

**California Regional Water Quality Control Board  
San Diego Region**

**David Gibson, Executive Officer**



**Executive Officer's Report  
February 13, 2013**

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## **Part A – San Diego Region Staff Activities**

### **1. Personnel Report**

*Staff Contact: Lori Costa*

The Organizational Chart of the San Diego Water Board can be viewed at [http://www.waterboards.ca.gov/sandiego/about\\_us/org\\_charts/orgchart.pdf](http://www.waterboards.ca.gov/sandiego/about_us/org_charts/orgchart.pdf)

#### **Hires**

Tyler Kirkendall, Scientific Aid, is working in the Land Discharge Unit. He is assisting with reviewing self-monitoring reports, processing waste discharge requirement applications, and field inspections. Mr. Kirkendall is expected to receive his Bachelor of Science degree in Environmental Engineering in May 2013 from San Diego State University.

Jenny Seto, Scientific Aid, is working in the Core Regulatory Unit. She is assisting with reviewing technical reports and data management activities. Ms. Seto is expected to receive her Bachelor of Science degree in Environmental Engineering in May 2013 from San Diego State University.

Christopher Yang, Information Systems Technician, is working in the Mission Support Services Unit. He is assisting in computer support, web development, local area network, and inventory management. Mr. Yang has a Bachelor of Science degree in Mechanical Engineering and a Certificate in Information Network and Web Technology.

#### **Departures**

Alex Cali, Student Assistant Engineer, worked in our Southern Watershed Unit assisting with the review of reports and evaluating compliance of regulated sites. Mr. Cali received his Bachelor of Science degree in Environmental Engineering in December 2012 from San Diego State University. He would like to return to the Water Board as a Water Resource Control Engineer in the future.

#### **Promotions**

Lori Costa was promoted to Administrative Officer in January 2013. Lori began her State career with the State Water Board in November 1984. In 1996 she left her position as Associate Personnel Analyst to move to San Diego. She was the San Diego Water Board's Executive Assistant for 14 years before her promotion to Staff Services Analyst and then Associate Governmental Program Analyst in the Mission Support Services Unit.

**Recruitment**

We are currently in the process of filing seven positions; one Student Assistant Engineer, four Scientific Aids, and two Seasonal Clerks. These positions will replace the non-represented student assistants that we were required to eliminate effective August, 31, 2012.

**Part B – Significant Regional Water Quality Issues****1. Former Santa Ysabel Chevron Gas Station – Status Report**

*Staff Contact: Sue Pease*

The State of California continues to maintain the groundwater treatment systems on three private and one public well in Santa Ysabel affected by the petroleum pollution in groundwater from the release at the former Santa Ysabel Chevron. Santa Ysabel is a small community east of Ramona that depends on groundwater as its source of drinking water. The four wells have been impacted by petroleum pollution, primarily methyl tertiary butyl ether. The four wells have carbon treatment systems which are maintained by Tetra Tech, the State Water Board's contractor, to ensure the continued effectiveness of the systems.

The site has been managed by the San Diego Water Board with funding from the State Water Board's Emergency, Abandoned, and Recalcitrant (EAR) Account since July 2009. The EAR Account has funded the assessment and mitigation activities at the site since the previous responsible party, Mr. and Mrs. Ernest Moretti, stopped all remedial activities at the site and declared bankruptcy.

Staff has directed Tetra Tech to prepare a detailed proposal for an active air sparge/soil vapor extraction (AS/SVE) remediation system for the site. Staff's direction is based on Tetra Tech's November 2012 report titled *Review of Remedial Options* that compared the cost of active remediation and passive remediation by monitored natural attenuation (MNA). The cost of seven years of AS/SVE is comparable to 45 years of MNA. In consideration of the significantly shorter time period for active versus passive remediation and the impacts to drinking water, it is prudent to consider an AS/SVE system for the site.

In another development, the former Santa Ysabel Chevron property was acquired by Donan Environmental Services, Inc. in a sheriff's auction in November 2012. California law makes property owners responsible for cleanup even if they did not cause the initial release. The San Diego Water Board contacted Donan Environmental Services, Inc. in December 2012 to inform the company of its responsibility as the property owner to continue the cleanup of the pollution and to maintain the groundwater treatment systems. Central Cleanup Unit staff will continue to communicate with Donan Environmental Services, Inc. to seek an appropriate outcome to this development.

To continue to expend the funds granted from the EAR account, the San Diego Water Board must re-nominate the site every year to the EAR Account Annual Site List, and the State Water Board must approve the nomination. Until there is a viable responsible party maintaining the

wellhead treatment systems and actively cleaning up the site, the San Diego Water Board will continue to fund cleanup activities at the site through the EAR Account. The nomination of the site to the Fiscal Year 2013/2014 Annual Site List will be brought to the San Diego Water Board for consideration at either the March or April 2013 meeting.

