

**State Water Resources Control Board  
April 21, 2009 Board Meeting  
Item 11 - Executive Director's Report**

**OFFICE OF ENFORCEMENT**

**Mandatory Minimum Penalty Enforcement Backlog Update:**

As of March 31, 2009, the backlog of MMP violations without enforcement actions had been substantially reduced. Several Regional Boards have addressed all outstanding violations in their jurisdiction. The State and Regional Boards have addressed approximately 13,812 MMP violations from 455 facilities statewide through enforcement activities related to the Initiative (which included some violations occurring after December 31, 2007). The enforcement activities consist of 123 administrative civil liability complaints and 332 expedited payment letters.

Out of the 455 enforcement actions initiated, 307 matters have been fully resolved or settled which means that the Initiative has resulted in actual liabilities of \$15,595,500, which consist of:

- (1) \$7,689,504 as liabilities paid (or to be paid) to the Cleanup and Abatement Account;
- (2) \$7,075,750 as payments towards completion of a compliance project for facilities serving small communities with financial hardship;
- (3) \$830,246 as suspended liabilities for supplemental environmental projects.

If the remaining MMP violations currently in process are resolved in the Water Boards' favor, it would generate an additional \$26,414,000 in liabilities.

A comprehensive update on the MMP Enforcement Initiative will be presented at the April 21, 2009 State Water Board meeting.

**Enforcement Action with Regional Board Coordination:**

**\$1.6 Million in Liabilities Assessed Against the Sewerage Agency of Southern Marin for Discharge of Wastewater into Richardson Bay**

(Jorge Leon, Former Senior Enforcement Counsel; Yvonne West, Enforcement Counsel; Mark Bradley, Sr. WRCE. Supv.; Boris Trgovcich, WRCE; and Karol Enferadi, Engineering Geologist with the Office of Enforcement.)

The Office of Enforcement's Special Investigation Unit staff investigated two major discharges of untreated and partially treated wastewater into Richardson Bay. The Office of Enforcement worked collaboratively with San Francisco Bay Regional Water Quality Control Board (Regional Water Board) enforcement staff to develop this enforcement action. Attorneys with the Office of Enforcement represented the

enforcement team in negotiating a settlement that includes the assessment of \$1.6 million dollars in administrative civil liability. The settlement was adopted by the Regional Water Board in Administrative Civil Liability Order No. R9-2009-0026 issued on April 8, 2009.

The Sewerage Agency of Southern Marin (Agency) discharged 2.45 million gallons of untreated sewage into Richardson Bay on January 25, 2008, and an additional 962,000 gallons of treated but undisinfectated wastewater to Pickleweed Inlet, a tributary to Richardson Bay, on January 31, 2008. The Agency will pay liabilities of \$800,000 to the Cleanup and Abatement Account. The settlement allows an additional \$800,000 to be spent on completion of two supplemental environmental projects in the watershed: 1) a five-year \$600,000 private sewer lateral replacement project that will replace pipes that carry sewage from homes to the agency-owned collection system; and 2) \$200,000 to implement Phase One of the Richardson Bay Audubon Sanctuary's Aramburu Island Clean Up, Restoration, and Enhancement Project.

**Regional Board Enforcement Representation – Significant Case:**

**\$2.75 Million In Liability Imposed Against Northstar Mountain Properties, LLC, For Storm Water And Waste Discharge Permit Violations**

(Yvonne West, Enforcement Counsel and Jorge Leon, former Senior Enforcement Counsel with the Office of Enforcement)

Attorneys with the Office of Enforcement represented Lahontan Regional Water Quality Control Board (Lahontan Water Board) enforcement staff in negotiating a \$2.75 million settlement with Northstar Mountain Properties, LLC (NMP) for alleged storm water permit and waste discharge violations that occurred throughout the 2006 construction season. On March 11, 2009, the Lahontan Water Board adopted Administrative Civil Liability Order R6T-2009-0012 approving the settlement and imposing \$2.75 million in liability. This is the largest liability ever imposed by the Lahontan Regional Water Quality Control Board for storm water compliance violations associated with construction projects.

In 2006, the Lahontan Water Board documented numerous violations at a planned development of approximately 325 acres within the existing Northstar Resort Community. The violations related to NMP's failure to adequately install and maintain storm water controls, some of which eventually led to discharges of sediment-laden storm water runoff into area surface waters during rainfall events, and compliance with Lahontan reporting requirements.

Under the terms of the settlement, NMP has agreed to pay \$500,000 to be distributed between the State Water Resources Control Board's Cleanup and Abatement Account (80 percent) and Waste Discharge Permit Fund (20 percent). The remaining \$2,250,000 will fund a major supplemental environmental project which will focus on watershed improvements within the Martis Valley area. In addition to water quality and habitat improvement, the project will ultimately result in a technology transfer to land managers within the Sierra Nevada through a "Watershed Evaluation, Treatment and

Monitoring Handbook” and through a “Forest Fuels Treatment/Water Quality Protection Handbook.”

**Operator Certification Enforcement:**

The Office of Enforcement recently completed an enforcement action against Mr. Tito Balling, a certified wastewater treatment plant operator, for numerous violations of the California Water Code and the California Code of Regulations. After conducting a thorough investigation, investigators in the Office of Enforcement’s Special Investigation Unit determined that Mr. Balling negligently caused violations of waste discharge requirements, failed to properly supervise operators in training, and allowed the operation of a wastewater treatment facility by persons not appropriately certified. The enforcement matter was resolved through a Stipulated Order. The Stipulated Order requires that Mr. Balling’s Grade II certificate be downgraded to a Grade I certificate for a period of one year, and imposes \$10,000 in administrative civil liability.

**DIVISION OF WATER QUALITY**

**Areas of Special Biological Significance (ASBS):** On April 22, 2009, NOAA and the Department of the Interior plan to announce the first group of sites to join the new national system of marine protected areas. All 34 California ASBS are included in this first group to join. This is a major milestone for marine conservation, and we are very pleased that ASBS are a part of this important effort. Benefits include increased public recognition, understanding, and education by helping to elevate the profile of these marine areas.

**ASBS General Exception:** Staff is preparing the initial study and draft mitigated negative declaration that will support a general exception to the ocean plan for discharges of storm water and nonpoint source discharges to ASBS. Staff is working toward release of the documents in April 2009 and plans a public hearing in June 2009.

**ASBS Scientific Panel:** A new ASBS scientific panel will be convened on April 14, 2009. This panel of experts on rocky intertidal areas are charged with the design of a biological monitoring program to assess the effects of discharges into ASBS. Joining the panel is Dr. Shannon Bard of Dalhousie University. Dr. Bard is an environmental toxicologist specializing in the effect of pollution on the rocky intertidal environment and is one of the first researchers to have developed a bioindex in the Pacific Northwest.

Also, Mussel Watch sample collection by SWRCB and SCCWRP staff continues at over 60 sites along California's coast and islands, including several sites located within ASBS. Sampling at each site is done every two years.

