

**State Water Resources Control Board  
July 19, 2011 Board Meeting  
Item 9 -- Executive Director's Report**

**DIVISION OF FINANCIAL ASSISTANCE**

**Proposition 84 Areas of Special Biological Significance (ASBS) Grant Program:**

This program provides \$32.025 million to help local public agencies comply with the discharge prohibition into ASBS contained in the California Ocean Plan. To date, eight ASBS grant agreements have been executed for a total of \$16.24 Million.

**Small Community Wastewater:** State Water Board staff attended the Small Communities Network Quarterly Workshop in Corcoran, CA. The workshop was focused on Water and Wastewater Infrastructure, and was intended to provide an overview of water quality in the San Joaquin Valley, and information on best practices and possible funding sources. The keynote address was given by Central Valley Regional Water Quality Control Board Member, Dr. Karl Longley. Various non-profits, local agencies, state/federal agencies (including United States Department of Agriculture, and California Infrastructure and Economic Development Bank), and industry representatives participated.

**PROGRAM ACTIVITY:**

**Cleanup and Abatement Account:**

- 16 disbursements were made totaling \$1,103,792.22
- Two requests were approved in the month of June. The Barstow Perchlorate Investigation Project for \$99,000 in the Lahontan Region. This project will determine the extent of groundwater plumes and identify additional drinking water supply wells impacted by Perchlorate. The other funded project was for the Expert Witness Fee. Additional funds of \$7,000 were given to the Office of Enforcement to continue contracting with an expert witness possessing a Grade V Wastewater Treatment Plant Operator Certificate.

**Site Cleanup Program:**

- A total of \$2,180,221 was collected during the month of June.

**Cleanup Fund:** As of June 30, 2011, the Fund paid \$255 million to claims. The Fund issued the following payments:

Priority A - Reimbursement Requests received through June 15, 2011

Priority B - Reimbursement Requests received through May 5, 2011

Priority C - Reimbursement Requests received through February 28, 2011

Priority D - Reimbursement Requests received through March 31, 2011

**Funding Approvals:** The Deputy Director of the Division approved the following Preliminary Loan/Grant Commitments from June 2011 to July 2011:

**Orange County Sanitation District (OCSD) Groundwater Replenishment System Phase II:**

The District's service area covers northern and southern Orange County. OCSD provides groundwater management for the Coastal Plain of Orange County Groundwater Basin (Basin). The Project is located at the District's Advanced Water Purification Facility (AWPF) in Fountain Valley. OCSD collects, treats, and disposes of wastewater for northern and central Orange County. The portion of wastewater sent to the District enters the Groundwater Replenishment System (GWRS). The first step of the GWRS is the AWPF. At the AWPF, wastewater goes through microfiltration, reverse osmosis, and ultraviolet disinfection processes. The next step is to send treated effluent from the AWPF to either recharge facilities in the northern portions of the Basin or a seawater intrusion barrier along the coast. .

**Total CWSRF Funding Request:** \$156,209,354

**City of Camarillo-Water Recycling Plan of Study:** The main source of recycled water for the City is the Camarillo Water Reclamation Plant. It serves Camarillo and the adjacent unincorporated areas of Ventura County. The Study will examine alternative tertiary treatment needs and determine the feasibility of providing a recycled water distribution system for golf courses, farmland, City parks, schools, and other irrigation uses.

**Total CWSRF Funding Request:** \$75,000

**North San Francisco Bay/ Sausalito-Locust Street and Bridgeway Boulevard Pump Station:**

The proposed Project is to construct a new auxiliary pump pit ahead of the existing pump station and replace the existing wet/dry pit pump station. The new submersible pump station will be equipped with three new pumps to transport the sewage from Sausalito, Marin City, and Tamalpais Community to the District's WWTP for treatment. The treated effluent will be discharged to the San Francisco Bay.

**Total CWSRF Funding Request:** \$3,250,000

**UST Cleanup Fund Budget Update:** On June 30, 2011, the Fund released the approved budgets for all claims in Priority A, B and C classes. Approximately \$107 million were available for the FY 11/12 budgets. With the budget release, the Fund has received numerous inquiries about individual claim budgets and other general comments. Staff has been responding to these inquiries and concerns in a most expeditious manner and will continue communicating with interested parties on further developments.

## **DIVISION OF WATER QUALITY**

**Groundwater Ambient Monitoring and Assessment (GAMA):** GAMA's Domestic Well Project has completed the sampling in Monterey County of 80 domestic wells since early May. About ten percent have nitrate above the maximum concentration limit (MCL) for public drinking water systems and ten percent have total Coliform bacteria indicators. Final results for all constituents sampled will be available by September.

Lawrence Livermore National Laboratory (LLNL) Special Studies Project has developed an analytical method for testing isotopic composition of boron in water. LLNL will perform these analyses on samples collected previously from San Diego County and from Monterey County. Results of boron and nitrate isotope analyses together should narrow the window for differentiating between human and animal sources of nitrate.

**Ocean Plan Amendment: Desal / Brine Provisions:** State Water Board staff and the Southern California Coastal Research Project (SCCWRP) held a stakeholder meeting on Tuesday July 5, 2011 to discuss convening a panel of experts to address scientific questions regarding the disposal of brine into the ocean. The panel will be composed of approximately four scientists from different disciplines. Suggested questions include: (1) How can the effects of these discharges be minimized through proper disposal strategies; (2) What models should be applied in order to predict how these plumes will behave; (3) Can cumulative water quality effects associated with multiple plumes be evaluated with models; and (4) What are appropriate monitoring strategies for these discharges?

The purpose of the meeting was to provide the interested public with the specific qualifications and names of potential individuals who may be asked to participate on the panel and to seek comment from the public on this effort.

**On-site Wastewater Treatment System (OWTS):** Staff held two CEQA scoping meetings on May 2, 2011 in Sacramento and May 9, 2011 in Riverside, respectively. On April 4, 2011, staff issued a Notice of Availability of Scoping Documents and Notice of Public Scoping Meetings for the CEQA Substitute Environmental Document for the Policy for Siting, Design, Operation and Management of OWTS. The purpose of the scoping document and meetings was to seek input from public agencies and members of the public on the environmental analysis of the project. The project description is the development of a Policy (in accordance with Water Code §13140) to comply with Water Code §13291(a) requiring that the State Water Board adopt standards for all OWTS. The comment period closed on May 19, 2011. In summary, we received 54 letters: 20 from individuals, 19 from cities and counties, five from professional organizations, four from non-profit associations, three from industry representatives, two from homeowner associations, and one from the United States Environmental Protection Agency (U.S. EPA). Additional information may be found at [http://www.waterboards.ca.gov/water\\_issues/programs/owts/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/owts/index.shtml).

**Storm Water Caltrans Permit:** The statewide NPDES permit for discharges by the California Department of Transportation of storm water from municipal separate storm sewer systems (MS4s) is targeted for reissuance. This permit is commonly referred to as the Caltrans Permit. The current Caltrans Permit (State Water Board Order No. 99-06-DWQ) was issued on July 15, 1999. The current permit regulates all storm water discharges from Caltrans-owned MS4s, maintenance facilities and construction activities. The revisions to the Caltrans permit are expected to follow many of the approaches in the Storm Water Construction General Permit (State Water Board Order No. 2009-0009-DWQ). A draft for public review was released on January 7, 2011. Comments were due on March 14, 2011. Staff is in the process of reviewing the comments received. The public hearing is scheduled for July 19, 2011.