## **2. Mission Valley Terminal Cleanup Update**

*Staff Contacts: Sean McClain and Craig Carlisle*

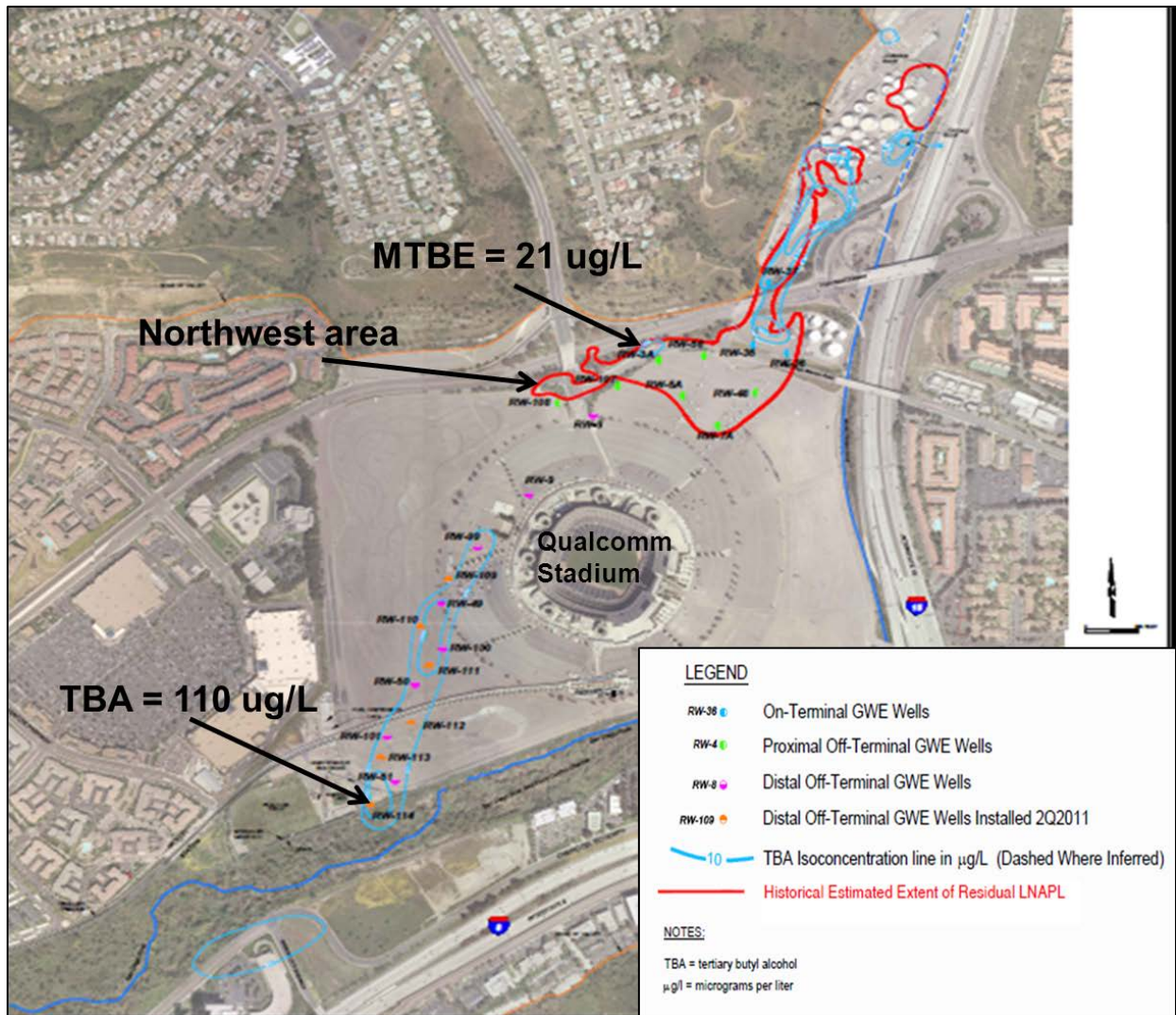
The remediation of soil and groundwater in the Qualcomm Stadium parking lot by Kinder-Morgan Energy Partners (KMEP) continues to progress toward the December 31, 2013 groundwater cleanup deadline. KMEP reported in early 2009 that six additional groundwater extraction wells were installed in the Qualcomm Stadium area and an increase in the discharge rate was needed to achieve compliance with the December 31, 2013 cleanup deadline specified in the Cleanup and Abatement Order for the stadium area. The San Diego Water Board authorized an increase of the discharge rate to 1.26 million gallons per day (MGD), in June 2012. This allowed KMEP to increase the discharge from 0.795 MGD to 1.25 MGD.

The cleanup is currently focused on removing the fuel additive methyl tert-butyl ether (MTBE) and its breakdown product tert-butyl alcohol (TBA) from groundwater beneath the Qualcomm Stadium parking lot. KMEP recently reported that the highest MTBE concentrations detected in groundwater was 21 µg/L detected in one monitoring well located next to Friars Road (see Figure below). MTBE concentrations in the other parking lot area wells did not exceed 5 µg/L. The maximum contaminant levels (MCL) for MTBE in drinking water are 13 µg/L for human health and 5 µg/L for taste and odor. The highest TBA concentration (110 µg/L) was measured in groundwater from a extraction well located in the southwestern corner of the Qualcomm Stadium parking lot (see Figure below). Other TBA detections in off-Terminal groundwater were consistently less than 100 µg/L. The notification level for TBA in groundwater is 12 µg/L. Notification levels (formerly called "action levels") are published by the California Department of Public Health (CDPH) for chemicals for which there is no drinking water MCL. KMEP has proposed the secondary MCL and notification level as groundwater cleanup levels for MTBE and TBA.

KMEP also reported that soil cleanup continues in the northwestern area of the parking lot and Friars Road (see Figure below). KMEP discovered a new area of petroleum affected soil in July 2009 and expanded the remediation system into the northwestern area to include a network of 51 soil vapor extraction wells. KMEP expects to complete the soil cleanup of the northwestern area by December 31, 2013. Groundwater appears to be unaffected in this area.