## **Groundwater Ambient Monitoring and Assessment (GAMA) Program:**

**GAMA's Priority Basin Project** continues to be on hold since December 2008, as a result of the Governor's Executive Order to stop work on bond-funded contracts. The 40 staff at the US Geological Survey and Lawrence Livermore National Laboratory working exclusively on GAMA have been redirected to other programs and some are scheduled for lay-off. The request for exemption for GAMA from the stop-work order has not been approved by the Department of Finance at the time of this writing.

**GAMA's Domestic Well Project** for 2008-09 in San Diego County has sent test result to the owners of the 137 private domestic wells sampled. A press release has been coordinated with CDPH and the County summarizing the results reported last month (24 percent above the nitrate MCL; 30 percent positive with total coliform bacteria; 47 percent above the uranium MCL; and 53 percent above the gross alpha MCL).

**Landscape Irrigation General Permit:** On March 27, 2009, the State Water Board issued a notice of opportunity to comment on the draft Statewide General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water (General Permit) and a draft initial study/mitigated negative declaration. Written comments on the documents are due on April 27, 2009 at noon. A workshop is scheduled for the May 5 Board meeting and a public hearing and board consideration is tentatively scheduled for May 19, 2009. The adoption of the General Order and the environmental documents remains on schedule to meet the deadline of July 31, 2009, established by AB 1481 (DeLaTorre, Ch. 535, Stats. 2007).

**Ocean Plan Amendment:** Staff is preparing non-substantive amendments to the Ocean Plan. Staff plans on release for public comment by the end of April. The public hearing and Board consideration are targeted for June, 2009.

**Once Through Cooling – CWA Section 316(b):** Staff has assembled and met with an inter-agency work group, which meets bi-monthly to address cross-cutting issues and provide information needed for policy implementation. Water Board staff has proposed an implementation schedule for the Once-through Cooling (OTC) Water Policy, which is in part based on recommendations from the various state energy agencies. This schedule will be discussed at the next Inter-Agency Working Group meeting on April 16, 2009.

A draft Substitute Environmental Document (SED) is being revised by the state's contractor, TetraTech. We expect to release the SED and the proposed OTC Policy in June for public comment.

On April 1, 2009, the United States Supreme Court issued the much-awaited Riverkeeper decision, which reversed the Second Circuit decision and held that the EPA can use cost-benefit analysis. We will discuss the implications at the next Inter-Agency Working Group meeting on April 16, 2009.

**Onsite Wastewater Regulations (Septic Tank Systems):** On February 23, 2009, the comment period closed for the draft regulations on septic systems. During the 105-day comment period the Water Board received more than 2,500 email comments, hundreds of comment letters, and many hours of recorded oral comments at 12 public workshops. Staff is undertaking the lengthy process of documenting and organizing all comments and considering next steps. Proposed revisions to the draft regulations will be prepared based on the comments received and released for further comment in the future.

**Recycled Water Policy:** The State Water Board adopted the Recycled Water Policy on February 3, 2009 and has submitted the regulatory provisions of the Policy to the Office of Administrative Law (OAL). OAL's deadline is May 15, 2009.

**Stormwater Construction General Permit (CGP):** Staff plans to release a new draft and a notice of hearing and comment period on April 22, 2009, with a comment deadline of June 17, 2009. The changes in this version include a slightly different risk structure (including the removal of all numeric measures from the lowest level), adjustment of the numeric measures (numeric action levels and numeric effluent limitations) and the addition of linear requirements to the draft CGP (currently, requirements for linear projects are split between two permits). Staff plans a public hearing on the tentative CGP on May 20, 2009 and State Water Board consideration of the permit at the August 18, 2009 Board Meeting.

**Suction Dredging Update:** On April 10, 2009, the Department of Fish and Game (DFG) selected Horizon Water and Environment as its consultant for development of the suction dredge Environmental Impact Report.

**Vessel General Permit:** On December 17, 2008, the Executive Director issued a Clean Water Act Section 401 Certification for United States Environmental Protection Agency (U.S. EPA) national Vessel General Permit (VGP). Subsequently, U.S. EPA on December 1, 2008, issued the final VGP, including California's certification. The court stayed its effect until February 6, 2009. The final VGP contained several changes from the initial draft used to prepare the certification; thus, California requested to allow modification of its certification. However, U.S. EPA could only allow deletions of conditions as a modification. The Executive Director issued the modified section 401 Certification on February 4, 2009. The VGP along with the conditions included in California's certification applies to all vessels over seventy-nine feet in length operating in state waters.

**Storm Water Advisory Task Force (SWATF) Meeting:** The AB 739 SWATF held its sixth meeting on February 25, 2009. Meeting topics included: (1) updates on the Department of Water Resources funding programs and the Water Board's Proposition 84 Storm Water Grant program, and (2) work on Effectiveness Assessment Document for evaluating and measuring the effectiveness of municipal storm water management programs. The next SWATF meeting is scheduled for May 18, 2009.

**Wetland and Riparian Area Protection Policy (WRAPP):** State and Regional Water Board staff continues to meet on a semi-monthly basis to develop a policy document that includes the Phase 1 elements of a wetland definition, a wetland regulatory program based on the 404(b)(1) Guidelines, and a wetland assessment and monitoring plan for Water Board programs. The Technical Advisory Team, which advises the Development Team (DT) on implementing sound science in the policy, plans to provide its wetland definition to the DT on May 15, 2009.

The policy effort was presented to the California Water Quality Monitoring Council at its April 2, 2009 meeting in Sacramento.

Through the Aquatic Science Center (a Joint Powers Authority administered by the San Francisco Estuary Institute), we have applied for U.S. EPA grant funding to supplement existing grant funding for Phase 1 science support. In addition, the DT is requesting Economic Stimulus funding to support both Region 1 and 2's policy and the state policy efforts.

**Sanitary Sewer Overflow (SSO) Incident Maps:** Staff has completed initial testing and is preparing to release a new incident map that depicts all statewide sanitary sewer overflows (SSO) and private lateral sewage discharge incidents that have been reported into CIWQS by program enrollees covered under the SSO General Order (No. 2006-0003-DWQ). This mapping tool is the first of its kind developed exclusively for querying CIWQS certified spill data in a map format and was developed in-house by Water Board staff leveraging existing technological resources. It furthers our efforts in implementing CWC 13193 making reports available to the public, using GIS maps where possible, and supports the Water Board's Strategic Plan goal of communicating public information regarding the State's waters in an easily understood form. Since the summer of 2008, staff has solicited input and comments from Regional Board staff and industry via the SSO External User group. The mapping tool incorporates numerous comments, suggestions, and enhancements including the capability to search by date, spill size and individual agencies enrolled in the program. The public release date for the maps will be announced once the final testing is completed.

**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:**

The April 2009 report is attached as Appendix 2.