**Storm Water Industrial General Permit:** The statewide General NPDES permit for discharges of storm water associated with industrial activities (commonly referred to as the Industrial General Permit) is targeted for reissuance. The current Industrial General Permit is State Water Board Order 97-03-DWQ. The revisions to the Industrial General Permit are expected to follow many of the approaches in the Storm Water Construction General Permit (State Water Board Order No. 2009-0009-DWQ), adopted in 2009. On January 28, 2011, staff issued a Public Notice to release the draft revised Industrial General Permit for review. Staff level workshops were held on February 14 in the Cal/EPA Building and on February 23 at the Irvine City Council Chambers. A third workshop was conducted via the web on March 15, 2011. A public hearing was conducted on March 29, 2011. The comments deadline was extended, and comments were due on April 29, 2011. Staff is in the process of evaluating over 250 individual comment letters received.

**Storm Water Phase II MS4 Permit:** The statewide General NPDES permit for discharges of storm water from small municipal separate storm sewer systems (MS4s) (commonly referred to as the Phase II Permit) is targeted for reissuance. The current Phase II MS4 Permit is State Water Board Order No. 2003-0005-DWQ. It provides permit coverage for smaller municipalities, including non-traditional Small MS4s, which are governmental facilities such as military bases, public campuses, and prison and hospital complexes. The revisions to the Phase II permit are expected to follow many of the approaches in the Storm Water Construction General Permit (Order No. 2009-0009-DWQ). On June 7, 2011, staff released a draft revised Phase II MS4 Permit for public comment. Comments are due at 12:00 noon on Monday, August 8, 2011. We have received more than 50 letters requesting an extension of this comment deadline.

**Statewide Policies/Significant General Permits:** Appendix 1 provides the current status of pending Statewide Policies and Significant General Permits.

**Irrigated Lands Regulatory Program Update Report:** See attached Appendix 2.

## **DIVISION OF WATER RIGHTS**

**Big Sur Instream Flow Study:** During the weeks of June 20, and June 27, 2011, Public Trust Unit staff from the Division of Water Rights assisted Department of Fish and Game (DFG) staff with field data collection for the Big Sur Instream Flow Study (Study). The Big Sur River is identified as a priority waterbody in the State Water Board's report titled **Instream Flow Studies for the Protection of Public Trust Resources: A Prioritized Schedule and Estimate of Costs (Report), issued December 2010**. In addition, the DFG identified the Big Sur River as a priority for an instream flow study based on the presence of south-central steelhead and increasing water rights pressure on the river. The DFG anticipates completing data collection for the Study in fall 2011. The State Water Board's Report can be found online at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/instream\\_recommendations/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_recommendations/index.shtml)

**Klamath Hydroelectric Settlement Agreement Cooperating Agency Meeting:**

On June 28, 2011, Division of Water Rights staff attended a meeting with other local, state, and federal agencies and tribal representatives to discuss the progress of environmental documents and to obtain updates on studies underway to support the Secretarial Determination required by the Klamath Hydroelectric Settlement Agreement. The Secretarial Determination is a decision by the Secretary of the Interior regarding whether removal of the Klamath Hydroelectric Project dams on the Klamath River will advance fishery restoration goals and is in the public interest. The State Water Board is a cooperating agency under the National Environmental Policy Act and a responsible agency under the California Environmental Quality Act for the development of the environmental documentation needed to support the Secretarial Determination. In a related action, the State Water Board received a letter from PacifiCorp Energy requesting removal of the federal legislation condition in the State Water Board resolutions allowing for abeyance of the Klamath Hydroelectric Project's Clean Water Act 401 Water Quality Certification and related CEQA processes. This request will be considered at an upcoming State Water Board meeting.

**Merced Irrigation District Investigation Order Submittal Update:** Based on the ongoing progress made by Merced Irrigation District (MID) with respect to Investigation Order WR 2011-0003-EXEC (Order), the State Water Board canceled the August 3 workshop. MID owns and operates the Merced River Hydroelectric Project (Project), which is currently undergoing relicensing with the Federal Energy Regulatory Commission. As part of the relicensing process, the Executive Director must issue a water quality certification under Section 401 of the Clean Water Act. On January 28, 2011, the Executive Director issued an Order requiring MID to obtain information needed to assess the impact of the Project on water quality and the protection of beneficial uses in the Merced River. The Order contains specific deadlines for the submittal of study plans and study results to assure that MID submits the information needed for the development of the water quality certification in a timely manner. MID is working with Division of Water Rights staff to provide the required submittals as presented in the attached table. MID initiated consultation with state and federal fisheries agencies, as required by the Order, to evaluate available fisheries data and identify data gaps. The consultation process includes a representative from the non-governmental organizations participating in the relicensing process.

**Sonoma County Water Agency Request to Temporarily Reduce Minimum Instream Flow Requirements for the Russian River:** The Sonoma County Water Agency (SCWA) filed a temporary urgency change petition on April 18, 2011. The petition requests a temporary reduction of the minimum instream flow requirements of State Water Board Decision 1610 in order to comply with mandates in the 2008 National Marine Fisheries Service Biological Opinion. The Division issued public notice of the petition on May 18, 2011. The notice allowed a 30-day period during which interested parties could provide comments and/or objections. The Department of Fish and Game and National Marine Fisheries Service provided the Division with letters in support for the requested change. The Division received one objection regarding impacts to water quality and recreation. Pursuant to Water Code Section 1438, the Division may approve a temporary urgency change petition in advance of the public notice. On June 2, 2011, the Division issued an Order approving the requested temporary change. The Division will consider the concerns raised in the objection and may modify the Order, if warranted, pursuant to Water Code Section 1439. The SCWA filed a similar petition in 2010. The Division approved that petition in Order [2010-0018-DWR](#).

<b>Merced Irrigation District's (Merced ID) Investigation Order WR 2011-0003-EXEC: Status of Deliverables – 6/27/2011</b>				
<b>Information Request</b>	<b>Required Submittal</b>	<b>Submittal Date in Order<sup>1</sup></b>	<b>Status</b>	<b>Summary</b>
Water Quality Monitoring	Sampling and Quality Assurance-Quality Control Plan	90 days from issuance of Order	Merced ID prepared a study plan but requested to compile available data to submit by September 1 and request State Water Resources Control Board (State Water Board) staff review data to determine whether additional data are needed	Acceptable plan of action
Toxicity Bioassays	Bioassay Results	December 15 of each monitoring year	No study plan required	Pending
Dissolved Oxygen (DO) Monitoring	Monitoring Data	30 days after DO data collection	No study plan required	Pending
Temperature monitoring during salmon egg incubation	Study Plan	120 days from issuance of Order	Merced ID requested to use draft study plan on Chinook egg viability required by Federal Energy Regulatory Commission (FERC) to fulfill this requirement	Final Plan pending based on FERC consultation
Instream Flow Study	Study Plan	90 days from issuance of Order	Merced ID submitted plan for study that covers lower Merced River from Crocker-Huffman to confluence with San Joaquin	Acceptable, if California Department of Fish and Game (CDFG) comments incorporated
Fish Tissue Mercury Study	Sampling Plan	90 days from issuance of Order	Merced ID prepared and submitted a study plan but requested to compile available data first. Merced ID requests State Water Board staff review data to determine whether additional data collection is needed.	Acceptable plan of action
Fish Health Assessment	Study Plan (based on consultation with USFWS)	60 days after consultation with USFWS	Merced ID initiated consultation with United States Fish and Wildlife Service (USFWS) and USFWS and sent State Water Board staff a proposed study plan	Acceptable Plan Received

<sup>1</sup> Investigative Order WR 2011-0003-EXEC (Order) issued January 28, 2011.