The City of San Diego filed a lawsuit in 2007 against KMEP for polluting an aquifer that the City would like to tap for drinking water. U.S. District Court Judge Michael Anello issued a January 25, 2013 ruling that sided with KMEP on all counts. For more information please visit the Union Tribune website at: <http://www.utsandiego.com/news/2013/feb/03/tp-city-loses-suit-over-pollution-cleanup-beneath/>

For further information on the cleanup, please visit the State Water Resource Control Board's Geotracker website at <http://www.geotracker.waterboards.ca.gov/> (type "SL607392800" in the Global ID and choose "Search for All Sites") to obtain recent groundwater and remediation status reports in PDF format.



### 3. Federal Facilities Agreement and Funding for Cleanup at U.S. Marine Corps Base Camp Pendleton

*Staff Contacts: Brian Kelley and John Odermatt*

The San Diego Water Board Northern Cleanup Unit staff attended the 109<sup>th</sup> Federal Facilities Agreement (FFA) meeting in Pasadena on January 17, 2013. The FFA Team is comprised of representatives from the U. S. Marine Corps (USMC), U.S. Navy, U.S. Environmental Protection Agency, Department of Toxic Substances Control, and San Diego Water Board. The FFA is a

contractual agreement between the federal government and the State of California that covers scheduling, oversight, and execution of investigation and cleanup of sites at Camp Pendleton. These cleanups are conducted under the Comprehensive Environmental Response, Compensation and Liability Act.

An important part of the meeting was the discussion of the status of and funding for anticipated projects at the Marine Corps Base Camp Pendleton (Base) for the federal fiscal year 2013 (FY13). The Base continues to receive the largest budget allocation of any other local military base for investigation and cleanup of contaminated sites because of the diversity of cleanup projects, and the fact that the Base relies exclusively on groundwater for its potable water supplies. Cleanup projects at Camp Pendleton consist of hazardous wastes sites, leaking underground storage tanks, and brownfield redevelopments.

The Marine Corps' ability to secure higher and consistent levels of cleanup related funding for Camp Pendleton is in part due to the scheduling and funding of the cleanup work in an FFA. The San Diego Water Board has been diligent in urging the Marine Corps to keep the FFA cleanup schedule up-to-date. We believe that this realistic schedule has helped maintain appropriate funding allocations for the Base. Although cleanup activities are driven by the FFA, the developing federal budget may have an impact. The budget for FY13 is approximately 15 percent less than the FY10 budget (the last year the federal government passed a budget). Potential cost saving measures being considered by the Department of Defense include furloughs of Navy and Marine Corps environmental personnel, restrictions on project related travel, and requirements for the Navy and Marine Corps to self-perform some work instead of hiring contractors. The proposed funding for FY13 will include provisions for active treatment at four sites, and investigation or long term monitoring at an additional eight sites.

#### **4. Public Workshop and CEQA Scoping Meeting for Total Maximum Daily Loads (TMDLs) for Downtown Anchorage and B Street/Broadway Piers (DAB) for Sediment Toxicity**

*Staff Contact: Charles Cheng*

On January 10, 2013, the San Diego Water Board conducted a combined Public Workshop and California Environmental Quality Act (CEQA) Scoping Meeting on a Total Maximum Daily Loads (TMDLs) Project addressing toxic pollutants in sediment at the Downtown Anchorage and B Street/Broadway Piers in San Diego Bay (the DAB TMDL Project). The Workshop and CEQA Scoping Meeting are significant steps to receive public participation.

The San Diego Bay Shoreline in the vicinity of DAB is listed on the Clean Water Act (CWA) Section 303(d) List as impaired due to the presence of sediment toxicity and a degraded benthic community. Studies from both sites found that sediment concentrations of total polycyclic aromatic hydrocarbons (PAHs) and total polychlorinated biphenyls (PCBs) exceed the narrative sediment quality objectives (SQOs) which are designed to protect benthic communities from sediment toxicity and degradation. In addition, sediment concentrations of chlordane in the vicinity of Downtown Anchorage and zinc in the vicinity of B Street/ Broadway Piers were also

found to exceed the SQOs. As a consequence, the San Diego Water Board has initiated efforts to develop TMDLs for these sites. The purpose of a TMDL is to attain a water body's water quality objectives and restore its beneficial uses.

More information on the DAB TMDL project, including public notification, meeting agenda, and staff presentations for the Workshop and CEQA Scoping Meeting can be found at: [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/tmdls/bstreet.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/bstreet.shtml).

The purpose of the Public Workshop was to provide information, answer questions, and receive early public input on the TMDL project. At the workshop, staff presented topics including sediment contamination status and investigation results at project locations in San Diego Bay, legal requirements for CWA Section 303(d) listing and TMDL development, technical TMDL components, structure of an implementation plan, TMDL and Basin Plan amendment processes, as well as project history and goals. Staff from the City of San Diego also presented information about the City's effort and financial support for this TMDL development project.

The purpose of the CEQA Scoping Meeting was to provide participants with an opportunity to comment on the appropriate scope and content of the environmental analysis and environmental documentation for the project to be prepared pursuant to the CEQA and State Water Board's Certified Regulatory Program for Basin Planning. At the CEQA Scoping Meeting, staff presented topics including purpose of CEQA analysis, description of Certified Regulatory Program and Substitute Environmental Documents, evaluation of regulatory actions by the Water Board and possible alternatives, as well as the reasonably foreseeable methods of compliance by responsible parties and possible alternatives. Staff also presented and sought public input on the likely environmental impacts of such regulatory actions and compliance methods, and on the alternatives to both, which may result in less significant environmental impacts. In addition, staff discussed the CEQA Environmental Checklist and strongly encouraged public participation.