## DIVISION OF WATER RIGHTS

- **Approval of Major Vineyard Expansion Project of Guenoc Winery:**  
On March 20, 2009, the Division approved a roughly 5,000-acre vineyard expansion project proposed by Langtry Farms and Guenoc Winery in Napa and Lake Counties. The Division issued four orders, approved modifications to seven licenses and issued seven amended licenses. The Division approved changes to one permit; denied time extension but approved changes on another permit; and denied extensions of time and change on one permit.
- **Nevada Irrigation District files 26 Petitions for Change for its Water Right Permits in Nevada County:** On March 27 and April 2, 2009, Nevada Irrigation District filed 26 petitions for change to reconcile its ongoing water diversion and use practices with its water right permits. Division staff is reviewing the petitions and will continue processing. It is anticipated that the Division will post a public notice of all these petitions in one notice by May 1, 2009
- **Online Reporting of Water Right Self-Monitoring Reports:** The Division of Water Rights, in cooperation with the Division of Information Technology, is developing a water right online reporting system that will allow water right holders or their agents to submit self-monitoring reports electronically, instead of through the mail. The online reporting system will allow users to annually (1) report the amount of water beneficially used on a monthly basis, (2) confirm compliance with the terms and conditions of their water right and (3) update ownership records. The first phase of the project, which will be developed for the current 1,550 permittees and 11,000 licensees, will begin testing in October 2009, with full operation scheduled for January 2010. The project's second phase will allow electronic submittal for the 5,000 Groundwater Recordations and 11,300 Statements of Water Diversion and Use.
- **Term 91 Notice of Probable Curtailment of Water Diversion in the Sacramento-San Joaquin Delta Watershed:** On April 3, 2009, the Division of Water Rights mailed a "Notice of Probable Curtailment of Water Diversion" to approximately 115 permit and license holders in the Sacramento-San Joaquin Delta Watershed. The curtailment of diversions is ordered when (1) the Delta is declared to be "in balance" and (2) stored water from the Central Valley Project and the State Water Project is released to meet water quality standards and other in-basin entitlements in the Sacramento-San Joaquin-Delta Watershed. The Notice of Probable Curtailment advises the permittees and licensees subject to Term 91 that they will likely be curtailed from diverting water under their water right from May 1, 2009 through November 15, 2009. If these water right holders plan to use water during the curtailment period, they must use an alternate supply such as groundwater or contract (purchased) water. A final Notice of Curtailment will be mailed when the curtailment period actually begins.

## **Water Rights Training FY 08/09**

- **Leadership Development:** On March 25, 2009, 27 Division of Water Rights staff completed a 12-month program in leadership development. This program was designed to improve staff's leadership skills, as well as instruct them in techniques and strategies to address the range of challenges that arise in the workplace. Program courses included Mental Models, Strategic Leadership, Effective Workplaces, 60-Minute Strategic Plan, Knowing-Doing Gap, and Crucial Conversations.
- **Water Right Enforcement Training:** On April 2<sup>nd</sup> and 9<sup>th</sup>, the Division and Academy, through UC Davis Extension, provided to 26 staff members a course in water right investigation for the Water Rights Enforcement Section and other program staff. The course focused on (1) the State Water Board's legal authority for water right enforcement, (2) water right violations, (3) better inspection preparation and report writing, and (4) preparation of testimony and exhibits for successful prosecution. This class is designed to benefit staff who perform investigative field work or work associated with processing water right actions such as revocations, and who might be called on to testify at a water right hearing.
- **Field Training in Small Stream Ecology and Geomorphology:** During the week of April 13, 2009, 25 Division of Water Rights staff will attend a training course on the effects of water diversion on the ecology and geomorphology of small streams. This four-day course will consist of a mix of field and classroom training. The course will focus on how to assess the effects of diversion on small stream ecology, with an emphasis on fluvial geomorphology (the study of landform evolution related to river flows) and salmonid and amphibian habitat. Principles developed in the classroom will be reinforced through a series of hands-on field exercises. Participants will spend one day in Sacramento, followed by three days at a north coast field research station.

## **Russian River Water Right Issues**

**Frost Protection Workshop:** On April 7, 2009, the State Water Board held a workshop to receive information regarding the need for and the effect of water diversions for purposes of frost protection of crops in Mendocino and Sonoma Counties. The workshop was held in response to a letter the Deputy Director for Water Rights received on February 27, 2009 from the Santa Rosa Office of the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) expressing concern over the threat to federally threatened and endangered salmonids of frost protection irrigation by vineyard owners in the Russian River watershed. In the letter, NOAA Fisheries requested that the State Water Board take immediate action to protect salmonids in the Russian River watershed, e.g., by implementing emergency regulations.

At the workshop, the State Water Board received information on the status of Russian River salmonids, the impact of water diversions, voluntary actions to address impacts, and grower issues and options related to frost events. The Board



heard presentations by representatives from NOAA Fisheries, University of California Cooperative Extension, Department of Fish and Game, Sonoma County Water Agency, Mendocino County Russian River Flood Control and Water Conservation Improvement District, Department of Water Resources, Napa Valley Vineyard Engineering, growers in Mendocino County (Fetzer Vineyards) and Sonoma County (Silverado Premium Properties), and Fish Friendly Farming. The Board also received numerous comments from various organizations and interested parties.

At the conclusion of the workshop, while the State Water Board took no action, the Board did urge water users to cooperate with water and regulatory agencies in the short-term to ensure that frost diversions do not adversely impact salmonids. Chairman Hoppin indicated that he would not direct staff to prepare emergency regulations in 2009. The State Water Board is considering what long-term follow up actions it should take to protect the fishery from impacts of frost pumping.

- **Order Granting Temporary Urgency Changes to Sonoma County Water Agency:** On April 6, 2009, the State Water Board Deputy Director for Water Rights issued Order 2009-0027-DWR that allows temporary reductions to Sonoma County Water Agency's Russian River instream flow requirements. The temporary urgency petition requested the changes to prevent depletion of storage in Lake Mendocino which would severely impact threatened or endangered fish species and create serious water supply impacts in Mendocino County and in Sonoma County's Alexander Valley. Without the requested reductions in the instream flow requirements, Lake Mendocino storage is predicted to drop to 10,000 acre-feet by mid-August and be dry by mid-September. If water cannot be released from Lake Mendocino during October and November 2009, there will most likely be severe impacts on the Russian River fishery and on water users that depend on the upper Russian River for their water supplies. On March 23, 2009, the Mendocino County Board of Supervisors declared a local emergency and imminent threat of disaster due to drought conditions. The State Water Board issued a notice of the temporary urgency change petition on April 10, 2009, and will hold a workshop to consider objections to the change on May 6, 2009.
- **Policy for Maintaining Instream Flows in Northern California Coastal Streams (AB 2121 Policy):** In early April, certain stakeholder representatives submitted a proposed alternative for the State Water Board's consideration in developing the AB 2121 Policy. The proposal was developed by Dr. Bill Trush, Humboldt State Institute for River Ecosystems; Wagner and Bonsignore, a civil engineering firm; Ellison, Schneider, and Harris, a law firm; and Trout Unlimited. Division staff are reviewing the proposal and anticipate requesting that it be peer-reviewed. The proposal has been posted on the Division of Water Rights' webpage at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/instream\\_flows/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/).

## **Strategic Workplan for the Bay-Delta**

As part of the Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta), the State Water Board will comprehensively review and update, if needed, the 2006 Bay-Delta Plan, as well as water rights and other measures implementing that plan.