**Merced Irrigation District's (Merced ID) Investigation Order WR 2011-0003-EXEC: Status of Deliverables – 6/27/2011**

<b>Information Request</b>	<b>Required Submittal</b>	<b>Submittal Date in Order<sup>2</sup></b>	<b>Status</b>	<b>Summary</b>
CDFG-Merced ID Memorandum of Understanding Studies (see 1-8 below)	Study Plan	120 days from issuance of Order	Merced ID requested to defer submittal of these study plans pending consultation with fisheries agencies; see below for individual elements	See Below
1. Steelhead study			Discussion among fisheries agencies suggests that information exists but that it needs to be compiled and a report created	Acceptable plan of action – Report Pending
2. Migration Timing of Adult Chinook into Merced River			Fisheries agencies suggest refinements to this study; finalization of study methods to be discussed at next consultation meeting during week of July 11	Final Plan Pending
3. Evaluation of salmon spawning habitat			CDFG considers this study to be complete and is not recommending additional data collection	No plan needed
4. Evaluation of salmon rearing habitat			This study is being required by FERC	Acceptable Plan Received
5. Evaluation of salmon outmigration and survival			Fisheries agencies suggest refinements to this study and finalizing of study methods to be discussed at next consultation meeting during week of July 11	Final Plan Pending
6. Water temperature monitoring			CDFG continues to monitor water temperature, so Merced ID is not responsible for this task	No plan needed
7. Map predator habitat and assess relationship between streamflow and connectivity with predator habitat			Merced ID submitted FERC Instream Flow study which includes this element	Acceptable plan of action – Study Pending
8. Evaluate environmental and physiological factors associated with juvenile salmon survival and fitness			Merced ID did not explicitly address this element, but is moving forward on the Fish Health Assessment (above) which addresses same objectives	Acceptable Plan Received

<sup>2</sup> Investigative Order WR 2011-0003-EXEC (Order) issued January 28, 2011.

## OFFICE OF DELTA WATERMASTER

**New Water Diversion Measuring Requirements:** In 2009, the California Senate passed Senate Bill X7 8, which requires monthly records of water diversions beginning on January 1, 2012 using the “best professional technologies” and “best professional practices.” Statement holders, water right permittees and water right licensees will also be required to report their maximum rate of diversion achieved during each month, if available. On July 21, 2011, the State Water Board will hold a public workshop to receive information regarding water diversion measurement. This workshop will include presentations from State Water Board staff and selected experts and professionals on water diversion measurements, including practices, requirements, and trends. The workshop will also provide an opportunity for participants to provide comments on this topic.

## OFFICE OF ENFORCEMENT

### Government-Owned Tanks (GOT) Enforcement Initiative

**State Board Mandatory Minimum Penalty Enforcement Team:** In conjunction with the Annual Enforcement Report for 2010, a report by the Office of Enforcement regarding the outcomes (to the extent they were available) of 60 citizen suit notices received by the Water Boards has been posted on the Office of Enforcement’s webpage. The desire to track these notices was identified in a previous enforcement report.

The report addresses the outcomes of notices received between March-June 2010. However, not all of the notices had outcomes during the evaluation period. The report looked at the issue of how citizen suit enforcement under the Clean Water Act affects the enforcement priorities of the Water Boards. The report found that based on a limited set of data citizen suit enforcement generally did not interfere with enforcement actions sought by the Water Boards’ enforcement staff, and that citizen suits addressed violations that the Water Boards could not pursue with the existing staff resources.

**Referral of Tank Tester Case to Attorney General’s Office:** The State Water Board, through the Office of Enforcement, referred a case to the Attorney General’s Office for civil prosecution related to a company’s performance of tank integrity tests without possessing the requisite State Water Board license and manufacturer certification.

### Significant Regional Board Enforcement Activities Using Assistance of the Office of Enforcement

**Federal Lawsuit Filed Against Greka Oil & Gas, Inc. Seeking Multi-Million Dollar Penalties for Multiple Environmental Violations (Central Coast Region):** After unsuccessful settlement discussions, the Central Coast Regional Water Quality Control Board, along with the California Department of Fish & Game (DFG) through the Attorney General’s office, joined the United States Environmental Protection Agency in suing Greka Oil & Gas in federal court on June 17, 2011. The Regional Water Board seeks civil penalties pursuant to the Water Code as well as capital improvements to Greka’s facility through injunctive relief. DFG has claims for expenses it incurred as a first responder as well as for natural resource damages. A main issue of the litigation will be the contention by Greka that the federal government does not have jurisdiction over the spills because they did not occur to “waters of the United States.” The RWQCB’s position rests on the broader term “waters of the state,” and includes penalties for



hundreds of thousands of gallons of oil and process water, which are both classified as "oil" under the federal definitions in the Clean Water Act. The suit seeks tens of millions of dollars in penalties.

**Cleanup and Abatement Order Issued to Address Discharge of Nurdles (San Francisco Bay Region )**: On June 7, 2011, a Cleanup and Abatement Order was issued to six responsible parties in San Leandro to cleanup and abate the effects of discharging pre-production plastic pellets into marshland at Oyster Bay Regional Park. The parties that manufacture plastic bags and foam bumpers were discharging plastic pellets when off-loading them from train cars or trucks. Storm water and wind transported the plastic pellets into the marsh area where threatened and endangered species make their home. The CAO requires the parties to develop and implement a cleanup and abatement plan to clean up the plastic pellets from the marshland with as little impact on habitat as possible. An OE attorney has been assisting the Northern California Plastics Task Force with developing this case and drafting the CAO.

**Hearing Results in Order for \$42,000 in Liability for Mandatory Minimum Penalties Against the Port of Los Angeles (Los Angeles Region)**: An Attorney with the Office of Enforcement represented the Los Angeles Regional Water Quality Control Board (Regional Water Board) enforcement staff at a panel hearing on March 17, 2011 and at the subsequent hearing on June 2, 2011 before the full Regional Water Board.

The Port of Los Angeles contended that it was entitled to the affirmative defense under California Water Code (CWC) section 13385(j)(1)(B), which provides that a violation is not subject to a mandatory minimum penalty if caused by “[a]n unanticipated, grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.”

The Regional Water Board found that the Port of Los Angeles failed to meet its burden of proof for the following reasons: (1) the increases in selenium concentrations in the Cerritos Channel were not unanticipated and do not qualify as a grave natural disaster; (2) the Port of Los Angeles failed to demonstrate how the increased selenium concentrations in the Cerritos Channel are a “natural phenomenon of an exceptional, inevitable, and irresistible character,” and (3) the Port of Los Angeles failed to prove that the effects of the increased selenium concentrations in the Cerritos Channel could not have been prevented or avoided by the exercise of due care or foresight.”