There were approximately 25 participants in attendance, including representatives from the City and the County of San Diego, Port of San Diego, the Navy, the Airport Authority, Solar Turbines, Teledyne Ryan Industries (TDY), Recreational Boaters of California, and consultants. Oral comments were received during both the Public Workshop and CEQA Scoping Meeting. Additionally, the public was also offered an opportunity to provide written comments to the Water Board on either the Public Workshop or CEQA Scoping Meeting within two weeks (no later than COB January 24, 2013).

## **5. Status Report: Cleanup and Abatement Order No. R9-2012-0024, San Diego Bay Shipyard Sediment Cleanup**

*Staff Contact: Frank Melbourn*

On December 12, 2012, the San Diego Water Board requested that the Advisory Team provide an update on the implementation of Cleanup and Abatement Order (CAO) No. R9-2012-0024. The CAO, adopted on March 14, 2012, requires the cleanup of contaminated San Diego Bay sediment near and below the BAE Systems San Diego Ship Repair, Inc. (BAE) and National

Steel and Shipbuilding Company (NASSCO) shipyards. This written summary addresses the Board's request and covers the following topics: 1) Acceptance of the Remedial Action Plan (RAP) and Post Remedial Monitoring Plan (PRMP); 2) The need for additional California Environmental Quality Act (CEQA) analysis at this time; and 3) Recovery of past disputed staff costs.

Acceptance of RAP and PRMP: Directive B.1. of the CAO required the submittal of a RAP no later than 90 days after adoption of the CAO; Directive D.1. required the submittal of a PRMP, also no later than 90 days after adoption of the CAO. The RAP and PRMP were timely submitted on June 12, 2012; however the Responsible Parties requested an extension until September 10, 2012, to prepare and submit an amended RAP and PRMP. The Responsible Parties submitted amended documents by the September 10 deadline. Following the public comment period and discussions among the Designated Parties, including the Cleanup Team and San Diego Coastkeeper, additional revisions were made to the RAP on October 26 and October 31, 2012. In a December 20, 2012, letter to Responsible Parties and Interested Persons, Assistant Executive Officer Smith determined that the RAP and PRMP satisfy CAO requirements and directed the Responsible Parties to begin implementation of the RAP.

CEQA Compliance: The activities contained in the amended RAP were considered and addressed in the Final Environmental Impact Report (EIR), certified by this Board on March 14, 2012. Therefore no additional CEQA analysis is necessary at this time. Furthermore, the amended RAP addressed all received comments except for a select few made on Appendix E, Community Relations Plan, by the San Diego Coastkeeper. While CAO Directive F. states that the Assistant Executive Officer shall schedule items for the San Diego Water Board that cannot be informally resolved, the Assistant Executive Officer determined that the unaddressed concerns did not require resolution in order for the Responsible Parties to proceed with RAP implementation. The Assistant Executive Officer also noted that future public review opportunities exist to address the comments. Implementation of the RAP will necessitate additional public review when the Responsible Parties submit a Report of Waste Discharge (ROWD) and/or a Clean Water Act section 401 Water Quality Certification application. To ensure full public participation, public notices will be issued in both English and Spanish. Finally, issuance of Waste Discharge Requirements (WDRs) and/or a Clean Water Act section 401 Water Quality Certification will also require compliance with CEQA.

Recovery of Staff Costs: The Responsible Parties and representatives of the Cleanup Team agreed to the amount of past costs that will be paid to the Board. They propose to complete payment upon execution of a final allocation agreement in the federal litigation, expected, according to the Responsible Parties' mediator Tim Gallagher, in June 2013.

Finally, the Board can expect periodic CAO progress reports from the Cleanup Team. And, as mentioned above, the Responsible Parties are expected to submit a ROWD and/or a Clean Water Act section 401 Water Quality Certification application in the near future.



## 6. Enforcement Actions for November 2012

*Staff Contact: Chiara Clemente*

During the months of November and December 2012, the San Diego Water Board issued the following enforcement actions:

<b>November 2012 Enforcement Actions</b>	<b>Number</b>
Notice of Noncompliance with Storm Water Enforcement Act of 1998	15
Staff Enforcement Letter	2
<i>Total</i>	17

<b>December 2012 Enforcement Actions</b>	<b>Number</b>
Administrative Civil Liability Complaint	1
Administrative Civil Liability Order	1
Cleanup and Abatement Order	1
Notice of Noncompliance with Storm Water Enforcement Act of 1998	1
Staff Enforcement Letter	1
<i>Total</i>	5

A summary of recent regional enforcement actions is provided below. Additional information on violations, enforcement actions, and mandatory minimum penalties is available to the public from the following on-line sources:

State Water Board Office of Enforcement webpage at:

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

California Integrated Water Quality System (CIWQS)

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

State Water Board GeoTracker database:

<https://geotracker.waterboards.ca.gov/>

### **Administrative Civil Liability Complaint**

Administrative Civil Liability Complaint No. R9-2012-0014, La Mesa

On December 13, 2012, the San Diego Water Board issued Administrative Civil Liability Complaint No. R9-2012-0014 to the City of La Mesa in the amount of \$948,816 for alleged violations of State Water Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*, and San Diego Water Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*. The complaint was issued to the City because it reported discharges of 1,008,000 gallons of untreated sewage to San Diego Bay via Chollas Creek, and 306,700 gallons of untreated sewage to the Pacific Ocean, via Alvarado Creek and the San Diego River, on December 21 and 22, 2010.