- **CEQA Scoping Meeting on March 30, 2009:** On February 13, 2009, the State Water Board issued a Notice of Preparation and of Scoping Meeting, pursuant to the California Environmental Quality Act, for the Update and Implementation of the Bay-Delta Plan, and held the scoping meeting on March 30<sup>th</sup>. The February 13 Notice of Preparation broadly noticed the comprehensive review of the Bay-Delta Plan, which includes (1) the review and update of water quality objectives, including flow objectives, (2) the program of implementation in the Bay-Delta Plan, and (3) changes to water rights and water quality regulation consistent with the program of implementation.
- **Water Quality Control Planning Workshop on April 22, 2009 (with additional days as needed):** The State Water Board will begin a series of water quality control planning workshops to receive information related to southern Delta salinity and San Joaquin River flow objectives. The purpose of this workshop is to conduct discussions with interested persons regarding the process for reviewing southern Delta salinity and San Joaquin River flow objectives and how the Board should address the technical issues associated with these objectives. Staff also intends to provide a preview of the range of southern Delta salinity and San Joaquin river flow objective alternatives to be considered.
- **Periodic Review of the 2006 Bay-Delta Plan:** State Water Board staff is completing a draft Periodic Review Staff Report that identifies elements of the Bay-Delta Plan recommended for further review and anticipates releasing the report within a month. Following public comment, the State Water Board will provide direction on changes, if any, that should be made to the staff report. Staff anticipates that the State Water Board will consider adoption of the staff report in June.
- **Ammonia in the Delta and Suisun Bay:** State Water Board and Central Valley Regional Board staff recently served on the planning committee and participated in the CALFED Science Program ammonia workshop. The purpose of the workshop was to promote open discussion of data gaps and develop a research framework to determine the role of ammonia within the Delta and Suisun Bay ecosystem. The draft framework has been distributed for public review and a finalized framework will be complete this month. The planning committee will use the research framework to develop a data and science gap analysis. More information can be found at: [http://science.calwater.ca.gov/events/workshops/workshop\\_ammonia.html](http://science.calwater.ca.gov/events/workshops/workshop_ammonia.html)

## **Drought Activities Update**

In order to facilitate the availability of water to drought-stricken areas in California, the Division of Water Rights has streamlined procedures to expedite processing of temporary water transfers and temporary urgency change petitions to amend water right conditions. Recent notable activities include:

- On April 3, 2009, the Division issued [Order WR 2009-0026-DWR](#) for the transfer of 8,000 acre-feet (af) of water from Tulare Lake Basin Water Storage District to the Westlands Water District. Petition received January 22, 2009; notice published February 17, 2009; comment period expired on March 19, 2009.
- On March 30, 2009, Division staff issued the combined notice of petition, public hearing, and pre-hearing conference for the petition for change involving consolidated use of the State Water Project (SWP) and Central Valley Project (CVP). The petition was submitted on March 20, 2009 by the Department of Water Resources and the U.S. Bureau of Reclamation. Staff will hold a pre-hearing conference on April 16, 2009, and a public hearing on April 27, 2009. The petition for change would consolidate the SWP and CVP places of use by adding the CVP place of use to SWP water rights and the SWP place of use to CVP water rights. Approval of the petition would facilitate transfers and exchanges between SWP and CVP contractors to make full use of SWP and CVP facilities in order to minimize the impacts of current dry conditions.
- On March 30, 2009, State Water Board received a Petition for Writ of Mandate and Complaint for Declaratory Relief filed by South Delta Water Agency and Layfayette Ranch over Order WR 2009-0012 (denying their petition for reconsideration of Order WR 2008-0029-EXEC, for JPOD operations and the Yuba transfer).
- On March 30, 2009, Division staff received comment letters regarding the transfer of 17,941 af of water from Delta Wetlands Properties to the Metropolitan Water District. Staff will review comments next week and prepare the order within two weeks.

## **OFFICE OF RESEARCH, PLANNING AND PERFORMANCE**

### **Water Board Training Academy**

The Training Academy has a heavy class schedule over these next several months. Classes include:

<p><b>Currently Scheduled*</b></p> <p><i>April</i></p>	<p><b>Water Quality Chemistry Field Sampling and Laboratory Analysis</b> - Participants will learn basic field and laboratory procedures for wastewater and surface water sampling and analyses and gain an understanding of the field and laboratory quality assurance. This course will review the appropriate field and analytical techniques to produce accurate laboratory data.</p> <p>Effects of Water Diversion on the Ecology and Geomorphology of Small Streams - <b>The goal of the course is to provide Water Rights staff with the information and tools needed to evaluate the effects of water diversions on instream resources. The instructors will provide an overview of the fundamental concepts of fluvial geomorphology and the biology/habitat requirements of coastal salmonids and amphibians in small streams. Principles developed in the classroom will be reinforced through a series of hands-on field exercises. This course is primarily offered to Water Rights staff.</b></p> <p><b>Acid Generation Prediction Tests: An Overview</b> - This half-day class is intended to introduce State and Regional Water Board staff to general causes of acid generation in earthen materials, the types of earthen materials that generate acid, and analytical tests used to determine acid generation potential of earthen materials. Geosymposium 2009 – A Webinar – <b>To save on travel costs this year, the State</b></p> <p><b>Geologists are conducting their annual symposium in a webinar format. This year’s symposium theme is “Global Climate Change Impacts on California’s Hydrology”.</b></p> <p><b>Advanced Wastewater Engineering</b> – this is the third offering of this very popular class. Advanced Wastewater Engineering focuses on the most common compliance problems with wastewater treatment facilities and how those problems may be resolved by source control, modified wastewater facilities operation, and/or modified wastewater facilities design. The class will provide a technical basis for compliance and anti-degradation analyses within the framework of the permitting process</p>
<p><i>April &amp; May</i></p>	<p><b>Aligning your Basin Plan with Water Board Priorities</b> - Participants will learn what a Basin Plan is and how it can be used effectively; how the Basin Plan relates to overarching efforts such as the California Water Plan, the Water Board’s Strategic Plan and the Regional Board’s organizational vision; and how Regional Board staff can use the Basin Plan to proactively protect water resources</p> <p><b>Water Professionals Guide to Land Use Planning</b> - Local land use decisions have a direct impact on both water supply and water quality. This class will provide the basic legal, planning and process context for land use planning in California at regional and local levels.</p>

\*For more listings, go to the Academy’s web site <http://waternet/training/>

**Enforcement Reports – Updated Including Meta-Data**

The Water Code section 13385 Enforcement Report ([http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/033109\\_quarterly\\_update.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/033109_quarterly_update.pdf)) covering discharges to surface waters is now updated quarterly! Beginning in April, 2009 quarterly updates are now being posted to the Enforcement Web site. All of the key tables from the report posted in January, 2009 have been

updated and new to this update is electronic access to the meta data – the data files that were used to create the tables in the report. This new quarterly update feature will eliminate the need for future annual “static reports.”