**Hearing Results in Order for \$54,000 in Liability for Mandatory Minimum Penalties Against Crescenta Valley Water District (Los Angeles Region)**: After a contested hearing, the Regional Water Board, in May, 2011, affirmed a panel recommendation to impose mandatory minimum penalties of \$54,000 against Crescenta Valley Water District. A panel hearing was convened on March 17, 2011 relating to Crescenta's alleged reporting violations. The panel's recommendation adopted the Prosecution Team's position related to amendments to Water Code 13385.1 effective January 1, 2011. The amendments are commonly known as "SB 1284 amendments" and provided limited relief to the MMP penalty structure when notice was not given prior to the imposition of MMPs, or when no reportable discharges occurred during the reportable period. Specifically, SB 1284 and 13385.1(b)(2) can reduce liability for MMPs by applying a single penalty per report rather than a penalty for each 30 day period after a report is not submitted. This occurs if the discharger, after receiving notice, files the missing report within 30 days and no effluent violations occurred. Crescenta filed the missing reports 80 days after receiving notice and therefore did not qualify under the exception for a reduction in penalties.

**Hearing Results in Order for \$685,000 in Liability for Mandatory Minimum Penalties**

**Against Casden Properties LLC (Los Angeles Region):** On June 2, 2011 after a contested hearing, Casden Properties LLC was assessed \$675,000 in mandatory minimum penalties for reporting and effluent violations at its Beverly Hills facility. The Prosecution Team had alleged Casden failed to provide monitoring reports consistent with coverage under an NPDES permit. Casden argued that SB 1284, and specifically new provisions of 13385.1(a) applied that would allow Casden to avoid MMPs if it submitted a statement providing there were no discharges to waters of the United States during the relevant monitoring period with an explanation of why the reports were not submitted timely. A hearing panel found that the limited exceptions to the imposition of mandatory minimum penalties did not apply and recommended the imposition of liability in the amount of \$675,000.

Casden Properties has petitioned the State Water Board for a review of the Regional Water Board's action.

**Administrative Civil Liability (ACL) Actions During June 2011:**

a. ACL Complaints Issued

Region	Discharger/Facility	Violation(s) Addressed	ACL Complaint Amount	Date Issued
2	Friendly Cab Company, Inc.	Industrial Stormwater Permit violations	\$100,400	6/28/11
7	6/17/11 to Ajax Auto Wreckers, Inc.	Industrial Stormwater Permit violations	\$8,000	6/17/11

b. ACL Orders Issued

Region	Discharger/Facility	Violations Addressed	ACL Order Amount	Date Issued
1	GUALALA CSD/GUALALA WWTF	Permit Violations and Sewage Spill	\$33,050	6/22/2011
2	ALAMEDA COUNTY (unincorp.) - Storm Water Program/Alameda County (Unincorporated) MS4 Storm Water	Construction Stormwater Violations	\$20,720	6/14/2011
4	Jamison 1545 Wilshire, LLC	Mandatory Minimum Penalties	\$9,000	6/9/2011
4	West Coast Storm, Inc – Caltrans Pump House Maintenance	Mandatory Minimum Penalties	\$3,000	6/9/2011
4	Casden Properties, LLC/Dohney 9090 Wilshire Building	Mandatory Minimum Penalties	\$675,000	6/2/2011
4	Port of Los Angeles/New Dock Street Pump Station	Mandatory Minimum Penalties	\$42,000	6/2/2011

Region	Discharger/Facility	Violations Addressed	ACL Order Amount	Date Issued
5S	Maxwell PUD/Maxwell PUD WWTF	Mandatory Minimum Penalties	\$441,000	6/24/2011
5S	Williams City, Williams WWTP	Mandatory Minimum Penalties	\$156,000	6/24/2011
5S	Live Oak City, Live Oak City WWTP	Mandatory Minimum Penalties	\$387,000	6/24/2011

## OFFICE OF INFORMATION MANAGEMENT AND ANALYSIS

**California Water Quality Monitoring Collaboration Network:** In June 2011, the California Water Quality Monitoring Collaboration Network (CWQMCN) posted its 24<sup>th</sup> Webinar. This year CWQMCN celebrated two years of presenting webinars to support a state framework for coordinating consistent and scientifically defensible methods and strategies for improving water quality monitoring, assessment and reporting. During the last six months three of the CWQMCN Webinars were co-sponsored; two with the National Water Quality Monitoring Council and another with the Delta Stewardship Council. In June, CWQMCN partners created the LinkedIn Group “California Water Quality Monitoring Professional Network.” This LinkedIn Group allows members to post news items, send queries, and hold discussions online. Currently, the CWQMCN facilitator, Erick Burre, is scheduling webinars for FY 2011-2012.

### **Surface Water Ambient Monitoring Program (SWAMP)**

**Clean Water Team:** During the last two months the Clean Water Team provided four workshops throughout the central and eastern Sierra. One of these workshops was in support of the 11th annual Water Quality Snapshot Day held on May 14 throughout the Lake Tahoe-Truckee River Watershed in California and Nevada. The workshop was facilitated by Cal Trout and was presented at the Lake Tahoe Community College. The Clean Water Team provides vital support for citizen monitoring programs and is currently producing a series of training videos.

## Appendix 1

# Statewide Policies/Significant General Permits

<b>Division of Water Quality</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
A*	Anti-Degradation Policy / Implementation Triennial Review	Scoping meeting held on 11/17/08. Reviewing the 30+ comment letters received. Preparing recommendation for the Board. Work delayed by petitions.
A-11	Aquatic Pesticide General Permit – Weed Control, Aquatic Application	Expect to release formal draft in Summer 2011.
A-12	Aquifer Storage and Recovery Policy	The Water Boards have formed a work team to develop this policy. The work team is under the lead of Region 5. All Regional Water Boards have been invited to participate. Currently Region 4 and Region 6 are actively participating in the group. Various stakeholder groups have also been participating including the City of Roseville, Sacramento Suburban Water District, Orange County Water District, and the Groundwater Resources Association. The work team has met several times over the past 6 months. A draft general order and draft CEQA Initial Study have been prepared. Internal comments and comments from the stakeholder group are being evaluated and another draft order is being prepared for the next meeting of the work team.
A-11	Areas of Special Biological Significance (ASBS): Special Protections	Public Notice released on January 20, 2011. Public Hearing rescheduled for May 18, 2011. Written comment period closed on May 20, 2011.