**Administrative Civil Liability Order**Administrative Civil Liability Order No. R9-2012-0071, Ariel Suites, San Diego

Administrative Civil Liability Order No. R9-2012-0071 against Ariel Suites, L.P. was adopted on December 12, 2012, in the amount of \$138,000 for violations of Order No. R9-2007-0034, *General Waste Discharge Requirements for Discharges from Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay, Tributaries Thereto Under Tidal Influence, and Storm Drains or Other Conveyance Systems Tributary Thereto*. The Order imposes mandatory minimum penalties as recommended in Complaint No. R9-2012-0065.

**Cleanup and Abatement Order**Addendum No. 2 to Cleanup and Abatement Order No. R9-2009-0074, Escondido

On December 17, 2012, the San Diego Water Board issued Addendum No. 2 to Cleanup and Abatement Order No. R9-2009-0074, for the City of Escondido's cleanup of the former Orange Glen Market site, at 2741 East Valley Parkway. Addendum No. 2 discontinues required analyses for Total Petroleum Hydrocarbons in certain groundwater monitoring wells.

**Notices of Noncompliance with Storm Water Enforcement Act of 1998**First Notice of Noncompliance to Copart, San Diego

A Notice of Noncompliance was sent to [Copart](#) in San Diego for failure to enroll in the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ, *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities*. This Notice was the second and final notice to inform Copart that, pursuant to Water Code section 13399.30(a), failure to enroll will subject them to mandatory penalties. If a Notice of Intent to enroll is not submitted within 60 days of the first Notice, the violation will be subject to a mandatory penalty of not less than \$5,000 per year of noncompliance plus staff costs pursuant to Water Code section 13399.33.

Second Notice of Noncompliance

Second Notices of Noncompliance were sent to the facilities listed below for failure to submit annual reports, in accordance with statewide General Industrial Storm Water Permit Order No. 97-03-DWQ, NPDES General Permit No. CAS000001, *WDRs for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities*. The Notices are the second to inform the dischargers that, pursuant to Water Code section 13399.31(b), failure to submit these reports will subject them to mandatory penalties. If the reports are not received within 30 days of the second Notice, the violation will be subject to a mandatory penalty pursuant to Water Code section 13399.33.

[AB Recycling, San Diego](#); November 20, 2012

[American Recycling, San Diego](#); November 20, 2012

[Atlas Wood Products, San Diego](#); November 20, 2012

[Bimbo, San Diego](#); November 20, 2012

[Damaged Goods Motorcycle Dismantler, Escondido;](#) November 20, 2012

[E&E Transportation Inc., San Diego;](#) November 20, 2012

[Greenfield Recycling Center, El Cajon;](#) November 20, 2012

[Greenyard Auto Recycling, Lakeside;](#) November 20, 2012

[Harrison Trucking, Santee;](#) November 20, 2012

[High Tech Auto Dismantling, San Diego;](#) November 20, 2012

[Imperial Auto Wrecking, San Diego;](#) November 20, 2012

[Mac Cabinetry, Vista;](#) November 20, 2012

[OC Trucking, San Diego;](#) November 20, 2012

[California Precision Products Inc., San Diego;](#) November 20, 2012

[Tijuana River NERRR, Imperial Beach;](#) November 20, 2012

#### **Staff Enforcement Letters**

##### [Oak Tree Ranch Inc. Wastewater Treatment and Disposal System, Ramona](#)

An SEL was issued to Oak Tree Ranch Inc. on November 13, 2012, for exceedances of the permit limits for total nitrogen, nitrate, iron, and manganese, as well as multiple reporting violations during the period from January –September 2012, as prescribed in Waste Discharge Requirements (WDR) of Order No. R9-2007-0046 for Oak Tree Ranch Inc.'s Wastewater Treatment and Disposal System discharges to land.

##### [Rancho Del Campo Water Pollution Control Facility, San Diego County](#)

An SEL was issued to the County of San Diego, Department of Public Works on November 13, 2012, for exceeding the 12-month permit limit for Nitrate twice during the period of April-September 2012, as contained in WDR Order No. 87-108 for the Rancho Del Campo Water Pollution Control Facility's discharges to land.

##### [Southern Regional Tertiary Treatment Plant, USMCB Camp Pendleton](#)

A Staff Enforcement Letter was issued to United State Marine Corps Base Camp Pendleton on December 18, 2012, for multiple violations of NPDES Order No. R9-2008-0096. Alleged violations include reporting deficiencies and unauthorized discharges of partially treated sewage from the Southern Regional Tertiary Treatment Plant during the period of January to June 2012.

## 7. Sanitary Sewer Overflows (SSOs) November – December 2012 (Attachment B-7a – B-7c)

Staff Contact: Christopher Means

The following is a summary of the sewage spills occurring during November through December 2012 and reported and certified by December 31, 2012. Sewage Collection Agencies report Sanitary Sewer Overflows (SSOs) on-line at the State Water Board's CIWQS database pursuant to the requirements of State Water Board Order No. 2006-0003-DWQ (*General Statewide Waste Discharge Requirements for Sewage Collection Agencies*). Reports on sewage spills are available on a real-time basis to the public from the State Water Board's webpage at: <https://ciwqs.waterboards.ca.gov/>.

