public by means of the Internet.