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-11	Bacterial Objectives for Inland Surface Waters	Staff preparing draft policy and staff report. Economic study delayed due to contract funding issues. Public hearing targeted for November 2011.
A	Biological Objectives Development	Established Stakeholder and Scientific Advisory Groups. Will brief Regional Board staff on the project in spring and summer 2011. Will schedule the CEQA Scoping meeting in late summer 2011.
A-12	Cadmium Objective and Implementation Policy	Final internal review of draft policy and staff report prior to upcoming release for public comment. Requested technical support from Central Coast Water Board staff on hardness calculation protocol. Targeting Public Hearing in January 2012.
A-11	Constituents of Emerging Concern (CEC) Monitoring – Recycled Water Policy	Staff report released November 18, 2010. Public Hearing held on December 15, 2010. Comment deadline extended until 12:00 noon on January 10, 2011. Reviewing comments and coordinating with CDPH to revise staff recommendations.
A-11	Chlorine Residual Objectives and Implementation Policy	Scientific Peer review received. Report and policy will be revised as necessary to address peer review comments. Public Hearing targeted for December 2011.
A	Composting Facilities Statewide Waiver	Continuing to meet with CalRecycle and Regional Boards on preparing draft statewide waiver.
P	Grazing	The Water Boards have formed a work team to develop this project (titled Statewide Grazing Regulatory Action Project or Grazing RAP). The work team is under the lead of Region R6 with active participants from R1, R2, R3, R5 and DWQ. The work team has been convened and meets monthly. At its June meeting, the work team reviewed a draft scope of work with tasks and schedule. Based on this review, a revised scope was then provided to the work team for further review and discussion at its next meeting in late July. The next step is to finalize the scope, task, schedule and staff resources needed at the July meeting, and transmit the final drafts to MCC in August for its consideration and acceptance.

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A	Listing Policy Update (Sediment Quality Objectives and Procedural Changes)	CEQA Scoping Meeting held on March 29, 2010. Comment period closed April 12, 2010. Developing new schedule due to loss of key staff. Staff anticipates this will be delayed until 2013.
A	Marina Permit	Permit is postponed while working with other agencies and Marina and Boating groups to develop interim approaches.
P	Mercury Offset Policy	Partial economic analysis received from contractor (SAIC). No further contract funding available to complete economic analysis.
A-12	Methylmercury Objectives	Staff are working on draft staff report and coordinating with efforts to develop statewide mercury TMDL. Updating economic analysis. Board Workshop targeted for summer 2012.
A	Nutrient Numeric Endpoints Tools	Freshwater: to be peer reviewed. Contract with SCCWRP to develop estuary nutrient framework and numeric endpoints underway. Technical, stakeholder, and regulatory (Water Boards and U.S. EPA) advisory groups have been formed. CEQA Scoping meeting for inland waters targeted for August 2011.
A-11*	Ocean Plan Amendment: model monitoring provisions	Staff drafting Substitute Environmental Documentation. Public Hearing targeted for September 2011.
A	Ocean Plan Amendment: desal/brine provisions	Stakeholder workshop held on April 18, 2011. Workshop also addressed disposal of brackish water. Results of stakeholder workshop will inform a future Board Workshop.
P	Ocean Plan Amendment: vessel provisions	Pending completion of other Ocean Plan Amendments.
A	Off-Highway Vehicle (OHV) WDRs/Waiver	Developing concepts for WDRs/waiver for OHVs at State Parks.
A-11	Once-Through Cooling (316b) Policy Amendment	Staff released draft amendment on May 17, 2011. Comments are due by 12:00 noon on July 5, 2011. Adoption Hearing scheduled for July 19, 2011.

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-12*	Onsite Waste Water Treatment Regulations/Waiver	Staff are working with a focused stakeholder group to develop a draft OWTS Policy and in March 2011 completed kick-off meetings to discuss the new approach. A CEQA scoping document for the Substitute Environmental Document was release for public comment on April 4, 2011 and public scoping meetings were held in Sacramento and Riverside on May 2 and 9, 2011, respectively. Staff completed a second round of OWTS Policy review meetings with focused stakeholders on June 29 and July 1 2011. Staff is revising policy to address stake holders' comments in preparation for internal review by executive management and board briefings.
A	Rapid Diagnostic Tests for Bacterial Indicators in Coastal Waters	Results and lessons learned transmitted to U.S. EPA for consideration in national standards setting work for a new Rapid Method. Task Force preparing final results report. Task Force working with City of Los Angeles as next possible pilot testing location.
A-11	Sanitary Sewer System (SSS) WDR Update	Information Item presented to Board on September 21, 2010. Draft revised SSS WDR was released on March 24, 2011. Public Hearing to be scheduled at a later date. The comment period closed on Friday, May 13, 2011. Staff are reviewing the comments received.
P	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase III	Pending completion of Phase II and availability of funding
A-11*	Storm Water Caltrans Permit	Released on January 7, 2011. Reviewing comments, which were due on March 14, 2011. Public hearing scheduled for July 19, 2011. Board consideration in October 2011.
A-11*	Storm Water Industrial General Permit	Released on January 28, 2011. Staff workshops held February 14 and 23, 2011. Additional on-line staff workshop scheduled for March 15, 2011. Public Hearing conducted on March 29, 2011. Reviewing comments, which were due on Friday, April 29, 2011. Board consideration in September 2011.

## Division of Water Quality

Status Code	Policy/Significant General Permit	Status
A-12*	Storm Water MS4 Phase II Permit	Revising to incorporate similar provisions to Construction General Permit and to incorporate TMDLs. Administrative draft released on February 22, 2011, with comments due on March 18, 2011. Released on June 7, 2011. Comments due 12:00 noon on August 8, 2011. Board consideration in January, 2012.
P	Suction Dredge General Permit	On hold, and working instead with Department of Fish and Game (DFG) to coordinate with their suction dredge regulation and permit revision. On February 28, 2011, DFG released the SEIR/draft regulation and permit revision package for public comment. State Water Board staff has now received scientific peer reviewers' comments on the water quality portions of the SEIR. State and Regional Water Board staff comments, along with the scientific peer reviews, were submitted to DFG by the comment deadline.
A-11*	Timber Activities on National Forest System Lands	Drafting Statewide Waiver for USFS, based on Region 1 waiver. Staff released a Notice of Availability to Comment and Notice of Intent to Adopt the Waiver on June 10 as well as supporting CEQA documentation. Public comments are due by July 25, 2011. The Board will hold a public workshop in late summer prior to considering adoption of the waiver.
P	Timber Activities on Non-federal Lands	Work with California Board of Forestry, Department of Forestry and Fire Protection, and Regional Water Boards. Work delayed pending the outcome of a petition.
A-11*	Toxicity Control Provisions for the SIP	Staff are responding to comments and preparing alternatives for policy revisions to be presented at staff workshop. Board directed "test-drive" of policy in progress. Staff-level workshop targeted for August 2011. Public hearing targeted for December 2011.
A-11*	Trash Policy	CEQA Scoping Meetings held on October 7, 2010 in Rancho Cordova and October 14, 2010 in Chino. Staff is putting together a stakeholder advisory group to assist in development of the Policy.



Division of Water Quality		
Status Code	Policy/Significant General Permit	Status
A-11	UST Low-Threat Case Closure Policy	Staff has convened a small work group to develop recommendations regarding low-threat UST sites. Targeting Board consideration for 2011.
A-11	Wetlands and Riparian Areas (Dredge and Fill) Policy – Phase I	Request for scientific peer review for the Technical Advisory Team's (TAT's) wetland definition. Initial Study released for public comment on January 5, 2011. CEQA Scoping Meetings held on January 31, 2011 and February 8, 2011. Comment deadline closed on May 20, 2011.
P	Wetlands and Riparian Areas Policy – Phase II	Pending completion of Phase I.
P	Wetlands and Riparian Areas Policy – Phase III	Pending completion of Phase II.