**Public Spills:** During November 2012, there were 17 SSOs from public systems in the San Diego Region reported in the on-line State Water Board CIWQS database. These SSOs included 2 spills of 1,000 gallons or more and 4 spills reaching surface waters, including storm drains. The combined total volume of reported sewage spilled from all publicly-owned collection systems for the month of November 2012 was 8,554 gallons.

During December 2012, there were 15 SSOs from public systems in the San Diego Region reported in the on-line State Water Board's CIWQS database. These SSOs included 5 spills of 1,000 gallons or more and 8 spills that reached surface waters including storm drains. The combined total volume of sewage spills reported from all publicly-owned collection systems for the month of December 2012 was 10,969 gallons.

**Reported Private Spills:** Twenty five discharges of untreated sewage from private laterals were reported during September through December 2011 by the collection agencies pursuant to San Diego Water Board Order No. R9-2007-0005 (*Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*). These private lateral spills included 1 spill of 1,000 gallons or more and 7 spills that reached surface waters, including storm drains. The combined total volume of reported sewage discharges from private lateral systems for the months of November through December 2012 was 5,538 gallons.

November - December 2011 and 2012 Comparison:

Month	Rainfall Total (In.)	Public SSOs	Private SSOs
November 2011	3.12	10	10
November 2012	0.43	17	15
December 2011	0.86	8	14
December 2012	2.28	15	10

Attached are three tables titled:

1. "November 2012 Summary of Public Sanitary Sewer Overflows in Region 9"
2. "December 2012 Summary of Public Sanitary Sewer Overflows in Region 9"

3. "Nov - Dec 2012 Summary of Private Lateral Sewage Discharges in Region 9"

Additional information about the San Diego Water Board SSO regulatory program is available at: <http://www.waterboards.ca.gov/sandiego/programs/sso.html>.

## **8. Clean Water Act Section 401 Water Quality Certification Actions Taken from October to December 2012 (*Attachment B-8*)**

*Staff Contact: Kelly Dorsey*

Section 401 of the Clean Water Act (CWA) requires that any person applying for a federal permit, which may result in a discharge of pollutants into waters of the United States, obtain a water quality certification that the specific activity complies with all applicable state water quality standards, limitations, requirements, and restrictions. The most common federal permit that requires a 401 Certification is a CWA Section 404 permit, most often 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 San Diego Water 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 San Diego Water Board may issue a conditional certification. The certification can be either in the form of a conditional certification document approved by the Executive Officer, or Waste Discharge Requirements (WDRs) adopted by the San Diego Water Board. In the case where a federal permit is not required because impacts have been determined to be only to waters of the State, the San Diego Water Board may adopt WDRs.

Table B-8 (attached) contains a list of actions taken during the months of October, November, and December 2012. The first page of the Table summarizes the total impacts to jurisdictional waters, and proposed mitigation, for the individual months and quarter. This information is an imprecise measure of the actual conditions. For example, the data can be skewed depending on what is considered "self-mitigating" and how mitigation is categorized (i.e. establishment, restoration, or enhancement). Another limitation is that the data relies on the assumption that all the mitigation required is implemented and successful, and does not take into consideration any additional impacts resulting from illegal fill activities.

Public notification of pending 401 Water Quality Certification applications can be found on the San Diego Water Board's web site at:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/index.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/index.shtml).

Certifications issued since January 2008 can also be found on the San Diego Water Board web site at:

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/401projects.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/401projects.shtml).

For a complete list of State-issued general orders, please refer to

[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.shtml).

## Part C – Statewide Issues of Importance to the San Diego Region

### 1. Development of Statewide Mercury Policy for Inland Surface Waters, Enclosed Bays, and Estuaries

*Staff Contact: Charles Cheng*

The State and Regional Water Boards are currently developing a Statewide Mercury Policy for California's Inland Surface Waters, Enclosed Bays, and Estuaries ("Policy"). The purpose of the Policy is to establish methylmercury Fish Tissue Objectives (FTOs) and to establish an implementation plan to achieve FTOs for all streams, lakes, reservoirs, enclosed bays and estuaries in California. This Policy also establishes a Reservoir Mercury Control Program to achieve the FTOs in reservoirs throughout the State. The State and Regional Water Boards will implement the Policy through existing statutory and regulatory authorities.

Mercury (Hg) is a heavy metal and potent neurotoxin that is harmful to both humans and wildlife. Like PCBs, Hg is of particular concern because it is a known "bioaccumulative" pollutant, meaning that living organisms can increase Hg concentration in their tissue within a trophic level, even if environmental levels of Hg are not very high. Hg is also known to biomagnify through increasing trophic levels of the food chain. Women and children are most at risk from Hg poisoning. In California, sources of Hg typically include historic Hg and gold mining activities, atmospheric deposition from both local and global airborne sources, wastewater treatment plants, and urban storm water runoff. Mercury can exist in various forms in the environment. *Methylmercury* (MeHg) is the form most toxic to humans and fish-eating wildlife. Exposure pathways include the consumption of Hg contaminated drinking water, fish tissue, or both. Consumption of contaminated high trophic level fish is the primary route of exposure and is believed to pose the greater health risk.

In the San Diego Region, the currently applicable water quality objectives for Hg in inland surface waters and enclosed bays and estuaries are US EPA's California Toxics Rule (CTR) values for human health protection (0.05 ug/L for consumption of both water and organisms, and 0.051 ug/L for consumption of organisms only). However, there are currently no MeHg fish tissue objectives officially adopted for the San Diego Region in a Water Quality Control Plan. Absent such objectives, the San Diego Water Board would refer to EPA's MeHg fish tissue criterion, and/or the State's Office of Environmental Health Hazard Assessment (OEHHA) Fish Tissue Guidelines for MeHg, or other published threshold values.