### **AB 32 Scoping Plan Implementation – Urban Water Reuse Workshop**

The Scoping Plan, approved by the Air Resources Board at its December 2008 meeting, contains six measures to reduce Green House Gas emissions affecting the water sector. The Water Energy sub-Team of the Climate Action Team (WET-CAT) is holding workshops to address implementation for a number of the water related measures in the plan. The first workshop was held on March 4<sup>th</sup> to facilitate implementation of the Recycled Water measure (W-2). The Water Boards, along with the WET-CAT, are planning an implementation workshop to cover measure W-4: Urban Water Reuse on June 17, 2009 at the Cal/EPA building in Sacramento. All six water sector measures are more fully described in the Appendices to the AB 32 Scoping Plan (<http://www.arb.ca.gov/cc/scopingplan/document/appendix1.pdf>) beginning on page 131. The notice and agenda for the Jun 17th workshop will be posted next month on the State Water Board’s Web site.

## DIVISION OF FINANCIAL ASSISTANCE

### **American Recovery and Reinvestment Act of 2009 (ARRA):**

Division staff made available for public comment the draft amended Intended Use Plan (IUP) for ARRA showing projects likely to receive ARRA funds. Comments may be submitted until noon, Tuesday, April 14, 2009. Further information regarding comments is available at

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/combined\\_amended\\_08\\_09\\_iup.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/combined_amended_08_09_iup.pdf). After addressing the comments, the IUP will be submitted to U.S. EPA to complete the ARRA grant application.

Division staff worked with the Regional Board Grant Coordinators to develop an initial list of grantees with suspended bond projects proposed to receive ARRA money. On April 6, Division staff emailed each of the grantees on the list notifying them that they had been identified to potentially receive ARRA funds. Staff is working with these grantees to develop new financing agreements.

Staff sent conditional notifications to those grantees whose projects involved mainly monitoring or research, subject to U.S. EPA confirmation of eligibility. On April 7, U.S. EPA notified staff that the monitoring and research projects would not meet the eligibility requirements for ARRA. Staff have notified these grantees about U.S. EPA's determination and that they are not eligible for ARRA funds.

### **Meetings/Other:**

#### **Executed Interagency Agreement to use FFAST with External Agency – April 8, 2009:**

An Interagency Agreement was executed between the California Department of Food and Agriculture (CDFA) and the State Water Board on April 8, 2009, to allow the CDFA to utilize the on-line Financial Assistance Application Submittal Tool for their federally funded Specialty Crop Block Grant Program. Total amount is (not to exceed) \$38,500 for FY 2008/2009 and FY 2009/2010.

FFAST is a web-based system to accept and store application submittals electronically. FFAST greatly reduces the time and expense associated with soliciting, reviewing, and selecting Program applications, and will eliminate numerous meetings and telephone conversations to share information and discuss evaluation of the Program applications.

#### **2009 California Financing Coordinating Committee (CFCC) Funding Fairs:**

The CFCC is comprised of seven member agencies (six state, one federal), whose members conduct statewide Funding Fairs each year to educate interested parties about the CFCC and available financial and technical resources. The CFCC is conducting five Funding Fairs throughout California (Chino - February 3; Bakersfield - February 5; Eureka - March 10; **Merced - April 2; and Sacramento - May 7**). The upcoming Sacramento workshop will be webcast. Information on the 2009 Funding Fairs (including the registration form) is available on the CFCC webpage at:

[www.cfcc.ca.org](http://www.cfcc.ca.org).

**Division Approvals:**

The Deputy Director of the Division approved the following Preliminary Funding Commitments from March 10, 2009 to April 10, 2009.

**Cleanup and Abatement Account**

<b>Entity</b>	<b>Preliminary Funding Commitment</b>	<b>Project</b>	<b>Approved</b>
North Coast Regional Water Quality Control Board	\$10,000	Town of Hopland	3-23-2009

**BOARD MEMBER DIRECTIVES**

A list of Board Member directives (assignments made by Board Members) during Board meetings) is attached as Appendix 3.

## 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.
A-09	Aquatic Pesticide General Permit – Vector Control, Aerial Application	Drafting permit for public release.
A-10	Aquatic Pesticide General Permit – Vector Control, Aquatic Application	Work delayed, will follow Aerial Application permit.
P	Aquifer Storage and Recovery Policy	Pending completion of Recycled Water Policy and Landscape Irrigation Permit.
A-09	Areas of Special Biological Significance (ASBS): Special Protections	Economic estimates done. Preparing CEQA initial study. Delayed by PRA request. Tentative public hearing in May 2009.
A-09	Bacterial Objectives for Inland Surface Waters	Scoping meetings held 10/6/08 & 10/22/08; comment period closed 11/5/08. Staff preparing draft policy and staff report.
C	Blue-Green Algae Guidance	Revisions completed in September 2008 and posted on website.
A	Bio-indicator Development	Preparing initial planning effort for future development work.
A-09	Cadmium Objective and Implementation Policy	Scoping meeting held 10/6/08; comment period closed 10/23/08. Staff preparing draft policy and staff report
A-10	Chlorine Residual Objectives and Implementation Policy	Delayed by loss of key staff. Scientific Peer review received. Report and policy will be revised as necessary to address peer review comments.
C	Compliance Schedule Policy	Approved by U.S. EPA – completed.
A	Compost (Green Waste) – with Reg 5	Gathering information and working on initial draft.



P	Grazing	No Statewide effort at this time, Regions are issuing watershed based waivers.
A-09	Landscape Irrigation / Incidental Runoff Permit	Final drafting (w/ R1, R4, R5, and R9 staff)
A-09	Listing Policy Update (Sediment Quality Objectives)	Initial drafting
A	Marina Permit	Initial drafting and data gathering.
A	Mercury Offset Policy	Preparing economic analysis (SAIC)
P	Methylmercury Objectives	Delayed by loss of key staff. Preparing economic analysis (SAIC)
A	Nutrient Numeric Endpoints Tools	Freshwater: to be peer reviewed. Estuaries: performing validation studies (SCWRRP and TetraTech)
A	Ocean Plan Amendment: non-substantive	Public hearing will be scheduled for May.
A	Ocean Plan Amendment: monitoring & desal provisions	Pending completion of Ocean Plan Amendment: non-substantive
A	Ocean Plan Amendment: vessel provisions	Pending completion of other Ocean Plan Amendments
A-09	Once-Through Cooling (316b) Policy	Working on CEQA document (TetraTech); waiting for Supreme Court decision on federal 316b regulations.
A-09	Onsite Waste Water Treatment Regulations/Waiver	Comment period closed; reviewing comments and preparing revision based on comments.
A	Rapid Diagnostic Tests for Bacterial Indicators in Coastal Waters	Assessing tests (SCCWRP study)
A-09	Recycled Water Policy	Board adopted policy on 2/3/09. Preparing to submit to OAL for approval.
P	Sanitary Sewer Overflow (SSO) WDR Update	Targeted to begin May, 2009
C	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase I	Phase I completed, adopted by State Board, approved by OAL on January 5, 2009. Submitted to U.S. EPA for approval.
A	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase II	Phase II staff draft released.
P	Sediment Quality Objectives (SQOs) for Enclosed Bays and Estuaries: Phase III	Pending completion of Phase II and availability of funding
A-09	Storm Water CalTrans Permit	In progress