**Note: \* indicates Board Priority**

**Status Code Key:**

White = Active effort (A)

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

Orange = Targeted for completion in 2012 (A-12)

Blue = Completed (C)

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

## Policies/General Permits Completed in 2011

C	Aquatic Pesticide General Permit – Aquatic Animal Invasive Species	Adopted by State Water Board on March 1, 2011.
C	Aquatic Pesticide General Permit – Vector Control, (Adulticide/Larvicide)	Adopted by State Water Board on March 1, 2011.
C	Ocean Plan Triennial Review	Adopted by State Water Board on March 15, 2011.
C	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Adopted by State Water Board on April 6, 2011. Approved by the Office of Administrative Law on June 13, 2011. Staff will submit to U.S. EPA.
C	Spray Applications Permit (CDFA and USFS Eradication Programs)	Adopted by State Water Board on March 1, 2011.
C	Storm Water MS4 Effectiveness Assessment Document (AB 739, Ch. 610, Statutes of 2007)	On October 27, 2010, staff issued a revised Notice of Staff Workshops and Opportunity for Public Comment on draft document. Workshops scheduled for November 4 in Sacramento and November 9 in Rancho Cucamonga. Comments were due 12:00 noon on November 30, 2010. Information Item presented to the Board on April 19, 2011.

## Policies/General Permits Completed in 2010

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

<b>Division of Water Rights</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
(A)	Draft WQCP update for San Joaquin River flows and southern Delta salinity objectives	Draft SED science chapter was released October 29, 2010. Workshop held on SED science chapter January 6 and 7, 2011. Additional scoping meeting held June 6, 2011. Draft plan amendment to be brought to the Board for a spring 2012 hearing.
(A)	Russian River Frost Protection Regulation	Public Scoping Meeting on draft EIR held on November 17, 2010. A Board Workshop to receive comments on the draft regulation held on April 6, 2011. The Rulemaking Notice package for the Office of Administrative Law (OAL) sent on May 10, 2011. On May 20, 2011, OAL published the Rulemaking Package and the Board noticed the draft EIR. Hearing for adoption scheduled for September 20, 2011.
(C)	Delta outflow recommendations (SBX7 1)	The Board adopted the final report on August 3, 2010, and provided it to the Delta Stewardship Council on August 25, 2010.
(C)	Instream Flow Policy (AB 2121)	The Board adopted the Policy on May 4, 2010. The Division delivered the administrative record to OAL on August 11, 2010. OAL approved the administrative record in September 2010. The Division filed a Notice of Decision with the Secretary for Resources on September 28, 2010. The policy is now effective.

Status Code Key:

White = Active effort (A)

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

Blue = Completed (C)

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

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

**Status Code Key:**

Targeted for completion in 2010

Completed Items

Suspended / No statewide effort at this time

## Appendix 2

# IRRIGATED LANDS REGULATORY PROGRAM MONTHLY REPORT

This month's Irrigated Lands Regulatory Program (ILRP) report covers the June 2011 period and will provide an update on the activities of the North Coast, San Francisco, Central Coast, Los Angeles, Colorado River Basin, Sana Ana, and San Diego Regional Water Quality Control Board ILRPs.

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

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

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

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

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

### NORTH COAST REGION AGRICULTURAL REGULATORY PROGRAM

#### **Water Quality Compliance Program for Discharges from Irrigated Lands**

Staff of the North Coast Regional Water Quality Control Board is developing a water quality compliance program to address discharges from irrigated lands. The program is intended to satisfy the requirements of the State Nonpoint Source Policy and implement TMDL in the North Coast Region.

Regional Water Board staff has contracted with the Center for Collaborative Policy (CCP) out of Sacramento State University to assist with stakeholder involvement throughout the development of the program. The initial steps in the stakeholder strategy are as follows:

1. Discuss program development concepts with key stakeholders;
2. Survey stakeholders to gauge interest in participating in program development, likely via a stakeholder advisory group;
3. Develop mailing list and distribute outreach materials;
4. Create stakeholder advisory group(s), which may be multiple geographically-based or commodity-based focus groups throughout the region or, alternatively, one large group of 50 or fewer stakeholders; and
5. Initiate workgroup process and draft a working group charter.

Staff and CCP are beginning to initiate outreach to stakeholders. Staff has developed talking points about the program and has also compiled a list of stakeholders. Staff and CCP are beginning to contact stakeholders on the list to inform them of the development of the irrigated lands discharge program and to gather information about agriculture in their areas. After some initial scoping, CCP will develop a written stakeholder survey that will be sent out to further refine the list of interested parties and to explore relevant water quality and/or political issues around the region. After the results of the survey are evaluated, CCP and Regional Water Board staff will contact stakeholders interested in participating in the stakeholder workgroup(s) that will provide a forum for input on the development of the program. This initial outreach phase will continue through the summer of 2011 with the first stakeholder advisory group meetings planned to begin before the end of 2011.

For additional information on the North Coast Water Board's water quality compliance program for discharges from irrigated lands, please see the following website or contact Ben Zabinsky at [BZabinsky@waterboards.ca.gov](mailto:BZabinsky@waterboards.ca.gov) or (707) 576-6750:

[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/irrigated\\_lands/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/irrigated_lands/)

## **SAN FRANCISCO BAY REGION CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR VINEYARDS IN THE NAPA RIVER AND SONOMA CREEK WATERSHEDS (VINEYARD WAIVER)**

### **Overview**

San Francisco Water Board staff is currently developing a Vineyard Waiver to require that effective management practices be implemented to control human-caused discharges of pollutants from vineyard facilities. Potential pollutants from vineyard facilities include sediment, erosive forces (that cause excessive erosion and sedimentation), heat (human-caused effects on channel or riparian conditions that may cause increases to stream temperature), nutrients, pesticides, and pathogens. The Vineyard Waiver would cover existing vineyards, vineyard undergoing replanting programs, as well as new vineyard development. Preliminary estimates indicate the Vineyard Waiver will affect at least 42,000 acres of planted vineyards.

### **Stakeholder Outreach**

The stakeholder outreach plan includes multiple phases, including formation of a Technical Advisory Committee (TAC), as well as a broader Stakeholder Advisory Group (SAG). The mission of the TAC is to vet focused technical issues with local experts, while the SAG will cover a broader suite of issues, including implementation and policy.

Staff has held two meetings with the TAC, which has resulted in important refinements and clarifications to the working draft Vineyard Waiver.

On June 10, staff held the first SAG meeting at the Napa County Flood and Conservation District conference room. The goals of the SAG process are to:

- ❖ Exchange information
- ❖ Make improvements and refinements to the Vineyard Waiver
- ❖ Discuss and encourage third-party and technical assistance programs
- ❖ Discuss ways to streamline the process and avoid conflicts with local requirements or necessary growing practices
- ❖ Improve implementation of (and compliance with) the Vineyard Waiver

Approximately 20 stakeholders representing growers, local government, environmental groups, and other interests attended. The meeting was very productive and several key issues were discussed, including:

- ❖ Benefits to the grower of enrolling in the Vineyard Waiver program
- ❖ Definition of several terms including sensitive species, streams, and heat as a pollutant
- ❖ Reporting requirements
- ❖ Monitoring (i.e. how will people know that the program is improving stream conditions)

Staff is considering the comments received and anticipates scheduling the second SAG meeting later this summer.

For more information about the Vineyard Waiver, please check the program's website [http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/TMDLs/vineyard/](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/vineyard/), or contact Tina Low at [TLow@waterboards.ca.gov](mailto:TLow@waterboards.ca.gov) or (510)-622-5682.