Throughout California today, water quality objectives for Hg in water and MeHg in fish tissue are either nonexistent or inconsistent. The draft Mercury Policy may help to address this issue by developing two statewide MeHg fish tissue objectives: one designed to protect human health which will likely be established at 0.2 mg MeHg/kg of fish tissue in large fish (i.e. bass); the second designed to protect aquatic organisms and wildlife which will likely be established at 0.03 mg MeHg/kg of fish tissue in small fish (3-5 cm in length). These MeHg FTOs will become the numeric target values for the statewide Hg TMDL. The State Water Board is planning to combine the FTOs and TMDL into a single policy.

The San Diego Region currently has only one water body, Lake Hodges, listed on the Clean Water Act Section 303(d) List for mercury impairment and slated for future TMDL development. The statewide Policy will help our Region's effort to address Hg impairment in Lake Hodges without spending significant staff resources to develop an individual TMDL. In addition, this statewide effort will be helpful in addressing bioaccumulation of Hg in San Diego Bay sediment and fish tissue as part of the Region's ongoing San Diego Bay Strategy. The San Diego Water Board can use available regulatory programs to implement the Policy, including National Pollutant Discharge Elimination System (NPDES) permits for Municipal Separate Storm Sewer Systems (MS4s, both Phase I & II) and Caltrans, statewide general industrial and construction storm water permits, region specific waste discharge requirements (WDRs), agricultural waivers, and cleanup and abatement orders.

Staff have been involved in the development of the Policy, and will continue to participate in this statewide effort.

Information on the statewide mercury program is available on-line at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/mercury/](http://www.waterboards.ca.gov/water_issues/programs/mercury/).

Interested persons can also subscribe for email updates about the Statewide Fish Tissue Objectives Project and/or the Statewide Mercury Control Program for Reservoirs by visiting [http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml#quality](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#quality).

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

Significant NPDES Permits,  
WDRs, and Actions of the  
San Diego Water Board

February 13, 2013

APPENDED TO EXECUTIVE OFFICER'S REPORT



**DATE OF REPORT**  
February 6, 2013

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

Action Agenda Item	Action Type	Draft Complete	Written Comments Due	Consent Item
<b>March 13, 2013</b> <i>San Diego Water Board Office</i>				
NPDES Permit Modification for Sea World San Diego ( <i>Mata</i> )	NPDES Permit Update	95%	1-Feb-13	Yes
Addendum 1 to Waste Discharge Requirements for the San Elijo Water Reclamation Facility, ( <i>Osibodu</i> )	WDR Addendum	95%	18-Dec-12	Yes
Administrative Civil Liability against City of Oceanside, Haymar Line Sanitary Sewer Overflow ( <i>Means</i> )	Administrative Civil Liability	100%	4-Mar-13	Yes
University of California Cooperative Extension Irrigated Land Education Program ( <i>Chan</i> )	Information Item	NA	NA	NA
Waste Discharge Requirements for the Foothill/Eastern Transportation, Corridor Agency Tesoro (SR 241) Extension, Orange County ( <i>Bradford</i> )	WDRs	100%	18-Feb-13	No
<b>April 10, 2013</b> <i>San Diego Water Board Office</i>				
General Permit for Boatyards in the San Diego Region ( <i>Schwall</i> )	New NPDES Permit	90%	6-Mar-13	No
Nomination of Former Santa Ysabel Chevron to Annual EAR Account Site List ( <i>Pease</i> )	Tentative Resolution	50%	3-Apr-13	No
NPDES Phase I Municipal Separate Storm Sewer System Permit for the Entire San Diego Region ( <i>Chiu</i> )	NPDES Permit Reissuance	95%	TBD	No
<b>May 8, 2013</b> <i>San Diego Water Board Office</i>				
Informational Item on the University of California, San Diego's Phase II MS4 Permit ( <i>Barker</i> )	Information Item	NA	NA	NA
Tentative Resolution Endorsing the San Diego Water Board Practical Vision ( <i>Ebsen and Pulver</i> )	Tentative Resolution	50%	NA	NA
Request for Disbursement from the Cleanup and Abatement Account to Fund the Tijuana River Valley Recovery Team ( <i>Valdovinos</i> )	Tentative Resolution	10%	TBD	No