A-09	Storm Water Construction Permit	Revising in response to comments; release for comments in April 2009.
P	Storm Water Industrial Permit	Pending completion of construction permit
A-09	Storm Water Linear Permit	To be included in construction permit.
A-09	Storm Water MS4 Effectiveness Guidance (AB 739, Laird)	Working with Storm Water Task Force to develop guidance.
A	Storm Water MS4 Phase II Permit	In progress
P	Suction Dredge General Permit	On hold, and working instead with Dept of Fish and Game to coordinate with their suction dredge permitting program.
A-10	Toxicity Control Provisions for the SIP	Working with U.S. EPA on preparing policy. Evaluating alternative methods for determining compliance. Preparing draft policy alternatives and environmental documents.
C	Vessel General Permit – Certification	Issued 401 certification with state conditions on December 17, 2008. Completed.
C	Vessel General Permit – Revised Certification	Revised 401 Certification in February 2009 to reflect U.S. EPA's final permit and make clarifying edits.
A-10	Wetlands and Riparian Areas (Dredge and Fill) Policy – Phase I	Stakeholder meetings held December, 2008. Development Team (R1, R2, DWQ) drafting Phase I policy. Planning for Board adoption Winter of 2010.
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.
P	Winery Waste Guidance	Pending response from Wine Institute; staff redirected to Water Recycling Policy

**Status Code Key:**

White = Active effort (A)

Yellow = Targeted for completion in 2009 (A-09)

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

Blue = Completed (C)

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

## Division of Water Rights

Status Code	Policy/Significant General Permit	Status
A-09	Delta Water Quality Control Plan Review, Update, and Implementation	CEQA Scoping meeting March 30, 2009; workshop for San Joaquin River flow and southern delta salinity on April 22, 2009 with additional meeting dates over next three months; preparing request for qualifications for preparation of CEQA documents
A	North Coast Instream Flow Policy	Sensitivity analysis nearing completion. Reviewing 600+ public comment letters. Preparing responses to comments.

**Status Code Key:**

White = Active effort (A)

Yellow = Targeted for completion in 2009 (A-09)

Blue = Completed (C)

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

<b>Office of Enforcement</b>		
<b>Status Code</b>	<b>Policy/Significant General Permit</b>	<b>Status</b>
C	Policy on Supplemental Environmental Projects	Approved by Board on February 3, 2009 – will be submitted to OAL for approval.
A-09	Enforcement Policy	Staff is preparing to circulate draft Policy in anticipation of June 4th Board Workshop.

**Status Code Key:**

White = Active effort (A)

Yellow = Targeted for completion in 2009 (A-09)

Blue = Completed (C)

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

## Division of Financial Assistance

Policy/Significant General Permit	Status
Amendment to Policy for Implementing the Clean Water State Revolving Fund For Construction of Wastewater treatment Facilities	Policy amendment was adopted at the March 17, 2009 State Water Board Meeting
Clean Water State Revolving Fund Regulations	Under development. Process has slowed considerably to accommodate getting the Stimulus fund out to projects. Currently project 2010/2011
Orphan Site Cleanup Fund (OSCF) Proposed Rulemaking Package	Posted on UST Cleanup Fund website; 45 day comment period ended March 31, 2009. Three comments received. Responses being prepared.
Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Regulations	Regulations are drafted, but being held waiting fiscal considerations. Anticipate being released for public review in Spring 2010.

Targeted for completion in 2009

Completed Items

Suspended / No statewide effort at this time

## Appendix 2

### IRRIGATED LANDS REGULATORY PROGRAM MONTHLY REPORT April 2009

This month's Irrigated Lands Regulatory Program (ILRP) monthly report will provide an update on activities of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) ILRP, as reported in the Central Valley Water Board's February 5, 2009 Executive Officer's report. Future ILRP monthly reports will alternate between the Central Coast, Los Angeles, Santa Ana, Colorado River Basin, San Diego, and Central Valley Regional Water Quality Control Board programs. English and Spanish translations of current and past ILRP program monthly reports can be found on the State Water Boards Irrigated Agricultural Waiver Program website:

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

For specific program information, contact Mr. Joe Karkoski, program manager of the Central Valley Water Board ILRP, at 916- 464-4668.

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>

#### CENTRAL VALLEY WATER BOARD IRRIGATED LANDS REGULATORY PROGRAM

(As reported in the Central Valley Water Board's February 5, 2009 Executive Officer's report)

#### Success Stories

- The efforts of the Irrigated Lands Regulatory Program to shift the primary focus of Coalitions from monitoring and assessment to management practice implementation are beginning to show success. The Westside San Joaquin River Watershed Coalition (Westside Coalition) recently announced the development of a new 'grant' program in which they are offering to their growers a 50% match on sediment control system installation and maintenance. Their ability to do this is based on the reduction in their monitoring costs, which are the direct result of the new Monitoring and Reporting Program adopted by the Regional Water Board in January 2008. A more focused monitoring effort ensures the Coalition continues to collect critical trend data and monitors where problems have been identified. The resources saved in monitoring are now being directed towards implementing projects that will improve and protect surface waters. The Westside Coalition's new grant program is the first manifestation of the success of the new MRP.
- On 25 November, the Executive Officer approved the East San Joaquin Water Quality Coalition (ESJWQC) Management Plan submitted on 30 October 2008. The Management Plan addresses 125 water body / parameter combinations that have had two or more exceedances of standards in a three year period. The Management Plan also addresses TMDL requirements that have been incorporated into the Basin Plan. The Plan was developed through a close collaboration between Regional Water Board staff and the Coalition over a period of several

months. The Coalition will initially focus its efforts on the highest priority water quality problems in three watersheds – Dry Creek and Prairie Flower Drain (Stanislaus County) and Duck Slough (Merced County). Although the focus will be on those three watersheds, general outreach activities and collection of information on management practices will occur through the Coalition. The ESJWQC proactively began their Management Plan activities, such as upstream monitoring and/or additional monitoring, outreach, grower meetings beginning in April 2008.

- On 18 November, the Executive Officer issued a letter to the Westside San Joaquin River Watershed Coalition (Westside Coalition) approving the Coalition's Management Plan and Focused Watershed Improvement Plan for the Hospital and Ingram Creek Watersheds (San Joaquin/Stanislaus Counties). The Management Plan addresses 185 water body / parameter combinations that have had two or more exceedances of standards in a three year period. The Management Plan also addresses TMDL requirements that have been incorporated into the Basin Plan. The Coalition and Regional Water Board staff worked closely together over a period of months to develop the Management Plan. Although the focus will be on the priority watersheds, general outreach activities and collection of information on management practices will occur through the Coalition. The Westside Coalition proactively began conducting outreach and collecting information on management practices prior to approval of the Management Plan.