## **CENTRAL COAST REGION AGRICULTURAL REGULATORY PROGRAM**

### **May 4, 2011 Board Meeting – Agricultural Order Renewal**

At the May 4, 2011 Board Meeting, the Central Coast Water Board conducted a panel hearing on the Updated Conditional Waiver of Waste Discharge Requirements for Irrigated Agricultural Waste Discharges, Draft Agricultural Order No. R3- 2011-0006 (Draft Agricultural Order), since the Water Board did not have a quorum for this agenda item. Central Coast Water Board staff recommended that the Board adopt the Draft Agricultural Order, with some changes to the version that was presented at the March 17, 2011 Board Meeting. The Water Board did not vote on the Draft Agricultural Order.

The Central Coast Water Board decided to allow new information into the record for the Draft Agricultural Order. This information was provided by agricultural industry representatives at both the March 17, 2011 and May 4, 2011 Board meetings, after the close of public comment period for the Draft Agricultural Order. The Board also instructed staff to evaluate and compare the new information and the Draft Agricultural Order and staff's proposed changes, and present the results of the evaluation and comparison in a subsequent staff report to the Central Coast Water Board for the September 1, 2011 Board meeting. The staff report for the September Board Meeting will be available in July 2011. Information related to the Agricultural Order Renewal, including information on the Draft Agricultural Order and information presented at the March 17, 2011 and May 4, 2011 Board Meetings is available on the Internet at: [http://www.waterboards.ca.gov/centralcoast/water\\_issues/programs/ag\\_waivers/ag\\_order.shtml](http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order.shtml)



### **Agricultural Water Quality Grant Project Completion: Demonstrating Best Management Practices For Coastal Vegetable Production (PG&E Grant #2009-0179)**

Consistent with the Central Coast Water Board's Vision of Healthy Watersheds, the Grants Program has prioritized agricultural water quality grant projects that effectively implement irrigation and nutrient management practices. Researchers at the University of California Cooperative Extension (UCCE) have successfully completed an agricultural water quality grant that demonstrated the implementation of efficient irrigation and nutrient management practices for coastal vegetable production in Monterey County. The results of this grant project demonstrated that total fertilizer application can be reduced substantially with minimal risk of reduced yield or quality for the lettuce crop. Furthermore, the results clearly show that reducing or eliminating early season nitrogen (N) fertilizer application can significantly reduce nitrogen loading rates. The results from this grant project indicate that participating growers used widely varying amounts of N fertilizer, seasonal N rates applications ranging from 76 to 233 lb/acre, averaging 134 lb/acre. In addition, the results of this grant project demonstrated that total fertilizer application could be reduced substantially (by 54 percent on average) in lettuce fields with high residual soil nitrate and that such fields can be identified simply by testing soil residual N using pre-sidedress soil nitrate testing (PSNT). The results clearly show that reducing or eliminating early season N application in fields with high residual soil NO<sub>3</sub>-N can significantly reduce N loading rates with minimal risk of reduced lettuce yield or quality.

**For additional information** on the Central Coast Water Board's Agricultural Regulatory Program, please contact Angela Schroeter at (805) 542-4644  
[ASchroeter@waterboards.ca.gov](mailto:ASchroeter@waterboards.ca.gov)

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

### **Enrollment in Renewed Conditional Waiver**

The Los Angeles Water Board renewed the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Conditional Waiver) at their October 7, 2010 meeting as Order No. R4-2010-0186. The renewed Conditional Waiver requires dischargers to enroll by April 7, 2010. Growers in the Region are represented by two discharger groups: the Los Angeles Irrigated Lands Group (LA-ILG) and the Ventura County Agriculture Irrigated Lands Group (VCAILG). Staff received notices of intent, monitoring and reporting plans, and quality assurance project plans from the discharger groups by the April 7, 2011 deadline. The notices of intent included the list of enrollees in each discharger group. Staff is currently reviewing these enrollment documents and will be issuing notices of applicability shortly. Once staff issues notices of applicability, the groups must begin monitoring under the monitoring and reporting plan. Annual reports are due within one year of the notice of applicability. Based on the results of monitoring, discharger groups must submit water quality management plans. The discharger groups are currently complying with the existing water quality management plans that they developed in accordance with the previous waiver.

Staff is also working with LA-ILG to continue to enroll individual growers into their discharger group. Despite the fact that staff sent notices to enroll and held workshops prior to the enrollment deadline, there are still numerous growers who have not enrolled in the program or responded to request exemption. Staff has sent follow up notices to these growers and has been responding to hundreds of calls to determine applicability of

the Conditional Waiver to the growers and to encourage enrollment in the program as needed. The success of the program in Los Angeles County is largely dependent on the number of enrollees in the discharger group, and staff will continue to work with LA-ILG to increase enrollment.

### **Education Workshops**

VCAILG is planning eight workshops in June and July 2011 to educate growers and to increase implementation of BMPs. Staff is having ongoing meetings with VCAILG to discuss these workshops and will be presenting an overview of regulatory requirements at four of the workshops. The workshops will take place in four watersheds in Ventura County and will focus on watershed-specific water quality impairments and required BMPs. The workshops will count towards four of the eight hours of required education. VCAILG intends to follow up the watershed-specific workshops with crop-specific courses and field tours.

### **Enforcement**

Enforcement is important to ensure equitable application of the Conditional Waiver and to encourage enrollment.

The Regional Board will consider a complaint at the July Board Hearing to assess administrative civil liability against Balcom Ranch for failure to enroll in the Conditional Waiver or, alternatively, for failure to submit a report of waste discharge, when so requested by the Regional Board. A hearing was held before a panel of the Regional Board on March 17, 2011. The Hearing Panel will provide a report to the full Board and recommend a penalty in the amount of \$180,500 in this matter.

### **Grant Management**

Staff continues to manage a Clean Water Act section 319(h) grant for grower education and outreach to implement BMPs in the Calleguas Creek and Santa Clara River Watersheds. Staff is working with the grantee to ensure that the grant effectively implements the renewed Los Angeles Region Conditional Waiver for Irrigated Lands, and specifically implements BMPs according to VCAILG's water quality management plan. Staff is also working to negotiate a final grant agreement for Proposition 84 funding for a mobile irrigation laboratory to improve irrigation efficiency on farms in Ventura County. It is expected that the grant will be finalized in June 2011. The grant will be overseen by the Ventura County Resource Conservation District (RCD). Under the proposed grant, RCD staff would travel to farms, evaluate irrigation efficiency, recommend improvements, and provide cost share funding to implement the recommended improvements. The goal of the grant is to reduce dry-weather loading of agriculture-related pollutants.

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

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

### **Imperial Valley Pesticide TMDL**

The Colorado River Water Board is developing a TMDL to address Alamo River and New River impairments from the use of the pesticides Chlorpyrifos and Diazinon. The TMDL may be taken to the Board for adoption in November 2011.

### **Imperial Valley Sediment TMDLs**

Assistant Executive Officer Jose Angel participated in several Imperial County Farm Bureau annual drainshed meetings throughout Imperial County in May and June 2011. Grower participation in the TMDL program is voluntary; however, nearly all farmers in Imperial Valley participate, because it offers growers and landowners a straightforward path to compliance with the mandatory TMDL regulation. Farmers implement a variety of Best Management Practices (BMPs) to reduce silt and mineral runoff on their own farms, maintain a record of their efforts, and attend annual meetings to keep up-to-date and share information relating to BMPs and TMDL management on their farms.