Attachment B-7a

November 2012 - Summary of Public Sanitary Sewer Overflows in Region 9										
Responsible Agency	Collection System	Total Number of SSO locations	Total Vol of SSOs (gal)	Total Vol Recovered (gal)	Total Vol Reaching Surface Water	Percent Recovered	Percent Reaching Surface Water	Miles of Pressure Sewer	Miles of Gravity Sewer	Miles of Laterals
<b>Category 1 SSO</b>										
Encinitas City	City Of Encinitas CS	1	5,000	100	4,900	2	98	4	123	0
Marine Corps Base, Camp Pendleton	Usmc Base, Camp Pendleton CS	1	5	0	5	0	100	48.4	104	80
Oceanside PWD	La Salina WWTP, Oceanside CS	1	885	0	885	0	100	36	440	0
San Diego City	San Diego City CS	1	1,360	0	1,360	0	100	145	3,002	2,000
<b>Category 2 SSO</b>										
22nd District Agricultural Association	22nd District Agricultural Association CS	1	150	150	0	100	0	0.7	1.6	0.4
Coronado City	City Of Coronado CS	2	35	35	0	100	0	6.6	39.3	1
Eastern Municipal Water District	Temecula Valley RCS	1	200	0	0	0	0	22	457	0
El Toro Water District	El Toro Water District R9 CS	1	10	5	0	50	0	5	142	36
Fallbrook Public Utility Dist	Fallbrook Plant 1, Oceanside CS	1	15	15	0	100	0	4.6	76.8	0
La Mesa City	City Of La Mesa CS	2	160	0	0	0	0	0	155	0
Laguna Beach City	City Of Laguna Beach CS	1	400	400	0	100	0	4.5	95	0
Marine Corps Base, Camp Pendleton	Usmc Base, Camp Pendleton CS	1	30	25	0	83	0	48.4	104	80
San Diego City	San Diego City CS	2	104	0	0	0	0	145	3,002	2,000
South Coast Water District	South Coast Water District CS	1	200	200	0	100	0	3	138	0
<b>TOTALS</b>		<b>17</b>	<b>8554</b>	<b>930</b>	<b>7150</b>			<b>472.8</b>	<b>7879.4</b>	<b>4197.4</b>

CS = Collection System

Category 1 SSO = All discharges of sewage from a sanitary sewer system that exceed 1000 gallons, or result in a discharge to a surface water, or discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.

Category 2 SSO = All other discharges of sewage resulting from a failure in the sanitary sewer system

Attachment B-7b

December 2012 - Summary of Public Sanitary Sewer Overflows in Region 9										
Responsible Agency	Collection System	Total Number of SSO locations	Total Vol of SSOs (gal)	Total Vol Recovered (gal)	Total Vol Reaching Surface Water	Percent Recovered	Percent Reaching Surface Water	Miles of Pressure Sewer	Miles of Gravity Sewer	Miles of Laterals
<b>Category 1 SSO</b>										
Marine Corps Base, Camp Pendleton	Usmc Base, Camp Pendleton CS	1	1,200	1,200	0	100	0	48	104	80
Oceanside PWD	La Salina WWTP, Oceanside CS	1	1,500	1,300	200	86	13	36	439.7	0
Olivenhain MWD	4-S Ranch CS	1	2,200	2,200	0	100	0	6	40	0
San Diego City	San Diego City CS	4	3,495	1,775	1,720	50	49	145	3002	2000
Valley Center MWD	Lower Moosa Canyon Recl Facil CS	1	900	200	700	22	77	5	50	0
<b>Category 2 SSO</b>										
Coronado City	City Of Coronado CS	1	200	200	0	100	0	6.6	39.3	1
Fallbrook Public Utility Dist	Fallbrook Plant 1, Oceanside CS	1	84	84	0	100	0	4.6	76.8	0
La Mesa City	City Of La Mesa CS	5	1,390	155	0	11	0	0	155	0
<b>TOTALS</b>		<b>15</b>	<b>10969</b>	<b>7114</b>	<b>2620</b>			<b>250.7</b>	<b>3906.8</b>	<b>2081</b>

CS = Collection System

Category 1 SSO = All discharges of sewage from a sanitary sewer system that exceed 1000 gallons, or result in a discharge to a surface water, or discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.

Category 2 SSO = All other discharges of sewage resulting from a failure in the sanitary sewer system

Attachment B-7c

November and December 2012 - Summary of Private Lateral Sewage Discharges in Region 9								
Reporting Agency	Collection System	Total Number of PLSD locations	Total Vol of PLSDs (gal)	Total Vol Recovered (gal)	Total Vol Reaching Surface Water	Percent Recovered	Percent Reaching Surface Water	Miles of Private Lateral
<b>Category 1 PLSD</b>								
Fallbrook Public Utility Dist	Fallbrook Plant 1, Oceanside CS	1	50	30	0	60	0	18
Leucadia Wastewater District	Leucadia Wastewater District CS	1	15	0	5	0	33	300
Padre Dam Municipal Water District	Padre Dam CS	1	463	0	463	0	100	0
San Diego City	San Diego City CS	4	2,280	1,505	75	66	3	4,049
<b>Category 2 PLSD</b>								
Chula Vista City	City Of Chula Vista CS	1	20	20	0	100	0	0
Eastern Municipal Water District	Temecula Valley RCS	1	254	254	0	100	0	0
El Cajon City	City Of El Cajon CS	3	232	10	200	4	86	189
Encinitas City	City Of Encinitas CS	1	5	5	0	100	0	0
Moulton Niguel Water District	Moulton Niguel Water District CS	1	60	60	0	100	0	500
Padre Dam Municipal Water District	Padre Dam CS	1	947	292	0	30	0	0
Poway City	City Of Poway CS	1	122	122	0	100	0	127
San Diego City	San Diego City CS	6	765	765	0	100	0	4,049
South Coast Water District	South Coast Water District CS	2	320	300	0	93	0	150
Vallecitos Water District	Meadowlark CS	1	5	5	0	100	0	303
	<b>TOTAL</b>	<b>25</b>	<b>5538</b>	<b>3368</b>	<b>743</b>			<b>9685</b>

PLSD = Private Lateral Sewage Discharge

Category 1 PLSD = All discharges of sewage from a private sewer lateral that exceed 1000 gallons, or result in a discharge to a surface water, or discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.

Category 2 PLSD= All other discharges of sewage resulting from a failure of a private sewer lateral