#### **Long-term Program / Environmental Impact Report (EIR)**

- On 17 December 2008, staff conducted the second long-term program stakeholder advisory workgroup meeting. The meeting was facilitated by the Regional Water Board's contractor, CSU Sacramento Center for Collaborative Policy (CCP). At the 17 December meeting, the workgroup ratified the draft Charter document describing the workgroup's structure, goals, and rules. Also, the workgroup came to consensus on the next steps in developing program alternatives and the basic elements of the alternatives. Each interest group will develop proposed long-term program alternatives, which will be the focus of the third advisory workgroup meeting scheduled for 17 February 2009.

- On 5 January 2009, the Regional Water Board's contractor, ICF-Jones and Stokes Associates (JSA) finished revising the Existing Conditions Report (ECR) for the long-term program. The ECR has been revised to address comments received on the draft version circulated for public comment in 2006 and to include data collected under the current ILRP. The ECR summarizes general surface and groundwater conditions over the entire Central Valley in order to support development of a programmatic Environmental Impact Report (EIR) for the long-term irrigated lands program. Staff is anticipating that some additional information may be necessary as long-term program alternatives and any necessary mitigation measures are developed. Any necessary additional information or clarifications of the ECR will be addressed during the development of the EIR. (AL)

#### **California Water Code section 13267 Orders**

- On 4 December 2008, the Executive Officer issued seven Notices of Violations (NOVs) to landowners and operators in Stanislaus County for failure to respond to a CWC 13267 Order. The 13267 Orders required landowners to fill out a one page form briefly describing why their parcel was not enrolled in the ILRP.

- On 8 December, 68 CWC 13267 Orders were issued to growers in Alameda, Contra Costa, Sacramento, San Joaquin, Solano and Yolo Counties who were identified as not being enrolled in the ILRP. The recipients of these Orders were first issued an information postcard on 16 September 2008. Because they didn't respond to the postcard, they subsequently received 13267 Orders. Staff is steadily increasing its efforts to maximize participation in the program.

- On 12 December, staff contacted a previous complainant to provide an update regarding his 7 November report of excessive foam in the Colusa Basin Drain (CBD). Staff had conducted a site visit and collected water samples to be tested for measures such as methylene blue active substances (MBAS), which measures surfactant levels, and total organic carbon (TOC). Staff also contacted the California Rice Commission and the Sacramento Valley Water Quality Coalition regarding the complaint. Staff will be preparing a final investigation report concerning the foaming event.
- On 30 December, the Executive Officer issued 681 CWC 13267 Orders to landowners in the Kern River Sub-Watershed requiring them to certify whether their irrigated lands have the potential to discharge waste to surface waters. The Southern San Joaquin Valley Water Quality Coalition had dropped those growers from their Coalition participant list, indicating that their lands had no potential to discharge to surface water. Over 233,000 acres in the Kern Sub-Watershed were dropped from the Coalition.

### **Outreach Postcards to Growers**

Between 11 December and 24 December, 389 postcards were mailed to growers within Stanislaus and El Dorado County who are not currently enrolled in a coalition. The postcards issued to Stanislaus County growers are located in the Dry Creek watershed, which is a priority watershed for the East-side San Joaquin Water Quality Coalition. The intent of the postcards is to inform growers of the ILRP and their responsibility for waste discharge from irrigated agriculture. The postcards provide a potentially more cost effective means (over 13267 Orders) to enroll non-participating growers in the ILRP. In addition, growers who apply to enroll in a Coalition in response to the postcard save \$150 on their application fee versus responding to a 13267 Order.

### **Coalition Groups**

- **California Rice Commission (CRC)** On 14 November and again on 12 December staff met with the CRC at the Regional Board office to discuss items in the Coalition Group MRP that should be incorporated in a CRC MRP Order. The Algae Toxicity Management Plan was also a topic of discussion during the meetings. Staff is currently completing the CRC MRP and attachments, which will be submitted for legal review. On 30 December, CRC submitted the 2008 Annual Monitoring Report.
- **Sacramento Valley Water Quality Coalition (SVWQC)** On 1 December 2008, staff received the SVWQC revised Management Plan. Staff will provide comments to the SVWQC in January and work with the Coalition to determine how best to integrate TMDL requirements into the final plan. Finalization of the Management Plan is anticipated in January 2009. On 17 November, Staff attended a group meeting of the Lake-Napa Sub-watershed, presented information on the ILRP, and addressed many concerns related to management plan requirements and program costs. Recently, Tina Lunt, who serves as the Coalition lead with NCWA has announced her plans to accept a position with another agency. She will remain with the SVWQC through the Management Plan development process while NCWA seeks a replacement.
- **San Joaquin County and Delta Water Quality Coalition (SJCDWQC)** On 19 December, staff received revisions and an addendum to the SJCDWQC Management Plan which conformed to the changes previously requested. The addendum included revisions to defined performance measures, a prioritized schedule for addressing all Management Plan watersheds, and an approach to address TMDLs. Additionally, Staff is setting up a meeting, per the Coalition's request, to discuss cost-effective alternatives to the Management Plan.



- **Westside San Joaquin River Watershed Coalition (WSJRW)** On 26 November, staff received a semi-annual monitoring report from the WSJRW for sample events occurring from March through August 2008.

- **Goose Lake Coalition** On 23 October, the Goose Lake Coalition submitted the Lassen Creek Management Plan Final Report. The toxicity to the test species *Ceriodaphnia dubia* (water flea) was demonstrated to be unrelated to agricultural discharges. Approval of the final report has been given and this management plan will not require further actions by the Goose Lake Coalition.

- **Westlands Coalition** On 6 November, Pleasant Valley Water District inquired whether the Central Valley Water Board would require additional monitoring sites to monitor discharges from Pleasant Valley irrigated lands, should Pleasant Valley Water District merge with Westlands Stormwater Coalition. On 18 December, staff sent a letter to Pleasant Valley Water District allowing the current monitoring site to fulfill monitoring requirements under the stipulation that if exceedances are detected, additional monitoring sites may be required. Staff reviewed the United States Geological Survey Report 02-4286 in response to the Westlands Coalition's request to waive a management plan requirement for electrical conductivity on Panoche-Silver Creek. The response letter has been revised and is currently in review. The MRP Plan is under review while staff awaits submittal of the revised and signed Quality Assurance Program Plan. The Annual Monitoring Report for the 2007-2008 storm season is currently under review.

- **Southern San Joaquin Valley Water Quality Coalition (SSJVWQC)** A late January 2009 meeting has been scheduled to discuss the SSJVWQC's MRP Plan for Order No. R5-2008-0005. Per the 2008 Order, the SSJVWQC must comply with the requirements in Monitoring and Reporting Program Order No. R5-2005-0833 until the new MRP Plan is approved. The SSJVWQC's four Sub-Watersheds submitted their Irrigation Season Semi-Annual Monitoring Reports as required by Order No. R5-2005-0833. Staff is reviewing the submittals. The Kern River Sub-Watershed's Management Plan for the Main Drain Canal remains under development. Central Valley Water Board staff's comments regarding the latest version of the Management Plan were provided to the Kern River Sub-Watershed on 28 November 2008. The Tule River Sub-Watershed's Management Plan for the Tule River at Road 92 was received on 3 December 2008. Staff is reviewing the submittal.