### **Palo Verde (PV) Agricultural (Ag) Discharge Prohibition**

The Palo Verde Ag Discharge Prohibition was adopted by the Board on January 20, 2011. Colorado River Water Board staff is completing actions needed to bring the amendment before the State Water Board. The PV Ag Discharge Prohibition and supporting documents can be viewed at the Colorado River Water Board website: [http://www.waterboards.ca.gov/coloradoriver/water\\_issues/programs/basin\\_planning/](http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/)

The intent of this prohibition is to ensure that agricultural wastewater discharges and drain maintenance discharges occur in a manner that do not adversely affect the beneficial uses of the Palo Verde Valley Drains, the Palo Verde Valley Lagoon, and its Outfall Drain. Accordingly, the amendment establishes a conditional prohibition for agricultural wastewater discharges originating within the Palo Verde Valley and Palo Verde Mesa, and incorporates an implementation plan. The amendment also establishes a conditional prohibition for drain operation and maintenance discharges occurring in these regions.

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

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

Board staff is proposing that all operators of irrigated land, dry-farmed land subject to inundation by flooding, and other agricultural operations not already regulated by the Santa Ana Water Board, enroll in a conditional waiver of waste discharge requirements. Board staff is calling this the Conditional Waiver (of waste discharge requirements) for Agricultural Discharges (CWAD). Board staff proposes that the CWAD program be developed and implemented with a watershed-based phased approach. The first phase of this program is being developed for waste discharges from agricultural operations in the Lake Elsinore / San Jacinto Watershed. The Santa Ana Water Board adopted separate nutrient Total Maximum Daily Loads (TMDLs) for Canyon Lake and Lake Elsinore. The CWAD program is being designed to be part of the implementation program for these TMDLs.

The Santa Ana Water Board has developed a "CWAD Program Advisory Group", which consists of about 15 members including agricultural farmers, local growers, industry groups, and major stake-holders.

Staff has recently updated the CWAD program draft schedule, which contains major milestones. The draft schedule includes initiation of the CEQA process, an initial study, and a CEQA process leading to the CEQA checklist, internal review, and CEQA Negative Declaration Determination. An Advisory Group review of the CWAD waiver requirements and an internal review process will be taking place soon.

Staff holds regular quarterly meetings with the CWAD program Advisory Group, and in these meetings, group members' feedback on CWAD program development is sought. Staff anticipates these meetings will lead to adoption of the waiver requirements sometime in the second quarter of the year 2012.

The next CWAD Program Advisory Group meeting is to be held on July 28, 2011, at the Riverside County Farm Bureau office. Staff will solicit the Advisory Group's general consensus on specific conditions and prohibitions for application of fertilizers and herbicides during the wet season, taking into consideration the flooding situation in the project area during and after rain events. The following listed action items and proposed topics for the next meeting are scheduled to be discussed along with the action items from the previous CWAD Advisory Group (April 18, 2011) meeting:

- Coalition forming, monitoring program, and pollutants trading project-by WRCAC staff
- Wet season and flooding season clarification-by Riverside County Flood Control staff
- CWAD program schedule updates
- CEQA Negative Declaration Initial Study Checklist
- Manure application prohibition in the project area based on the high TDS levels in local groundwater.
- Resolution by Western Riverside County Agricultural Coalition (WRCAC) Board to Support its lead role in the CWAD program
- CWAD Program Cost Analysis Study

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

Athar Khan (951) 782-3219

[akhan@waterboards.ca.gov](mailto:akhan@waterboards.ca.gov)

Mark Adelson (951) 782-3234

[madelson@waterboards.ca.gov](mailto:madelson@waterboards.ca.gov)

## **SAN DIEGO WATER BOARD IRRIGATED LANDS REGULATORY PROGRAM (CONDITIONAL AG WAIVER)**

### **Enrollment in Conditional Ag Waiver**

Approximately 2,500 growers have enrolled in Conditional Waiver No. 4 – Discharges from Agricultural and Nursery Operations (Ag Waiver). Almost all of these growers have joined a monitoring group. The monitoring groups are the:

- Boyer Ranch Monitoring Group
- Hines Nurseries Monitoring Group
- Rancho Estates Mutual Water Co. Irrigated Lands Group
- San Diego Region Irrigated Lands Group
- San Mateo Irrigated Lands Group
- Upper Santa Margarita Irrigated Lands Group

Based on comparison with information from the Assessor's Office of San Diego and Riverside Counties, there are approximately 5,000 properties listed as agricultural that have not enrolled in the Ag Waiver.

### **Letters to Owners of Agricultural Zoned Properties Who Have Not Enrolled in the Ag Waiver**

In mid July 2011, letters will be sent to owners of agriculturally zoned properties who have not enrolled in the Ag Waiver. The letter will include a tri-fold brochure describing the requirements of the Ag Waiver and a form to be completed and returned to the San Diego Water Board. The information requested in the form will allow us to make a determination if the property owner is exempt from the requirements of the Ag Waiver, or if they need to enroll. If they need to enroll, the property owner must provide documentation of enrollment or when they will enroll.

### **Notification Letters to Elected Officials**

On July 5, 2011, letters will be sent to elected officials whose districts are within the San Diego Region to notify them of the letters being sent to non filers. The letters to be sent to 26 County Supervisors, State Senators, and State Assembly Members will include all the documents sent to the non filers and an expanded FAQ sheet. It is anticipated that the recipients of the letters will contact their elected officials to obtain additional information and/or express their opinions regarding the letters. The information provided to the elected officials will assist them with responding to constituents concerns.

### **Outreach**

The San Diego Water Board Irrigated Lands Program met with the Upper Santa Margarita Irrigated Lands Group to discuss the monitoring requirements of the Ag Waiver. The discussion included guidance for selecting monitoring points, the use of Nutrient Numerical Endpoint tests, bioassessment, and which chemical and physical monitoring parameters should be used.

### **Five-Year Waiver Review**

An internal meeting was held to discuss the five-year waiver review for the Ag Waiver. The Ag Waiver needs to be either renewed or replaced no later than February 2014. In addition to discussing scheduling and timing of the review process, various changes to the Ag Waiver were discussed. Possible changes to the Ag Waiver include:

- Including a fee for enrollment in the waiver.
- Using a tiered fee schedule and requirements based on crop type, agricultural methods, acres under cultivation, and volume of irrigation applied to crops.
- Requiring a single monitoring group to oversee the monitoring and reporting.
- Changes to the definition of a Commercial Grower that incorporates crop type, agricultural methods, acres under cultivation, and volume of irrigation applied to crops.
- The use of a “web-based” system for enrollment, submitting monitoring reports, and tracking compliance with self-assessments and education requirements.

**Amendment to Ag Waiver**

The Amendment to define “Commercial Grower” will be heard at the August 16, 2011 State Board meeting.

**For additional information** on the San Diego Regional Water Boards Irrigated Lands Program, please contact Barry Pulver at (858)467-2733 or [bpulver@waterboards.ca.gov](mailto:bpulver@waterboards.ca.gov)