- **Data Management** A meeting between the Southern San Joaquin Valley Water Quality Coalition and the SWAMP Quality Assurance (QA) Team from SWRCB previously scheduled for 29 January 2009 will be postponed. This meeting was scheduled at the Coalition's request and is to discuss and develop Coalition tools to achieve SWAMP comparable data as well as assist in laboratory performance issues. The SWRCB QA Team is funded by Proposition 50, and cannot be utilized until the State budget is determined. Rescheduling will take place as soon as the Proposition 50 funds are released. The ILRP Participant Monitoring Data webpage was modified on 20 October 2008 and 17 December 2008 to provide web access to Coalition monitoring data through December 2007 and Water District monitoring data through March 2008. Future updates are planned to add the California Rice Commission and update the Coalition monitoring data through 2008.

### **Individual Dischargers**

- **Turlock Irrigation District** The Turlock ID 2007/2008 Annual Monitoring Report (AMR) has been reviewed and the Executive Officer requested a Management Plan on 1 December 2008. The Management Plan will need to address exceedances of herbicides and physical parameters. On 5 January 2009 Turlock ID submitted a response letter to the Executive Officer

addressing AMR comments and Management Plan requirements. Staff will be meeting with Turlock ID on 5 January 2009 to discuss and clarify Management Plan requirements.

### **Grant Management**

- **Proposition 84** Staff has been working with the grant applicant, the Coalition for Urban/Rural Environmental Stewardship (CURES), to write a detailed Scope of Work for the grant agreement. On 18 December, all Proposition 84 grant work was suspended as directed by the Department of Finance Budget Letter 08-33.

- **Proposition 50** On 19 December, the Department of Finance via Budget Letter 08-33 notified that the San Joaquin County Resource Conservation District's Proposition 50 grant titled Measuring the Effectiveness of Agricultural Management Practices is suspended due to the State budget crisis.

- **MOU Pilot Program** On 7 November, staff met with the Butte and Glenn County Agricultural Commissioners and staff in Willows to discuss the next steps for the MOU Pilot Program. Due to the temporary suspension of state contracts, staff extended the existing contracts to 30 June 2009. State and Regional Water Board management will be discussing MOU funding for the short and long term.

### **Committee Meetings**

- **Technical Issues Committee** On 5 January a tele-meeting was held for the Management Plans Focus Group of the TIC. The group is discussing different priorities including resolving definitions related to Management Plans, performance goals and appropriate triggers.

**APPENDIX 3**

**Current Board Member Directives Checklist as of 4/19/2009**

Board Meeting	Staff	Requested by Board member	Issue	Due Date	Direction	Current Status
9/16/2003	Rik Rasmussen	WQO 2003-12	Toxicity Revisions to the SIP	Release draft revisions - January 2009. Adoption - Spring 2009.	Modify the SIP to include policy direction on the use of the numeric chronic toxicity effluent limits in NPDES permits for POTWs that discharge to inland waters.	Staff is currently working to revise the toxicity control provisions in the SIP. Proposal changes include 1) clarifying the appropriateness of numeric toxicity effluent limits in NPDES permits and 2) expanding and standardizing implementation requirements for toxicity control. Staff is working with USEPA on developing options for determining highly defensible statistical methods for the analysis of toxicity testing data. Staff are working with USEPA to verify possible statistical methods for determining compliance with permit toxicity limits. Results of this project will lead to defensible options for toxicity control. USEPA has funded a contract with SAIC for an economic analysis of the proposed changes.
11/15/2006 (during Klamath River TMDL proceedings)	Steven Herrera, Karen Niya, Eric Oppenheimer	All	Inclusion of the Klamath River watershed in the policy being developed pursuant to AB 2121	late 2009	Upon adoption of the policy for the five counties described in Water Code section 1259.4, the Board should consider the expansion or amendment of AB 2121 policy to include the Klamath River and its tributaries.	The Division of Water Rights has developed a draft policy for protection of instream flows in five coastal counties described in Water Code section 1259.4 as added by AB 2121. Upon adoption of this policy, the Board may consider amending the policy or developing a policy specific for the Klamath River and its tributaries. The policy for the Klamath River and its tributaries should include all limitations and mitigations developed as part of any 303(d) listing and TMDL requirements. The Division recommends that the Board wait until it has adopted the policy for the five coastal counties before expanding instreamflow protections policies elsewhere in California.
2/19/2008	Shakoora Azimi Gaylon	Resolution No. 2008-0014	Plan for Enclosed Bays/ Estuaries- Part 1 Sediment Quality	Feb-09	Directs staff to initiate appropriate proceedings to amend the section 303(d) listing policy by February 2009.	In progress. Expected Board consideration February, 2009
4/15/2008	Wetland Policy Development Team	All	Regional Policy Progress Updates	Summer 09	State Board has directed in the Board Wetland Policy resolution (April 15, 2008) that the Wetland Policy Development Team report back to the Board following the peer review of Region 1 & 2's Stream and Wetlands System Protection Policy and also within the public comment period prior to Regional Board adoption.	The peer review process has been delayed.
6/1/2008	Executive	Frances Spivy-Weber	Aerial Deposition		Executive staff and Board lead will coordinate with ARB to evaluate joint solutions to aerial deposition that impacts water quality.	

**APPENDIX 3**

**Current Board Member Directives Checklist as of 4/19/2009**

Board Meeting	Staff	Requested by Board member	Issue	Due Date	Direction	Current Status
9/2/2008	Jon Bishop	All	Recycled Water Policy	Nov-08	Bring suggested staff changes to stakeholder draft recycled water policy back to the Board.	Scheduled for adoption in February 2009.
9/16/2008	Barbara Evoy	All	SRF Loans	Mar-09	Bring to the Board for consideration options on how to address 218 vote. One option must include no new SRF loans until the issue is resolved.	In progress.
10/7/2008	Miles Burnett	Gary Wolff	Development of Environmental User Fees	May-09	Such a fee was adopted for NPDES permittees. Similar fees should be developed for other permit types.	Alternative fee strategies are being developed.
11/4/2008	DWQ	Frances Spivy-Weber	Beaches	Jul-09	Include the use of rapid indicators in discussions on long term funding for beach monitoring.	
11/18/2008	DFA	All	SRF Loans	Jul-09	Work with CASA and Tri-TAC to develop alternatives to explore safety fund for the SRF to protect against rate rollbacks.	In progress.
1/6/2009	Liz Haven	All	Suction Dredge	Jul-09	Work with DFG to define scope of work for suction dredge EIR. Brief Board members on process and contents.	Update on status in February and April Executive Director's Report.
2/17/2009	DWQ	All	Blue Green Algae	Apr-09	Report back to the Board on Blue Green Algae work being conducted on the Klamath.	
2/17/2009	DWQ	All	LID	Jul-09	Staff will follow up with the Coastal Commission and DWR IRWM on outreach for LID education for the Municipalities and report back in a future ED report.	
2/17/2009	Darrin Polhemus	Charles Hoppin	Monitoring	Jan-10	Report back from time to time in the ED report on work with the shipping industry regarding monitoring requirements.	